

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



**Fitzroy Lee**  
Interim Chief Financial Officer

**TAX ABATEMENT FINANCIAL ANALYSIS**

**TO:** **The Honorable Muriel Bowser**  
**Mayor, District of Columbia**

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

**FROM:** **Fitzroy Lee**  
**Interim Chief Financial Officer**

**DATE:** **July 20, 2021**

**SUBJECT:** **“Square 5539 Tax Abatement Act of 2021”**

**REFERENCE:** **Subtitle of Fiscal Year 2022 Budget Support Act of 2021, Bill 24-285**  
**provided July 17, 2021**

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**Findings**

The proposed subtitle would provide a property tax abatement, capped at \$500,000 for the first year and escalated by 3 percent annually, to Lots 835 and 840 in Square 5539 for a term of 40 years. Receipt of the abatement would be subject to meeting Certified Business Enterprise and affordability requirements defined in the subtitle. The proposed abatement would support the redevelopment of approximately 188 units of workforce housing in Ward 7.

Based on an analysis of the financial projections provided by the applicant, the Office of the Chief Financial Officer (OCFO) finds that a partial abatement of real property taxes is financially necessary for the project to proceed. An abatement of \$325,000, escalated by three percent annually over the proposed 40-year term, would provide for sufficient investor return without over-subsidizing the project.

Please refer to the separate Fiscal Impact Statement for the effect of the proposed subtitle on the District’s financial plan.

**Background**

Jair Lynch Real Estate Partners (the Applicant) is seeking the proposed real property tax abatement for Lots 835 and 840 in Square 5539 (the Property).<sup>1</sup> The Property is a portion of the redevelopment project located at 3200 Pennsylvania Avenue, SE, at the intersection of Pennsylvania and Branch Avenues, SE in Ward 7 (the Project). The Project includes the Shops at Penn Branch, a neighborhood

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<sup>1</sup> Applicant is the Managing Member of 3200 Penn Ave PJV, LLC, the entity that is the owner of the property.

commercial center. The Property currently serves as additional surface parking in the rear of the Shops at Penn Branch. The Applicant purchased the property associated with the Project, completed a full renovation and lease up of the Shops at Penn Branch, and is advancing the redevelopment of the Property with approximately 188 units of mixed-income housing (the Residential Redevelopment). Ten percent of the units will be affordable to households earning at or below 60 percent of Median Family Income (MFI) and will have affordability covenants recorded on the deed in fulfillment of Inclusionary Zoning requirements. The remaining 90 percent of units will be affordable to households earning at or below 80 percent of MFI (the Workforce Units), with affordability covenants recorded on the deed in connection with a portion of the development financing sought by the Applicant. According to the Applicant, the Property is zoned for the proposed use, will start construction by the end of calendar year 2022, and will be completed in 2024.

**Financial Analysis**

The Exemptions and Abatements Information Requirements Act of 2011 requires the analysis provided by the OCFO to contain certain information. The required information is included below.

(A) Terms of the Abatement

The proposed subtitle would provide an abatement for up to 40 years, commencing no earlier than Tax Year 2026 (October 1, 2025) or the Property’s receipt of a certificate of occupancy, whichever is later. In addition, receipt of the proposed abatement is conditioned upon the following requirements during the term of the abatement:

1. The Applicant shall contract with Certified Business Enterprises for at least 35 percent of the contract dollar volume for the construction and operation of the residential building.
2. The housing units are affordable for and rented to households earning at or below 80 percent of MFI.

The cap on the annual abatement proposed by the subtitle is \$500,000, increasing by three percent annually after the first year of the abatement.

(B) Value of the Abatement

As shown in the table, the value of the proposed abatement, as provided by the proposed subtitle, is \$37.7 million over the 40-year term.

**Estimated Value of the Proposed Tax Abatement**

	FY 2022	FY 2023	FY 2024	FY 2025	FY2022- FY2025	FY2026- FY2065	Total Value
Real Property Tax Abatement	\$0	\$0	\$0	\$0	\$0	\$37,700,000	\$37,700,000

(C) Purpose of the Abatement

According to the Applicant, the abatement will allow for the development of new, Class A rental housing that will be available at workforce housing affordability levels by providing a subsidy that makes the Residential Redevelopment financially feasible. In addition to the Inclusionary Zoning units that will be available to households at or below 60 percent of MFI, the remainder of units will be affordable to households who earn above this income level but cannot afford the market-rate rents of new units found in other areas of the District.

(D) Summary of the Proposed Community Benefits

The applicant’s summary of community benefits is attached.

(E) Financial Analysis and Advisory Opinion

The Applicant’s proposed financing for construction of the Residential Redevelopment includes equity, a senior loan, and a subordinate loan in the approximate proportions below.

<b>Funding Source</b>	<b>Percent of Development Cost</b>
Senior Loan	60%
Subordinate Loan (Mezzanine Debt)	35%
Equity	5%

The subordinate loan significantly reduces the amount of equity required to fund the development cost and thereby improves the rate of return to the equity investors by providing the same cash flow with a lower level of investment. This financing structure allows this project to be profitable with lower rent levels, aligning with the anticipated market rents in this neighborhood and the affordability restrictions that will be required by both the subordinate lender and the conditions of the proposed abatement. However, this financing structure does not completely make up the gap in returns that investors would typically require, which has resulted in the Applicant requesting a tax abatement. A real property tax abatement will reduce the operating expenses of the building, increasing the net cash flow that flows to the investors annually, as well as increasing the value of the property (and cash flows to investors) when refinanced or sold.

The OCFO’s Office of Finance and Treasury (OFT) has reviewed the pro forma cash flow model provided by the Applicant. Based on the information provided, OFT finds that a partial abatement of real property taxes is financially necessary. An abatement of \$325,000 in real property tax liability, escalated by three percent annually over the 40-year term (equal to about 70 percent of the estimated tax liability) will allow the Residential Redevelopment to achieve the 25 percent equity return that the Applicant has indicated is required to attract investment.<sup>2</sup> The \$24.5 million value of this recommended abatement over the 40-year term would be a \$13.2 million decrease from the value as proposed in the subtitle.

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<sup>2</sup> OFT evaluated the internal rate of return, or IRR, an analytical tool that measures the discount rate at which future cash flows equal zero. OFT acknowledges that the Applicant’s target of a 25 percent equity return threshold corresponds to a high level of cash flow risk that the small amount of equity must bear. However, OFT has not been able to independently verify the reasonableness of this target due to time constraints.

## **Conclusion**

OFT finds that it is not likely that the Residential Redevelopment could be financed without an abatement. However, a full abatement of taxes over 40 years is more than is necessary to attract investment. By capping the abatement at \$325,000, escalated at three percent annually, the Residential Redevelopment of the Property can provide workforce housing and attract sufficient investment at a lower cost to the District.

## **Attachment A**

### **3200 Penn Ave Parcel 2 – Summary of Community Benefits**

1. Affordable Housing – The Project will include 10% of the residential rentable square footage (approx. 19 units) set aside at for families earning at or below 60% of Area Median Income as required by DC Inclusionary Zoning.
2. Market Rate and Workforce Housing – The Project will include 90% of the residential rentable square footage (approx. 169 units) set aside for families earning at or below 80% of Area Median Income. These units will be covered by a private affordability covenant that will remain in place for a minimum of 50 years. While capped at 80% of AMI, the current market rents for the submarket are below the 80% AMI threshold thus allowing the project to generate new Class A market rate housing that will limit future rent increases beyond the 80% AMI threshold should market rents escalate. No workforce (80% AMI) residential units are required by law thus 90% of the units will exceed DC requirements without any other forms of local or national subsidy (e.g., LIHTC or HPTF).
3. Job Creation – The Project is estimated to generate 187 new construction jobs and 6 permanent residential property management and maintenance jobs.
4. Revenue Generation – The Project is forecast to generate nearly \$800,000 (in current year dollars) in annual revenue for the District through income and retail sales taxes. This exceeds the annual maximum of the tax abatement of \$500,000 (in current year dollars) thus the proposed tax abatement is a net positive in revenue for the District.
5. CBE Developer and CBE Participation – The Project will require 35% CBE participation in both construction and operations. Additionally, the Project sponsor, LDP Holdings, LLC (b/b/a/ Jair Lynch Real Estate Partners) is a CBE entity (CBE#: LR68689122022).
6. Advances Goals of Small Area Plan – The Project will advance the goals set forth in the Pennsylvania Avenue SE Corridor Land Development Plan, a Small Area Plan adopted by the DC Council in July 2008, which envisioned the subject property as a key opportunity to meet the substantial demand for higher quality housing in the neighborhood and Pennsylvania Ave SE corridor.