



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



May 19, 2014

Ms. Gretchen Pfaehler, Chair  
Historic Preservation Review Board  
Office of Planning  
1100 Fourth Street, SW, Suite E650  
Washington, DC 20024

Re: HPA # 14-310 (147 Tennessee Ave NE / Reservation 266)

Dear Ms. Pfaehler,

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 oppose the application for the installation of a fence on Reservation 266, the public space adjacent to 147 Tennessee Ave NE (HPA14-310). The homeowner of 147 Tennessee Ave NE has applied to install a fence enclosing on a portion of Reservation 266, the pocket park at the intersection of 13<sup>th</sup> St NE and Tennessee Ave NE.

We oppose the application on the grounds that the proposal is inconstant with Section 2 of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Official Code § 6-1101 because 1) a fence subdividing the space will detract from the historic appearance of Reservation 266 which is a contributing feature of both the landmarked L'Enfant Plan for the City of Washington and the Capitol Hill Historic District and 2) more importantly, the fence would prevent public access, a clear violation of Section 2 of the Act<sup>2</sup>.

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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.

<sup>2</sup> Section 2 of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Official Code § 6-1101) states: (a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural and aesthetic merit are in the interests of the health, prosperity and welfare of the people of the District of Columbia.

Therefore, this act is intended to:

(1) Effect and accomplish the protection, enhancement and perpetuation of improvements and landscape features of landmarks and districts which represent distinctive elements of the city's cultural, social, (economic, political and architectural history);

....

(5) Promote the use of landmarks and historic districts for the education, pleasure and welfare of the people of the District of Columbia.



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Additionally, the proposed fence is not consistent with the District's Department of Transportation recently issued Departmental Order No. 1-2014 (see attachment). The pocket park in question is a publicly owned reservation that has been transferred jurisdictionally from the National Park Service (NPS) to the District. DDOT's order speaks to the use of NPS reservations in Section IV. C. This section states that 'During the permit application review proposed improvements on triangle or pocket parks..., 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; [and] 3. Improvements promote the public enjoyment and use of the park.

Please be advised that Nicholas Alberti, David Holmes and Omar Mahmud are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at [6A04@anc.dc.gov](mailto:6A04@anc.dc.gov).

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