



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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September 8, 2021

Mayor Muriel Bowser
Mayor
Government of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004
muriel.bowser@dc.gov

Deputy Mayor Lucinda Babers
Deputy Mayor for Operations and Infrastructure
Government of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite C-06
Washington, DC 20004
lucinda.babers@dc.gov

Mr. Everett Lott
Interim Director
District Department of Transportation
250 M Street SE
Washington, DC 20003
Everett.Lott@dc.gov

RE: Removal of Illegally Installed Porous Flexible Pavement Patches on Brick Sidewalks in the Georgetown Historic District

Dear Mayor Bowser, Deputy Mayor Babers, and Director Lott,

On August 30, 2021 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

On March 23, 2021, without any prior consultation with either ANC 2E or the Old Georgetown Board (OGB), the District Department of Transportation (DDOT) announced its intention to use Porous Flexible Pavement (PFP) to repair brick sidewalks damaged by tree roots in the Georgetown Historic District. The announcement signaled an abrupt and unilateral end to DDOT's long-standing practice of cooperating with ANC 2E and the OGB when making decisions that affect the appearance of the federally-protected Georgetown Historic District. Remarkably, DDOT's announcement of the policy change made no reference to the agency's obligation under the District of Columbia Municipal Regulations (DCMR) to use brick to repair sidewalks in Georgetown.

COMMISSIONERS:

Kishan Putta, District 1 Jenny Mitchell, District 2 Rick Murphy, District 3
Anna Landre, District 4 Lisa Palmer, District 5 Gwendolyn Lohse, District 6
Elizabeth Miller, District 7 Matias Burdman, District 8

At public meetings held on March 30, 2021 and May 3, 2021, ANC 2E adopted resolutions urging DDOT to delay implementation of its plan to use PFP in Georgetown until there had had been an opportunity to have a meaningful discussion among stakeholders of how best to maintain the safety, accessibility, and appearance of brick sidewalks in the Georgetown Historic District. DDOT refused to pause the project, and proceeded to replace the entire width of sections of brick sidewalks in the following four locations in Georgetown with PFP:

1. 2710 P Street NW,
2. on the north side of P Street NW, slightly east of the P Street and 30th Street NW intersection,
3. 3301 Dent Place NW, and
4. 1640 33rd Street NW.

On June 30, 2021, at a Zoom meeting convened by Councilmember Brooke Pinto, DDOT Acting Director Everett Lott agreed to provide copies of legal opinions discussing DDOT's obligations under the Old Georgetown Act and 24 DCMR Chapter 12 to Councilmember Pinto and authorized Councilmember Pinto to share the opinions with representatives of ANC 2E and the Citizens Association of Georgetown (CAG).

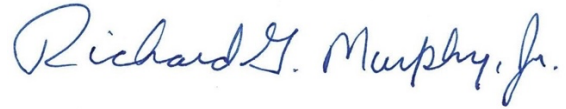
In mid-July, ANC 2E received a copy of a legal opinion authored by Deputy Attorney General Brian Flowers that had as its subject, "Does the District's replacement of sidewalk bricks in Georgetown with another material comply with 24 DCMR Chapter 12?" The opinion was dated seven days **after** the Zoom meeting convened by Councilmember Pinto and roughly 60 days **after** DDOT replaced four sections of brick sidewalks in Georgetown with PFP. In his opinion, Deputy Attorney General Flowers unambiguously advised DDOT that if the repair of a brick sidewalk in Georgetown (or in any of the other four historic districts identified in the regulation) covers the entire width of the sidewalk, DDOT is required by the regulation to use brick. In each of the four locations in Georgetown where DDOT used PFP to repair damaged brick, the repair covers the entire width of the sidewalk. DDOT has indisputably violated its own regulation.

By email addressed to Acting Director Lott dated July 22, 2021, ANC 2E noted the implications of the legal opinion provided by Deputy Attorney General Flowers, and respectfully requested removal of the illegally installed PFP patches. To date, Acting Director Lott has not responded to ANC 2E's request and the PFP patches have not been removed.

With the above as background, ANC 2E respectfully urges Mayor Muriel Bowser and Deputy Mayor for Operations and Infrastructure Lucinda Babers to direct DDOT to remove the PFP patches illegally installed in the Georgetown Historic District and to repair the four affected sections of sidewalk with brick.

Commissioner Rick Murphy (2E03@anc.dc.gov) is the Commission's representative in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." in a cursive script.

Rick Murphy
Chair, ANC 2E

CC: John Falcicchio, Deputy Mayor for Planning and Economic Development
Councilmember Brooke Pinto, Ward 2
Andrew DeFrank, Community Engagement Specialist, DDOT