



MURIEL BOWSER  
MAYOR

9/8/2020

The Honorable Phil Mendelson, Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council is a bill entitled the "Bruce Monroe Extension of Disposition Authority Act of 2020."

This legislation will extend the time for the District to dispose of real property located at 3012 Georgia Avenue, N.W., a portion of the Bruce Monroe site that consists of approximately 77,421 square feet ("Property"). As part of the redevelopment of Park Morton, the Property will also be developed in furtherance of New Community Initiative ("NCI") objectives. The current development plan for the Property contemplates creating 273 residential units, of which 90 will be replacement public housing and another 111 will be additional affordable housing units. In addition to the development of the Property, the District will retain a portion of the site consisting of approximately 44,404 square feet of land area for a permanent public park or other public uses.

On December 20, 2016, the Council approved the "Bruce Monroe Disposition Approval Resolution of 2016" (D.C. Resolution R21-712; 64 DCR 10453) authorizing the disposition of the Property for a mixed-use development providing affordable and market rate housing and retail uses (collectively, the "Project"). The selected development team of Park View Community Partners, comprised of The Community Builders, Inc., and Dantes Partners, L.L.C., (collectively, the "Developer"), have worked diligently to meet all deadlines set forth in the schedule of performance of the Land Disposition and Development Agreement ("LDDA"), which was executed with the District on September 13, 2017.

On November 13, 2018, the Council approved the "Bruce Monroe Disposition Extension Approval Resolution of 2018" (D.C. Resolution R22-0643; 65 DCR 13002), which extended the time to dispose of the Property to December 20, 2020.

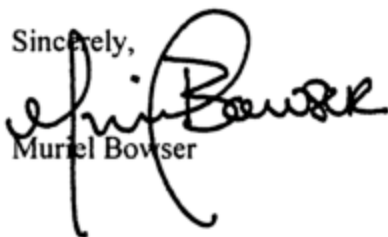
Prior to closing, the Project must complete reviews by the Zoning Commission. Despite the best efforts of DMPED and Developer, entitlement has taken substantially longer than originally projected at the time of LDDA execution due to an appeal of the Zoning Commission's decision to approve the PUD. In June 2020, the D.C. Court of Appeals vacated the Zoning Commission's PUD approval and remanded the PUD decision back to the

Zoning Commission for review. Actual construction of the Project cannot proceed until the PUD is approved. DMPED and the Developer have advanced the development as far as possible while awaiting resolution of the litigation, however due to the recent Court of Appeals decision, of the PUD issue will not be resolved prior to the current disposition authority expiration date. Therefore, the parties need additional time to complete the disposition of the Property.


Included with this bill is a status report detailing the reasons for the inability of the District to dispose of the Property within the 2-year disposition extension authorized by the Bruce Monroe Disposition Extension Approval Resolution of 2018, as required under D.C. Official Code § 10-801(d).

I look forward to your prompt and favorable consideration of this legislation. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written in a cursive style. The signature is positioned to the right of the word "Sincerely," and above the printed name "Muriel Bowser".

Muriel Bowser

  
Chairman Phil Mendelson  
at the request of the Mayor

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A Bill

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time limit for the disposition of certain District-owned real property, located at 3012 Georgia Avenue, N.W., and known for tax and assessment purposes as Lot 0849 in Square 2890, a portion of the site of the former Bruce Monroe School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Bruce Monroe Extension of Disposition Authority Act of 2020”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subparagraph (d-8) to read as follows:

“(d-8) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of a portion of the District-owned real property located at 3012 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0849 in Square 2890, for a mixed-use development that provides affordable housing, residential market rate housing, commercial or community amenities space, and any ancillary uses

35 allowed under applicable law, pursuant to the Bruce Monroe Disposition Approval  
36 Resolution of 2016, effective December 20, 2016 (Res. 21-0721; 64 DCR 10453), and as  
37 extended by the Bruce Monroe Disposition Extension Resolution of 2018 (Res. 22-643;  
38 65 DCR 13002), is extended to December 20, 2025.

39           Sec. 3. Fiscal impact statement

40           The Council adopts the fiscal impact statement in the committee report as the  
41 fiscal impact statement required by section 4a of the General Legislative Procedures Act  
42 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

43           Sec. 4. Effective date

44           This act shall take effect following approval by the Mayor (or in the event of veto  
45 by the Mayor, action by the Council to override the veto), a 30-day period of  
46 Congressional review as provided in section 602(c)(1) of the District of Columbia Home  
47 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
48 206.02(c)(1)), and publication in the District of Columbia Register.

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### Status Report on the Disposition of Bruce Monroe

This status report is prepared and submitted in regards to the “Bruce Monroe Extension of Disposition Authority Act of 2020.”

The Mayor has determined that the property located at 3012 Georgia Avenue, N.W, and known for tax and assessment purposes as Lot 0849 in Square 2890 (“Property”), cannot be disposed of within the two years of disposition authority provided under the “Bruce Monroe Disposition Approval Resolution of 2016,” effective December 20, 2016 (D.C. Resolution R21-721; 64 DCR 10453) as extended by the “Bruce Monroe Disposition Extension Approval Resolution of 2018,” effective November 13, 2018 (D.C. Resolution R22-643; 65 DCR 13002). The Mayor has requested that the disposition authority for the Property be extended by five years to December 20, 2025.

#### 1. Schedule of Project Milestones

To date, the selected development team Park View Community Partners LLC, comprised of The Community Builders, Inc. and Dantes Partners, LLC, (collectively the “Developer”), has worked diligently to meet all deadlines set forth in the schedule of performance of the Land Disposition and Disposition Agreement (“LDDA”), which was executed with the District on September 13, 2017.

The Developer has completed the following milestones in the design and pre-construction phases, that were included in the LDDA Schedule of Performance:

<b>Milestone</b>	<b>Completion Timeline per LDDA</b>	<b>Completion Date</b>
Submit Design Development Plans for both Phases to District for approval	Completed pre-execution	May 13, 2016
Submit Construction Plans & Specifications for both Phases to District for approval	Not more than 150 days after LDDA execution	February 13, 2018
Commencement of Construction Phase 1 & Phase 2	Not more than 30 days after Closing	TBD
Substantial Completion	Not more than 24 months days after Commencement of Construction	TBD
Final Completion	Not more than 28 months after Commencement of Construction	TBD

JOHN FALCICCHIO  
DEPUTY MAYOR

## **2. Project Status Report**

The Developer has diligently worked on predevelopment activities on Bruce Monroe, which is a New Communities Initiative development. Once completed, the development will include 273 residential units, including 201 affordable units (90 for households at 30% AMI units and 111 for households at 60% AMI) and 5,000 square feet of ground floor community serving retail space (“Project”).

The Zoning Commission conducted public hearings for the Project in the District, Z.C. Case No. 16-11, in December 2016 and January 2017. The Final Order approving the Planned Unit Development (“PUD”) was published in the DC Register on April 28, 2017. On May 30, 2017, neighbors surrounding the development filed an appeal of the PUD with the DC Court of Appeals. On June 25, 2020, the court vacated the PUD order and remanded it back to the Zoning Commission for review. On June 29, 2020, the Zoning Commission voted to allow the parties to submit responses to the courts ruling by August 6, 2020. The responses will be limited to the seven issues that the court directed the Zoning Commission to consider. Construction of the Project cannot proceed until a new PUD order issued.

On March 29, 2017, the District entered into a pre-development loan agreement with the Developer for \$984,000, and on January 5, 2018, the loan amount was amended to an increased aggregate sum of \$5 Million. The pre-development loan was intended to advance the entire Park Morton development. To date, the Developer has advanced the plans to the construction development (“CD”) phase (approximately 50% CD). In the course of advancing the plans to the CD phase, the Developer has achieved the following milestones:

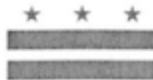
1. Completed an extensive geotechnical investigation study.
2. Subdivided the site to tax lots that separate the vertical development portion of the site from the portion that will remain public for the purposes of developing a new public park.
3. Obtained street addresses for the buildings: the multi-family building is located at 3012 Georgia Avenue, NW and the senior building is located at 726 Irving Street, NW.
4. Initiated Department of Consumer and Regulatory Affairs’ (“DCRA”) fast track plan review permitting process and completed two design review meetings where Developer received and incorporated feedback from DCRA.
5. Registered the Project with Enterprise Green Communities certification portal and have ensured that the design exceeds the target points outlined in the PUD.

## **3. Activities Required Prior to Disposition**

As described above, the Developer has diligently advanced the Project forward. The Developer’s timeline to closing on the Project will be determined by the Zoning Commission’s ruling following the court’s remand.

JOHN FALCICCHIO  
DEPUTY MAYOR

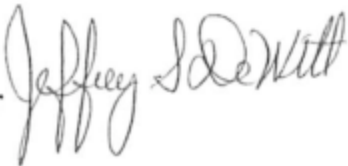
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** July 10, 2020

**SUBJECT:** Fiscal Impact Statement – Bruce Monroe Extension of Disposition  
Authority Act of 2020

**REFERENCE:** Draft Bill as provided to the Office of Revenue Analysis on June 30,  
2020

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**Conclusion**

Funds are sufficient in the fiscal year 2020 budget and the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

The developer will pay the District a nominal rent amount of \$1 annually over a 99-year ground lease.

**Background**

The bill extends the amount of time the District has to dispose of approximately 77,000 square feet of property located at 3012 Georgia Avenue, N.W.<sup>1</sup> to Park View Community Partners, LLC (Developer). The District will now have until December 20, 2025 to dispose of the property. The Developer plans to build senior housing, a multi-family residential building, single-family townhomes, approximately 4,500 square feet of commercial space, and community use space on the property. The District will lease the property to the Developer under a 99-year ground lease for a nominal annual rent of \$1. The current disposition deadline is December 20, 2020.<sup>2</sup>

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<sup>1</sup> Known for tax assessment purposes as Square 2890, Lot 849. The entire property is approximately 122,000 square feet.

<sup>2</sup> Bruce Monroe Disposition Extension Approval Resolution of 2018, effective November 13, 2018 (Resolution 22-643; 65 DCR 13002).

The Honorable Phil Mendelson

FIS: "Bruce Monroe Extension of Disposition Authority Act of 2020," Draft Bill as provided to the Office of Revenue Analysis on June 30, 2020

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2020 budget and the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. In June 2020, the D.C. Court of Appeals vacated the Zoning Commission's approval<sup>3</sup> of the development project requiring the Developer to effectively restart its efforts with the Zoning Commission.<sup>4</sup> The disposition requires a five-year extension to accommodate the restarting of the Zoning Commission process. There are no costs associated with the disposition extension for the relevant portion of the property located at 3012 Georgia Avenue, N.W.

The Developer will pay the District a nominal annual rent amount of \$1. The disposition will reduce District capital assets by approximately \$5,300,<sup>5</sup> but assets are not included in the budget and financial plan and their loss is not a fiscal impact.

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<sup>3</sup> Ryan Cummins, et al. v. District of Columbia Zoning Commission and Park View Community Partners LLC, decided June 25, 2020 (Opinions 17-AA-554, 17-AA-555, and 17-AA-556).

<sup>4</sup> <https://www.bizjournals.com/washington/news/2020/06/26/dc-court-blocks-bruce-monroe-park-redevelopment.html>

<sup>5</sup> The total value of the property to the District is approximately \$8,300, but only about 64 percent of the property is subject to disposition.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

**MEMORANDUM**

**TO:** Ronan Gulstone  
Director  
Office of Policy and Legislative Affairs

**FROM:** Brian K. Flowers  
Deputy Attorney General  
Legal Counsel Division

**DATE:** June 30, 2020

**RE:** Bruce Monroe Extension of Disposition Authority Act of 2020  
(AD-18-424B)

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**This is to Certify that** this Office has reviewed the legislation entitled the “Bruce Monroe Extension of Disposition Authority Act of 2020” and determined that it is legally sufficient. If you have any questions, please do not hesitate to call me at 724-5524.

*Brian K. Flowers*

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Brian K. Flowers