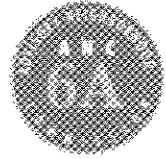


District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



November 14, 2008

Ms. Karina Ricks, Associate Director
District of Columbia Department of Transportation
2000 14th Street NW, 5th Floor
Washington, DC 20009

Re: ANC 6A Recommendations to the DDOT Proposed Curb Cut Regulations

At our regularly scheduled public meeting on November 13, 2008, our Commission voted unanimously to provide the comments below to DDOT regarding the proposed rulemaking to add new sections (1201, 1202, 1203) to Title 24 DCMR, Chapter 12.

1. Add the following new subsections within Section 1201.6:
 - "The property is classified as vacant."
 - "Alterations of the property no longer permits access to parking on private property."
2. Add a section after Section 1201.5: "If DDOT determines there is an unpermitted curb cut or driveway where DDOT is replacing the curb line, the abutting property owner shall be given notice and a period of sixty (60) days to either submit proof of an existing permit or obtain a new public space permit. If no permit is produced, DDOT may remove the curb cut at DDOT's expense."
3. Develop guidelines for use by the Public Space Committee when considering curb cut applications. The guidelines should include clearly stated planning, density, and land use objectives.
4. In Section 1203.1, elaborate on the circumstances that will lead to revocation of a public space permit.
5. Amend the regulations to cover situations where the property owner or lessee is applying for a permit (public space or building) or getting a permit revoked.
6. Add a new section (e.g., 1204) regarding notification which would allow for A) proper notice to ANCs and that sixty (60) days be allowed for comments on all driveway and curb cut permit applications and B) property owners be given sixty (60) days' notice to challenge proposed curb cut revocations.
7. Clarify Sections 1201.2 and 1201.3.

Additionally, our commission agrees with the positions stated in the Stanton Park Neighborhood Association's letter (attached). If you have any questions, please contact ANC 6A Transportation Committee Chair Omar Mahmud at (202) 546-1520 or via email at familymahmud@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Ms. Alice Kelly, DDOT Program Manager, Public Space Branch
Mr. Monte Edwards, SPNA Land Use Committee



Ms. Alice Kelly
Program Manager, Public Space Branch
District Department of Transportation
2000 14th Street, N.W., 5th Floor
Washington, D.C. 20009

And by email to: alice.kelly@dc.gov

October 16, 2008

Dear Ms. Kelly:

The Stanton Park Neighborhood Association (SPNA) appreciates the opportunity provided by the District Department of Transportation at 55 *D.C. Register* 9860-9863, September 19, 2008, to comment on its proposed rulemaking regarding curb cuts and driveways. SPNA has comments on proposed 24 District of Columbia Municipal Regulations (DCMR) sections 1202 and 1203.

Stanton Park Neighborhood Association (SPNA) is a civic association that works for improvement of the Stanton Park neighborhood by representing the interests of the community in the area bounded by East Capitol Street, 10th Street NE, H Street NE, and 2nd Street NE.

Section 1202: SPNA recommends deleting proposed section 1202, Special Needs, for two reasons. First, an existing regulation (18DCMR 2710) already provides for a reserved parking space at a permanently disabled person's residence. Second, regarding a commercial property owned by a permanently disabled person, it is unjustified to allow a curb cut there, since another existing regulation provides that person with a special license tag or a special parking permit, and the commercial benefit (cutting the curb for one commercial applicant) must be balanced against the public detriment. When deleting section 1202, three other changes should be made for consistency:

- (1) Delete the last phrase of proposed section 1201.4 (" or there is a special need as provided in section 1202"), because it refers to section 1202.
- (2) Delete the last sentence of proposed section 1201.8, because it refers to section 1202. Note that this sentence has problems as well (since it would encourage making double curb cuts without clear justification, wording which yields even more of a public detriment than does the wording of section 1202 itself, as described above). This sentence would need to be deleted even if section 1202 were retained.
- (3) Proposed section 1203 should be renumbered as section 1202, as a conforming change, once the proposed section 1202 is deleted, so that there is no gap in the section numbering.

SPNA strongly supports the continued implementation of 18 DCMR, Chapter 27, Special Parking Privileges for Physically Disabled. This chapter allows a disabled resident or non-resident of the District to obtain the privileges if that person meets the eligibility requirements of 18 DCMR 2701.1, Eligibility. These privileges include applying for:

- (1) A reserved parking space or a special license tag or parking permit, for persons with a permanent disability covered by 18 DCMR 2701.1(a)-(d);
- (2) A reserved parking space, for persons with a permanent disability covered by 18 DCMR 2701.1(a) or (c); and
- (3) A special license tag or parking permit, for persons with a temporary disability covered by 18 DCMR 2701.1(e).

In particular, SPNA notes that an existing regulation (18 DCMR 2710) provides for a reserved parking space in front of an applicant's residence, if parking is permitted by law or, if not, as close as possible. Allowing a



stanton park neighborhood association

public space permit to authorize a curb cut across public space to construct a driveway might be appropriate in the case of the residence of an applicant with a permanent disability, if 18 DCMR 2710 were not in effect, but that regulation is in effect and is being implemented. As a result, there is no need for a regulation providing for a curb cut at a permanently disabled person's residence, as provided by proposed 24 DCMR 1202.

The remaining applicability of the proposed section is for a property an applicant does not reside in but leases out to residential or commercial tenants. There is much less of a rationale for intruding on public spaces, and adversely affecting the availability of on-street parking, for a leased property than for a permanently disabled person's residence. A disabled person meeting the eligibility requirements of 18 DCMR 2701 can obtain special license tags, and thereby, gain access with the special license tags or a special parking permits to park in spaces designated for the disabled, or extended parking periods at parking zones with restricted length of time parking. A commercial benefit (cutting the curb for one commercial applicant) must be balanced against the public detriment. Allowing curb cuts for leased properties for commercial reasons (rather than for a disabled person's residential reasons) would be sufficiently disruptive to other businesses and their customers, and to neighborhood residents, as to be unjustified in light of the shortage of on-street parking in the District's commercial and residential neighborhoods.

Finally, deleting the two references to proposed 24 DCMR 1202, and renumbering proposed 24 DCMR 1203, are important for conformity. In addition, the last sentence of proposed 24 DCMR 1201.8 permits and encourages allowing a double curb cut for commercial applicants, a particularly problematic result that should not be allowed to go into effect, for the reasons cited above.

Section 1203: In addition to the changes related to proposed section 1202, SPNA has one recommendation for section 1203, Permit Revocation. It is well-established that many curb cuts remain even after the permit has been revoked, and, in many cases, the no-parking signs related to curb cuts remain. This causes both legal confusion and a reduction in the number of available parking spaces. To resolve both issues, SPNA recommends adding a new section 1203.4. The wording of the last phrase ("if parking is permitted by law") of the new section is taken from 18 DCMR 2710.2, for consistency.

1203.4 After revocation of the permit, parking shall be allowed at the driveway, if parking is permitted by law.

If you have questions about this comment, or wish further information, please contact me at 330 E Street NE, Washington, DC 20002-4925, or at (202) 543-3504.

Sincerely,

Monte Edwards
Co-Chair
SPNA Land Use Committee

cc: Anne Phelps, Chair, ANC 6C Transportation Comm.

Drew Ronneberg, Chair, ANC 6A Zoning Comm.

Thomas Grahame, Chair, CHRS Transportation Comm.

Drury Tallant, Co-Chair, SPNA Land Use Comm.