



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



May 21, 2014

Matthew Brown  
Director  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Request to Reconsider 'Public Parking' Designation for Reservation 266

Dear Mr. Brown,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on May 8, 2014, our Commission voted 4-1-0 (with 5 Commissioners required for a quorum) to request that the Department of Transportation (DDOT) reconsider its characterization of Reservation 266 as 'public parking'. Reservation 266 is the pocket park at the intersection of Tennessee Ave NE and 13<sup>th</sup> St NE. It is one of the publicly owned reservations transferred from the National Park Service to the District. DDOT declared Reservation 266 to be 'public parking' in an October 25, 2013 letter to ANC 6A Chairman Holmes.

At our May 8, 2014 meeting, ANC 6A was presented with DDOT's Departmental Order NO. 1-2014, Subject: DDOT Open Space Preservation and Enhancement Policy (see attachment). We are optimistic that this recently adopted policy will provide much protection against the loss of public access to pocket and triangle parks such as Reservation 266 and improve the management of all public parks under DDOT's jurisdiction. While we welcome this policy and see it as a step in the right direction, we are disappointed that it does not correct DDOT's earlier characterization of Reservation 266 as 'public parking'.

We believe the characterization of Reservation 266 as public parking is an incorrect application of that term. Public parking is a term that properly applies only to the City owned property between the actual street curb and the property lines drawn out in the L'Enfant Plan. The framework for the parking system was established by Congress in the Parking Act of 1870. Reservation 266 was not part of that system. Reservation 266 is a federally owned parcel transferred jurisdictionally from the National Park Service (NPS) to the District in 1973.

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@googlegroups.com](mailto:anc6a-announce@googlegroups.com), ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



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The designation of Reservation 266 as ‘public parking’ is inconsistent with DDOT’s Departmental Order NO. 1-2014, especially as it applies to federal reservations transferred from the National Park Service to the District – see Sections II.C and IV.C of the Order. A broad application of this designation to other public spaces is contrary to general policies set forth in the Order, as it would greatly diminish the public utility of pocket parks throughout the District. Furthermore, that Order recognizes that the assignment of a ‘public parking’ designation to triangle and pocket parks is inconsistent with the District’s Comprehensive Plan. ANC 6A fully agrees with that assessment.

Public access to Reservation 266 and similar parks across the District is threatened by the existing characterization of this pocket park as ‘public parking’. That characterization implies that the privileges extended to residents for the use of their front yards (public parking) will extend to the adjacent homeowners for the use of this pocket park. More importantly, DDOT’s current designation of Reservation 266, if left unchanged, sets a precedent that would allow similarly situated property owners throughout the District to claim those privileges over adjacent public space.

DDOT’s mis-characterization of Reservation 266 is currently being employed by an adjacent homeowner to justify actions that deter public use of the park. Those actions include actively discouraging the public from moving freely through the park and formulating plans to fence the park – the homeowner has applied to the Historic Preservation Office for design approval of a fence that would surround a portion of this public park. We anticipate that the DDOT will soon be asked to consider a public space application for the installation of said fence. If so, we expect DDOT to seek ANC 6A input (see sections IV. C. 5 & 6 of DDOT Order No. 1-2014).

It is for the reasons stated above that ANC 6A strongly encourages DDOT to rescind its previous designation of Reservation 266 as ‘public parking’ and to issue documentation to that effect.

Please be advised that Nicholas Alberti, Omar Mahmud and David Holmes are authorized to act on behalf of ANC 6A with respect to this matter.

On Behalf of the Commission,

Nicholas Alberti,  
Chair, Advisory Neighborhood Commission 6A

# ATTACHMENT

## GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



### ADMINISTRATIVE ISSUANCE SYSTEM

**DEPARTMENTAL ORDER NO. 1-2014 DATE: April 30, 2014**

**SUBJECT: DDOT Open Space Preservation and Enhancement Policy**

#### **I. PURPOSE**

This policy is established to provide consistent and predictable guidance to District Department of Transportation (DDOT) staff to follow when planning improvements within the public right-of-way or reviewing a permit application to make improvements on triangle parks, pocket parks and public parking under its jurisdiction which is consistent with the District's Comprehensive Plan and DDOT's commitment to enhancing the quality of life for District residents as well as protecting and enhancing the natural, environmental and cultural resources of the District.

In support of the Transportation, Environmental and Parks, Recreation, and Open Space Elements of the District Elements of the Comprehensive Plan for the National Capital, codified in chapters 4, 6, and 8 of Subtitle A of Title 10 of the DC Municipal Regulations (DCMR), DDOT is promoting the preservation and enhancement of open spaces under its jurisdiction. By doing so, DDOT preserves the distinctive character of the District's transportation corridors as a legacy of the 1791 L'Enfant Plan and supports the District's modern vision of "building green and healthy communities" which is essential for future economic growth.

#### **II. AUTHORITY**

This policy is authorized by the District Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.* (2012 Repl.)) which, *inter alia*, charges DDOT with the responsibility to improve quality of life by planning and coordinating the transportation infrastructure, managing and maintaining the transportation infrastructure and to ensure the safe and efficient movement of people and goods along public rights-of-way.

#### **III. POLICY**

DDOT policy is to support the Transportation, Environmental and Parks, Recreation, and Open Space Elements of the District Elements of the Comprehensive Plan for the National Capital by promoting the preservation and enhancement of open spaces under

DDOT's jurisdiction when planning transportation system improvements, when evaluating development plan reviews and when approving public space permit applications for private improvements on the District's public space as follows:

A. Planning Transportation System Improvements

DDOT shall consider a range of environmental and open space improvements to the transportation corridors that enhance the livability and vitality of the District and its communities.

B. Improvements on Public Parking and Building Restriction Line Land

DDOT shall ensure environmental and open space considerations are incorporated in the development plan review process and the public space permit application review process.

C. Permit Applications for Private Improvements to Triangle and Pocket Parks

DDOT shall preserve the District's triangle and pocket parks as publicly accessible neighborhood amenities. (See Comp Plan: section 10-A806.5 (policy PROS-1.3.3: Protecting the Triangle Parks).)

#### IV. PROCESS

A. Planning Transportation System Improvements

To preserve and enhance the environment and the distinctive open space character of the District's transportation corridors while enhancing the livability and vitality of the District and its communities, DDOT shall:

1. Enhance the visual and open space qualities of the District's streets and avenues through the landscaping of medians and traffic islands;
2. Continue to maintain and expand the District's tree canopy through resident stewardship and partnerships with community groups and nonprofit advocacy groups to undertake tree surveys and planting campaigns and do volunteer training and education;
3. Continue to aggressively enforce operating procedures for utility and road work, as outlined in the DDOT Construction Guidelines for Tree Protection and Standard Specifications for Highways and Structures, to minimize tree damage (See Comp Plan: section 10-A603.13 (Action E-1.1-D: Operating Procedures for Utility and Roadwork). The DDOT guidelines cover damage per the DDOT Standard Specification and the Urban Forestry Preservation Act.);

4. Continue to seek opportunities to implement stormwater management best practices within the street right-of ways to reduce stormwater runoff;
5. Consider the development of elevated public parks and open spaces, such as podium parks, when drafting or negotiating the air rights above freeways;
6. Identify DDOT controlled triangle and pocket parks which benefit from the transfer to the Department of Parks and Recreation (DPR) for their further enhancement as neighborhood amenities (See Comp Plan: section 10-A806.10 (policy PROS-1.3.B: Transfer of Triangles to DPR));
7. Create an Adopt-a-Park program similar to the current DPR Adopt-a-Park program for DDOT controlled triangle and pocket parks not transferred to DPR based on the review criteria below for permitting community supported private improvements for triangle and pocket parks (See Comp Plan: section 10-A810.17 (Action PROS-2.2.C: Adopt-A-Park)); and
8. Explore opportunities to identify and develop paper alleys having the potential to be corridors for pedestrian trails or multiuse paths providing circulation within neighborhoods or connections between neighborhoods (See Comp Plan: 10-A815.1 (PROS-3.4 Connecting the City through trails). The actual land cannot be transferred to DPR unless the paper alley is closed and real property is created for transfer.)

**B. Improvements on Public Parking and Building Restriction Line Land**

During development plan reviews and the review of permit applications for private improvements on public parking, defined as the land between the rear edge of the actual or planned sidewalk and the property line, or if present, the building restriction line, DDOT shall evaluate the plan review or permit application based on whether:

1. The area of public parking devoted to the planting of landscaping and trees is maximized;
2. The installation of impervious surface coverings beyond what is allowed in subsection 104.5 of title 24 of the DCMR and chapter 32 of subtitle A of title 12 of the DCMR is avoided or minimized;
3. Commercial properties, where practical, have incorporated appropriate stormwater management best practices into the landscape design; and
4. Disruptions to the distinctive open space character of the District's transportation corridors caused by high walls and fencing are avoided and the impact of encroachments, such as canopies, awnings and enclosed cafes is minimized, particularly within historic districts. (See Comp Plan: Section 10-A1012.5: (Policy HP-2.5.4: Landscaped Yards in public space). See also Comp Plan: Section 10-A404.1 (T-1.2 Transforming Corridors). This

provision will provide guidance to the Public Space Committee as well as the permit office in general.)

C. Permit Applications for Private Improvements to Triangle and Pocket Parks

During the permit application review of proposed improvements on triangle or pocket parks, defined as publicly owned reservations which have been transferred jurisdictionally from the National Park Service to the District, DDOT shall ensure that:

1. Improvements do not change the real or implied function of the park as a public open space;
2. Public access to the park is preserved;
3. Improvements promote the public enjoyment and use of the park;
4. The use of impervious surface coverings are avoided to minimize stormwater runoff (See Comp Plan: section 806.5 (policy PROS-1.3.3: Protecting the Triangle Parks).);
5. Neighborhood involvement, including sending the permit application to the applicable Advisory Neighborhood Commission (ANC), is incorporated into the application review process prior to approving the permit application; and
6. The recommendations of the affected ANC shall be given great weight, as that term is described in section 13(d)(3)(A) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)(3)(A)).

V. ISSUANCE APPLICABILITY

This Order is to be given to each DDOT employee for his or her review based on the applicability of this policy to his or her job.

VI. EFFECTIVE DATE

This policy shall become effective immediately upon the execution of this Order.

  
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Terry Bellamy  
Director

4/30/14  
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Date