

CAPITOL HILL RESTORATION SOCIETY



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July 17, 2014

Samuel D. Zimbabwe, Associate Director
District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

email: publicspace.policy@dc.gov

Subject: Comments on proposed regulations on private improvements to DDOT-controlled pocket parks, 24 DCMR 3314

Dear Mr. Zimbabwe:

The Capitol Hill Restoration Society (CHRS) commends the DC Department of Transportation (DDOT) for its commitment to implementing Departmental Order No. 1-2014 issued April 30, 2014 by issuing proposed regulations on private improvements to DDOT-controlled pocket parks. We have one question and several comments.

Question:

Interaction between permit application to DDOT and applications to the Historic Preservation Review Board

If a person applies for a permit to make a landscaping or hardscaping improvement in a triangle park *in a historic district*, is that person also required to file an application with the Historic Preservation Review Board (HPRB)? If so, must that person file first with HPRB or DDOT? We urge DDOT to coordinate with HPRB on this question and inform the public on how they should proceed in this situation.

Comments

(1) The priority of the two purposes listed in 3314.1 should be clarified.

Proposed 3314.1 states, "It is the policy of the Department that the United States reservations that are triangle parks under the Department's jurisdiction should be preserved as publicly

accessible neighborhood amenities in addition to maintaining them for the purpose for which the reservation was transferred to the District."

Comment on 3314.1. Two purposes are stated, (public amenity vs. transportation) which in some situations, may conflict. If DDOT gives priority to transportation purposes – “the purpose for which the reservation was transferred to the District” – notice should be given to the ANC, following the same procedure outlined in 33.14.5 and 3314.6, and input sought, to ensure that the public has an opportunity to make their views known and to submit alternate solutions.

(2) The definition of triangle parks should be amended to account for later alterations in park configuration

Some triangle parks have been intersected by roads or other otherwise altered so that they may currently no longer be located at the intersection of an orthogonal and diagonal street. For example, a park that was once a single triangle at the intersection of an orthogonal and diagonal street is altered by inserting a road through the triangle, so that the single triangle becomes two parts: a smaller triangle and a trapezoid or semi-circle. For examples, see Elizabeth Barthold, "The Predicament of the 'Parklet's: Understanding Washington's Smaller Parks," Washington History (Vol. 5, summer 1993, 29-45). We believe that DDOT intends that both these resulting areas are still "triangle parks." For triangle parks in this altered configuration, public records will show whether one of these altered triangle parks was once a single triangle. Suggested change is shown in bold text below:

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) **or was so located in the L'Enfant Plan or on the date the reservation was transferred jurisdictionally to the District of Columbia** and that has been set aside for public ownership. 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; and United States Reservation 61, located at the intersection of Massachusetts Avenue and P Street, NW.

(3) The time for public comment should be extended.

Proposed 3314.5 states, "Before issuing a permit for a landscaping or hardscaping improvement to a United States reservation that is a triangle park under the Department's jurisdiction, the Director shall send the permit application to the affected Advisory Neighborhood Commission (ANC) for its review and recommendations. The Director shall provide the ANC thirty (30) business days to perform its review and provide its recommendations."

Comment on 3314.5: ANCs should have 60 business days to perform their review and provide their recommendation. The only public notice and hearing in this process is through the ANC. For this reason there must be sufficient time for the ANC to accomplish the goals of notifying the community, arranging for a hearing, receiving community input at a hearing, and for ANC committees and the full ANC to consider the request and vote, and then communicate with

DDOT. Given that DDOT recognizes these parks are to be maintained as public amenities, there should be enough time to allow for a robust community discussion. With that in mind, there should be a minimum of 60 business days. (For other public space notices, there are 45 days to respond.)

Thank you for the opportunity to submit comments on the proposed regulations.

Sincerely,

Lisa Dale Jones

Lisa Dale Jones
President

Attachment:

Elizabeth Barthold, "The Predicament of the 'Parklet's: Understanding Washington's Smaller Parks," Washington History (Vol. 5, summer 1993, 29-45)

cc:

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<http://www.dcregs.org/Gateway/NoticeHome.aspx?NoticeID=4982228>

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