

**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: January 21, 2019

SUBJECT: Report on Bill 23-366, the “Zaire Kelly Park Designation Act of 2020”

The Committee of the Whole, to which Bill 23-366, the “Zaire Kelly Park Designation Act of 2020” was referred, reports favorably thereon with minor amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On March 5, 2019, Bill 23-366, the “Zaire Kelly Park Designation Act of 2020,” was introduced by Councilmembers McDuffie and Trayon White, to officially designate the park located in the W Street, N.E. right of way not used for street purposes at the corner of 13th Street, N.E., and Downing Street, N.E., as Zaire Kelly Park. The committee print is amended to reference the specific right-of-way where the park is located. An official naming of a public space typically enables installation of signage.

Zaire Beloved Kelly was born on October 19, 2000 and lived with his family in the Brentwood Neighborhood in Ward 5. He attended Thurgood Marshall Academy Public Charter School where, as a senior, he was contemplating a run for class president. He was a high academic achiever as well as a member of the track and basketball teams. Zaire participated in a college prep course in anticipation of attending Florida Agricultural and Mechanical University.¹ He was a Ward 5 representative to the Marion Barry Youth Leadership Institute and in August 2017,

¹ Zaire Kelly Ceremonial Recognition Resolution of 2017, ACR 22-266, 65 DCR 849 (eff. February 2, 2018).

Attorney General Karl Racine awarded Zaire Kelly the “Right Direction Award” for being an “exceptional role model for his peers.”

On September 20, 2017, Zaire’s identical twin brother, Zion Kelly, was walking home through a small park near W Street, N.E. when he was confronted by a man flashing a gun and demanding to use his phone. Zion refused and fled home and then texted Zaire to warn him to be careful on his way home due to the encounter. Shortly after, Zaire was targeted by same man, 19-year old Sequan Gillis, in the park near his home. Zaire defended himself by stabbing his assailant and then Gillis shot Zaire once in the head.²

After the tragedy, a wave of praise for Zaire Kelly and support for his family came from across the District. His family became advocates for more protection from guns, especially around schools. Zion has become an advocate for stricter gun laws and participated in the 2019 March for Our Lives Rally that was organized by students from a Florida high school that experienced a mass shoot. Zion made it his mission to draw attention to urban gun violence which disproportionately affects racial minorities but doesn’t get the high-profile coverage of mass shootings.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, and the naming of public spaces. Specifically, the Act authorizes the Council to designate or change the name of any public space in the District of Columbia.⁴ Public spaces include “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.”⁵

The Act establishes a notice requirement for the official designation of public spaces: at least 30 days prior to the scheduled public hearing, the initiator of the proposed designation shall submit a copy of the legislation for review and comment to each Advisory Neighborhood Commission (“ANC”) in which the public space is located. Regarding Bill 23-366, ANC 5C was notified of the proposed name on October 28, 2019.

The Act also promulgates requirements that the Mayor must meet prior to consideration of a public space designation by the Council. First, the Mayor shall provide the Council with comments on the proposed designation submitted by any District agency with jurisdiction over the public space to be designated.⁶ The District Department of Transportation (DDOT), which has jurisdiction over the park due to its location in the W Street right-of-way, attended the November 26, 2019 hearing on Bill 23-366 and submitted comments as part of its testimony, thus meeting

² Peter Hermann, *A twin two outran a would-be robber texted his brother about the danger in a D.C. park. It didn’t save him.* WASHINGTON POST, September 23, 2017.

³ Vanessa Johnston, *His twin shot dead, a Washington teen shines spotlight on gun crime.* REUTERS, June 1, 2018.

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

⁵ D.C. Official Code § 9-204.11(2)(A).

⁶ D.C. Official Code § 9-204.22(b).

this requirement. Second, prior to consideration of a designation by the Council, the Mayor shall provide to the Council a surveyor's plat showing the public space to be designated, including any squares adjacent and abutting squares to the designation.⁷ The Office of the Surveyor provided the Council with a plat of the designation prior to mark up by the Committee of the Whole. That updated plat is attached to this report.

After the legislation becomes law and all conditions required by the Council and the Act have been satisfied, the Mayor will install signage denoting the public space name.⁸ The signage shall conform to the policies of the agency with jurisdiction over the public space, in this case DDOT.⁹ Additionally, the Surveyor of the District of Columbia shall record a copy of the act and the Surveyor's plat in the Office of the Surveyor.¹⁰

Officially designating the park where Zaire Kelly's tragic death occurred as "Zaire Kelly Park" will honor the memory of Zaire Kelly and will serve as a reminder for anyone walking through the park of the potential of this successful young man that was cut short due to senseless gun violence. Thus, the Committee of the Whole recommends the approval of Bill 23-366, the "Zaire Kelly Park Designation Act of 2020."

II. LEGISLATIVE CHRONOLOGY

June 25, 2019	Bill 22-366, the "Zaire Kelly Park Designation Act of 2020" is introduced by Councilmember McDuffie. The bill is co-introduced by Councilmember Trayon White.
July 5, 2019	Notice of Intent to Act on Bill 23-366 is published in the <i>DC Register</i> .
July 9, 2019	Bill 22-366 is "read" at a legislative meeting and the referral to the Committee of the Whole is official.
October 25, 2019	Notice of Public Hearing on Bill 23-366 is published in the <i>DC Register</i> .
November 26, 2019	A Public Hearing is held on Bill 23-366 by the Committee of the Whole.
January 17, 2020	The Committee of the Whole marks up Bill 23-366.

III. POSITION OF THE EXECUTIVE

Lee Goodall, Chief of Staff, Office of the Director, District Department of Transportation, testified on behalf of the Executive that it had "no objection" to the street naming in Bill 23-366.

⁷ D.C. Official Code § 9-204.22(c)(1)-(3).

⁸ D.C. Official Code § 9-204.24(b).

⁹ *Id.*

¹⁰ D.C. Official Code § 9-204.24(c).

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee did not receive any comments from ANC 5C within which the park resides.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills including Bill 23-366 on Thursday, November 26, 2019. The testimony summarized below pertains to Bill 23-366. Copies of written testimony are attached to this report.

Curtis Kelly, Father of Zaire Kelly, testified in support of the proposed designation and spoke to his son's optimism and his impact on his peers.

Zanette Childs, Mother of Zaire Kelly, testified in support of the proposed designation of the park that was dark and desolate at the time of Zaire's death but which is now evolving and has been given new life.

Jessica Gray, Aunt of Zaire Kelly, read the prepared testimony of Zion Kelly in support of the legislation.

Lauren Price, Friend of Kelly Family, testified in support of the proposed legislation.

Lee Goodall, Chief of Staff, Office of the Director, District Department of Transportation, testified on behalf of the Executive that it had "no objection" to the designation.

The Committee received no testimony or comments in opposition to Bill 23-366.

VI. IMPACT ON EXISTING LAW

Bill 23-366 has no impact on existing law. D.C. Official Code § 9-204.01 authorizes the Council to designate (i.e. name) any public space, including facilities.¹¹ Further, the Act generally provides that 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.¹² Mr. Kelly passed away in 2017.

VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2020 budget and proposed fiscal year 2021 through fiscal year 2023 budget and financial plan to implement the provisions of the proposed legislation. DDOT testified that fabrication of signage for the new park can be absorbed, as noted in the Fiscal Impact Statement (attached).

¹¹ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

¹² See D.C. Code § 9-204.05.

VIII. SECTION-BY-SECTION ANALYSIS

- Section 1 States the short title of Bill 23-366.
- Section 2 Officially designates the park located the W Street, N.E. right-of-way as Zaire Kelly Park.
- Section 3 Adopts the Fiscal Impact Statement.
- Section 4 Establishes the effective date by stating the standard 30-day congressional review language.

IX. COMMITTEE ACTION

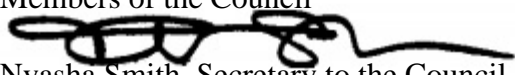
X. ATTACHMENTS

1. Bill 23-366 as introduced.
2. Written Testimony.
3. Surveyor's Plat.
4. Fiscal Impact Statement for Bill 23-366.
5. Legal Sufficiency Determination for Bill 23-366.
6. Committee Print for Bill 23-366.

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 : June 27, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, June 25, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Zaire Kelly Park Designation Act of 2019", B23-0366

INTRODUCED BY: Councilmembers McDuffie and T. White

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

Attachment

cc: General Counsel
Budget Director
Legislative Services

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Councilmember Trayon White, Sr.,



Councilmember Kenyan R. McDuffie

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To designate the park located at the corner of 13h Street, N.E., and Downing Street N.E., Ward 5, as Zaire Kelly Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Zaire Kelly Park Designation Act of 2019”.

Sec. 2. Pursuant to section 401 and 422 of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 and 9-204.22), the Council designates the park located at the corner of 13th Street, N.E., and Downing Street N.E., in Ward 5, as “Zaire Kelly Park”.

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Director of the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the 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.

November 20, 2019, 2019

COMMITTEE OF THE WHOLE PUBLIC HEARING TESTIMONY

Re: B23-366, Zaire Kelly Park Designation Act of 2019

Ti'Keya Lawrence
2900 Sand Creek Way
District Heights, MD 20747
(202)550-6177

Council Chairman Mendelson and other distinguished committee members, thank you for considering B23-366, Zaire Kelly Park Designation Act of 2019.

I urge you to pass this important legislation. This is important because it shows support for the safety and wellbeing of the residents and visitors in that community and the city of Washington D.C.. The violence, particularly gun violence, in the city is deplorable. All efforts to keep the citizens and visitors of the city safe should be made. The Park not only serves now as a memorial but also a place where people in the community can come together to have a good time, some peace, and enjoy nature. Zaire Kelly was a great young man and great things should take place in this park. I urge your support.

Thank you for your attention to this request and commitment to safety and wellbeing to all Washington, DC residents and visitors.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
Bill 23-68, the “Bishop Sherman S. Howard Way Designation Act of 2019”
Bill 23-88, the “Downs Way Designation Act of 2019”
Bill 23-104, the “Tingey Square Designation Act of 2019”
Bill 23-366, the “Zaire Kelly Park Designation Act of 2019”
Bill 23-449, the “Kappa Alpha Psi Way Designation Act of 2019”
Bill 23-455, the “Rev. Roy Settles Way Designation Act of 2019”

Testimony of
Lee Goodall

Chief of Staff
Office of the Director
District Department of Transportation

Before the
Committee of the Whole

Council of the District of Columbia

Tuesday, November 26, 2019
11:30 a.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 Lee Goodall, 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 23-68, the “Bishop Sherman S. Howard Way Designation Act of 2019”; Bill 23-88, the “Downs Way Designation Act of 2019”; Bill 23-104, the “Tingey Square Designation Act of 2019”; Bill 23-366, the “Zaire Kelly Park Designation Act of 2019”; Bill 23-449, the “Kappa Alpha Psi Way Designation Act of 2019”; and Bill 23-455, the “Rev. Roy Settles Way Designation Act of 2019”.

The stated purpose of Bill 23-68 is to symbolically designate the 900 Block of Underwood Street, N.W., between Georgia Avenue, N.W., and Piney Branch Road, N.W. in Ward 4, as *Bishop Sherman S. Howard Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. In fiscal terms, the cost of each installed sign for this designation is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation). Sufficient signage requires two total signs, totaling \$380.

The stated purpose of Bill 23-88 is to symbolically designate the 800 Block of Decatur Street, N.E. in Ward 4, as *Downs Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. In fiscal terms, the cost of each installed sign for this designation

is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation).

Sufficient signage requires two total signs, totaling \$380.

The stated purpose of Bill 23-104 is to officially designate the portions of Tingey Street, S.E., and N Street, S.E., between New Jersey Avenue, S.E., abutting Squares 770, 771 and W-771, in Ward 6, as *Tingey Square*. 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 square and the aforementioned portions of Tingey Street, N Street and New Jersey Avenue in S.E. abutting Squares 770, 771 and W-771. In fiscal terms, the cost of each installed sign for this designation is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation). Sufficient signage requires four total signs, totaling \$760.

The stated purpose of Bill 23-366 is to officially designate the public right of way located at the corner of 13th Street, N.E., and Downing Street, N.E. in Ward 5 as the *Zaire Kelly Park*. 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 relevant right-of-way adjacent to Squares 3942, 3950, 3952 and 4107. In fiscal terms, Council funded \$150,000 to DDOT to improve the public space including adding lighting, benches, landscaping, and signage so DDOT does not require additional dollars for sign fabrication or installation. I should note, DDOT will maintain its right-of-way in this public space in case a future W Street, N.E. connection is necessary. If so, the agency will engage the Brentwood residents in a

public process for the redesign of W Street, N.E. and any design or siting of a Zaire Kelly Park.

The stated purpose of Bill 23-449 is to symbolically designate S Street, N.W., between New Hampshire, N.W., and 17th Street, N.W. in Ward 2 as *Kappa Alpha Psi Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. In fiscal terms, the cost of each installed sign for this designation is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation). Sufficient signage requires two total signs, totaling \$380.


The stated purpose of Bill 23-455 is to symbolically designate the 1400 Block of Minnesota Avenue, S.E. in Square 5605 in Ward 8 as *Rev. Roy Settles Way*. For visualization purposes, I have attached to this testimony a copy of a DDOT-generated map highlighting the designated street. In fiscal terms, the cost of each installed sign for this designation is approximately \$190 (\$65 for sign fabrication and \$125 for sign installation). Sufficient signage requires two total signs, totaling \$380.

Sufficient signage requires 12 total signs, totaling \$2,280. DDOT is able to absorb the costs of these signs within its current budget and does not foresee any operational impact these designations 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.

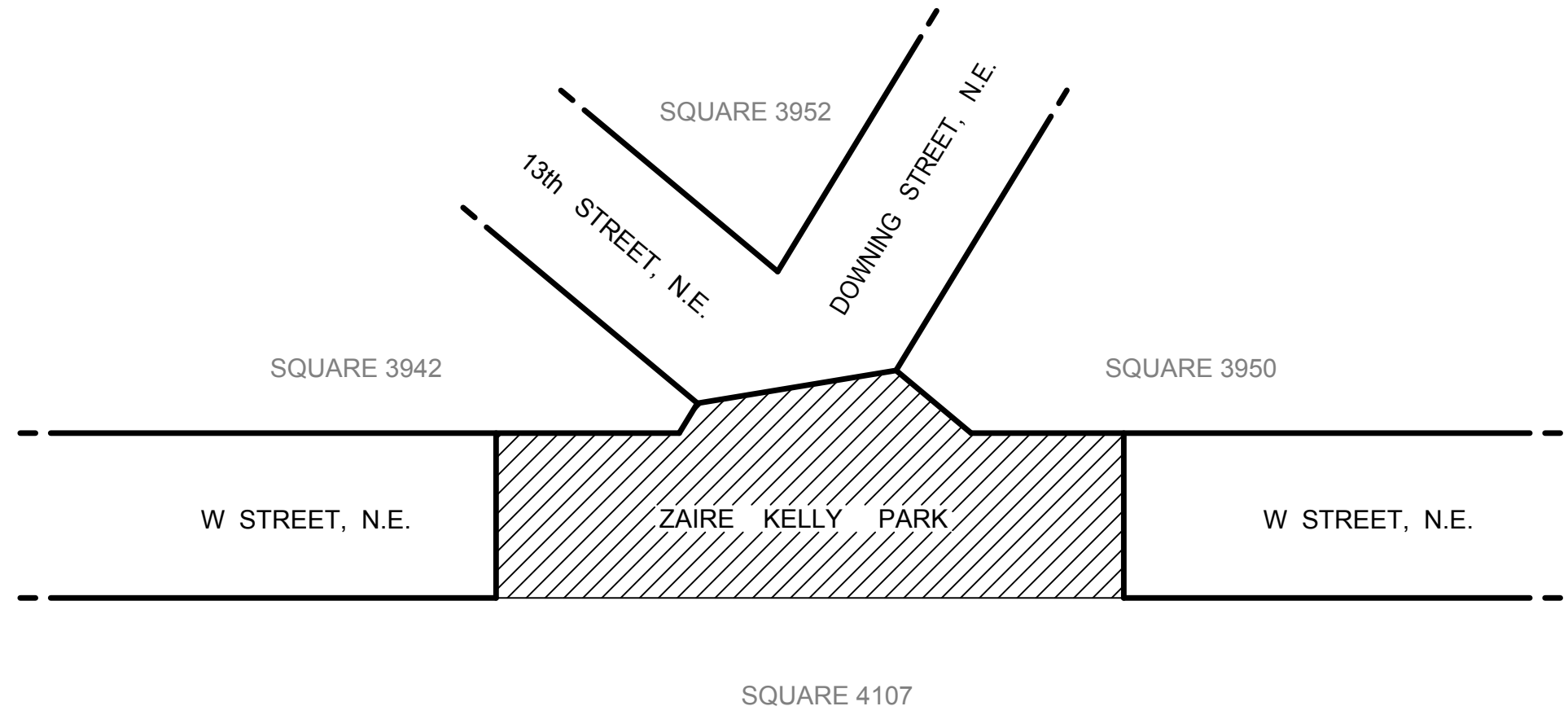
NAMING OF A PARK
ZAIRE KELLY PARK
SQUARES 3942, 3950, 3952 & 4107

PURSUANT TO D.C. LAW _____ EFFECTIVE _____,
 THE AREA SHOWN THUS:  IS HEREBY DESIGNATED AS
 "ZAIRE KELLY PARK".

OFFICE OF THE SURVEYOR, D.C.
 _____, 2019

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.	
Made for: <u>B-23-366</u>	
Drawn by: <u>A.S.</u>	Checked by: _____
Record and computations by: <u>B. MYERS</u>	
Recorded at: _____	
Recorded in Book _____	Page _____ SR-20-0000
Scale: 1 inch = 60 feet	File No. 19-11111

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **January 17, 2020**

4
5 A BILL

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8 23-366
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10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To officially designate the park located in the W Street, N.E. right of way not used for street
16 purposes at the corner of 13th Street, N.E., and Downing Street, N.E., as Zaire Kelly Park.
17

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19 act may be cited as the “Zaire Kelly Park Designation Act of 2020”.

20 Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition
21 Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-
22 204.01 and 9-204.22) (“Act”) the Council officially designates the park located in the W Street,
23 N.E. right of way not used for street purposes at the corner of 13th Street, N.E., and Downing
24 Street, N.E., as “Zaire Kelly Park.”

25 Sec. 3. Fiscal impact statement.

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

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33 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of

