

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Business Improvement Districts Act of 1996 to approve the establishment of the Mount Vernon Triangle business improvement district, approve the expansion of the Golden Triangle business improvement district, and change the tax rate imposed on properties within the Golden Triangle business improvement district; to amend the Anacostia Waterfront Corporation Act of 2004 to clarify that actions by the Corporation concerning federal functions or property shall be authorized by the federal government; to authorize the Corporation to act as the agent of the District on federal matters relating to the development and redevelopment of the Anacostia Waterfront, including the acquisition of federal land; to clarify that the federal members of the board of the Corporation shall be invited to serve at their discretion; to include the Secretary of the Department of Defense as an ex-officio nonvoting member of the Board; and to make technical changes to the Anacostia Waterfront Corporation Act of 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Business Improvement Districts and Anacostia Waterfront Corporation Clarification Amendment Act of 2004”.

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 et seq.), is amended as follows:

- (a) The existing text is designated as “Title I. General.”.
- (b) Section 3 (D.C. Official Code § 2-1215.02) is amended as follows:

Amend  
§ 2-1215.02

- (1) Paragraph (16) is amended as follows:
  - (A) Strike the phrase “and each” and insert the word “each” in its place.
  - (B) Add the phrase “, and, in the case of the Mount Vernon Business

Improvement District, each residential tenant in the BID area” before the period at the end.

- (2) Paragraph (18) is amended to read as follows:

“(18) “Nonexempt real property” means real property that is not exempt from paying real property taxes pursuant to D.C. Official Code § 47-1001 *et seq.*, is not residential property, and is not the residential portion of a property used for both residential and

nonresidential purposes; except, in the case of the Mount Vernon Triangle BID, “nonexempt real property” means real property that is neither:

“(A) Exempt from paying real property taxes pursuant to D.C. Official Code § 47-1001 *et seq.*;

“(B) A residential building where, upon the effective date of the Business Improvement Districts Amendment Act of 2004, 90% or more of the leased units are restricted to households with at least one individual of 62 years of age or older and all individuals of 55 years of age or older;

“(C) A residential building where, upon the effective date of the Business Improvement Districts Amendment Act of 2004, 20% or more of the units are subject to a contract for project-based assistance under Section 8 of the United States Housing Act of 1937; nor

“(D) A residential building with fewer than ten residential units.”.

(3) A new paragraph (23) is added to read as follows:

“(23) “Residential tenant” means a lessee, or other lawful occupant, of nonexempt real property within a BID who is not an owner and who conducts a lawful residential use as defined in the Zoning Regulations of the District.”.

(b) Section 5 (D.C. Official Code § 2-1215.04) is amended to read as follows:

“Sec. 5. Establishment of Business Improvement District.

“(a) To establish a BID with respect to any area, the Board of Directors of a nonprofit corporation established under District law for the purpose of forming a BID and seeking to be registered as a BID corporation shall submit an application to the Mayor for review of compliance with all BID criteria described in this section. The Mayor may designate the Deputy City Administrator for Business Services and Economic Development to perform the review functions described by this section. Each application shall be duly sworn under oath before a notary public who holds a valid license in the District, and shall contain:

“(1) A statement setting forth the name and address of the nonprofit corporation seeking registration as a BID corporation; a description by lot, square, and street address of the property of each owner to the extent reasonably ascertainable; and the most recent assessed value of each nonexempt real property located in the proposed BID to the extent reasonably ascertainable from District property tax records or a final determination of the District's Board of Real Property Assessment and Appeals. The statement must be signed by the owners (or their authorized representatives) who own at least a 51% interest in the most recent assessed value of the nonexempt real properties in the geographic area of the proposed BID as a whole, and at least 25% in number of the individual nonexempt properties of record in the BID area as a whole. For the purposes hereof, individual nonexempt properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Taxation and Revenue or Office of Recorder of Deeds; provided, that any property subdivided into separate condominium units shall constitute a single property for the purpose of determining the number of nonexempt properties referred to in this paragraph;

Amend  
§ 2-1215.04

provided further, that such condominium units shall constitute separate properties for purposes of assessing and levying any BID charges. Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application;

“(2) A proposed business plan ("BID plan") for at least the first 3 years of the initial 5-year term of the BID. The BID plan shall contain, at a minimum, the following:

“(A) Specific goals and objectives of the BID consistent with the BID activity as defined in this act, anticipated resources to be used to meet such goals and objectives, and projected timetables for undertaking and completing projects in furtherance of the goals and objectives;

“(B) The annual proposed total BID taxes for the BID's common operations for the BID's first year of operation and the formula used to determine each owner's BID tax which shall be based upon either assessed value, square footage, or a uniform fixed tax per building. BID taxes may vary by class and type of property provided that they are applied fairly and equitably to all owners within the BID; and

“(C) The maximum amount and the nature of any start-up costs incurred prior to the BID's registration that the BID plans to reimburse upon its registration;

“(3) A tax assessor's map of the geographic area comprising the BID clearly designating the BID boundaries and each property by street address, lot, and square number to be included within the BID;

“(4) A list of the initial members of the Board of the BID, which must satisfy the criteria of section 8;

“(5) The adopted articles of incorporation and the adopted bylaws of the nonprofit corporation seeking to be registered as the BID corporation which articles of incorporation or bylaws must include:

“(A) The names and addresses of the initial directors and a provision stating that the term of the initial directors shall expire at such time as new directors are elected pursuant to section 8(b). Such terms shall in no event exceed 120 days after the BID is registered by the Mayor;

“(B) The procedures through which the members of the BID corporation shall propose and vote to adopt amendments to the initial bylaws, including the quorum requirements for the method of allocating votes to members for purposes of this vote which shall occur not more than 120 days after the BID is registered by the Mayor; and

“(C) The number of votes allocated to each member subject to the requirements of section 12(a). The adopted articles of incorporation and the adopted bylaws of the nonprofit corporation may contain any provision not inconsistent with the District nonprofit corporation law or this subchapter;

“(6) A list, by street address, lot, and square number, of all nonexempt real property within the proposed BID, including the names and mailing addresses of the record

owners to the extent reasonably ascertainable from the real property records of the Office of Recorder of Deeds or the real property tax and assessment records of the Office of Taxation and Revenue;

“(7) A list of the names and addresses of all commercial tenants within the BID area, to the extent reasonably ascertainable; and

“(8) The name of the bank and the location of the branch at which the BID will establish its bank accounts, which shall be subject to, in addition to the other approvals required by this section, the approval of the CFO.

“(b) To establish a BID outside the central employment area, Georgetown, Capitol Hill, or Mount Vernon Triangle the statement required by subsection (a)(1) of this section must be signed by at least 51% of the number of commercial tenants (or their authorized representatives) occupying nonexempt real properties in the geographic area of the proposed BID, owners (or their authorized representatives) who own at least a 51% interest in the most recent assessed value of the nonexempt real properties within the proposed BID area, and owners (or their authorized representatives) who own at least 51% in number of the individual nonexempt real properties within the proposed BID area.

“(c) Nothing in this act shall be construed as modifying or waiving the District's right to enact or adjust any District tax, tax rate, fee, or other assessment applicable to categories of persons or businesses that include persons or businesses subject to a BID tax under this act. Nothing in this act shall be used as a rationale for modifying the District's method of property tax assessment.”.

(c) Add new titles II and III to read as follows:

“Title II. BID Formations.

“Sec. 201. Downtown BID.

“(a) The formation of the Downtown BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Downtown BID shall be comprised of all nonexempt real property within the following areas:

“(1) The geographic area bounded by a line that starts at the center of the street at the intersection of Massachusetts Avenue, N.W., and the western edge of I-395; and continues south along the western edge of I-395 to the center of D Street, N.W.; and continues east along the center of D Street, N.W., to the eastern edge of the Department of Labor Building; and continues south along the eastern edge of the Department of Labor Building to the center of C Street, N.W.; and continues west along the center of C Street, N.W., to the center of 2nd Street, N.W.; and continues south along the center of 2nd Street, N.W., to the center of Constitution Avenue, N.W.; and continues west along the center line of Constitution Avenue, N.W., to the center of 15th Street, N.W.; and continues north along the center line of 15th Street, N.W., to the center of Pennsylvania Avenue, N.W.; and continues west along the

center line of Pennsylvania Avenue, N.W., to the western property line of 1503 Pennsylvania Avenue, N.W.; and continues north along the building edge of 1503 Pennsylvania Avenue, N.W., to the center of the north-south alley in Square 221; and continues north along the center line of the north-south alley in Square 221 to the center of H Street, N.W.; and continues west along the center line of H Street, N.W., to the center of 16th Street, N.W.; and continues north along the center line of 16th Street, N.W., to the southern edge of Thomas Circle; and continues counterclockwise around the center line of Thomas Circle to the center point of Massachusetts Avenue, N.W.; and continues southeast along the center line of Massachusetts Avenue, N.W., to the center of 9th Street, N.W.; and continues north along the center line of 9th Street, N.W., to the center of N Street, N.W.; and continues east along the center line of N Street, N.W., to the center of the north-south alley in Square 424; and continues south along the center line of the north-south alley in Square 424 to the center of M Street N.W.; and continues east along M Street N.W., to the center of 7th Street, N.W.; and continues south along the center line of 7th Street, N.W., to the center of K Street, N.W.; and continues east along the center line of K Street, N.W., to the center of 6th Street, N.W.; and continues south along the center line of 6th Street, N.W., to the center of Massachusetts Avenue, N.W.; and continues east along the center line of Massachusetts Avenue, N.W., to the center of the street at the intersection of Massachusetts Avenue and the western edge of I-395, is hereby authorized and the BID taxes specified below are hereby imposed through the expiration date of this act or the earlier termination or dissolution of the BID, subject to the requirements of this act, including the BID application and BID registration procedures established pursuant to sections 5(a), 6, and 7.

“(2) The geographic area bounded by a line that starts at the intersection of the center of Massachusetts Avenue, N.W., and the western edge of I-395; and continues southeast along the center of Massachusetts Avenue, N.W., to the center of North Capitol Street; continues north along the center of North Capitol Street to the center of K Street; and continues east along the center of K Street, N.E., to the eastern edge of the eastern sidewalk on First Street, N.E.; and continues south along the eastern edge of the eastern sidewalk on First Street, N.E., to the center of Massachusetts Avenue, N.E.; and continues northwest along the center line of Massachusetts Avenue, N.E., to the center of North Capitol Street; and continues south along the center line of North Capitol Street to the center line of Louisiana Avenue; and continues southwest along the center line of Louisiana Avenue, N.W., to the center of Constitution Avenue, N.W.; and continues west along the center line of Constitution Avenue, N.W., to the center of Second Street, N.W.; and continues north along the center line of Second Street, N.W., to the center of C Street, N.W.; and continues west along the center line of C Street, N.W., to the eastern edge of the Department of Labor Building; and continues north along the eastern edge of the Department of Labor Building to the center of D Street, N.W.; and continues west along the center line of D Street, N.W., to the western edge of I-395; and continues north along the western edge of I-395 to the center of Massachusetts Avenue, N.W. (the starting point).

“(c)(1) The BID taxes for nonexempt real properties in the Downtown BID shall be:

“(A) Fourteen cents per square foot for each net rentable square foot for improved Class 4 Properties where the Office of Taxation and Revenue has records indicating the net rentable area of the property. Net rentable square feet shall be the number of net rentable square feet reported to the District and shall be calculated by the owner using any method that is recognized generally in the District metropolitan area as an appropriate method for measuring space in agreements between landlords and tenants;

“(B) Fourteen cents per square foot for each equivalent net rentable square foot of improvements for improved Class 4 Properties for any property where the Office of Taxation and Revenue does not have records indicating the net rentable area of the property, and for improved Class 5 Properties. Equivalent net rentable area shall be 90% of the gross building area. For purposes of this paragraph, gross building area shall be determined using records provided by the Office of Taxation and Revenue;

“(C) Sixty dollars per hotel room for Class 3 Properties; and

“(D) Fourteen cents per square foot of land area for all unimproved Class 4 Properties, and all improved Class 4 Properties that are surface parking lots, and all unimproved Class 5 Properties. Land area shall be determined using records provided by the Office of Taxation and Revenue;

“(2) A 3% annual increase in the BID taxes over the current tax year rates specified in subsection (a) of this section is hereby authorized and imposed subject to the requirements of section 9(b).

“Sec. 202. Golden Triangle BID.

“(a) The formation of the Golden Triangle BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Golden Triangle BID shall be comprised of all nonexempt real property within the following areas:

“(1) Square 70, Lot 195; Square 72, Lots 75 and 76; Square 73, Lots 80, 82, 84, 800, 858, and 876; Square 74, Lots 832 and 840; all of Squares 76, 78, 78s, 85, and 86; Square 99, Lots 49, 50, 52, and 53; all of Squares 100, 105, 106, and 107; Square 115, Lots 79, 81, 82, 84, and 85; all of Squares 116, 117, 118, 126, 127, 137, 138, 139, and 140; Square 159, Lots 75, 76, 82, 84, 814, 815, 816, and 855; all of Squares 160, 161, 162, 163, 164, and 165; Square 182, Lots 827 and 828; Square 183, Lots 91, 105, 106, 107, 111, 847, 857, 879, 880, and 881; Square 184, Lots 3, 69, 71, 804, 805, 842, 845, 849, 855, and 856; all of Squares 185 and 186; and Farragut Square.

“(2) Square 166, Lots 32, 33, 38, 41, 841, 859, and 7000; Square 168, Lots 50, 51, and 823; and Square 169, Lots 70 and 71.”

“(c) The BID taxes for nonexempt real properties in the Golden Triangle BID shall be:

“(1) Eleven cents for each net rentable square foot of improved Class 4 Property, excluding parking lots and above grade parking structures, for any property where the

owner is required to report net rentable area to the Office of Taxation and Revenue or where the Office of Taxation and Revenue has records indicating the net rentable area of the property. Net rentable square feet shall be the number of net rentable square feet reported to or on record with the District and shall be calculated using any method that is recognized generally in the District Metropolitan area as an appropriate method for measuring space in agreements between landlords and tenants;

“(2) Eleven cents for each equivalent net rentable square foot of improvements of improved Class 4 Property, excluding parking lots and parking structures for any property where the owner is not required to report net rentable area to the Office of Taxation and Revenue and where the Office of Taxation and Revenue maintains no record of net rentable area. Equivalent net rentable area shall be 90% of the gross building area. For purposes of this paragraph, gross building area shall exclude parking facilities and shall be determined using any method that is recognized generally in the District metropolitan area as an appropriate method for measuring gross building area;

“(3) Eight cents for each equivalent net rentable square foot of improvements of Class 3 Property. Equivalent net rentable areas shall be calculated as set forth in paragraph (2) of this subsection;

“(4) Six cents for each equivalent net rentable square foot of class 4 above-grade parking structures consisting of one or more stories. Equivalent net rentable area shall be calculated as set forth in paragraph (2) of this subsection;

“(5) Six cents for each square foot of land for Class 5 Property and improved parking lots located in Class 4 Property without parking structures as defined in paragraph (4) of this subsection; and

“(6) Two hundred and fifty dollars per year for each below-grade parking structure associated with above-ground improvements.

“Sec. 203. Georgetown BID.

“(a) The formation of the Georgetown BID, which shall include all nonexempt real property zoned C or W under applicable District zoning law within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Georgetown BID shall be comprised of all nonexempt real property zoned C or W under applicable District zoning law within the following areas: along the northern boundary of M Street, N.W., between the western terminus of the Rock Creek bridge on the east and the eastern boundary of Georgetown University on the west; along 28th Street, N.W., between M Street, N.W., and Olive Street, N.W.; along 29th Street, N.W., and 30th Street, N.W., in each instance between the M Street, N.W., and Olive Street, N.W.; along 31st Street, N.W., between M Street N.W., and N Street, N.W.; along Potomac Street, N.W., 33rd Street, N.W., Bank Street, N.W., 34th Street, N.W., and 35th Street, N.W., in each instance between M Street, N.W., and Prospect Street, N.W.; along Prospect Street, N.W., between Wisconsin

Avenue, N.W., and Potomac Street, N.W.; along N Street, N.W., between 31st Street, N.W., and Potomac Street, N.W.; along O Street, N.W., between 31st Street, N.W., and Potomac Street, N.W.; along Dumbarton Street, N.W., between 31st Street, N.W., and Wisconsin Avenue, N.W.; along P Street, N.W., between 32nd Street, N.W., and 33rd Street, N.W.; along Volta Street, N.W., between Wisconsin Avenue, N.W., and 33rd Street, N.W.; along Q Street, N.W., between 32nd Street, N.W., and 33rd Street, N.W.; along 33rd Street, N.W., between Dent Place, N.W., and Wisconsin Avenue, N.W.; along Reservoir Road, N.W., between 32nd Street, N.W., and 34th Street, N.W.; along R Street, N.W., between 32nd Street, N.W., and 34th Street, N.W.; along Wisconsin Avenue, N.W., between M Street, N.W., and R Street, N.W., and within the area bounded on the north by the southern boundary of M Street, N.W., on the east by Rock Creek, on the west by Key Bridge, and on the south by the Potomac River, which area also includes that portion of Pennsylvania Avenue, N.W., between 29th Street, N.W., and Rock Creek.

“(c)(1) The BID taxes for nonexempt real properties zoned C or W under applicable District zoning law in the Georgetown BID shall be:

“(A) Fifteen cents per \$100 of the assessed value of all nonexempt properties and all nonexempt portions of mixed use properties for each Class 3, 4, 5 and 9 nonexempt property within the described geographic area, and for each Class 6, 7, 8, 10, 11, and 12 mixed use property within the described geographic area for which an assessed value for the nonexempt portion of such property reasonably is ascertainable from District tax records; and

“(B) Fifteen cents per \$100 of assessed value of all nonexempt portions for Class 6, 7, 8, 10, 11, and 12 mixed use property within the described geographic area for which an assessed value for the nonexempt portion of such property reasonably is not ascertainable from District tax records, determined as follows:

“(i) The aggregate square foot area for that portion of a mixed use property which is Class 3, 4, or 5 shall be adjusted in each instance by multiplying such square foot area by a factor of 2.7 (which adjusted square footage is referred to herein as the “Adjusted Nonexempt Area”); and

“(ii) The nonexempt portion of a mixed use property shall be deemed to be an adjusted fraction, the numerator of which shall be the Adjusted Nonexempt Area and the denominator of which shall be the Adjusted Nonexempt Area plus the square foot area for the residential portion of such mixed use property (which fraction is referred to herein as the “Adjusted Nonexempt Portion”); and

“(iii) The assessed value of each such mixed use property for purposes of the BID tax shall be deemed to be the Adjusted Nonexempt Portion thereof.

“(2) For the purposes of determining the BID tax under paragraphs (1) of this subsection, the “assessed value” of each nonexempt property and each mixed use property for the entire 5-year term of the BID shall be fixed at the assessed value of each such property as it appears on the assessment roll of the District of Columbia as of the date of registration of the



BID and irrespective of any subsequent reassessment, subject however, to the express exception that the “assessed value” of any nonexempt property and any mixed use property shall increase based upon and effective as of any reassessment by the District of Columbia following either (A) a sale of any property or (B) a reclassification of any property from Class 5 (vacant land and vacant buildings) to a nonexempt property or a mixed use property or a reclassification of any exempt property, or any residential portion of any mixed use property, to a nonexempt property.

“(3) A 5% annual increase in the BID taxes over the current tax year rates specified in subsection (a) of this section is hereby authorized and imposed subject to the requirements of section 9(b).

“Sec. 204. Capitol Hill BID.

“(a) The formation of the Capitol Hill BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Capitol Hill BID shall be comprised of the following areas:

“(1) The geographic area bounded by a line beginning at the intersection of the center line of 3rd Street, N.W., and Constitution Avenue, N.W.; continuing east along the center line of Constitution Avenue, N.W., to the center line of Louisiana Avenue, N.W.; continuing northeast along the center line of Louisiana Avenue, N.W., to the center line of North Capitol Street; continuing north along the center line of North Capitol Street to the center line of Massachusetts Avenue; continuing southeast along the center line of Massachusetts Avenue, N.E., to the eastern edge of the sidewalk of 1st Street, N.E.; continuing north along the eastern edge of the sidewalk of 1st Street, N.E., to the center line of H Street, N.E.; continuing east on the center line of H Street, N.E., to the center line between 2nd Street, N.E., and 3rd Street, N.E.; continuing south along the center line between 2nd Street, N.E., and 3rd Street, N.E., to the center line between D Street, N.E., and E Street, N.E. (deviating, if necessary, so as to include alley properties and the Capitol Courts complex); continuing east along the center line between D Street, N.E., and E Street, N.E., to the center line of 4th Street, N.E.; continuing south along the center line of 4th Street, N.E., to the center line of D Street, N.E.; continuing east along the center line of D Street, N.E., to the center line between 6th Street, N.E., and 7th Street, N.E.; continuing south along the center line between 6th Street, N.E., and 7th Street, N.E., to the center line between C Street, N.E., and Constitution Avenue, N.E.; continuing west along the center line between C Street, N.E., and Constitution Avenue, N.E., to the center line between 3rd Street, N.E., and 4th Street, N.E. (having moved south along the center line of 6th Street, N.E., and north along the center line of 4th Street, N.E., so as to remain along the center line between C Street, N.E., and Constitution Avenue, N.E.); continuing south along the center line between 3rd Street, N.E., and 4th Street, N.E., to the center line between A Street, N.E., and East Capitol Street; continuing east along the center line between A Street, N.E., and East Capitol Street, to the center line between 5th Street, N.E., and

6th Street, N.E.; continuing south along the center line between 5th Street, N.E., and 6th Street, N.E., to the center line of East Capitol Street; continuing south along the center line between 5th Street, S.E., and 6th Street, S.E., to the center line between A Street, S.E., and East Capitol Street; continuing west along the center line between A Street, S.E., and East Capitol Street, to the center line between 3rd Street, S.E., and 4th Street, S.E.; continuing south along the center line between 3rd Street, S.E., and 4th Street, S.E., to the center line of Independence Avenue, S.E.; continuing east along the center line of Independence Avenue, S.E. to the center line of 4th Street, S. E.; continuing south along the center line of 4th Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing southwest along the center line of North Carolina Avenue, S.E., to the center line of 3rd Street, S.E. (that point being the intersection of 3rd Street, S.E., and D Street, S.E.); continuing west along the center line of D Street, S.E., to the center line of 2nd Street, S.E.; continuing south along the center line of 2nd Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing southwest along the center line of North Carolina Avenue, S.E., to the center line of E Street, S.E.; continuing west along the center line of E Street, S.E., to the center line of Canal Street, S.E.; continuing northwest along the center line of Canal Street, S.E., to the center line of South Capitol Street; continuing northwest along the center line of Washington Avenue, S.W. (the continuation of Canal Street) to the center line of Independence Avenue, S.W.; continuing west along the center line of Independence Avenue, S.W., to the center line of 3rd Street, S.W.; continuing north along the center line of 3rd Street, S.W., and then along the center line of 3rd Street, N.W., to the center line of Constitution Avenue, N.W. (the beginning point);

“(2)(A) Pennsylvania Avenue, S.E., from the center line of 4th Street, S.E., to the center line of 17th Street, S.E. (Barney Circle); and

“(B) The lots abutting the section of Pennsylvania Avenue, S.E., set forth in subparagraph (A) of this paragraph;

“(3)(A) D Street, S.E., from the center line of 7th Street, S.E., to the center line of 9th Street, S.E., and the lots abutting that section of D Street, S.E.; and

“(B) The lots abutting the section of D Street, S.E., set forth in subparagraph (A) of this paragraph;

“(4)(A) E Street, S.E., from the center line of 10th Street, S.E., to the center line of 12th Street, N.E.; and

“(B) The lots abutting the section of E Street, S.E., set forth in subparagraph (A) of this paragraph;

“(5)(A) G Street, S.E., from the center line of 13th Street, S.E., to the center line of 14th Street, S.E.; and

“(B) The lots abutting the section of G Street, S.E., set forth in subparagraph (A) of this paragraph;

“(6)(A) The portion of Potomac Avenue, S.E., north of its center line, from the center line of 13th Street, S.E., to the northern intersection of 13th Street, S.E., with the center line of Pennsylvania Avenue, S.E.; and

“(B) The lots abutting the northern section of Potomac Avenue, S.E., set forth in subparagraph (A) of this paragraph;

“(7) The geographic area bounded by a line beginning at the intersection of the center line of 6th Street, S.E., and the center line of Pennsylvania Avenue, S.E.; continuing north along the center line of 6th Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing northeast along the center line of North Carolina Avenue, S.E., to the center line of 7th Street, S.E.; continuing north along the center line of 7th Street, S.E., to the center line between Independence Avenue, S.E., and A Street, S.E.; continuing east along the center line between Independence Avenue, S.E., and A Street, S.E., to the center line between 7th Street, N.E., and 8th Street, N.E.; continuing south along the center line between 7th Street, N.E., and 8th Street, N.E., to the center line of Pennsylvania Avenue, S.E.; continuing northwest along the center line of Pennsylvania Avenue, S.E., to the center line of 6th Street, S.E. (the beginning point); and

“(8) The geographic area bounded by a line beginning at the intersection of the center line of 7th Street, S.E., and the center line of Pennsylvania Avenue, S.E.; continuing south along the center line of 7th Street, N.E., to the center line of I Street, S.E.; continuing east along the center line of I Street, S.E., to the center line between 8th Street, S.E., and 9th Street, S.E.; continuing north along the center line between 8th Street, S.E., and 9th Street, S.E., to the center line between E Street, S.E., and G Street, S.E.; continuing east along the center line between E Street, S.E., and G Street, S.E., to the center line between 10th Street, S.E., and 11th Street, S.E.; continuing south along the center line between 10th Street, S.E., and 11th Street, S.E., to the northern border of the Southeast/Southwest Freeway; continuing east along the northern border of the Southeast/Southwest Freeway to the center line of 11th Street, S.E.; continuing north along the center line of 11th Street, S.E., to the center line of K Street, S.E.; continuing east along the center line of K Street, S.E., to the center line between 11th Street, S.E., and 12th Street, S.E.; continuing north along the center line between 11th Street, S.E., and 12th Street, S.E., to the center line of I Street, S.E.; continuing east along the center line of I Street, S.E., to the center line of 12th Street, S.E.; continuing north along the center line of 12th Street, S.E., to the center line of G Street, S.E.; continuing east along the center line of G Street, S.E., to the center line between 12th Street, S.E., and 13th Street, S.E.; continuing north along the center line between 12th Street, S.E., and 13th Street, S.E., to the center line of Pennsylvania Avenue, S.E.; continuing northwest along the center line of Pennsylvania Avenue, S.E., to the center line of 7th Street, S.E. (the beginning point).

“(c)(1) The BID taxes for properties in the Capitol Hill BID shall be:

“(A) Fifteen cents per \$100 of 90% of the assessed value of all nonexempt properties for which the District provides an integrated assessment of both the commercial and residential components; and

“(B) Fifteen cents per \$100 of 100% of the assessed value of all nonexempt properties for which the District does not provide an integrated assessment of the commercial and residential components.

“(2) Notwithstanding paragraph (1) of this subsection, the total BID tax due on a property or distinct assembly of properties (if the property occupies more than one taxable lot) in the Capitol Hill BID shall not exceed \$75,000.00 in any year.

Sec. 205. Mount Vernon Triangle BID.

“(a) The formation of the Mount Vernon Triangle BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the expiration date of this act or the termination or dissolution of the BID.

“(b) The Mount Vernon Triangle BID shall be comprised of the geographic area bounded by a line that begins at the center of the intersection of Seventh Street, N.W., and New York Avenue, N.W.; and continues northeast down the middle of New York Avenue, N.W., until it reaches New Jersey Avenue, N.W.; and continues southeast down the middle of New Jersey Avenue, N.W., until it reaches Massachusetts Avenue, N.W.; and continues northwest down the middle of Massachusetts Avenue, N.W. until it reaches Sixth Street, N.W., and continues north down the middle of Sixth Street, N.W., until it reaches K Street, N.W.; and continues west down the middle of K Street, N.W., until it reaches Seventh Street, N.W.; and continues north down the middle of Seventh Street, N.W., until it reaches the center of the intersection of Seventh Street, N.W., and New York Avenue, N.W. (the beginning point).

“(c) The BID taxes for the nonexempt real properties in the Mount Vernon Triangle BID shall be 20 cents per square foot of land.

“Title III. Application of Law.

“Sec. 301. Establishment of BIDs not limited.

“The listing of specifically authorized BIDs in title II shall not be construed to prohibit the establishment of a BID in another area pursuant to the terms of this act; provided, that any BID taxes, or BID tax increases, not authorized in title II (whether as adopted or amended by act of Council) shall not become effective until the effective date of an act of Council which makes such BID taxes effective.”.

Sec. 3 Amendment to the Anacostia Waterfront Corporation Act of 2004.

(a) The Anacostia Waterfront Corporation Act of 2004, signed by the Mayor on August 5, 2004 (D.C. Act 15-527; 51 DCR 9142), is amended as follows:

(1) Section 101 is amended as follows:

(A) Paragraph (1)(A) is amended as follows:

(i) Sub-subparagraph (ii) is amended by striking the phrase “, including federal, District, and privately-owned land,”;

(ii) Sub-subparagraph (iii) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(iii) Sub-subparagraph (v) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(iv) Sub-subparagraph (vii) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(v) Sub-subparagraph (viii) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(vi) Sub-subparagraph (ix) is amended as follows:

(I) The lead-in sentence is amended by striking the phrase “, including federal, District, and privately-owned,”; and

(II) Sub-sub-subparagraph (I) is amended by striking “(vi)” and inserting “(viii)” in its place; and

(vii) Sub-subparagraph (x) is amended by striking the phrase “, including federal, District, and privately-owned,”.

(B) Add a new paragraph (1)(C) to read as follows:

“(C) Nothing within the meaning of the term “Anacostia Waterfront” shall authorize the Corporation to take any action affecting federal functions or property unless the federal government has authorized the Corporation to take that action.”.

(2) Section 104 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (8) is amended to read as follows:

“(8) Act as agent of the District to undertake development or redevelopment of the Anacostia Waterfront, including matters affecting federal property and functions where authorized by the federal government.”.

(ii) Add a new paragraph (8A) to read as follows:

“(8A) Present requests to the federal government for federal land and other assistance, and enter into agreements with the federal government necessary for the development and redevelopment of the Anacostia Waterfront.”.

(iii) Paragraph (9) is amended by striking the phrase “by the District or federal government”.

(iv) Paragraph (10) is amended by striking the phrase “by the District or federal government”.

(v) Paragraph (17) is amended by striking the phrase “from the District or federal government”.

(vi) Paragraph (39) is amended by striking the phrase “including any department, agency, office, or instrumentality of the federal or District government,”.

(B) Add a new subsection (c) to read as follows:

“(c) None of the powers granted under this act shall authorize the Corporation to take any action affecting federal functions or property unless the federal government has authorized the Corporation to take that action.”.

(3) Section 105 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) The lead-in sentence is amended to read as follows:

“(a) The powers of the Corporation shall be vested in a Board of Directors which shall consist of 9 voting members, and may include 4 nonvoting members to be selected as follows:”.

(ii) Paragraph (3) is amended as follows:

(I) The lead-in sentence is amended to read as follows:

“(3) The following 4 ex-officio nonvoting members who shall be invited to serve at their sole discretion:”.

(II) Subparagraph (B) is amended by striking the word “and” at the end.

(III) Subparagraph (C) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(IV) Add a new subparagraph (D) to read as follows:

“(D) The Secretary of the United States Department of Defense, or a designee of the Secretary.”.

(4) Section 121 is amended by striking the phrase “government entity” wherever it appears and inserting the phrase “District government entity” in its place.

(5) Section 125(a) is amended by striking the colon and inserting a period in its place.

(b) This section shall not apply until the effective date of the Anacostia Waterfront Corporation Act of 2004, signed by the Mayor on August 5, 2004 (D.C. Act 15-527; 51 DCR 9142).

#### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Business Improvement Districts Amendment Act of 2004, and the attached fiscal impact statement for the Anacostia Waterfront Corporation Clarification Act of 2004 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. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia