

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to establish a process for review and approval of proposed commemorative works on public space in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commemorative Works on Public Space Amendment Act of 2000".

Sec. 2. Title IV of the Street and Alley Closing and Acquisition Procedures Act of 1982 is amended as follows:

(a) Strike the title heading "NAMING OF PUBLIC SPACES" and insert the heading "PUBLIC SPACE NAMES AND COMMEMORATIVE WORKS" in its place.

(b) The existing text of the existing title is designated as Part A.

(c) Section 401 is amended to read as follows:

"Sec. 401. Any proposed designation or change of the name of any public space or commemorative work on public space in the District of Columbia shall require approval by the Mayor and the Council as follows:

"(1) The Mayor may submit a resolution to the Council proposing a designation, change of name, or commemorative work for the Council's approval.

"(2) A Councilmember may introduce an act proposing a designation, change of name, or commemorative work.

"(3) In accordance with paragraph (4) of this subsection, the Council may approve legislation submitted pursuant to paragraphs (1) or (2) of this subsection following a public hearing held by the Council and in accordance with the criteria set forth in this title.

"(4) For commemorative works, the criteria set forth in Part B of this title shall be met prior to Council approval."

(d) A new Part B is added to read as follows:

"Part B. Commemorative Works.

"Sec. 411. Definitions.

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"For the purposes of this title, the term:

"(1)(A) "Commemorative work" means any statue, monument, sculpture, streetscape or landscape feature, including a garden or memorial grove, or other structure, which is located on public space and which is designed to perpetuate in a permanent manner the memory of an individual, group, event, or other significant element of international, national, or local culture or history.

"(B) "Commemorative work" does not mean any statue, monument, sculpture, streetscape or landscape feature, including a garden or memorial grove, or other structure, which is (i) located within the interior of a structure that is not itself a commemorative work; (ii) a structure that is used primarily for other purposes; or (iii) intended to be displayed for only a limited period of time that does not exceed one year.

"(C) "Commemorative work" does not mean the naming of an existing public space, a plaque, or a wayside or wayfinding sign or commemorative feature incorporated within ordinary walkway paving.

"(2)(A) "Public space" means any public street, alley, circle, bridge, building, park, other public place or property owned by or under the administrative control or jurisdiction of the District of Columbia.

"(B) "Public space" does not include property that is both owned by the Federal government and under the administrative control or jurisdiction of the National Park Service, the General Services Administration, the Department of Defense, or other federal agency.

"(3) "Sponsor" means a Federal or District agency, or an individual, group, or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of the Internal Revenue Code, and which is authorized by the Mayor and Council to establish a commemorative work on public space in the District of Columbia.

"Sec. 412. Commemorative Works Committee.

"(a) There is established a District of Columbia Commemorative Works Committee ("Committee") to advise and recommend to the Mayor and the Council a disposition of each application to place a commemorative work on public space in the District of Columbia.

"(b) The Committee shall be composed of 11 voting members, 3 of whom shall be citizen members and 8 of whom shall be *ex officio* members. The 3 citizen members shall each be appointed by the Mayor with the advice and consent of the Council for a 3-year term. The following government officials, or their designated representatives, shall serve as the *ex officio* members:

"(1) The Director of the Office of Planning, who shall serve as chairperson of the Committee;

"(2) The Director of the Department of Parks and Recreation;

"(3) The Director of the Department of Public Works;

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- "(4) The Director of the Office of Property Management;
- "(5) The Executive Director of the Commission on the Arts and Humanities;
- "(6) The Chairperson of the Historic Preservation Review Board;
- "(7) The Secretary of the District of Columbia; and
- "(8) The Director of the Department of Consumer and Regulatory Affairs.

"(c) Each citizen member appointed to the Committee shall be a person who has displayed an active interest or ability in the visual arts, architecture, urban planning, civic design, or history.

"(d) The Mayor shall establish rules and procedures for the administration of the Committee.

"Sec. 413. Authority of the Committee.

"(a) The Committee shall act in an advisory capacity to the Mayor and the Council to:

- "(1) Develop criteria to be used to review, evaluate, approve, or deny applications for placement of commemorative works on public space in the District;
- "(2) Review each application for placement of a commemorative work on public space in the District, by considering: the appropriateness of the location, subject matter, and design of the commemorative work, including the aesthetic, environmental, traffic and parking, and financial impacts of the proposal upon the surrounding community and the District; and the sufficiency of the sponsor to fund the construction and maintenance of the commemorative work;

"(3) Refer each application for a commemorative work on public space in the District for review and comments by affected advisory neighborhood commissions, by affected District agencies and public utilities, and by the National Capital Memorial Commission; and

"(4) Recommend to the Mayor and the Council a disposition of each application for placement of a commemorative work on public space in the District.

"(b) The recommendations of the Committee shall not be inconsistent with:

- "(1) The Comprehensive Plan for the National Capital (10 DCMR);
- "(2) The District of Columbia Home Rule Act;
- "(3) The Zoning Regulations of the District of Columbia (11 DCMR); and
- "(4) The Public Space and Safety Regulations of the District of Columbia (24 DCMR).

"Sec. 414. Applications for commemorative works.

"Any sponsor may propose the placement of a commemorative work on public space in the District. Any proposal for a commemorative work on public space in the District shall be accompanied by a completed application to the Committee by a sponsor. The Mayor shall develop a procedure for receiving applications for commemorative works. The Mayor shall publish in the *D.C. Register* the application procedure, including all information required for the application to be complete.

"Sec. 415. Guidelines for consideration of applications.

"(a) Commemorative works on public space that are proposed for commemoration of local individuals, groups, events, or other significant elements of District of Columbia culture or history generally should be given priority over other commemorative works.

"(b) Subjects to be memorialized by commemorative works on public space in the District should be of long-term historic importance and shall generally not be any living person, any deceased person who has been deceased less than 10 years, nor any event that has occurred within 10 years of the application for placement of the commemorative work on public space.

"(c) In considering a proposed commemorative work on public space, the Mayor, the Council, and the Committee shall be guided by the following criteria, in addition to any other criteria set forth in this title, and any other criteria not inconsistent with this title developed by the Mayor and published in the *D.C. Register*:

"(1) To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to and compatible with the subject of the commemorative work.

"(2) A commemorative work shall be situated in a manner that prevents interference with or encroachment upon any existing commemorative work, and that protects and enhances, to the maximum extent practicable, open space, existing public and private uses, and cultural and natural resources.

"(3) A commemorative work shall be constructed of durable material suitable to the outdoor environment, and any landscape features of a commemorative work shall be compatible with the climate.

"Sec. 416. Easements for commemorative works.

"Following approval of a commemorative work by the Mayor and the Council pursuant to section 401, the Mayor shall provide an easement to the sponsor of the commemorative work for the use of District public space for the purpose of constructing and maintaining the approved commemorative work. The term of the easement shall be for a maximum of 25 years and may be automatically renewable for successive 25 year terms in perpetuity unless cancelled in writing by the Mayor for good cause. The Mayor shall establish the rules for termination of an easement granted for a commemorative work. The Mayor shall require each sponsor of an approved commemorative work to provide for all of the financing necessary to develop, construct, and maintain the commemorative work. A sponsor of an approved commemorative work shall be financially responsible for the perpetual maintenance of the commemorative work.

"Sec. 417. Issuance of permits.

"Prior to issuing a permit for the construction of a commemorative work on public space in the District, the Mayor shall determine that:

"(1) The sponsor, site, subject matter, and design of the proposed commemorative work have been approved by the Mayor and Council pursuant to section 401;

"(2) The proposed commemorative work complies with requirements set forth in the Historic Landmark and Historic District Protection Act of 1978 and the District of Columbia Environmental Policy Act of 1989;

"(3) Knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the proposed commemorative work;

"(4) The sponsor authorized to construct the commemorative work has submitted contract documents for the construction of the commemorative work to the Mayor; and

"(5) The sponsor authorized to construct and maintain the commemorative work has sufficient funds to complete construction of the project and to provide for the ongoing maintenance of the commemorative work.

"Sec. 418. Deposit for maintenance of commemorative work.

"(a) In addition to the criteria set forth in section 417, no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated either an amount that is equal to 10% of the total estimated cost of the construction or another amount determined by the Mayor to offset the costs of perpetual maintenance and preservation of the commemorative work.

"(b) All proceeds received pursuant to subsection (a) of this section shall be deposited in a nonlapsing account of the District government and shall be available for the nonrecurring repair and maintenance of the sponsor's commemorative work pursuant to the provisions of this section.

"(c) The sponsor shall be required to submit to the Mayor an annual report of operations prior to and during construction of the commemorative work, including financial statements audited by an independent certified public accountant, paid for by the sponsor authorized to construct the commemorative work.

"(d) The provisions of this section shall not apply to a commemorative work that is constructed by a Federal or District agency and where less than 50% of the funding for the construction is provided by private sources.

"Sec. 419. Expiration of approval of commemorative work.

"Approval of a commemorative work pursuant to section 401, and any easement granted pursuant to the approval, shall expire at the end of a 7-year period beginning on the effective date of the approval unless:

"(1) The Mayor issues a construction permit for the commemorative work during that period; or

"(2) Prior to the end of the 7-year period, the Mayor:

"(A) Determines that all regulatory approvals other than the construction permit for the commemorative work have been obtained and not less than 75% of the amount estimated to be required to construct the commemorative work has been raised; and

"(B) Submits a proposed resolution that is approved by the Council to extend the 7-year authority for the commemorative work for a period not to exceed 3 years, at the end of which period the approval shall expire if a construction permit has not been issued for the commemorative work."

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Sec. 3. 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 (84 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effectiveness, to each *ex officio* member of the Commemorative Works Committee established by section 2(d), and to the Mayor's Office of Boards and Commission.

Sec. 5. This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia