


Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

TO: Chairperson Phil Mendelson
FROM: Councilmember Kenyan R. McDuffie 
RE: Request to Agendize Measures for the November 2, 2021, Legislative Meeting
DATE: October 28, 2021

Pursuant to Council Rule 426, regarding a waiver of Rule 231(c), I request that the following measures be agendized for the November 2, 2021, Legislative Meeting. I also request that these measures be agendized for an Additional Meeting of the Committee of the Whole should one be scheduled.

The measures were marked up by the Committee on Business and Economic Development and has been filed timely with the Secretary's Office:

Measures from the Committee:

- **Bill 24-0155, the “B.B. French School Disposition Act of 2021”**

This Bill authorizes the D.C. Department of General Services to enter into a lease agreement with The Capitol Hill Arts Workshop (CHAW) for real property located at 545 7th Street, S.E., Washington, D.C., commonly known as the B.B. French School. CHAW has leased the property since 1980. The historic, District-owned structure was last used as a public school in 1942 and has been used as an art center since 1979.

CHAW's mission is to build community through the arts. The property features dance, ceramics, and painting studios; a photography darkroom; a black box theater; gallery space; and music instruction spaces. At its public hearing, CHAW's Executive Director reported that about 1,700 people use CHAW's services each year. CHAW provides youth and adult classes in visual and performing arts, commissions artwork, hosts artist residencies, rents out studio and rehearsal space to local artists at affordable rates, partners with community organizations – a substantial majority of which are led by Black residents – and never turns participants away for their inability to pay for services. During the COVID-19 pandemic, CHAW used the Property as a mutual aid hub to provide food and other resources to homeless families and those residing in public housing.

The Council's Office of Racial Equity (CORE) assessed the Bill's racial equity impact. CORE concluded that the Bill has the potential to advance racial equity. CORE's assessment found that CHAW's effect on the District is broad given that the organization directly serves thousands of people each year. Importantly, 75 percent of CHAW's partner organizations are run by people of color. According to CORE, CHAW's partnerships and programming diversity helps an intersectional group of underserved youth and reduces barriers to arts education access.

- **Bill 24-0294, the “Wilkinson School Disposition Authorization Act of 2021”**

At its August 3, 2021, legislative meeting the Council authorized the emergency disposition of the Wilkinson School to D.C. Prep. This Bill would make final the Mayor's authority to dispose of the school via a 25-year lease with a 25-year extension option. The Ward 8 property has approximately 4.21

acres, including athletic fields, a playground, and an athletic court. The building was last used as a public school in 2009 and has been used as a temporary location for the D.C. Infrastructure Academy (DCIA) since 2018.

D.C. Prep is a District of Columbia public charter school whose network serves more than 2,100 PK3 through 8th grade students at campuses in Wards 5, 7, and 8, including a middle campus at 2501 Martin Luther King Avenue, S.E. that it shares with Excel Academy. Since 2015, D.C. Prep has tried to establish a permanent home for its Anacostia Middle Campus.

The Council's Office of Racial Equity (CORE) assessed the Bill's racial equity impact. CORE concluded that the Bill has the potential to improve educational outcomes for Black students and residents of color who attend D.C. Prep. However, CORE's analyses also suggest that the Bill could potentially exacerbate racial segregation in public schools, under-enrollment in DCPS, and traffic and parking issues in the neighborhood around Wilkinson. By the time the Committee considered this Bill, the Executive worked with Councilmember Trayon White on a compromise plan to keep a portion of DCIA's offerings in Ward 8. Specifically, DCIA's IT training and other classroom-centered courses would be based at Reunion Square.

Because Councilmember Trayon White affirmed his support for this measure and because a good portion of the Academy would remain in Ward 8 in the short- and long-terms, the Committee unanimously approved this Bill. Furthermore, the Committee agreed that the Council ought to discuss and refine the District's school master facilities planning process and engagement of Black residents.

I also request that the following measures be placed on the agenda for the November 2, 2021, Legislative Meeting:

Emergency Measures

- **“Department of Insurance, Securities and Banking Emergency Powers Emergency Amendment Act of 2021”**
- **“Department of Insurance, Securities and Banking Emergency Powers Emergency Declaration Resolution of 2021”**
- **“Department of Insurance, Securities and Banking Emergency Powers Temporary Amendment Act of 2021”**

The emergency authority granted to DISB's Commissioner to issue emergency rules, orders, and bulletins under section 5a(a) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01) will expire on November 5, 2021, while the Mayor's public emergency will remain in effect. It is crucial that the Commissioner's emergency powers be amended to coincide with the public emergency declared by the Mayor to, among other things, address the immediate need to continue requiring insurers to cover widespread COVID-19 testing for in-person work and learning and any similar circumstances giving rise to the existence of a public emergency in the future. Without this authority, the Commissioner will not be able to require insurers to fully cover the cost of COVID-19 testing, which will make testing more costly for individuals and businesses and run the risk of discouraging testing as the winter months approach.

- **“Fifty-Point Preference Clarification Emergency Amendment Act of 2021”**
- **“Fifty-Point Preference Clarification Emergency Declaration Resolution of 2021”**
- **“Fifty-Point Preference Clarification Temporary Amendment Act of 2021”**

The Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*) provides 50 preference points to qualifying applicants for registration as a medical cannabis dispensary, cultivation center, or testing laboratory that are certified as a medical cannabis certified business enterprise by the District Department of Small & Local Business Development (“DSLBD”). Title 2 of the D.C. Official Code also creates a new equity impact enterprise category that contains overlapping but competing certification requirements for DSLBD to consider when compared to D.C. Official Code § 7-1671.05. Confusion exists within the medical cannabis industry regarding who qualifies and what certification criteria DSLBD would utilize when considering medical cannabis applications. This confusion would be resolved by clarifying applicants for a dispensary, cultivation center, and testing laboratory license must first be certified as a medical cannabis certified business enterprise by DSLBD and meet the other criteria stipulated in the legislation.

Because the Alcoholic Beverage Regulation Administration intends to begin accepting applications for the two cultivation centers, one dispensary, and two testing laboratories for prospective applicants who completed the Letter of Intent requirement earlier this year, this clarification in the law is necessary on an emergency basis to encourage a smooth application process.

- **“McMillan Townhomes Parcels, Commercial Parcels, and Multifamily Parcels Extension of Disposition Authority Emergency Act of 2021”**
- **“McMillan Extension of Disposition Authority Emergency Declaration Resolution of 2021”**
- **“McMillan Townhomes Parcels, Commercial Parcels, and Multifamily Parcels Extension of Disposition Authority Temporary Act of 2021”**

Pursuant to DC Code 10-801(d), the Mayor has determined that the parcels within the property known as the McMillan Sand Filtration Site (“McMillan Site”) cannot be disposed of within the five years of the effective date of PR21-0253, the “McMillan Townhomes Parcel, Commercial Parcel, and Multifamily Parcels Disposition Extension Approval Resolution of 2015”, enacted on November 3, 2015 (“Disposition Extension Resolution”). The Disposition Extension Resolution approved additional time for the Mayor to dispose of the McMillan Site and extended the disposition authority to December 2, 2021.

Litigation began in 2015, after the Mayor’s Agent for Historic Preservation approved the demolition and subdivision permits and the Zoning Commission approved a planned unit development for the McMillan Site. The D.C. Court of Appeals affirmed the orders of the Mayor’s Agent and Zoning Commission in unanimous decisions in 2019.

On August 16 and 27, 2019, the Department of Consumer and Regulatory Affairs approved permits for demolition at the McMillan Site and construction of a foundation for the community center planned for the southern section of the site. Soon after the demolition permit was issued it became the subject of litigation before the Office of Administrative Hearings (“OAH”), which ultimately approved the issuance of the demolition permit in all respects. The decision of the OAH was then appealed to the D.C. Court of Appeals. On February 19, 2020, the D.C. Court of Appeals stayed all development work (including demolition) at the Site while the issuance of the demolition permit was challenged. The D.C.

Court of Appeals lifted the stay of demolition on September 29, 2021. Demolition activities have since commenced at the McMillan Site.

Since work on the McMillan Site was delayed by litigation and a court ordered stay for years, now that the site is actively under construction the Mayor needs additional time to complete demolition work in order to prepare the site to be disposed of to the developer pursuant to the Land Disposition and Development Agreement. Council approval will tie the Mayor's authority to dispose of the site to the expiration dates of the emergency and temporary bills.

The measures are attached. If you have any questions, please contact Ms. Alicia DiFazio at adifazio@dccouncil.us.

Thank you for your consideration of this request.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director