



921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003-2141
202-543-3344 (office)
202-543-3507 (fax)
office@anc6b.org

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July 9, 2013

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

VIA E-MAIL: pmendelson@dccouncil.us

RE: Emergency Legislation Extending the Time to Dispose of Hine Junior
High School

Dear Chairman Mendelson:

We write with regard to the emergency legislation to provide an extension to the Mayor's authority to dispose of the Hine Junior High School property per the terms of the Land Disposition and Development Agreement (LDDA) for the Hine School Development at 700 Pennsylvania Avenue SE. It is our understanding that a variety of issues have made it prudent to extend the time period available for the developers (Stanton-Eastbanc) and the Deputy Mayor for Planning and Economic Development (DMPED) to reach the prescribed settlement on this project under the terms of the existing LDDA.

Advisory Neighborhood Commission (ANC) 6B has a significant history with this development, extending over many years and several commissions. Most recently, ANC 6B reached an agreement with Stanton-Eastbanc and testified in support of the project before the Zoning Commission based on several lengthy agreements that cover the construction process and the long term amenities and benefits of the project.

Our Commission regrets that an extension of the LDDA is necessary and having reached broad agreement on the project after a lengthy process it is our hope that the project can move forward as expeditiously as possible while protecting the interests of the community and the City that are represented through the LDDA, the Zoning Commission Order and ANC 6B's agreements contained in that order.

With respect to the delay, we have been informed by DMPED that there are two central issues that make it necessary to provide an extension to the LDDA.

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1. In the process of subdividing the property it was discovered that there was a discrepancy between the plat that was being used for the development plans and the plat being held by the Surveyor for the District. While this is largely a technical matter, it is highly unfortunate that this has surfaced so late in the process. Regardless we understand that among several paths to resolve this issue, it could take a few months to determine whether DDOT will be able to reconcile this issue through a public space permit and allow the subdivision and closing process to move forward as contemplated in the LDDA.
2. There is a lawsuit that has been brought against the Zoning Commission, protesting the project. It is our understanding from both the developers and DMPED that the financing required for settlement under the terms of the LDDA is not typically available when such lawsuits remain in process and that this case is not an exception. While we believe that the City and the developers are pursuing an alternate route to settlement that will allow the development process to continue, the project cannot fully move forward to completion until this lawsuit is resolved, a process which could take an additional 12 months, but hopefully not longer, although the process is beyond either the City's or developer's control.

Given the regrettable circumstances and the legitimate problems with moving to a settlement by the July 13th date prescribed in the LDDA, ANC 6B supports an extension to the LDDA as requested by DMPED. It is our hope that an interim agreement for settlement will be reached by Stanton-Eastbanc and the City within the next few weeks and that this settlement would be concluded within a matter of months, but any extension should not extend beyond one year in order to provide the Council and community with additional opportunities for review of the situation if the terms of the extended LDDA have not been fully executed at that time. Further, ANC 6B requests that DMPED keep the Commission and the community informed regarding key milestones.

Our Commission strongly supports this project moving forward as approved by the Zoning Commission and appreciates the efforts of the Council and DMPED in working toward that goal. This letter was approved by a vote of 8-0 at a regularly scheduled and noticed meeting of the Commission on July 9, 2013.

If you have any questions, please contact Commissioner Ivan Frishberg 202-487-6064 or ivan6b02@anc6b.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Flahaven", with a long horizontal flourish extending to the right.

Brian Flahaven
Chair

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cc: The Honorable Yvette Alexander
The Honorable Marion Barry
The Honorable Anita Bonds
The Honorable Muriel Bowser
The Honorable David Catania
The Honorable Mary M. Cheh
The Honorable Jack Evans
The Honorable Jim Graham
The Honorable David Grosso
The Honorable Kenyan McDuffie
The Honorable Vincent Orange
The Honorable Tommy Wells