

ANC 6A Transportation & Public Space Committee Meeting Minutes
Sherwood Recreation Center (10th Street and G Street NE)
July 15, 2013 at 7:00 pm

- I. Call meeting to order at 7:02 pm

- II. Introductions
 - a. In attendance were committee members Christine Ennis, Benjamin Rosset, Todd Sloves, Jeff Fletcher, Lara Levison, Delania Hardy, Andrea Adleman and J. Omar Mahmud (Chair and ANC 6A Commissioner); ANC 6A Chairman David Holmes, and ANC 6A Commissioner Nick Alberti; Matthew Marcou from DDOT; as well as several members of the ANC 6A community.

- III. Community Comment
 - a. No comment offered.

- IV. New Business
 - a. Discussion with DC Department of Transportation (“DDOT”) officials regarding the conversion of public space areas to private use and the consideration of ANC concerns when approving public space applications
 - i. Mr. Marcou said that DDOT would have responses to the questions submitted by Commissioner Alberti next week, and that he could not speak on any topic covered therein until DDOT finished its response.
 - 1. Commissioner Alberti said he would post a list of the questions he had asked of DDOT on his ANC website.
 - ii. Mr. Marcou gave a brief description of DDOT’s system for reviewing public-space proposals. DDOT’s Public Space Committee hears issues delegated to it under DC law and, less commonly, issues on referral where public-space expertise is needed.
 - 1. Hearings are open to the public and are held monthly on the fourth Thursday of each month in the second floor hearing room at the

Policy, Planning, and Sustainability Administration at 1100 Fourth Street SW, Washington, DC 20024. Hearings begin at 9 AM.

- iii. Generally, the Public Space Committee seeks ANC input on these issues by notifying the ANC and giving 30 days to review and submit comments.
 - 1. The requirement of notice to affected ANCs is met through first-class mailings; however, the Public Space Committee recently learned that ANC 6A had not been receiving notifications.
 - 2. Mr. Marcou proposed that ANC 6A join DDOT's online permitting system. Automatic notifications would go to the ANC e-mail address as well as to each single-member district.
- iv. Both Commissioner Alberti and Chairman Holmes expressed concern that many so-called "parklets" (triangular parks formed where avenues intersect the regular street grid), which were intended to be public recreational space for residents, have been fenced off or otherwise converted for private use without consulting the ANC. They would like to know how to prevent these conversions from taking place without ANC input going forward.
- v. Residents who live near the intersection of Constitution Avenue, Tennessee Avenue, and 13th Street NE, commented on the private use of Reservation 266.
 - 1. Commissioner Alberti asked why ANC 6A was not notified about public-space applications for Reservation 266. Mr. Marcou did not reply, except to say that he recently learned ANC 6A was not receiving mailed notifications, and that it would be practically impossible for all permits to go through ANC review.
 - 2. Residents expressed confusion and conflict over DDOT's decision to grant a permit for the use of public space to the adjacent homeowner.
 - 3. Commissioner Mahmud noted that the purpose of today's meeting was to learn about DDOT's review process, not to pass judgment on individual cases.

vi. Mr. Marcou was unable to respond immediately to many of the questions posed by those in attendance, but he agreed to take the following questions back to DDOT for a formal response:

1. Please identify those parklets for which management responsibilities were transferred from the federal government to the DC government at the time of home rule, and which DC agency was at that time responsible for each (we understand that responsibility was further delegated and divided among DDOT and DC Department of Parks & Recreation (“DPR”)).
2. Please identify those parklets for which management responsibilities subsequently changed hands (we understand that, more recently, DPR had transferred responsibility for a number of parklets to DDOT).
3. Please identify the deed covenants involved in the transfer of these parklets from the federal government to the DC government.
4. Please clarify the distinction between a public parcel and a reservation.
5. Is it possible that plantings that impede pedestrian access to or flow through a parklet may be considered as impenetrable (and subject to the same rules) as fencing?
6. What, if any, review was done under Section 106 of the National Historic Preservation Act at the time that parklets were transferred? What impact did this have on what can and cannot be done to the parklets?
7. (From Chairman Holmes) Do those converting parklets to private use also pay taxes on that use?
8. What standards guide the Public Space Committee’s review of applications for private use of parklets?
9. How many such applications are submitted annually?

10. If DDOT does not already have an “Adopt a Park” program, would it consider establishing one?
 11. How does DDOT take into account and resolve competing uses for the parklets?
 12. Please identify any changes to the permitting process or standards that are under consideration.
 13. What approach would DDOT recommend for community members interested in preventing “improvements” to a particular parklet? Must they apply for a permit to preserve the status quo?
 14. (From Commissioner Mahmud) Please confirm that ANC input is given great weight during the permitting process.
 15. (From Chairman Holmes) When researching your reply, please take into account memorandum submitted on the treatment of parklets in the DC Code, including a provision that prohibits issuance of public-space permits that conflict with the DC Comprehensive Plan.
 16. Please consider signage in the parklets to indicate that they are open to the public and including information about how to report inappropriate use and how to identify any private-use permit-holders.
- vii. Mr. Marcou noted that residents may call (202) 645-7050 to report illegal use of a public space. (In an emergency, however, such as a sinkhole or other immediate hazard, residents should call (202) 671-DDOT.)
 - viii. With regard to identifying permit holders, Mr. Marcou directed the audience to DDOT’s Permit Locator Tool on its website.
 - ix. With respect to enforcement, Mr. Marcou said that DDOT does as much as its resources will allow.
 - x. A community member blamed the city government for forcing residents to choose between unattractive public or attractive private space. If the city simply cared for these parklets, it would eliminate this source of conflict.

- b. Consider submission of comments regarding new commercial loading zone regulations proposed by DDOT (proposed regulations can be found at <http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=4417106>)
 - i. No comments from the community or committee on the proposed commercial loading zone regulations.

V. Additional Community Comment

- a. No comment offered.

VI. Meeting adjourned at 8:35 PM.