

A RESOLUTION

20-707

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve the disposition of District-owned real property located at 2501 1st Street, N.W., formerly the McMillan Sand Filtration Site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “McMillan Commercial Parcel Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Act” means the Small, Local, and Disadvantaged Business 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.*).

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

(3) “Commercial Parcel” means the area that includes approximately 206,557 square feet of land located in the McMillan Sand Filtration Site and that is planned for future commercial development, as may be further defined by the Mayor.

(4) “First Source Agreement” means an agreement with the District governing certain obligations of the Purchaser 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 Commercial Parcel.

(5) “McMillan Sand Filtration Site” means the real property located at 2501 1st Street, N.W., known for tax and assessment purposes as Lot 0800 in Square 3128, and that consists of approximately 1,075,496 square feet of land as shown in the documents submitted to the Council with this resolution.

(6) “Purchaser” means the Vision McMillan Partners, LLC, a District of Columbia limited liability company with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and comprised of Trammel Crow Company, with a business address of 1055 Thomas Jefferson Street, N.W., Suite 600, Washington, D.C. 20007, EYA, with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and JAIR LYNCH Development Partners, with a business address of 1508 U Street, N.W., Washington, D.C., 20009, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Findings.

(a) The intended use of the McMillan Sand Filtration Site is a mixed-use redevelopment (“Project”) that will include the Commercial Parcel as one component.

(b) The Commercial Parcel will developed into approximately 1,030,000 square feet of healthcare facilities, 41,250 square feet of retail, 50,000 square feet of open space and landscaped areas, and any ancillary uses allowed under applicable law.

(c) The Project’s other components will be 52,920 square feet intended to be a full-service grocery store, 566,930 square feet of gross floor area devoted to multi-family residential units, and 350,000 square feet devoted to residential townhomes.

(d) The remaining portion of the McMillan Sand Filtration Site will be retained by the District of Columbia government, as determined by the Mayor, and the proposed uses will include approximately 17,500 square feet of gross floor area devoted to a community center and approximately 444,056 square feet of land area devoted to parks and landscaped areas.

(e) The Project will contain affordable housing as described in the term sheet submitted with this resolution.

(f) The Purchaser shall enter into an agreement that shall require the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(g) The Purchaser shall enter into a First Source Agreement with the District.

(h) Pursuant to 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.*) (“Act”), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(i) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

Sec. 4. Approval of disposition.

(a) Pursuant to section 1(b)(8)(F) of the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Commercial Parcel to the Purchaser.

(b) The Council approves the disposition of the Commercial Parcel.

Sec. 5. Transmittal.

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

Sec. 6. Applicability.

(a) This resolution shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

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(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this resolution.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 8. Effective date.

This resolution shall take effect immediately.