

A RESOLUTION

23-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 21, 2020

To approve the disposition of District-owned real property located at 1004-1018 Howard Road S.E., known for taxation and assessment purposes as Lots 0948, 0906, 1035, 0839, 1034, 0952, 0897, and 0908 in Square 5860.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Howard Road Disposition Approval Resolution of 2020”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Act” means 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 *et seq.*).

(2) “CBE Act” means the Small and Certified Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(4) “Developer” means Howard Road Community Partners LLC with a business address of 4700 14th Street, N.W., Unit B, Washington, DC 20011, managed by H2DesignBuild with a business address of 4700 14th Street, N.W., Washington, DC 20011, and includes ASSET Management Consulting and its successors, assignees, sublessees, or affiliates, as approved by the Mayor.

(5) “First Source Agreement” means an agreement with the District governing certain obligations of the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(6) “Project” means a mixed-use development including residential units, affordable residential units, and any ancillary uses allowed under applicable law, as further described in the term sheet submitted with this resolution, in accordance with section (b-1) of the Act.

(7) “Property” means the real property and improvements located at 1004-1018 Howard Road S.E., known for taxation and assessment purposes as Lots 0948, 0906, 1035, 0839, 1034, 0952, 0897, and 0908 in Square 5860.

Sec. 3. Findings.

(a) The Property consists of approximately 27,000 square feet of land.

(b) The intended use of the Property is a mixed-use development as described in section 2(6) and in the term sheet submitted with this resolution.

(c) The Mayor finds that the disposition shall include the following terms:

(1) The Developer shall comply with the requirements the Act, including dedicating residential units in the Project as affordable housing units, pursuant to section 1(b-3) of the Act.

(2) The Developer shall enter into an agreement that shall require the Developer, at a minimum, to contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project and require at least 20% equity and 20% development participation of Certified Business Enterprises in the Project, in accordance with section 2349a of the CBE Act and section 1(b)(6) of the Act.

(3) The Developer shall enter into a First Source Agreement with the District that shall govern certain obligations of the Developer regarding job creation and employment as a result of the construction on the Property.

(e) Pursuant section 1(b)(8)(F) of the Act, the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District, as further described in the documents submitted with this resolution.

(f) The District has satisfied the public hearing requirements of section 1(b-2) of the Act by holding a public hearing on March 12, 2019, at the Department of Housing and Community Development Housing Resource Center, located at 1800 Martin Luther King Jr. Avenue, S.E., to obtain community comment and suggestions on the proposed use of the Property.

(g) The Land Disposition and Development Agreement for the disposition of the real property shall not be inconsistent with the substantive business terms of the transaction submitted by the Mayor with this resolution in accordance with section 1(b-1)(2) of the Act, unless revisions to those substantive business terms are approved by the Council.

Sec. 4. Approval of disposition.

(a) Pursuant to the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Developer.

(b) The Council approves the disposition of the Property.

Sec. 5. Fiscal impact statement.

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

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Sec. 6. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. Effective date.

This resolution shall take effect immediately.