

A RESOLUTION

**Proposed
Resolution
20-350**

**See Emergency
D.C. Act 20-113
20 DCStat 1814**

**Extension of
Time to
Dispose of
Hine Junior
High School
Emergency
Declaration
Resolution of
2013**

To declare the existence of an emergency with respect to the need to approve an extension of time to dispose of District-owned real property located at 310 7th Street, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of Hine Junior High School Emergency Declaration Resolution of 2013”.

Sec. 2. (a) On September 15, 2009, the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”) awarded Stanton-Eastbanc LLC (“Developer”) exclusive rights to negotiate the redevelopment of District-owned real property located at 310 7th Street, S.E. (“Hine School” or “Property”).

(b) The Council approved the Mayor’s authority to dispose of the Property pursuant to the Hine Junior High School Disposition Approval Resolution of 2010, effective July 13, 2010 (Res. 18-555; 57 DCR 7628).

(c) In accordance with the Land Disposition and Development Agreement (“LDDA”) dated October 27, 2010, the District’s obligation to convey the Property to the Developer is subject to the Developer meeting closing requirements, including: (1) obtaining necessary approvals from the Historic Preservation Review Board (“HPRB”) and the Zoning Commission; (2) obtaining permits for demolition, sheeting, and shoring for the project; and (3) securing financing necessary to fully perform development and construction obligations set forth in the construction and use covenant.

(d) In accordance with the LDDA, the Developer submitted to HPRB its application for approval in February 2010. In September 2011, the Developer made a timely submission to the Zoning Commission for approval of its Planned Unit Development (“PUD”) application. In addition, the Developer has applied for all permits necessary for demolition, sheeting, and shoring. However, in relation to the project schedule, the HPRB process required nearly 60 additional days, the PUD process required nearly 90 more days, and once the PUD was approved, it was published almost 30 days after the end of the 45-day time frame required for publishing, causing additional unforeseen delays.

(e) In March 2013, residents filed a motion to reconsider the PUD approval for the project with the Zoning Commission. The Zoning Commission denied the motion on the grounds that the residents did not have party status. Following the Zoning Commission’s denial of the motion to reconsider, the residents filed an appeal with the D.C. Court of Appeals (the “Appeals Court”) of the PUD approval for the project. As of May 28, 2013, the Zoning

Commission had not yet provided to the Court of Appeals a certified copy of the PUD order to allow the project to have an expedited hearing in front of the Appeals Court.

(f) Due to the extraordinary delays experienced throughout the entitlement process and beyond the Developer's control, the Developer will not have secured all necessary permits, approvals, or project financing before the expiration of the existing disposition authority on July 13, 2013.

(g) There is an immediate need to approve the extension of the Mayor's authority to dispose of the Property to allow the District to preserve the projected hiring of District workers – the project will generate nearly 2,000 construction and project-related jobs – and all of the associated economic and social benefits to these individuals and the District resulting from their employment. An extension of the Mayor's disposition authority will also allow the District to further its affordable and workforce housing goals and provide necessary senior housing at the site, by creating at least 46 affordable housing units, 17 of which shall be reserved for seniors.

(h) The proposed legislation will extend the Mayor's authority to dispose the Property until July 13, 2014 and will enable the District and the Developer to meet the remaining closing requirements for the District to transfer the Property to the Developer for redevelopment.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of Hine Junior High School Emergency Approval Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.