



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



October 20, 2014

Mr. Matthew Marcou
Deputy Director for Public Space Regulation
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Dear Mr. Marcou,

At a regularly scheduled and properly noticed meeting¹ on October 9, 2014, our Commission voted 5-0 -0 (with 5 Commissioners required for a quorum) to express our conditional support for the proposed use of public space as a sidewalk café by Ben's Chili Bowl, to be located at 1001 H Street NE.

The motion our ANC passed on October 9 (attached) sets forth conditions the ANC has asked the applicant to fulfill prior to and during the use of public space for a sidewalk café. These conditions have been negotiated with and agreed to by representatives of the ANC and representatives of the applicant. Although all concerns in our motion are of great importance to the ANC, our main concern is with respect to the proximity of this sidewalk café to nearby residences (the property is immediately adjacent to an R-4 residential zone), particularly given the anxieties expressed by neighbors who reside on the same block of 10th Street as the restaurant. Given the unique location of this sidewalk café space, which extends right up to the residential neighborhood on 10th Street NE south of H Street NE, any noise created by patrons using the space will likely permeate the nearby neighborhood. To mitigate noise concerns, we have therefore asked for and the business has agreed to a "buffer" area of 25 feet between the beginning of the sidewalk café and the nearest residence property line. In addition, the applicant has agreed to only operate the sidewalk café space during the normal outdoor area hours of operation in our standard settlement agreement (until 11 pm Sunday to Thursday and until midnight on Friday and Saturday).

Thank you for giving consideration to our ANC's feedback on this public space proposal. We respectfully request that you include the attached conditions with any approved public space application for this applicant. Should you wish to discuss this letter with the Commission, please feel free to reach out to me at 6A04@dc.gov or the ANC 6A Vice-Chair, J. Omar Mahmud, at mahmud6a01@gmail.com.

¹ ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



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On behalf of the Commission,

A handwritten signature in black ink that reads "Nicholas Alberti".

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A



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Attachment

Motion to Present to the Department of Transportation, Public Space Committee

Motion adopted:

Commissioner Mahmud offers a motion that ANC 6A send a letter of support for the sidewalk café application submitted by Ben's Chili Bowl at 1001 H Street NE and waive the DDOT 30 day notice requirement for ANC input on this application, on the condition that the applicant agree to and adhere to all requirements imposed by the DDOT Public Space Committee and the following requirements:

1. Only operate the sidewalk café space from 9 am to 11 pm Monday through Thursday, from 9 am to midnight Friday, from 10 am to midnight Saturday and from 10 am to 11 pm Sunday.
2. Take reasonable efforts to contain noise within the sidewalk café space including, but not limited to, using the sidewalk cafe canopy, roll down plastic windows and any other reasonable means to contain noise, but only to the extent allowable by applicable District laws and regulations.
3. Only use the sidewalk café space for food and drink service, and not for any playing of music, amplified or otherwise, or for any other use, including live performances.
4. Install attractive fencing consistent with DDOT specifications and the fencing enclosing other sidewalk cafes on H Street, which shall include fencing or bars designed to keep trash contained within the sidewalk café area (preferably by minimizing any gaps at the bottom of the fencing).
5. Use easily moveable chairs and tables that shall be moved to the side and locked up when not in use.
6. The sidewalk café space shall be at least 25 feet from the nearest R-4 property line (the home located at 729 10th Street NE), allow for a sidewalk (pedestrian path) width at least as wide as the rest of the sidewalk running the length of the 700 block of 10th Street NE, and comply with any other requirements imposed by applicable District laws and regulations – as represented in the attached renderings.
7. Present an acceptable trash management plan to ANC 6A which demonstrates an aggressive trash removal schedule (7 days a week with pick up times during the late



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morning and early afternoon hours). Applicant will ensure no trash container of any sort will be stored anywhere on public space, including on the sidewalk café itself – as represented by the applicant in the attached trash management plan.

8. Regularly maintain the adjacent tree boxes and keep all areas in front of the business and within the sidewalk café area clean, including the adjacent sidewalk and street gutter. To further the effort to keep the surrounding neighborhood free from litter, the owners agree to contribute to a neighborhood trash removal service to be agreed to between the owners and ANC 6A.

9. Close and restore to DDOT standards the existing curb cut that provides access to the property's adjacent public space. Any other curb cut requested by applicant shall be acceptable to ANC 6A so long as DDOT gives approval, the curb cut is no more than 8 feet in width and the curb cut is constructed in compliance with applicable District laws and regulations. In addition, applicant will be responsible for ensuring its customers, suppliers, employees, etc. not park any car on the sidewalk or other public space.

Trash management Plan:

Ben's Chili Bowl and Ben's Upstairs trash management plan is supported by an enclosed trash receptacle room located to the rear of the first floor restaurant, on restaurant property and not on public space. It is self-contained with 2 rolling gated doors that will only be accessed when trash is being picked up for the restaurants. The entire rear building of the restaurants (including the trash room) are also enclosed by a wooden slat fence separating the adjacent residential property and a gate entrance fence facing 10th street for access to the trash room area. The trash room will contain 3 (2) yard rear load trash receptacles for trash; 1 (2) yard cardboard receptacle; and 6 (96) gallon Carts for recyclables. Trash will be picked up 7 days a week. On weekdays trash pickup will occur between the hours of 9:00AM- 11:00AM, and on weekends between the hours of 10:00 AM - noon.

Additionally, Ben's Chili Bowl and Ben's Upstairs collectively will contribute monetary funds (amount to be determined, depending on the cost of services to be negotiated for adequate neighborhood trash removal) to the existing trash management program offered by H Street Main Street, or with any other vendor providing this service.