

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, subchapter II of Chapter 8 of Title 47 of the District of Columbia Official Code to authorize a certain tax exemption in order to facilitate the construction of a mixed-use, predominately residential building with retail in Square 2910, which is bounded by Kansas Avenue, Upshur Street, Georgia Avenue, and Taylor Street in Northwest Washington, D.C., in Ward 4; and to provide an exemption from permit fees and other financial impositions for a certain affordable housing and mixed-use project in Square 2910.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Square 2910 Residential Development Stimulus Temporary Act of 2006”.

Sec. 2. Subchapter II of Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-857.07 is amended by adding a new subsection (d) to read as follows:

**Note,
§ 47-857.07**

“(d)(1) Notwithstanding the provisions of § 47-857.02, there shall be allowed an exemption from all of the real property tax imposed by § 47-811 on the property in eligible area #4 owned by the 4100 Georgia Avenue developer and the Mayor shall issue to the 4100 Georgia Avenue developer certification letters stating that the property and buildings are eligible for the exemption and that the Mayor has reserved the exemption for the property and buildings in the allocated amounts; provided, that, with respect to the 4100 Georgia Avenue project:

“(A) The first level of concrete shall be laid by December 31, 2007;

“(B) A certificate of occupancy for the building shall have been issued within 36 months after the first level of concrete has been laid for the building; and

“(C) The building satisfies the provisions of § 47-857.06(a)(2), (3), and (4).

“(2) For each deadline set forth in paragraph (1) of this subsection, one 6-month extension may be granted at the discretion of the Mayor.

“(3) The tax exemption allowed by this subsection shall be included in and subject to the annual \$3.5 million abatement limit set forth in § 47-857.09(c).

“(4) The tax exemption allowed by this subsection for eligible area #4 shall expire when the tax exemption allowed for eligible area #4 has cumulatively amounted to \$3.3 million.

“(5) For the purposes of this subsection, the term:

“(A) “4100 Georgia Avenue developer” means the person (or any successor in interest) who will develop or has developed a residential property on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910, and any subsequent owner or assignee of or successor in interest to the 4100 Georgia Avenue project. The term “4100 Georgia Avenue developer” shall not include any owner or operator of the first-floor commercial space, if such first-floor commercial space is sold as a condominium to an entity or person other than the 4100 Georgia Avenue developer.

“(B) “4100 Georgia Avenue project” means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910, consisting of affordable housing and first-floor retail space.”.

(b) Section 47-857.01(2) is amended by adding a new paragraph (4A) to read as follows:

Note,
§ 47-857.01

“(4A) “Eligible Area #4” means all real property in Square 2910 fronting on Georgia Avenue, N.W., Taylor Street, N.W., or Kansas Avenue, N.W.”.

(c) Section 47-857.02(b) is amended as follows:

Note,
§ 47-857.02

(1) Paragraph (2) is amended by striking the word “or” at the end.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (4) is added to read as follows:

“(4) December 31, 2008, if the property is located in eligible area #4.”.

Note,
§ 47-857.09

(d) Section 47-857.09(c) is amended to read as follows:

“(c) The Mayor may approve up to \$3.5 million in annual tax abatements under §§ 47-857.07 and 47-857.08; provided that \$500,000 of such money shall be reserved for properties in eligible area #4.”.

Sec. 3. Financial imposition exemption for the 4100 Georgia Avenue, N.W., project.

(a) Notwithstanding any other provisions of law, no fees shall be charged to the 4100 Georgia Avenue developer or any other owners or developers of the 4100 Georgia Avenue project for any permits related to the construction of the 4100 Georgia Avenue project, including private space or public permit fees or building permit fees (involving vault space rental).

(b) For the purposes of this section, the term:

(1) “4100 Georgia Avenue developer” means the person (or any successor in interest) who will develop or has developed a residential property on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910.

(2) “4100 Georgia Avenue project” means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910, consisting of affordable housing and first-floor retail space.

Sec. 4. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia