

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: March 20, 2018

SUBJECT: Report on Bill 22-518, the “Ernest Everett Just Court Designation Act of 2018”

The Committee of the Whole, to which Bill 22-518, the “Ernest Everett Just Court Designation Act of 2018” was referred, reports favorably thereon, with technical amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On October 10, 2017, Bill 22-518, the “Ernest Everett Just Court Designation Act of 2017” was introduced by Councilmember Nadeau to officially designate the entire alley system in Square 3094, which is bounded by 4th Street N.W., 5th Street, N.W., T Street, N.W., and Florida Avenue, N.W., in Ward 1, as Ernest Everett Just Court. An official naming typically involves the designation of postal addresses and enables the placement of the primary entrance to residences or offices on the alley.

Official Naming

Square 3094 contains 34 lots that abut the alley system within the Square and one interior alley lot that does not front any exterior street. Square 3094 is located in the LeDroit Park Neighborhood. Residents whose property abuts the alley system seek an official designation to obtain addresses to receive mail and to improve GPS-enabled services. Further, the surrounding community and ANC 1B are in support of an official designation as a measure to improve public

safety within the alley; doing so would facilitate improvements within the expansive alley system and provide District emergency services with accurate wayfinding means to respond to emergency calls. At its regularly scheduled and noticed meeting on August 3, 2017, ANC 1B voted unanimously to support the naming.

The initiator, Ethan Arnheim lives within a property that abuts the alley system. After coordinating with the District Department of Transportation (“DDOT”), Mr. Arnheim learned of the importance of selecting a name for the designation that was historically sensitive. Accordingly, Mr. Arnheim generated the name “Ernest Everett Just Court” to honor the pioneering African American biologist and educator who lived at 412 T Street N.W., which abuts the alley system.

Ernest Everett Just was born on August 14, 1883 in Charleston, South Carolina. Dr. Just graduated magna cum laude with a degree in biology from Dartmouth College in 1907. Shortly after, he accepted a position at Howard University as an English instructor and later joined the Department of Biology. By 1912, Dr. Just was appointed as a professor of the Department. While at Howard, Dr. Just helped found the Omega Psi Phi Fraternity. Notably, Omega Psi Phi was the first black Greek letter organization established at a historically black university.

Dr. Just left Howard University to work at the Marine Biological Laboratory in Woods Hole, Massachusetts and later went on to earn his doctorate in biology from the University of Chicago in 1916. Dr. Just pioneered many areas on the physiology of development, including fertilization, experimental parthenogenesis, hydration, cell division, and ultraviolet carcinogenic radiation effects on cells. He served as the editor of three scholarly periodicals and received the NAACP’s first Spingarn Medal for outstanding achievement by a black American in 1915. From 1920 to 1931, Dr. Just served as a Julius Rosenwald Fellow in Biology of the National Research Council. This position provided him with the opportunity to work in Europe when racial discrimination hindered his opportunities in the United States. Dr. Just continued his research in Europe until 1940 when he was imprisoned by German Nazis. Shortly after his release, Dr. Just returned to Washington, D.C where he passed away on October 27, 1941.

Legal Background

The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 *et seq.*) (“Act”) establishes procedures for closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. Specifically, the Act authorizes the Council to symbolically or officially designate or change the name of any public space in the District of Columbia, including streets and alleys.¹ In October 2016, the Act was amended to create a clear distinction between official and symbolic street and alley namings and to establish distinct processes and requirements for each type of naming.²

An “official name” refers to the legal designation of an alley or a street for mailing address and other purposes,³ whereas a symbolic name for a street or alley shall be in addition to and

¹ See D.C. Official Code § 9-204.01 *et seq.*

² See D.C. Law 21-161, effective from Oct. 8, 2016, Published in DC Register Vol 63 and Page 12933.

³ D.C. Official Code § 9-201.01(5A).

subordinate to any name that is an official name.⁴ An alley may only be designated with an official name when the alley provides the only access or the primary access to a residential or commercial property.⁵ Further, an official name of an alley shall contain the suffix “Alley” or “Court.”⁶ A symbolic name of a street or alley shall contain only the suffix “Way” or “Plaza.”⁷

“Ernest Everett Just Court” will be an official alley designation. Furthermore, the public alley system in Square 1043 provides the only access to Lot 68, located within the Square.

The Act also establishes notice requirements for official designations. First, at least 15 days, but no more than 60 days prior to the scheduled public hearing, the initiator of the proposed designation shall: 1) give written notice of the date, time, and location of the hearing to each owner of property and household occupying property that abuts the alley or street, or portion thereof, proposed to be designated with an official name; and 2) post signs that indicate the date, time, and location of the Council hearing at each intersection with any other alley or street of the portion of the alley or street proposed to be designated.⁸ The initiator shall certify to the Council that the notice required has been given.⁹ Second, at least 30 days prior to the scheduled public hearing, the initiator shall submit a copy of the proposed legislation for review and comment to each Advisory Neighborhood Commission (“ANC”) in which the portion of the alley or street to be designated is located.¹⁰ Third, at least five days prior to the hearing, the initiator shall submit to Council letters or a petition in support of the proposal that have been signed by a majority of the owners of property and households occupying property that abuts the portion of the alley or street proposed to be designated with an official name.¹¹

Lastly, prior to consideration of a designation by the Council, the Mayor shall provide to the Council a surveyor’s plat of the alley or street and adjacent properties.¹² The District Department of Transportation (“DDOT”) provided the Council with a surveyor’s plat of Square 3094 at the February 26, 2018 hearing on Bill 22-518.

Regarding Bill 22-518, the notice requirements have been met by the initiator.¹³ Specifically, regarding the petition requirement, the initiator, Mr. Arnheim, obtained 47 signatures in support of the Ernest Everett Just Court Designation, enough to constitute a majority.

After the official street or alley designation legislation becomes law and all conditions required by the Council and the Act have been satisfied, DDOT will install signage indicating the official name of the alley or street, or portion thereof and remove signs, if any, with a previous

⁴ D.C. Official Code § 9-204.03a(a).

⁵ D.C. Official Code § 9-204.03(a).

⁶ D.C. Official Code § 9-204.03(c).

⁷ D.C. Official Code § 9-204.03a(c).

⁸ See D.C. Official Code § 9-204.21(b).

⁹ D.C. Official Code § 9-204.21(e).

¹⁰ D.C. Official Code § 9-204.21 (d).

¹¹ D.C. Official Code § 9-204.21(f). However, if the Mayor or a Councilmember introduces the designation without an initiator, then the petition requirement does not apply. D.C. Official Code § 9-204.21(i).

¹² See D.C. Official Code § 9-204.21(g).

¹³ Copies of the initiator’s submitted proof of notice requirements can be found in the hearing record for Bill 22-518.

name.¹⁴ “At least one sign bearing the previous name of the alley or street, or portion thereof, shall be transferred to the Archives of the District of Columbia.”¹⁵ The Mayor shall update relevant records of the District of Columbia to reflect the official name of an alley or street, or portion thereof, including: Fire and Emergency Medical Service records, Homeland Security and Emergency Management records, District of Columbia maps, and any other record that the District of Columbia uses for way-finding or address purposes.¹⁶ The Mayor shall also notify the United States Postal Service, other relevant government agencies as determined by the Mayor, and relevant private sector entities.¹⁷ Additionally, the Surveyor of the District of Columbia shall record a copy of the legislation and the Surveyor’s plat in the Office of the Surveyor.¹⁸

Officially designating the alley in Square 3094 as “Ernest Everett Just Court” will facilitate the assignment of addresses and safety improvements to the unnamed alley and honor Dr. Ernest Everett Just and his contributions to the District and world of science. For these reasons, the Committee of the Whole recommends the approval of Bill 22-518, the “Ernest Everett Just Court Designation Act of 2018.”

II. LEGISLATIVE CHRONOLOGY

October 10, 2017	Bill 22-518, the “Ernest Everett Just Court Designation Act of 2017” is introduced by Councilmember Nadeau.
October 17, 2017	Bill 22-518 is officially referred to the Committee of the Whole.
October 20, 2017	Notice of Intent to Act on Bill 22-518 is published in the <i>DC Register</i> .
January 19, 2018	Notice of Public Hearing on Bill 22-518 is published in the <i>DC Register</i> .
February 16, 2018	Revised notice of Public Hearing on Bill 22-518 is published in the <i>DC Register</i> .
February 26, 2018	A Public Hearing is held on Bill 22-518 by the Committee of the Whole.
March 20, 2018	The Committee of the Whole marks up Bill 22-518.

III. POSITION OF THE EXECUTIVE

Todd McIntyre, Chief of Staff, District Department of Transportation, testified on behalf of the Executive in support of the alley naming of Bill 22-518. His testimony is summarized below.

¹⁴ See D.C. Official Code § 9-204.24(a)(3). There is no previous name that the Committee is aware of.

¹⁵ *Id.* However, there are no signs of a previous name for this alley.

¹⁶ See D.C. Official Code § 9-204.24(a)(1).

¹⁷ See D.C. Official Code § 9-204.24(a)(2).

¹⁸ D.C. Official Code § 9-204.24(c).

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter dated August 3, 2017, ANC 1B, in which the proposed official designation is located, voted 9-0, in support of renaming the alley in Square 3094 as “Ernest Everett Just Court.”

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 22-518 on Monday, February 26, 2018. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Ethan Arnheim, Public Witness, testified in support of the “Ernest Everett Just Court” designation. As the initiator for this designation, Mr. Arnheim explained that the designation will facilitate the assignment of addresses and improve GPS-enabled services. Mr. Arnheim also explained the historical significance of naming the alley after Dr. Ernest Everett Just.

Anita Norman, Commissioner ANC 1B01, testified in support of the “Ernest Everett Just Court” designation. Commissioner Norman explained that naming the alley will assist efforts to decrease crime in the neighborhood by improving public safety within the alley system.

David Eilets, Public Witness, shared concerns with the official designation of the alley within Square 3094. As a homeowner in the LeDroit Neighborhood, Mr. Eilets expressed that he worries that the official designation would create parking issues for residents. However, these concerns were alleviated at the hearing, as it became clear that the alley system would remain used as an alley even after a name is designated.

Don Lucas, Basileus, Alpha Omega Chapter, Omega Psi Phi Fraternity Incorporated, testified in support of the “Ernest Everett Just Court” designation. Mr. Lucas explained the historical significance of naming the alley in honor of Dr. Ernest Everett Just, founder of the Alpha Omega Chapter of Omega Psi Phi Fraternity, Inc. in Washington D.C.

Todd McInyre, Chief of Staff, District Department of Transportation, testified that the Executive supports the “Ernest Everett Just Court” designation. He noted that DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities.

The Committee received no opposition to Bill 22-518.

VI. IMPACT ON EXISTING LAW

Bill 22-518 has no impact on existing law. D.C. Official Code § 9-204.01¹⁹ authorizes the Council to designate any public space. D.C. Official Code § 9-204.03 authorizes the Council to

¹⁹ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

designate an official name for an alley “where an alley provides the only access to a residential or commercial property.”²⁰ Ernest Everett Just Court provides the only access to a vacant lot proposed for development within Square 3094. Additionally, “an official name of an alley shall contain the suffix Alley or Court,” such as the name proposed by Bill 22-518.²¹ Further, the Act provides that, with limited exception, no public space shall be named in honor of any living person or in honor of any person who has been deceased less than two years.²² Dr. Ernest Everett Just passed away in 1941.

VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2018 through fiscal year 2019 budget and financial plan to implement the provisions of the proposed legislation. Because the cost to the District Department of Transportation (DDOT) is an estimated \$60 per official sign for fabrication and \$110 for installation, the cost of Bill 22-518 can be absorbed, as noted in the Fiscal Impact Statement (attached).

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of Bill 22-518.
<u>Section 2</u>	Officially designates entire alley system in Square 3094, which is bounded by 4 th Street N.W., 5 th Street, N.W., T Street, N.W., and Florida Avenue, N.W., in Ward 1 as “Ernest Everett Just Court.”
<u>Section 3</u>	Directs the Council to transmit a copy of this act to the Mayor, the District Department of Transportation, and the Office of the Surveyor.
<u>Section 4</u>	Adopts the Fiscal Impact Statement.
<u>Section 5</u>	Establishes the effective date by stating the standard 30-day Congressional review language.

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 22-518 as introduced

²⁰ D.C. Code § 9-204.03(a).

²¹ D.C. Code § 9-204.03(c).

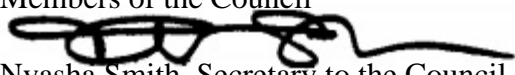
²² See D.C. Code § 9-204.05.

2. Written Testimony and Letters
3. Letter from ANC 1B
4. Fiscal Impact Statement for Bill 22-518
5. Legal Sufficiency Determination for Bill 22-518
6. Committee Print for Bill 22-518

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : October 13, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, October 10, 2017. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Ernest Everett Just Court Designation Act of 2017", B22-0518

INTRODUCED BY: Councilmember Nadeau

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To officially designate the alley in Square 3094 that runs east and west between the 1800 blocks of 4th Street, N.W., and 5th Street, N.W., and the 400 blocks of Florida Avenue, N.W., and T Street, N.W., in Ward 1 as “Ernest Everett Just Court” after the acclaimed biologist and Howard University professor who lived in a property on the court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ernest Everett Just Court Designation Act of 2017”.

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21), the Council officially designates the alley in Square 3094, that runs east and west between the 1800 blocks of 4th Street, N.W., and 5th Street, N.W., and the 400 blocks of Florida Avenue, N.W., and T Street, N.W., in Ward 1 as “Ernest Everett Just Court”.

Sec. 3. Transmittal.

The Chairman of the Council shall transmit a copy of this act, upon its effective date, to the Director of the District Department of Transportation, and the Office of the Surveyor.

Sec. 4. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the fiscal
2 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
3 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

4 Sec. 5. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto by the
6 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
7 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
8 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
9 Columbia Register.

Good morning friends and neighbors. I am regretful for my absence today but am excited to know that this hearing is finally taking place. Even though I am not there in person, I would still like an opportunity to describe my intentions behind this alley naming.

Although it may seem small to some, this alley name is an opportunity to honor the history of the neighborhood and also to recognize a largely underrepresented population in our nation.

The person who we've chosen to celebrate is the American artist, Lois Mailou Jones. Not only was she a Park View resident, but she was also a longtime professor at Howard University, a dedicated mentor, an avid activist, and most notably, a supremely gifted painter. Her work is widely recognized for its variety in subject matter and in style, evolving dramatically throughout her career.

Jones' work flourished during a time when racial prejudices and gender discrimination were historically strong in American culture. She won many important competitions, but often had to submit pieces through colleagues since African Americans were not typically allowed to apply. She found relief studying abroad in the more progressive city of Paris, but returned often to the United States to continue teaching and mentoring other emerging artists and designers.

The accomplishments of Lois Mailou Jones are greater than most people could ever hope to achieve in a lifetime, all while having to overcome the exceptionally challenging social obstacles of her time. Her work remains a substantial and remarkable contribution to the world of American art, gracing the permanent collections of the Metropolitan Museum of Art, Smithsonian American Art Museum, Hirshhorn Museum and Sculpture Garden, National Portrait Gallery, Boston Museum of Fine Arts, among others.

My husband and I bought this lot hoping to build a home, but little did I know, the street naming would become a much more significant part of our lives than I could have imagined. I hope you will consider honoring the legacy of this great woman. Thank you all for your attendance today and for hearing my testimony.

Warmly
Shelli Martinez

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
Bill 22-518, the “Ernest Everett Just Court Designation Act of 2017”

Testimony of
Todd McIntyre

Chief of Staff
Office of the Director
District Department of Transportation

Before the

Committee of the Whole

Council of the District of Columbia

Monday, February 26, 2018
11:30 a.m.
Hearing Room 123
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning Chairman Mendelson, members of the Council, staff, and District residents. My name is Todd McIntyre, and I am Chief of Staff at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Jeff Marootian regarding Bill 22-518, the “Ernest Everett Just Court Designation Act of 2017.”

The stated purpose of Bill 22-518 is to officially designate the alley at the intersection of the 1800 blocks of 4th Street NW and 5th Street NW, and the 400 blocks of Florida Avenue NW and T Street NW in Ward 1 as *Ernest Everett Just Court*. As per the requirements of DC Act 21-489, Section 421(g), I have attached to this testimony a copy of the surveyor’s plat showing square 3094 along the 400 block of Florida Avenue NW.

In fiscal terms, the cost of each installed sign for this designation is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation). This installation will require two signs. DDOT is able to absorb the costs of these signs within its current budget and does not foresee any operational impact this designation would have on the District’s transportation network.

Therefore, the Administration has no objection to this designation, and DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities that may materialize as a result of this Bill being passed.

This concludes my testimony. Thank you for allowing me the opportunity to testify before you today. I am available to answer any questions that you may have.

NAMING OF A PUBLIC ALLEY SQUARE 3094

T STREET, N.W.

5th STREET, N.W.

4th STREET, N.W.

SQ. 3094

FLORIDA AVENUE, N.W.

OFFICE OF THE SURVEYOR D.C.
_____ 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED

SURVEYOR D.C.

PURSUANT TO D.C. LAW, EFFECTIVE
THE ALLEY SHOWN THIS PLAT IS HEREBY DESIGNATED AS
"ERNEST EVERETT JUST COURT".

SURVEYOR'S OFFICE D.C.

Map No. 0001

Checked by A.E. [Signature]

Record and compliance by B. [Signature]

Revised on _____ Page _____ of 16/000

Scale 1 inch = 20 feet

File No. 17111

BY PLAT NUMBER AND LOCATION SHOWN HEREIN SUBJECT IS PUBLIC COURT



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 1B

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SUITE 100B
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August 3, 2017

Leif A. Dormsjo, Director
District of Columbia Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

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Director Dormsjo:

On August 3, 2017, at a public meeting and with a quorum of 9 of 12 Commissioners present, ANC 1B voted unanimously on the following items:

- Howard Theater Walk of Fame – TOPS application #207739
The Commission voted to support the application for Howard Theater Walk of Fame.
- LeDroit Park RPP street side designation
The Commission voted to support a request to the District Department of Transportation (DDOT) to install uniform parking signs throughout the boundaries of LeDroit Park with residential parking from Monday through Sunday (7:00 am- 12:00 am). The existing 2-hour parking should remain as is.
- Ernest Everett Just Court
The Commission voted to support a petition to designate an alley between 4 and 5 St NW and Florida and T St NW with an official name of Ernest Everett Just Court.

The SMD Commissioner shall have primary responsibility to stand for the Commission on matters within their SMD. Further, the Chair or, as defined on the attached, as delegate of the Chair, shall may communicate these actions to and testify before any agency of the Government of the District of Columbia or the members of the Council of the District of Columbia.

ON BEHALF OF THE COMMISSION.

James A. Turner
Chair ANC 1B, Commissioner 1B09

Jon Squicciarini
Secretary ANC 1B, Commissioner 1B04

1 **Committee Print DRAFT**
2 **Committee of the Whole**
3 **March 20, 2018**

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6
7 A BILL

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10 22-518

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12
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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15 _____
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17 To officially designate the entire portion of the alley system within Square 3094, bounded by 4th
18 Street, N.W., T Street, N.W., 5th Street, N.W., and Florida Avenue, N.W., in Ward 1, as
19 Ernest Everett Just Court.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Ernest Everett Just Court Designation Act of 2018”.

22 Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and
23 Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official
24 Code §§ 9-204.01, 9-204.03, and 9-204.21), the Council officially designates the entire portion
25 of the public alley system in Square 3094, which is bounded by 4th Street, N.W., T Street, N.W.,
26 5th Street, N.W., and Florida Avenue, N.W., in Ward 1, as “Ernest Everett Just Court”.

27 Sec. 3. Transmittal.

28 The Council shall transmit a copy of this act, upon its effective date, to the Mayor, the
29 District Department of Transportation, and the Office of the Surveyor.

30 Sec. 4. Fiscal impact statement.

31 The Council adopts the fiscal impact statement in the committee report as the fiscal
32 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
33 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

34 Sec. 5. Effective date.

35 This act shall take effect following approval by the Mayor (or in the event of veto by the
36 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
37 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
38 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
39 Columbia Register.