

MINUTES
ANC 6A Transportation & Public Space Committee Meeting
Call-in Conference via WebEx
Monday, October 19, 2020

- I. Meeting called to order at 7:00 pm.
- II. Introductions:
Committee members in attendance: Elizabeth Nelson (Chair), Marc Brumer, Maura Dundon, Jeff Fletcher, Hassan Christian
Commissioners in attendance: Amber Gove (6A04), Mike Soderman (6A03), Sondra Phillips-Gilbert (6A07), Brian Alcorn (6A08), Marie-Claire Brown (6A01)
- III. Announcement of opportunity for community input on moveDC, the District's long-range transportation plan. www.wemovedc.org.
- IV. Old Business (discussed out of order, after New Business)
Commissioner Mike Soderman made the motion: *ANC 6A send a letter to DDOT in support of Traffic Safety Assessment Service Request 20-00355070 for a red-light camera at the intersection of 9th and C Streets NE.* Commissioner Marie-Claire Brown seconded the motion. The motion passed 10-0, including the 5 commissioners present. [Committee members Dundon, Christian, Fletcher, Brumer, Nelson and Commissioners Soderman, Alcorn, Gove, Brown, Phillips-Gilbert all in favor]
- V. New Business
 - A. Public space application #358240 at 205 15th Street NE for exception from fence requirement and an 8x10 ft. accessory building in public space (public parking).

The permit applicant, Sunny Petzinger, was present. Applicant is requesting a 4-6 foot non-transparent wooden fence on the North Carolina Avenue side of the property and also parallel to the 15th Street side of the property.

A permit for a fence is required because regulations state that fences are not to exceed 42" and must be at least 50% open. Accessory buildings are not matter-of-right on public space and are not included in the list of architectural extensions for which permits may be requested. (see attached photos, drawings, application, public space regulations, also link to tree regulations: <https://ddot.dc.gov/page/apply-tree-permit> and fence regulations: https://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/fence_s_walls.pdf)

Ms. Nelson gave a brief background on public parking history and regulations on Capitol Hill - excerpt appears at the end of these minutes.

The Committee first discussed the fence permit application, including the fact that a lower fence had been in a similar location as requested in the permit as recently as 2018. Commissioner Brown stated that a fence twice as high as the previous fence could be an issue for city approval, even if the ANC supported it.

The applicant stated that the fence is needed for safety and privacy. She stated that she had not made a decision about whether the fence would be 4 or 6 feet. She also stated that a fence on her property line would not serve her need for privacy from passersby.

Ms. Nelson restated that the purpose of public parking is greenspace to benefit the community as a whole; a fence that is tall enough and/or opaque enough to obscure the view is inconsistent with this purpose. In this particular location, it would also obstruct sightlines for pedestrians. The TPS then discussed what height and degree of openness of the fence might be appropriate to allow the applicant some degree of privacy while maintaining the public purpose of the public parking area.

Mr. Marc Brumer made the motion; *TPS recommends that ANC 6A send a letter of conditional support to DDOT for a fence in public parking at 205 15th Street NE [public space application #358240], provided that:*

*It be placed on the line in the site drawing that the applicant provided to the ANC (attached);
it not exceed 4 feet in height; and
it be lattice (as specified in the application) or other open construction (at least 40% open).*

The motion was seconded by Mr. Jeff Fletcher and passed 6-0-3. [Committee members Dundon, Christian, Fletcher, Brumer, Nelson and Commissioner Soderman in favor; Commissioners Alcorn, Gove and Brown abstaining.]

The Committee next discussed the accessory building/shed application portion of the permit.

The applicant described the shed, which would have an 8x10 foot footprint and be located away from the house, on the other side of the property line, in public parking. She stated that she needed it to store personal belongings.

Ms. Maura Dundon stated that such sheds are not customary on Capitol Hill but that they could serve a role in storing gardening equipment and cleanliness, which promotes maintaining the public space. Ms. Nelson stated that she had never heard of a permit being issued for an accessory building on public parking in the area (especially one of this size), that it would be out of place, and that accessory buildings are not included in the list of architectural extensions for which a permit may be requested. Furthermore, it would set a precedent that could lead to many similar structures in public parking city-wide. Mr. Brumer stated he might find a smaller shed, abutting the house, to be acceptable.

Commissioner Brian Alcorn noted that the photograph of the shed/accessory building included in the application appeared to be 9 feet tall and would be very large. The applicant clarified that it would be 6.5 to 7 feet tall and stated that it would be well built and could be painted any color. There was also a question regarding the foundation. The application states that there will be no permanent foundation, which the applicant clarified stating that there would be gravel bed. She stated she was aware of the location of her property line when she purchased the property. The applicant also stated she had

seen similar sheds (on public parking) in the area, and Commissioner Alcorn invited her to submit any examples of such sheds.

Commissioner Soderman made the motion: *TPS recommends that ANC 6A send a letter of opposition to DDOT for a shed in public parking at 205 15th St. NE [public space application #358240] - as it is an incompatible use of public parking.*

The motion was seconded by Ms. Dundon and passed 10-0. [Committee members Dundon, Christian, Fletcher, Brumer, Nelson and Commissioners Soderman, Alcorn, Gove, Brown, Phillips-Gilbert all in favor]

- B. Presentation by Marcy Bernbaum of the Downtown DC Public Restroom Colleagues on the opportunity for ANCs to suggest pilot locations for public restrooms pursuant to the Public Restroom Facilities Installation and Promotion Act of 2018. Ms. Bernbaum summarized the work of the public restroom project and asked the Committee to make a recommendation of pilot sites on the H Street corridor. [For basic information provided by People for Fairness Coalition (PFC): <https://pffcdc.org/what-we-do/publicrestrooms/>, legislation, legislation summary and example of possible design included as attachments.)

Ms. Bernbaum described the different restroom options, explained the choice of the toilet model, and the way it would be maintained. She explained the criteria for the best pilot sites. Generally, a good pilot site would be highly trafficked, and attracting a range of users, in order to reflect need for the facilities as well as providing safety.

Commissioner Brown suggested 8th & H Streets NE and H & 12th Streets NE to meet these criteria.

Two community members spoke in favor of the project, and one expressed her concerns about safety and odors.

All Commissioners and Committee members present agreed to move forward on suggesting these sites.

Ms. Nelson made the motion: *ANC 6A complete the public restroom pilot survey indicating a first choice of locations at 8th and H Streets NE and a second choice at 12th and H Streets NE plus a note in the comments section in support of other locations on H Street NE.*

The motion passed 10-0. [Committee members Dundon, Christian, Fletcher, Brumer, Nelson and Commissioners Soderman, Alcorn, Gove, Brown, Phillips-Gilbert all in favor]

- V. Meeting was adjourned at approximately 9:30 pm.

Brief explanation of the relevant public space regulations:

The reason the applicant needs a public space permit is because the area she wants to enclose, and where she wishes to place her shed, is public space, not her private property. The area between her property line and the street is what is termed “public parking” green space, not a place to put cars). On Capitol Hill, front/side yards are generally public parking. Owners of the lot are allowed use and enjoyment of the space and are responsible for maintaining it, but they do not own it and there are restrictions on the uses. The law on parking (Parking Act of 1870), beginning in 1870

and continuing through the present, mandates that “parking” be preserved as open public space used for trees, greenery or parks. Per DDOT’s Public Realm Design Manual, bay windows, oriel windows, corner towers, and porches to project into public space (if granted a public space permit) but there is no provision for separate accessory buildings.