

ANC 6A Transportation & Public Space Committee Meeting Minutes
Sherwood Recreation Center (10th Street and G Street NE)
May 20, 2013 at 7pm

- I. Call meeting to order at 7pm
- II. Introductions
 - a. In attendance were committee members Christine Ennis, Lara Levison, Benjamin Rosset, Todd Sloves, and J. Omar Mahmud (Chair and ANC 6A Commissioner); ANC 6A Chairman David Holmes, and ANC 6A Commissioners Nick Alberti and Sondra Phillips-Gilbert; owners of the Chupacabra restaurant, Kevin Bombardier and Jason Martin; as well as several members of the ANC 6A community, including at least five neighbors identifying themselves as residents of the 800 block of 9th Street NE.
- III. Community Comment
 - a. Chairman Holmes reported that there is an effort underway to improve conditions for the alley behind the Atlas Theater and that the owners of the Maya condominium development are considering a community benefits package to mitigate traffic concerns in the alley. Councilmember Tommy Wells, DDOT and our ANC have proposed that the owners do some alley repaving to improve conditions. Chairman Holmes will keep the ANC updated as discussions progress.
- IV. Announcements - Commissioner Mahmud made the following announcements:
 - a. DDOT to host second round of moveDC public workshops in June to discuss the future of transportation in the District. A session will be held at Union Station on June 11, 2013 (more details to follow). Other dates and locations for June workshops are available at wemoveDC.org.
 - b. DDOT has installed new Capital Bikeshare stations in our ANC at 15th and E. Capitol Street, 8th and E. Capitol Street and 8th and F Street.
- V. Old Business
 - a. Review of proposed public space patio/sidewalk café for Chupacabra Restaurant located near the corner of 9th Street NE and H Street NE
 - i. Commissioner Mahmud thanked the owners for attending the meeting and invited them to provide additional information to the community about their proposed plans, which were distributed to attendees, as a follow up to their last committee appearance back in January.
 - ii. The owners submitted a public space application to DDOT on May 2nd ahead of their scheduled June 27 DDOT public space committee hearing. The ANC is considering what comment to provide DDOT regarding use of the patio space, if any.
 - iii. The restaurant has recently opened, but it has not used the public space yet given the application with DDOT is under review.
 - iv. The owners indicated they have collected 250 signatures on a petition they indicate is in support of their public space use, 95% of which they indicate are from ANC 6A. The owners indicated they would provide the ANC copies of the petition as well as an electronic version.
 - v. The owners detailed improvements to the surrounding neighborhood the restaurant should be credited with providing, including increased MPD patrols and clean-up of the adjacent alley that runs alongside the restaurant property from 9th Street to 8th Street NE. An 8th Street neighbor in attendance who claimed he drives through the alley regularly confirmed the restaurant's alley cleanup efforts and indicated he greatly appreciates the restaurant's cleanup efforts.

- vi. Mr. Mahmud asked whether the fencing surrounding the patio would have horizontal bars or planks down to the ground so that trash can be more effectively contained within the property. The owners indicated installing such a fence should not present a problem.
- vii. The owners gave some details about a proposed trash plan that will ensure restaurant trash is collected and stored behind the DTLR shoe store across the street adjacent to the alley behind the store on 9th Street NE. The owners claim lighting has been added to the proposed trash storage area behind DTLR and that they are putting up an eight-foot high wooden fence as well to enclose the trash bins, which will be stored on a platform area to be built.
 - 1. Commissioner Mahmud asked that the owners provide more details regarding the trash plan (e.g. collection times) and pictures showing the materials to be used for the fencing. The owners indicated the fence should be built by the time of the ANC meeting in June so they can bring pictures to that meeting.
- viii. The owners indicated there would be no music or live entertainment allowed on the patio space and that they will have an awning cover over part of the patio, which should help contain noise from patrons. Mr. Bombardier claimed to have done research on decibel levels emanating from voice conversations and that his analysis indicates there will be no noise issues in the neighborhood. Commissioner Mahmud as well as others questioned his ability to predict this outcome and questioned the conclusions of his analysis of the noise issue. Mr. Bombardier also claimed he will have server regulated seating to ensure patrons are first required to sit at the end of the patio furthest from homes in the neighborhood. Mr. Mahmud and others in attendance questioned the feasibility of implementing such a plan for a restaurant given patrons will seek to sit where they like.
- ix. The owners indicated the restaurant is currently open 11am to 11pm during the week and until 2am on the weekends. They hope to stay open until 3am and ultimately to stay open as late as business will allow going forward. Commissioner Mahmud expressed his concern about the proposed patio hours of operation, which he indicated should be limited. Commissioner Mahmud reminded the owners he expressed this concern to them in the past. Others in attendance shared similar concerns about the restaurant enjoying potentially unlimited patio hours of operation. Commissioner Mahmud proposed that the hours be limited to the same hours that the ANC asks of all businesses with outdoor customer space along H Street, which is until 11pm Sunday through Thursday and until midnight on Friday and Saturday. These are the hours of outdoor patio space operation expressed in the ANC 6A voluntary agreement. The owners indicated their patio use should be allowed for longer hours because noise has not been an issue thus far for businesses along H Street. Commissioner Mahmud pointed out that is more likely the case because the ANC enforces limited patio hours of operation for these businesses in the voluntary agreement and that the noise issue may become a complaint worthy concern if we did not restrict patio hours to midnight on the weekends. Commissioner Mahmud also pointed out that, unlike this proposed patio space use, which extends fairly deep into the 9th Street residential neighborhood, other patios in the area front more along H Street or other streets that are more commercial. The owners again expressed an interest in not having any restrictions on the patio hours.

- x. Commissioner Alberti asked how many customers the application indicates will occupy the patio space. Mr. Bombardier indicated they have asked for 95 people.
- xi. Chairman Holmes asked whether the owners are taking over the Stan's clothing building, the main building for the property where the restaurant is located (the restaurant is in a converted garage or carriage house at the back of the property), as the site plan suggests. The owners indicated the rendering incorrectly labels that space as restaurant space and that they currently have no plan in place to take over the Stan's space.
- xii. Chairman Holmes asked about noise abatement on the end of the patio that fronts homes along 9th Street given the plans presented at the January meeting showed construction of a wall to mitigate noise. The owners indicated DDOT would not let them build anything on the patio that can't be taken down in 24 hours so it was decided not to build a wall. The current plan is to place an awning over this end of the patio with a thick canvas that can roll down as a temporary wall, particularly at night.
- xiii. One of the 9th Street residents provided the committee handouts with pictures of the proposed sites and site measurements. He expressed concern about the measurements on the owners' site plans and the width of the sidewalk post patio construction. The owners responded that the proposed site plans comply with sidewalk width regulations imposed by the District and asserted the measurements on their site plans are accurate. Commissioner Mahmud and members of the committee reviewed all materials and concluded there was no reason to believe the owners' site plan measurements were inaccurate.
- xiv. One of the 9th Street residents expressed concern about noise from the patio space and trash originating at the business. The owners again expressed interest in having a trash plan that works for nearby residents and indicated the current plan is to have trash picked up every day. Following up on the trash discussion, Commissioner Alberti suggested recyclables only be dropped in the recycling bin in the trash area during early hours in the day given late night bottles clanging as they drop into the recycling bin will become a noise nuisance for nearby neighbors. The owners agreed.
- xv. Commissioner Mahmud asked whether it would be possible to limit seating on the patio space to the area north of the building entrance, in an effort to reduce noise levels filtering into nearby residences. The area to the south of the restaurant entrance (which currently shows two benches in the site plan distributed at the meeting) could then be reserved for non-customer uses like a staging area for servers. The owners indicated this is something they could agree to. Ideas were also proposed regarding the placement of bushes or other large plants in this area, to block the area from customer use and block noise from the patio, but the owners balked at this idea.
- xvi. Chairman Holmes asked about the storage of used cooking oil given our ANC experiences problems with this issue now, especially with businesses that do not dispose of the oil properly. The owners confirmed all oil would be stored behind DTLR in the trash area until picked up for proper disposal.
- xvii. Commissioner Alberti expressed additional concern about the width of the sidewalk given he wants to ensure the sidewalk conforms to the sidewalk along the rest of the street (in front of residences). The owners indicated their proposed sidewalk width conforms to the sidewalk along the rest of the 800

- block of 9th Street, but indicated a willingness to ensure the width of the sidewalk conforms to the rest of the street if it does not.
- xviii. Following up on the petition of support the owners mentioned earlier in the meeting, one of the 9th Street residents asked Mr. Bombardier how many of those signing the petition were residents from the same block as the restaurant, the 800 block of 8th Street NE. Mr. Bombardier responded that he thought there were about 20 signatures from residents along that block. The resident asked to look at the petition to confirm this number and later reported to the committee during the meeting that there were only seven residents from the block who had signed the petition. Mr. Mahmud also pointed out that the petition was for general support and not necessarily in support of particular plans put forward by the owners, including hours of operation for the patio until 2-3am or later on the weekends.
- xix. Discussion ensued regarding the nighttime hours when the owners should be required to lower the canvas flaps along the portions of the patio that face nearby residences. Commissioner Mahmud suggested 10pm during the week and 11pm on weekends, but the owners seemed hesitant about this proposal given they wanted the freedom to keep the canvas flaps up later if they deemed it necessary.
- xx. A resident of the 800 block expressed concern about the aesthetics of the proposed awning roll down facing her home and the smell of food from the kitchen, which is near resident homes given the location of the restaurant.
- xxi. ***Commissioner Mahmud made a motion that the ANC send a letter of support for Chupacabra's public space application proposing use of the space as a patio, but only so long as Chupacabra agrees to the following conditions (to be set forth in a gentlemen's agreement between the owners and ANC 6A):***
- 1. Install fencing around the perimeter of the public space patio designed to contain trash and other items, particularly by eliminating large gaps at the bottom of the fencing;***
 - 2. Regularly maintain the tree box and keep all areas in front of the business clean, including the adjacent alley, sidewalk and street gutter;***
 - 3. Adjust the patio public space site plans, if necessary, to ensure the sidewalk area adjacent to the patio is at least the same width as the sidewalk along the rest of the west side of the 800 block of 9th Street NE;***
 - 4. Implement a detailed trash plan for the site, which shall be presented for review and approval to ANC 6A;***
 - 5. Limit the hours of use of all outdoor patio space to the same hours contained in the ANC 6A ABL Voluntary Use Agreement, which are currently Sunday to Thursday until 11pm and Friday to Saturday until midnight;***
 - 6. Not place tables in the patio area north of the front door entrance (as shown on the plans) or utilize this area for any other use that will encourage customer use of the area; and***
 - 7. Take steps to mitigate customer noise, particularly at the north and northeast end of the public space patio at all times, including the closure of an overhang wall or window flaps after 10pm each night, or at some other time as reasonably agreed to by the owners and***

the ANC.

In the alternative, if Chupacabra does not agree to these conditions, the ANC shall oppose the proposed use to the DDOT Public Space Committee.

Ms. Ennis seconded the motion, which passed unanimously without objection.

- b. Discuss C Street NE traffic camera (evaluate plan for follow-up concerning an earlier ANC 6A request) - Given the meeting ran over on time, Commissioner Mahmud briefly informed the committee that he believes this issue can be tabled pending the outcome of recent MPD promises he has received to evaluate the location and possibly install the traffic camera in the near term. If the camera is installed by the meeting next June, there will be no need to revisit this item during that meeting.
- c. Update regarding roll out of G Street NE and I Street NE bicycle infrastructure proposals - Given the lack of available time this meeting, Commissioner Mahmud recommended Ms. Ennis provide her report on this matter at the June committee meeting. Ms. Ennis agreed to this proposal.

VI. New Business

- a. Consider letter of approval for petitions by residents in the 900 block of L Street NE to extend residential parking permit (RPP) hours of enforcement and to implement resident only parking restrictions.
 - i. Mr. Rosset expressed concern about the spillover affect on other blocks if this block is allowed to implement stricter parking restrictions. Commissioner Mahmud agreed this was a concern, but indicated he is inclined to support the petition anyhow given (a) it has been our past practice to support petitions supported by residents such as this and (b) that the ANC is looking to implement ANC-wide (or at least SMD-wide) parking restrictions similar to those proposed here, which will eliminate the spillover problem in our ANC.
 - ii. ***Commissioner Mahmud made a motion that the ANC send a letter of support to DDOT regarding the petitions submitted by residents of the 900 block of L Street to extend residential parking permit (RPP) hours of enforcement and to implement resident only parking restrictions. The motion was seconded, and passed without objection.***

VII. Additional Community Comment - None

VIII. Meeting adjourned at 9pm