

**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: September 18, 2018

SUBJECT: Report on Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018”

The Committee of the Whole, to which Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018” was referred, reports favorably thereon with technical amendments, and recommends approval by the Council.

CONTENTS

I.	Background and Need	1
II.	Legislative Chronology	3
III.	Position of the Executive	4
IV.	Comments of Advisory Neighborhood Commissions	4
V.	Summary of Testimony	4
VI.	Impact on Existing Law	4
VII.	Fiscal Impact	5
VIII.	Section-by-Section Analysis	5
IX.	Committee Action	5
X.	Attachments	5

I. BACKGROUND AND NEED

On April 20, 2018 Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018” was introduced by Chairman Mendelson and Councilmember Nadeau to symbolically designate the 1200 block of U Street, N.W., in Ward 1, as Ben’s Chili Bowl Way, in honor of the establishment’s 60th anniversary. Typically, a symbolic naming is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name.

The proposed designation honors the long-term presence of Ben’s Chili Bowl (“Ben’s) as a community pillar in District. In 1958, Ben and Virginia Ali began renovating the original and location of Ben’s located at 1213 U Street, N.W. Built in 1910, the building first housed a silent movie house called the Minnehaha Theater. Later, Harry Beckley, one of the District’s first black police detectives converted it into a pool hall. On August 22, 1958, Ben’s opened for business and began serving its world-famous homemade chili.

Ben’s Chili Bowl has stood the test of time. “From the tumult of the late 60’s race riots to the tough times in the 70’s and 80’s and finally to the revitalization of the U Street Corridor beginning in

the 90's, Ben's has seen it all.”¹ Through the decades, Ben's has continued to give back to the community. On August 28, 1963, Ben's donated food to the participants in the March on Washington for Jobs and Freedom and later donated food to participants in the Southern Christina Leadership Conference's poor people's campaign. In the 1968 riots, Stokely Carmichael obtained special permission to keep Ben's open after curfew to provide food and shelter for those working to restore order after the riots.

Additionally, Ben's has received widespread recognition locally and nationally. On August 22, 1998, Ben's Chili Bowl celebrated its 40th anniversary and received coverage on CNN. The next year, the late DC Councilmember Jim Graham named the alley adjacent to Ben's (between Ben's and the Lincoln Theater) as “Ben Ali Way.” In 2001, Ben and Virginia Ali were inducted into the D.C. Hall of Fame. Later, on June 20, 2004, Ben's received the prestigious “Gallo of Sonoma America's Classics” restaurant award from the James Beard Foundation. On January 10, 2009, President-elect Barack Obama ate lunch at Ben's just ten days before his inauguration. The day was dubbed, “a great day for the Bowl.”²

Co-founder Ben Ali passed away on October 7, 2009. However, his legacy lives on through the work of his family, friends, and the Ben's Chili Bowl Foundation. The Ben's Chili Bowl Foundation was founded in 2010 and serves the District by engaging in community projects throughout the city and raises funds for individual corporations to fund various organizations.

Additionally, Ben's continues to expand, beginning in 2008 with the opening of an outpost at Nationals Stadium and Ben's Next Door located on U Street. Subsequent location openings have included H Street, Reagan National Airport, Fed Ex Field, and Rosslyn. Ben's Chili Bowl launched the first annual world chili eating championship at Taste of DC in 2011. On September 1, 2012, the mural painted by Aniekan Udofia in Ben Ali Way opened to the public. On June 21, 2017, Ben's revealed its newest mural at its U Street location running along the adjacent Ben Ali Way. Dave Chappelle and a variety of other celebrities and Ben's supporters came out for the unveiling. Most recently, hundreds gathered on August 21, 2018 to celebrate Ben's 60th Anniversary at its famous and historic U Street Location.³

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. 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.⁴ 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.⁵

¹ <http://benschilibowl.com/about-us/>

² <http://benschilibowl.com/history/>

³ Ben's 60th anniversary celebration included the reveal of the “Ben's Chili Bowl” designation. This was made possible prior to the mark up of this bill (Bill 22-793) through emergency legislation that went into effect July 10, 2018. See R. 22- 574.

⁴ See D.C. Official Code § 9-204.01 *et seq.*

⁵ See D.C. Law 21-0161, effective from Oct. 8, 2016, Published in the *DC Register* Vol 63 and Page 12933.

An “official name” refers to the legal designation of an alley or a street for mailing address and other purposes,⁶ whereas a “symbolic name” for a street or alley shall be in addition to and subordinate to any name that is an official name.⁷ An official name of an alley shall contain the suffix “Alley” or “Court.”⁸ A symbolic name of a street or alley shall contain only the suffix “Way” or “Plaza.”⁹ As established by Bill 22-793, “Ben’s Chili Bowl Way” is a symbolic street designation for the 1200 block of U Street, N.W., in Ward 1.

The Act also establishes a notice requirement for symbolic designations. Pursuant to D.C. Official Code § 9-204.23(b), the ANC in which the symbolic designation is located must be put on notice of the public hearing regarding the proposed naming.¹⁰ On June 1, 2018 ANC 1B was put on notice by the Committee of the Whole.

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.¹¹ This has been done, and the plat is attached to this report. After the symbolic street or alley designation legislation becomes law and all conditions required by the Council and the Act have been satisfied, the District Department of Transportation (“DDOT”) shall install signage indicating the symbolic name of the alley or street, or portion thereof. Additionally, the Surveyor of the District of Columbia shall record a copy of such act and the Surveyor’s plat in the Office of the Surveyor.¹²

Symbolically designating 1200 block of U Street, N.W., in Ward1, as Ben’s Chili Bowl Way will honor Ben’s Chili Bowl’s long-term presence in the District of Columbia and its countless community contributions. Thus, the Committee of the Whole recommends the approval of Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018.”

II. LEGISLATIVE CHRONOLOGY

April 20, 2018	Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018” is introduced by Chairman Mendelson and Councilmember Nadeau.
April 27, 2018	Notice of Intent to Act on Bill 22-793 is published in the <i>DC Register</i> .
May 1, 2018	Bill 22-793 is officially referred to the Committee of the Whole.
June 8, 2018	Notice of Public Hearing on Bill 22-793 is published in the <i>DC Register</i> .
July 9, 2018	A Public Hearing is held on Bill 22-793 by the Committee of the Whole.

⁶ D.C. Official Code § 9-201.01(5A).

⁷ D.C. Official Code § 9-204.03a(a).

⁸ D.C. Official Code § 9-204.03(c).

⁹ D.C. Official Code § 9-204.03a(c).

¹⁰ Notably, D.C. Official Code § 9-204.23(b) does not specify a time requirement as to when an ANC must be put on notice of a public hearing regarding a symbolic designation.

¹¹ See D.C. Official Code § 9-204.21(g).

¹² D.C. Official Code § 9-204.24(c).

September 18, 2018 The Committee of the Whole marks up Bill 22-793.

III. POSITION OF THE EXECUTIVE

Dan Emerine, Manager, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, testified on behalf of the Executive that it had “no objection” to the symbolic designation pursuant to Bill 22-793. His testimony is summarized below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

No Advisory Neighborhood Commission offered comments regarding Bill 22-793.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills including Bill 22-793 on Monday, July 9, 2018. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Bernard Demczuk, Historian, Ben’s Chili Bowl, testified in support of the Ben’s Chili Bowl Way designation. Mr. Demczuk offered historical background information on Ben’s Chili Bowl and explained its significance to the surrounding community and impact on the District.

Nizam Ali, Co-Owner, Ben’s Chili Bowl, testified in support of the Ben’s Chili Bowl Way designation. Mr. Ali discussed the Ben’s Chili Bowl’s background and highlighted the work his parents put into opening the establishment and maintaining its timeless presence in the District.

Dan Emerine, Manager, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, testified that the Executive has no objection to Bill 22-793. He stated that DDOT will install signage indicating the designation and stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities that may materialize.

The Committee received no comments in opposition to Bill 22-793.

VI. IMPACT ON EXISTING LAW

Bill 22-793 has no impact on existing law. D.C. Official Code § 9-204.01¹³ authorizes the Council to name any public space. D.C. Official Code § 9-204.03(a) authorizes the Council to designate a symbolic name for an alley “that shall be in addition to and subordinate to any name that is an official name.”¹⁴ Bill 22-793 symbolically designates the 1200 block of U Street, N.W., in Ward

¹³ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

¹⁴ D.C. Code § 9-204.03(a).

1, as “Ben’s Chili Bowl Way.” Additionally, “a symbolic name of a street or alley shall contain only the suffix Way or Plaza,” such as the name proposed by Bill 22-793.¹⁵ Lastly, 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.¹⁶ Ben’s Chili Bowl Way is in honor of a place, and not a person.

VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 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 22-793 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 22-793.
<u>Section 2</u>	Symbolically designates the 1200 block of U Street, N.W., in Ward 1, as “Ben’s Chili Bowl Way.”
<u>Section 3</u>	Adopts the Fiscal Impact Statement.
<u>Section 4</u>	Establishes the effective date by stating the standard 30-day congressional review language.

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 22-793 as introduced
2. Written Testimony
3. Surveyor’s Plat
4. Fiscal Impact Statement for Bill 22-793
5. Legal Sufficiency Determination for Bill 22-793
6. Committee Print for Bill 22-793

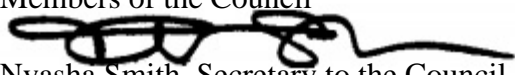
¹⁵ D.C. Code § 9-204.03(c).

¹⁶ See D.C. Code § 9-204.05.

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 : April 24, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, April 20, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Ben's Chili Bowl Way Designation Act of 2018", B22-0793

INTRODUCED BY: Councilmembers Nadeau, Allen, R. White, Grosso, McDuffie, Cheh, Bonds, Evans, Gray, T. White, Todd, Silverman, and Chairman Mendelson

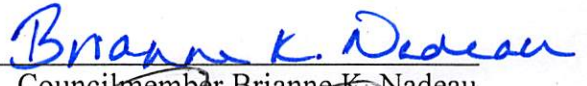
The Chairman is referring this legislation to the Committee of the Whole.

Attachment

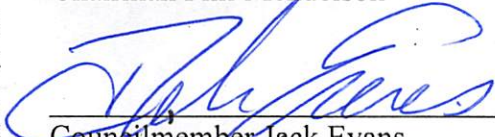
cc: General Counsel
Budget Director
Legislative Services



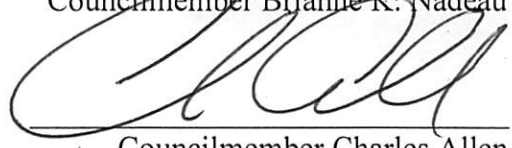
Chairman Phil Mendelson



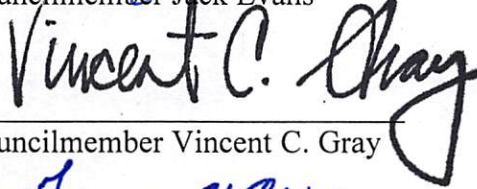
Councilmember Brianna K. Nadeau



Councilmember Jack Evans



Councilmember Charles Allen



Councilmember Vincent C. Gray



Councilmember Robert C. White, Jr.



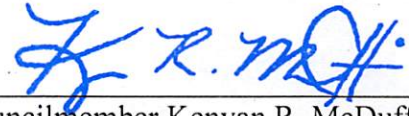
Councilmember Trayon White, Sr.



Councilmember David Grosso



Councilmember Brandon T. Todd



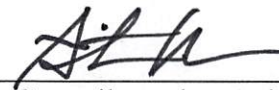
Councilmember Kenyan R. McDuffie



Councilmember Elissa Silverman



Councilmember Mary M. Cheh



Councilmember Anita Bonds

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To symbolically designate the 1200 block of U Street, N.W., in Ward 1, as Ben's Chili Bowl Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ben's Chili Bowl Way Designation Act of 2018".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official

1 Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 1200 block
2 of U Street, N.W., in Ward 1, as “Ben’s Chili Bowl Way”.

3 Sec. 3. Fiscal impact statement.

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

7 Sec. 4. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto by the
9 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
10 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
11 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
12 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
B22-0746, the “Outlaw Way Designation Act of 2018”
B22-0788, the “Hannah Hawkins Place Designation Act of 2018”
B22-0747, the “Bruce Robey Way Designation Act of 2018”
Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018”
B22-0787, the “Rev. W.W. Flood Way Designation Act of 2018”
Bill 22-697, the “Mazie Washington Way Designation Act of 2018”

Testimony of
Dan Emerine

Manager, Policy and Legislative Affairs Division
Office of the Director
District Department of Transportation

Before the
Committee of the Whole

Council of the District of Columbia

Monday, July 9, 2018
1:30 p.m.
Hearing Room 412
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 Dan Emerine, and I am Manager of the Policy and Legislative Affairs Division in the Office of the Director 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 22-0746, the “Outlaw Way Designation Act of 2018;” Bill 22-0788, the “Hannah Hawkins Place Designation Act of 2018;” Bill 22-0747, the “Bruce Robey Way Designation Act of 2018;” Bill 22-793, the “Ben’s Chili Bowl Way Designation Act of 2018;” B22-0787, the “Rev. W.W. Flood Way Designation Act of 2018;” and Bill 22-697, the “Mazie Washington Way Designation Act of 2018.”

The stated purpose of Bill 22-0746 is to symbolically designate the 200 block of 10th Street, N.E. in Ward 6 as *Outlaw Way*. 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 the public street between square 939 and 964. In fiscal terms, the cost of each installed sign for these designations is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation). Sufficient signage requires two total signs, totaling \$340.

The stated purpose of Bill 22-0788 is to officially designate the 2100 and 2200 blocks of Mount View Place, S.E. in Ward 8 as *Hannah Hawkins Place*. 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 the public street between Squares 5805, 5802, and 5800. In fiscal terms, the cost of each installed sign for these designations is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation). Sufficient signage requires two total signs, totaling \$340.

The stated purpose of Bill 22-0747 is to officially designate the alley that runs east and west between the 600 blocks of 11th and 12th Streets, N.E., and the 1100 blocks of G and F Streets, N.E., in Ward 6 as *Bruce Robey Way*. 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 the alley in Square 983. In fiscal terms, the cost of each installed sign for these designations is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation). Sufficient signage requires one sign, totaling \$170.

The stated purpose of Bill 22-0793 is to symbolically designate the 1200 block of U Street, N.W. in Ward 1 as *Ben's Chili Bowl Way*. 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 the public street between square 273 and 274. In fiscal terms, the cost of each installed sign for these designations is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation). Sufficient signage requires two total signs, totaling \$340.

The stated purpose of Bill 22-0787 is to symbolically designate the unit block of Brandywine Street, S.E. in Ward 8 as *Rev. W.W. Flood Way*. 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 the public street in Squares 6171 and 6171 N.

In fiscal terms, the cost of each installed sign for these designations is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation).

Sufficient signage requires two total signs, totaling \$340.

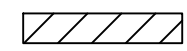
The stated purpose of Bill 22-697 is to symbolically designate the 4900 block of Nannie Helens Burroughs Avenue, N.E. in Ward 7 as *Mazie Washington Way*. As per the requirements of DC Act 21-489, Section 421(g), I have attached to this testimony a copy of the surveyor's plat showing the public alley in square 5148. In fiscal terms, the cost of each installed sign for these designations is approximately \$170 (\$60 for sign fabrication and \$110 for sign installation).

Sufficient signage requires two total signs, totaling \$340.

Sufficient signage requires 11 total signs, totaling \$1,870. 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 these designations, and DDOT stands ready to assist the Council and all other stakeholders with any ceremonial unveiling activities that may materialize as a result of these Bills 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.

PURSUANT TO D.C. LAW _____ EFFECTIVE _____,
THE STREET SHOWN THUS:  IS SYMBOLICALLY DESIGNATED
AS "BEN'S CHILI BOWL WAY".

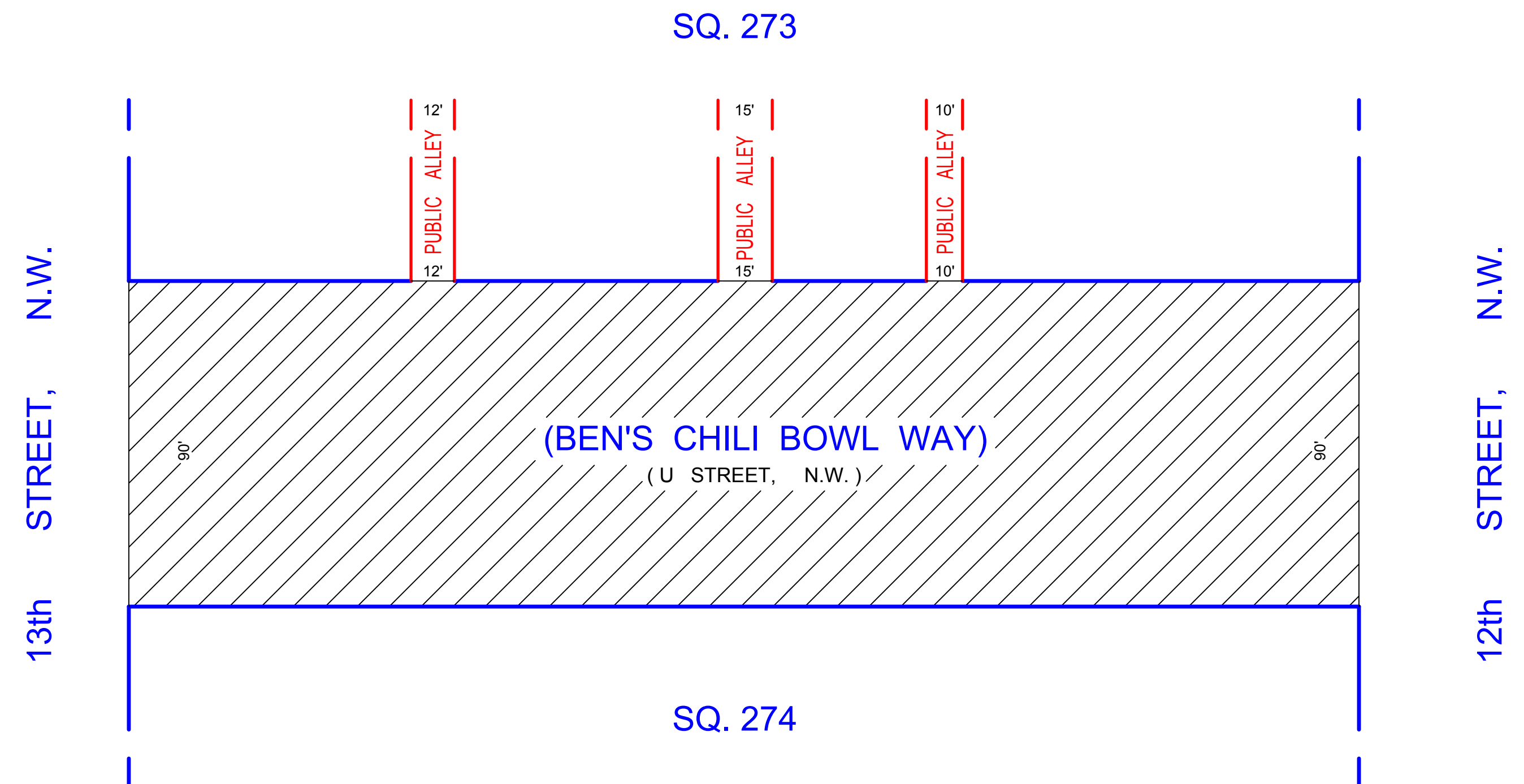
SYMBOLIC NAMING OF A PUBLIC STREET

1200 BLOCK OF U STREET, N.W.

OFFICE OF THE SURVEYOR, D.C.
_____, 2018

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.

Made for: DDOT
Drawn by: A.S. Checked by: _____
Record and computations by: B. MYERS
Recorded at: _____
Recorded in Book _____ Page _____ SR-18-0000
Scale: 1 inch = 30 feet File No. 18-11111

1 **September 18, 2018**
2 **Committee of the Whole**
3 **Committee Print DRAFT**
4
5
6

7 A BILL
8

9
10 22-793
11

12
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
14
15 _____
16

17 To symbolically designate the 1200 block of U Street, N.W., in Ward 1, as Ben’s Chili Bowl
18 Way, in honor of the establishment’s 60th anniversary.

19
20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Ben’s Chili Bowl Way Designation Act of 2018”.

22 Sec. 2. Pursuant to sections 401, 403a, and 423 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, 9-204.03a, and 9-204.23), the Council symbolically designates the 1200 block
25 of U Street, N.W., in Ward 1, as “Ben’s Chili Bowl Way”.

26 Sec. 3. Fiscal impact statement.

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

30 Sec. 4. Effective date.

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

34 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
35 Columbia Register.