

Minutes  
ANC 6A Transportation & Public Space (TP&S) Committee  
Church of the Lord Jesus Christ of the Apostolic Faith Annex (1235 C Street NE)  
April 21, 2014 at 7:00 pm

- I. Meeting called to order at 7:05 pm.
- II. Introductions - Committee members in attendance were J. Omar Mahmud (Chair), Jeff Fletcher, DeLania Hardy, Andrea Adleman, and Lara Levison. Also in attendance were ANC6A Chairman Nick Alberti and Commissioner Sondra Phillips-Gilbert. Mr. Mahmud announced that Committee member Benjamin Rosset had resigned because he has moved out of ANC6A (to the waterfront area). He also announced that Commissioner David Holmes has resigned from ANC 6A and thanked Mr. Holmes for his help with this Committee.
- III. Community Comment  
None
- IV. New Business
  - A. Consideration of safety improvements at Tenth (10<sup>th</sup>) Street NE and Maryland Avenue NE while the Maryland Avenue NE transportation project is pending.
    - i. Chairman Mahmud noted that ANC6A has been asking for pedestrian safety measures at this intersection for several years. The District Department of Transportation (DDOT) is doing a transportation study of a section of Maryland Avenue, including this section, and federal requirements for review have slowed the study.
    - ii. The proposal is to ask DDOT to consider this pedestrian safety project as a separate project. DDOT has indicated that they will be receptive if the ANC makes a request. George Branyan with DDOT said that the permanent plan calls for a traffic signal, and he would bring it up with the signal team.
    - iii. ***Following some discussion among attendees, Co-Chairman Mahmud offered a motion, seconded by DeLania Hardy, that the ANC pass a resolution and send a letter to DDOT asking that DDOT consider installation of a traffic signal at Maryland and 10<sup>th</sup> Streets NE as an independent project. The motion passed unanimously.***
  - B. Consideration of new Capital Bikeshare station location originally planned for 12<sup>th</sup> Street NE and H Street NE in the proximity of the streetcar electrical substation - Mahmud (10 minutes)
    - i. Co-chairman Mahmud noted that the ANC was promised a bikeshare station at this location, in compensation for the electrical substation that has been placed there. However, there are already bikeshare stations (close by) at Eleventh (11<sup>th</sup>) and H Streets NE and Thirteenth (13<sup>th</sup>) and H Streets NE. At the last meeting, the suggestion was to locate the new station at Tenth (10<sup>th</sup>) Street and Maryland Avenue NE.
    - ii. There was a discussion of the specific location at that intersection. Co-Chairman Mahmud identified the concrete triangle on southwest corner, between E Street and Maryland Avenue on Tenth (10<sup>th</sup>) Street. Commissioner Alberti suggested that DDOT decide where exactly to locate

the bikestation. Former Commissioner Holmes noted that the developer has already committed \$25,000.00 for a bikeshare station at this corner.

- iii. *Co-chairman Mahmud offered a motion, seconded by DeLania Hardy, that the ANC send a letter to Jim Sebastian at DDOT recommending the location of the new promised Capital Bikeshare station, originally slated for Twelfth (12<sup>th</sup>) and H Streets NE, at Tenth (10<sup>th</sup>) Street and Maryland Avenue NE. The motion passed unanimously.*

C. Review of fence application (HPA-14310) before the Historic Preservation Office (HPO) concerning lot adjacent to 147 Tennessee Avenue NE (at the intersection of 13<sup>th</sup> Street NE and Tennessee Avenue NE). Link to the application: <http://anc6a.org/SMD04/HPORes266FenceRqst0414.pdf>

- i. Co-chairman Mahmud provided a brief introduction of the issue before giving the floor to the homeowner, Joyce West, who with her husband has submitted the fence application to the HPO. Ms. West said that she has lived there since 1991. The front and side yards are designated on their plat as public space. [The side yard is a triangle of land on the side of 147 Tennessee and on the side of the house on Thirteenth (13<sup>th</sup>) Street that is back-to-back with 147 Tennessee Avenue NE.] The homeowners asked DC for help with maintenance, and DC said that it was the homeowners' job to maintain it. It [the triangular land] is part of a reservation that was transferred to DDOT in 1972. The homeowners obtained landscaping permits, and the ANC raised a lot of issues about it. (In 2004, the homeowners obtained a permit for fence but didn't have the resources to build it then.) After several months, DDOT Director Terry Bellamy wrote a letter saying the city does not consider it a park; it is designed as "public parking," the same description used to identify all public and side yards on Capitol Hill. The homeowners have maintained it as a flower bed and have sought all the appropriate permits. A video camera, recommended by the police, shows individuals stepping on the plants. The homeowner stated, "A lot of anger has been directed at us. We are trying to take better care of property that the city said is our responsibility." The fence is designed to match the previous fence. The plan is to have it around the public parking space. The homeowners don't want to disagree with their neighbors. There is beauty in beautiful public spaces.
- ii. Co-chairman Mahmud responded that he does appreciate anyone beautifying our spaces; it looks really nice. The issue is not the homeowners' fault; the city has put us in this weird position. The ANC disagrees with DDOT's new position designating this as "public parking." It is inconsistent with the character of Capitol Hill, with little parks throughout. He encouraged the homeowner not to cordon off the area for their own use. The plants the home owner says are being damaged are the ones that are being used to create a barrier. He therefore suggested that the homeowners remove plantings that create a barrier around the space so the public can continue to use it as a park space without stepping on any plantings.
- iii. Extensive discussion followed. The question was asked, will there be a gate in the fence for public access? Ms. West replied that the only gate would be the one in front of the door of their house.

- iv. Attendees expressed a variety of views as to the status of the land around which the homeowners have applied to place the fence, mostly expressing the view that the land should remain open to the public:
  - a. It is a reservation, granted by Congress, which didn't change when it was deeded to DDOT in 1972. It is still held for public use. DDOT is totally wrong.
  - b. ANC6A Chairman Alberti: The land was never deeded to DC; the deed is still owned by the National Park Service. This piece of land is part of L'Enfant's plan. The District is only tasked with management of the space.
  - c. Long-time residents described public uses of the land in the past, such as children playing football and children crossing the land to get to Maury Elementary School.
  - d. The L'Enfant plan is a landmark, and the pocket parks are a contributing feature to that landmark. The pocket parks, unlike the front yards, were never part of the street, are not city-owned, and are protected by the historic preservation code. In its letter, DDOT appears to be trying to have it both ways. It says the public should have continued access.
  - e. There is concern about copycats; a lot of other green space will be taken for private use.
  - f. Former Commissioner Holmes: Pocket parks are protected elements of the Capitol Hill Historic District. The parks are also in the comprehensive plan, the National Capitol Planning Commission Studies, and the McMillan Plan. No one is responsible for maintaining these public parks. This issue has gone to court, and there are two recent rulings that if there is wear and tear on the plantings, that is the risk you take.
  - g. Several neighbors [approximately seven (7)] expressed concern that the homeowners had, through a variety of approaches, over a period of years, discouraged neighbors from setting foot or walking their dogs on the land next to 147 Tennessee Avenue NE. Neighbors also expressed appreciation for the beauty of the flowers. Some strong views were expressed. Co-chairman Mahmud and other attendees called for greater civility in the discussion to show respect for each other as neighbors.
- v. ***Co-chairman Mahmud offered, and Jeff Fletcher seconded, the following four motions, all of which passed 5-0.***
  - a. Oppose HPA 14-310 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 further detract from the historic appearance of Reservation 266 as it was originally a single expanse and 2) more importantly, the fence would prevent public access.
  - b. Send a letter to DDOT asking them to correct their characterization of Reservation 266 as public parking because 1) the term properly applies only to the City-owned property between the actual street curb and the property lines drawn out in the L'Enfant Plan and 2) if the application of this designation is extended to other similar parcels, it

will result in greatly diminished public utility of pocket parks throughout the District.

- c. Send a letter to Councilwoman Mary Cheh:
  - 1) Recommending that all pocket parks and Reservations currently under DDOT jurisdiction be transferred to DPR, along with associated funding, as DPR has a better capacity to manage them in the public interest as publicly available recreational space. Maintaining as large an inventory of publicly available green space is critical as the District's population expands.
  - 2) Asking that she urge DDOT to reconsider its position with regard to the designation as public parking, and to issue regulations providing for public notice and comment.
- d. Send a letter to DC City Council requesting that they craft legislation to declare that pocket parks and Federal Reservations are public space and may never be considered as public parking and that no changes to the landscaping or hardscaping by individuals, that would affect public use or access, may be approved without public input including consultation with the ANCs. Further, a board similar to the HPRB should be established to review such cases to ensure a fair and transparent process.

V. Additional Community Comment - no time available for additional community comment.

VI. Meeting adjourned at 8:33 pm to allow the building to be closed.