

Pocket Park Controversy Ends

DDOT Reconsiders Characterization of Reservation 266 as 'Public Parking'

Andrew Lightman — 06/28/2014

The DC Department of Transportation (DDOT) has “reconsidered its prior characterization of Reservation 266 as public parking,” DDOT Acting Director Matthew T. Brown stated in a June 11 letter to Advisory Neighborhood Commission 6A Chair Nick Alberti. A pocket park that comprised the western parcel of Reservation 266 had become the center of a community controversy after Joyce West and Mark Kadesh, owners of an adjacent home, had been granted a permit by DDOT to landscape a section immediately adjoining their property. Their attractive hedges and flower beds limited public egress to entrances located on Kadesh-West’s property and in the center of the parcel. When the permit was challenged by ANC 6A, the agency designated it ‘public parking.’

Public Parking and Pocket Parks

The District of Columbia controls a multitude of scattered and small parcels of land known as “pocket parks.” Most are a result of the diagonal streets designed by Pierre L’Enfant. Others are artifacts of early streetcar routes. Many are federally owned. There are 1,132 such parcels in DC.

Pocket parks and federal reservations are only one facet of the District’s special patrimony. For complex historical reasons (see Hill Rag, Aug. 2013, p. 36) the yards at the front and sometimes also the side of houses on Capitol Hill are owned by the city and are considered ‘parked land.’ The 19th century term ‘parking’ referred to a streetscape composed of narrowed right of way lined with a series of miniature parks fronting row houses. In effect, by designating a piece of land ‘public parking,’ the city retained title and control over the land while transferring the cost of maintenance to private property owners.

Open fences and bushes, limited to three feet in height, are permitted to define the parked public spaces by municipal regulation. By general convention, residents of modern Capitol Hill consider these ‘public parks’ to be private front and side yards. Historically, US Reservations have not been ‘parked,’ but rather have been maintained as informal pocket parks such as Turtle Park at the convergence of Independence Ave. and North Carolina Ave. SE, north of Eastern Market.

A number of US Reservations were transferred to the District with the advent of Home Rule in 1972; others during the administration of George W. Bush. The DC Department of Parks and Recreation (DPR) assumed responsibility for some of these parcels. A few were assigned to DDOT for transportation purposes. The rationale for this division remains obscure.

In the specific case of Reservation 266, the federal government retained the title of the land while transferring jurisdiction to the District in 1972. According official records, the section next to the Kadesh-West home falls under the purview of DDOT, which designated it as ‘public parking’ in 2013.

With the public parking designation in place and the landscaping completed, Kadesh and West requested neighbors to respect the integrity of their plantings. Objecting to pedestrians crossing their flower beds, they installed cameras on the side of their house to surveil the parcel. They also filed court restraining orders against Alberti and another neighbor, who they alleged trampled their plantings by walking on the beds. The orders were both dismissed. Most recently, Kadesh and West requested a permit to fence in the land in a manner similar to other ‘public parking’ in front of Capitol Hill residences.

Reversing Course

After designating its portion of Reservation 266 as public parking, DDOT has reversed course in its June letter to Alberti. The “various triangle parks under DDOT’s jurisdiction are integral elements of the L’Enfant Plan that should be maintained as parks and preserved as publicly accessible neighborhood amenities for the use and enjoyment of all,” wrote Brown in his June letter to Alberti.

“I understand the ANC’s concern that DDOT’s previous classification of Reservation 266 as public parking in response to the adjacent property owners request to landscape and maintain the area, carries with it the implication that the adjacent property owners could have exclusive use of the park to the possible detriment of the surrounding community,” wrote Brown. “I want to assure you that this was not the intent of the classification,” Brown stated.

In line with DDOT’s new Open Space Preservation and Enhancement Policy (<http://www.anc6a.org/DDOTdepartOrderOpenSpacePolicy097956.pdf>), Brown promised, henceforth, “all permit applications for improvements to triangle parks must not ‘change the real or implied function of the park as public open space.’” The new policy requires all such permits be forwarded to the appropriate ANC for review and comment prior to issuance.

Furthermore, Brown promised to pursue a change to Title 24 of the definition of public parking in the District of Columbia Municipal Regulations that would exclude all federal reservations from the District’s power to designate land as public parking in future.

“DDOT is committed to working with the community and the adjacent property owners to modify the current landscaping to improve public access to Reservation 266, while providing the adjacent property owners the opportunity to beautify and maintain the green space immediately adjacent to their home,” Brown stated.

Given Brown’s letter and DDOT’s new policy, West and Kadesh’s application for a fence now appears moot.

Community Reaction

“ANC 6A is grateful that DDOT recognizes the merits of the community’s concerns and has committed to preserving public enjoyment of all the triangle parks under its jurisdiction. We are also encouraged that DDOT has committed to modification of the current landscaping to improve public access to the park, and to amending the DC Municipal Regulations to specifically exclude U.S. reservations from the definition of “public parking,” stated Alberti, welcoming DDOT’s decision.

Christine Mullins, a 10 year Hill resident, walks through the park with her children on their way to Maury Elementary. Mullins stated in an email, “I am pleased DDOT has acknowledged that it made a mistake when it wrote a confusing letter that seemed to hand over the public pocket park at Tennessee and 13th Streets to Ms. West and Mr. Kadesh for their personal use. I hope DDOT works with them to make sure the public really knows they have a legal right to access this pocket park.”

Tom Hardy lives just around the corner, but grew up in a home on 13th St. NE opposite the green space. “I’m delighted because I know what that park was used for,” Hardy said of the reversal in DDOT’s position. “Kids on the block would play there. The park will be restored, and I think the community is stronger for it.”

Kadesh reacted quite differently to DDOT’s decision. “It is ridiculous that we went to DDOT two years ago to ask if we could plant a garden in the area adjacent to our home which for the past twenty three years the District has told us we were required to maintain,” wrote Kadesh in response to the Hill Rag’s request for comment.. “We submitted plans to DDOT that they approved and granted us permits. We planted the garden exactly as they permitted it at a significant cost to us. After months of internal deliberation, on Oct. 25, 2013, the head of DDOT reaffirmed in a letter that everything was done properly and the garden was appropriate. Now less than a year later they have reversed their position. To say that dealing with DDOT has been frustrating is an understatement.”

David Holmes, a neighbor and former ANC 6A Chair, took a more wholistic view. “The District Department of Transportation will now protect the pocket or mini-parks from conversion to private use. Beautification of the parks is great but converting them into private preserves was horribly bad policy,” said Holmes in response to this reporters query. “I’m expecting that public access to the pocket park at Tennessee and 13th will be provided by the provision of some gaps in the hedge. The plantings there are lovely and now we’ll all be able to enjoy them.”

