

The Committee of 100 on the Federal City



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Founded 1923

July 29, 2014

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Public Space Policy Branch
District Department of Transportation
55 M Street, S.E., Suite 400
Washington, DC 20003

Re: Comments of The Committee of 100 on the Federal City in Support of Proposed Regulations Concerning Private Improvements to Certain United States Reservations under the Jurisdiction of the District Department of Transportation

To Whom It May Concern:

On behalf of the Committee of 100 on the Federal City (C100), we are pleased to support and provide comments on the proposed rules that amend Chapter 1 (Occupation and Use of Public Space) and Chapter 33 (Public Right-of-Way Occupancy Permits) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR) to ensure that all improvements to “pocket” parks (including federal “reservations” that have been transferred to the District Department of Transportation or DDOT) remain public and offer open access.

The Committee of 100 on the Federal City was founded in 1923 to act as a force of conscience in the evolution of the Nation’s Capital City. It was formed to sustain and to safeguard the fundamental values – derived from the tradition of the L’Enfant Plan and the McMillan Commission – that give our Nation’s Capital so much of its distinction, beauty, and livability as a community.

The Committee of 100 Subcommittee on Parks and the Environment considers the protection and enhancement of parks, open space, tree canopy, urban forests and habitat as highly pertinent aspects of community development and essential to the quality of life and public health. Green infrastructure is viewed by the

Metropolitan Washington Council of Governments "...as a fundamental component of daily life" and integral to "...working toward a more healthy balance between the built environment and [undeveloped] green space." (*National Capital Region: Best Practices and Policies to Reduce Greenhouse Gases*. MCOG 2008, p.16)

Green space, soil, water and all living things make up "natural capital" that has a beneficial role in urban areas and regions by assisting with ecological services, e.g. filtering storm water and climate regulation (*World Forum on Natural Capital*). The District government, in its sustainability plan, *A Vision for a Sustainable DC*, notes as goals by the year 2032: 100% of residents will be "within a 10-minute walk of a natural space," and that 40% of the District shall have "a healthy tree canopy." (*A Vision for a Sustainable DC*, District of Columbia Office of Planning, pp. 5, 23)

The Committee of 100 embraces these goals and endorses regulatory action by the District's Department of Transportation to ensure the preservation and protection of all open spaces under DDOT authority.

Comments on Proposed Amendments

Proposed Amendments to Chapter 1 (Occupation and Use of Public Space) of the District of Columbia Municipal Regulations (DCMR)

- 1. Comments:** The Committee of 100 **concur in repealing Subsection 102.8; and in Section 199, adding a new definition** of the term "public parking" that will explicitly **exclude U.S. Reservations** which have been transferred jurisdictionally to the District of Columbia.

Some background to our support of these changes is worth noting. In Spring 2014, the Committee of 100 became concerned about actions by a private homeowner on Capitol Hill who was issued a public use permit by DDOT to landscape a triangle park (Reservation 266) contiguous to the owner's property. The owner followed afterward by requesting approval from the Historic Preservation Review Board (HPRB) to install a fence on the triangle park. While the matter could be construed as a neighborhood concern, it raised a larger question of setting a precedent that could reduce or eliminate public access to any triangle park by allowing privatization.

The Committee of 100 trustees voted unanimously in April 2014 to authorize its Subcommittee on Parks and the Environment to testify before the HPRB on the case (Reservation 266) and take suitable action to recommend reversal of the public use permit. Prior to further action by the C100, DDOT issued a Departmental Order (No. 1-2014) dated April 30 2014, that clarifies and revises the process for the issuance of a public use permit, suitable notice and active participation by ANC Commissions.

Proposed Amendments to Chapter 33 (Public Right-of-Way Occupancy Permits)

The proposed rules "...establish the Department's policies and procedures to obtain a public right of way occupancy permit for the purpose of making private improvements to U.S. reservations that are controlled by the Department. The proposed rules... also make explicit the Department's authority to modify or remove private improvements made to such reservations."

2. **Comments: The Committee of 100 concurs in the addition of New Section 3314:** 3314.1, 3314.2, 3314.3, 3314.4, 3314.6, 3314.7, and 3314.8

3. **3314.5:** The C100 recommends the following change in proposed 3314.5: "**The Director shall provide the ANC sixty (60) business days to perform its review and provide its recommendations.**" This suggestion concurs with the Capitol Hill Restoration Society for sufficient number of business days for the ANC to schedule public review at a regularly scheduled ANC meeting.

Section 3399, DEFINITIONS

4. **Comments:** The Committee of 100 concurs in the addition of the words, after the definition of "Personalized paver", to read as follows:

"... the term "public parking" does not include United States Reservations."

5. **Definition of Triangle Park:** The Committee of 100 recommends the insertion of additional, clarifying words in the proposed new definition of a "triangle" park, with the **words inserted below that are in boldface type:**

Triangle park – an area of open space, generally triangular in shape, that is located at the intersection of two (2) streets (generally, one of which is orthogonal and one of which is diagonal) and that has been set aside for public ownership. **For parks within the L'Enfant Plan, a triangle park includes a park that was so located in the L'Enfant Plan or on the date the reservation was transferred jurisdictionally to the District of Columbia. For parks outside the L'Enfant Plan, a triangle park includes a park that was so located on the date the reservation was transferred jurisdictionally to the District of Columbia.** Examples of triangle parks include United States Reservations 142 and 143, located at the intersection of New Hampshire Avenue and 20th Street, NW; United States Reservation 230, located at the intersection of Independence Avenue and North Carolina Avenue, SE; **Reservation 266, located at the intersection of 13th Street and Tennessee Avenue, NE;** and United States Reservation 61, located at the intersection of Massachusetts Avenue and P Street, NW.

Matthew Brown

July 29, 2014

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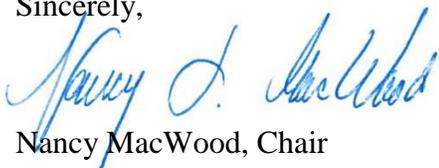
Conclusion

The Committee of 100 supports all efforts by District Department of Transportation to protect, preserve and appropriately enhance open space (as pocket parks, rights of way and unimproved alleys) under DDOT's jurisdiction.

In furtherance of our mutual concerns to preserve green space in the District of Columbia, the Committee of 100 believes there is a need for additional regulatory efforts by DDOT going forward. Such regulation would afford protection for unimproved alleys and pedestrian right-of-way access to (former) streetcar routes, and provide for green alley treatment to help control storm water, as DDOT has already done with some green alleys.

Thank you again for this opportunity to comment on the proposed rules for DDOT-controlled pocket parks.

Sincerely,



Nancy MacWood, Chair

Committee of 100 on the Federal City

Cc: Mary M. Cheh, D.C. City Councilmember, Ward 3
Matthew Brown, Acting Director, DDOT
Samuel D. Zimbabwe, Associate Director, District Department of Transportation
Andrew Newman, Council Transportation Committee Director
Alice Kelly, DDOT