

Minutes  
ANC 6A Transportation & Public Space Committee Meeting  
Maury Elementary School (1250 Constitution Avenue, NE)  
September 15, 2014

I. Meeting called to order at 7:00 pm

II. Introductions

Committee members in attendance were Advisory Neighborhood Commission (ANC) Commissioner J. Omar Mahmud (Co-Chair), Todd Sloves (Co-Chair), Jeff Fletcher, Lara Levison, and Andrea Adleman. Also in attendance were ANC 6A Chairman Nick Alberti and Commissioner Sondra Phillips-Gilbert; Commissioner Brian Flahaven of ANC 6B; Mohammad Dahir (DDOT); several representatives of DC Water including Emanuel Briggs (Community Outreach), Tamrat BeDane, and Denise Sanders (Manager, Water and Sewer Construction Branch); Thomas Perry (DC Streetcar Program Manager) and other DC streetcar representatives; Duane Washington and Tina Washington (owners of Old Time Jazz and Blues at 1380 H Street NE); Sage Ali (one of the owners of Ben's Chili Bowl at 1001 H Street NE) and Frank White (representing Ben's Chili Bowl); and other community members.

III. Community Comment

Mr. Raphael Marshall presented an ANC letter from May 2013 to the Committee claiming it resolved an issue the ANC voted to send a letter about at the September 11, 2014 ANC 6A meeting (the naming of Ruby Whitfield Way on a portion of Florida Avenue NE). Mr. Mahmud examined the May 2013 ANC letter presented by Mr. Marshall and found that the letter had nothing to do with the dedication of Ruby Whitfield Way as Mr. Marshall claimed. Mr. Mahmud informed the Committee and those in attendance that the ANC would still be sending the letter voted on at the September 11, 2014 ANC meeting dedicating Ruby Whitfield Way since the letter Mr. Marshall presented did not address this important issue.

IV. New Business

- A. Update from the District Department of Transportation (DDOT) and DC Water concerning the Seventeenth (17<sup>th</sup>) Street NE and Nineteenth (19<sup>th</sup>) Street NE streetscape project and the Seventeenth (17<sup>th</sup>) Street water main project.
- i. Representatives of DDOT and DC Water attended the meeting to provide this update. Mohammad Dahir, DDOT Project Manager, described the project timeline, making several statements about the timeline that seemed to conflict.
  - ii. Mr. Dahir stated that, for Nineteenth (19<sup>th</sup>) Street, the plans have been completed and the contractor selected. The contract needs to be finalized, and they are hoping to start in late October 2014. Subsequently, he made statements that seemed to indicate the work would not start until some time in 2015.
  - iii. For Seventeenth (17<sup>th</sup>) Street, from Potomac Avenue SE to Benning Road NE, Mr. Dahir stated that when DDOT completed the drawings, they found some conflict with utilities. DDOT has met with DC Water and the two agencies are working to incorporate the changes. They will advertise the contract, then take four to six (4-6) weeks to award it, and construction will start early next year. ANC 6B Commissioner Brian Flahaven countered that this is a little

misleading, since DDOT will start at the other end and take a year to reach Seventeenth (17<sup>th</sup>) Street. The safety improvements are being pushed behind the water main project. The delay is due to the water main replacement project on Seventeenth (17<sup>th</sup>) Street. There are twenty (20) inch and eight (8) inch mains next to each other.

- iv. A question was raised about how traffic would be routed around Seventeenth (17<sup>th</sup>) Street during the water main dig. Mr. Dahir replied that DDOT will do two to three (2-3) blocks at a time, and that DDOT had provided drawings of the traffic detour to the affected ANCs. Commissioner Flahaven of ANC 6B said he hadn't seen the alternate routes, and neither have Commissioners Alberti or Mahmud.
  - v. There was considerable discussion between Mr. Dahir and the meeting participants, including ANC 6A Chairman Alberti, Commissioner Phillips-Gilbert, and others, seeking to clarify the timeline. Commissioners and community members expressed considerable concern about how long this project has been delayed.
  - vi. ANC 6A Chairman Alberti asked for more clarity on the project timeline, for which the following was offered by Mr. Dahir:
    - 1. The plans for Seventeenth (17<sup>th</sup>) Street were finished, but then the conflicts with DC Water were identified, which has caused delay while the conflict is being worked out.
    - 2. The plans will be sent to the contract office by December 30, 2014. The process of preparing, advertising, and awarding the contract will take four to six (4-6) weeks.
    - 3. The contractor will be selected by mid-February or March 2015.
    - 4. The contract will be executed. Then the contractor will start construction, one (1) month after selection.
    - 5. ANC 6A Chairman Alberti said that the ANC will send an email message to Mr. Dahir so that he can double check process and timelines with his team and provide that information to the ANC prior to the October 2014 Commission meeting. Mr. Dahir said he will speak to his supervisors to contact the office of contracts to accelerate the process.
  - vii. Neighbors asked several times whether measures can be taken immediately to slow down traffic on Seventeenth (17<sup>th</sup>) Street. Mr. Dahir said he would inform his supervisors.
  - viii. Representatives of DC Water, including Emanuel Briggs (community affairs) and Tamrat BeDane, provided an update and fact sheet on the Seventeenth (17<sup>th</sup>) water main replacement project. DC Water is replacing twenty (20) inch and eight (8) inch water mains. Mr. Briggs noted that a lot of the water infrastructure in DC is older than the Civil War. The eight (8) inch main was installed in 1920. The twenty (20) inch main will solve the low pressure in this neighborhood and east of the river. They will start construction from the north (C Street NE). The anticipated utility construction start date is December 29, 2014, and the anticipated finish date is March 26, 2016.
- B. Update from DDOT concerning streetcar project.
- i. Thomas Perry, DC Streetcar Manager, reported that DDOT is now in the midst of operator training. Each operator needs thirty (30) hours of training. Passenger service is expected by the end of the year.

- ii. It will take two (2) weeks to sixty (60) days for review of the rail activation package by the State Safety Oversight Program, under the Federal Transit Administration (FTA). Locally, jurisdiction for the review is under the fire department, following FTA guidelines.
- iii. The fare for initial service is under discussion. RDMT (RATP DEV McDonnell Transit) won the operations contract.
- iv. DDOT indicated DC is adding 1,000 residents a month. Streetcars will connect neighborhoods. There are several phases of streetcar development in the National Environmental Policy Act (NEPA) process. Three (3) routes are going through Environmental Assessments over the next twelve to eighteen (12-18) months: 1) Union Station to Georgetown (evaluation started in July 2014), 2) continuing the H Street line (Benning Road Extension from Langston Golf Course to Benning Road Metro)--first public meeting will be in October 2014, and 3) Southeast (SE) waterfront to historic downtown Anacostia. DDOT is seeking an outcome of a Finding Of No Significant Impact (FONSI) from the Federal Highway Administration and the Federal Transit Administration so it can move these projects forward.
- v. Funding for streetcars was recently cut in half by the DC Council. DDOT is evaluating how to proceed in light of this funding cut. Commissioner Mahmud noted that we did not, as a community, get a chance to engage the Council on the cuts. He asked that DDOT advise the ANC when we need to weigh in on the budget discussion.
- vi. Perry noted that before 1960, there were one-hundred (100) miles of streetcar track in DC. Hope is to return to that in the long-term. A discussion ensued on the differences between streetcars and buses (streetcars are more permanent and larger), fares, effect on personal vehicles (vetting through the NEPA process for the long-term effects), transfers, implications for the X2 bus (not affected in current plans given the X2 serves a different route), conflicts between streetcars and metro buses (cannot verify that WMATA bus drivers are being trained to drive on routes with streetcars, though they have been given information), signal timing (only three (3) signals in the corridor have preemption for streetcars now). North-south streetcars are not yet in the NEPA phase.

- C. Review of proposed DDOT regulations concerning operation of streetcar. The proposed regulations can be found at <http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?NoticeID=5070013> - Commissioner Mahmud moved that this item be addressed at the end of the agenda out of consideration for the business owners waiting to discuss items in Old Business.

## V. Old Business

- A. Reconsideration of public space application for sidewalk café at 1380 H Street NE (Fourteenth (14<sup>th</sup>) Street side of the property).
- i. Duane and Tina Washington were in attendance to answer questions about the business's sidewalk café and to confirm agreement with the ANC on key operational matters. One key issue is the buffer zone between the café and the property next to it. It is not adjacent to an R-4 (zone district); the surrounding properties are all commercial, but the property next to them has residents living in some sort of housing facility. The owners therefore agreed to a more

limited eight (8) foot buffer from this property. Commissioner Mahmud pointed out that the ANC would not seek a larger buffer area from the nearest property like it has for other businesses on H Street since all surrounding properties here are commercial and the character of this street and surrounding neighborhood is not residential (R-4) unlike the other side streets where the ANC has evaluated sidewalk café applications.

- ii. Trash plan: The Washingtons have a verbal agreement at this time with a neighbor for locating trash dumpsters. However, they are still working out the details and do not have a formal agreement in place. Commissioner Mahmud stated that he needs to know the trash management plan before the next ANC meeting on October 9, 2014 since the ANC wants assurance that trash will not be stored on public space. Trash management is the only open issue.
- iii. Commissioner Mahmud restated the conditions for supporting this application, which the owners agreed to at the meeting:
  - 1. The Committee/ANC would prefer that owners cover the expense of moving the bike rack and trashcan, but will defer to DDOT's decision on this if DDOT decides to cover the cost.
  - 2. Owners agreed to follow hours and terms of sidewalk cafe operation stipulated in ANC6A's standard voluntary agreement (SA), including closing at 11:00 pm Sunday through Thursday and 12:00 am Friday and Saturday. This agreement includes no music on the sidewalk café and only food and drink service.
  - 3. Food will be plated; it will not be light-weight paper or plastic that is prone to litter the area.
  - 4. Attractive fencing consistent with DDOT requirements and other sidewalk cafes on H Street, with a preference for fencing that contains trash in the sidewalk café area by having bars that go down to the ground.
  - 5. Owners agreed to move chairs and tables to the side and lock them up when not in use.
  - 6. A buffer area of at least eight (8) feet at the northern end of the space so as to not have tables right next to the front yard of the adjacent property on Fourteenth (14<sup>th</sup>) Street NE. They could use that buffer area as space for quiet sidewalk café operations.
  - 7. Presentation of an acceptable trash management plan to ANC 6A which demonstrates an aggressive trash removal schedule and shows no trash container of any sort will be stored anywhere on public space.
  - 8. Regularly maintain the adjacent tree boxes and keep all areas in front of the business and the sidewalk café area clean, including the adjacent sidewalk and street gutter.
  - 9. Ensure the sidewalk café allows for an adjacent sidewalk that maintains a consistent width with the sidewalk on the rest of the block.
- iv. ***Co-Chair Mahmud offered a motion to send a letter to DDOT conditionally approving the application for a sidewalk café with the conditions agreed to by the owners as indicated above, along with the presentation of an acceptable trash plan at the October 9, 2014 ANC meeting. Seconded by Jeff Fletcher. The motion was approved 5-0.***

- B. Reconsideration of Ben's Chili Bowl public space application for sidewalk café at 1001 H Street NE (Tenth (10<sup>th</sup>) Street side of the property).

- i. Co-Chair Mahmud first explained that the Ben's team had presented before the Committee before (over a year ago), at which time the ANC raised a number of questions about the sidewalk café. Ben's withdrew the sidewalk café application soon afterward to instead focus on obtaining a liquor license. The sidewalk café application has since been resubmitted to DDOT, and the ANC has been told by DDOT that the ANC would have a chance to weigh in on the application before it is reviewed by the DDOT Public Space Committee.
- ii. Frank White, representing the owners, presented the sidewalk café plans. Owner Sage Ali also participated in the discussion. The sidewalk café on Tenth (10<sup>th</sup>) Street will have about 34 seats and will be fully enclosed with plastic windows on the side; Co-Chair Mahmud noted that DC has regulations concerning when the windows should be open or shut so the business will not always be able to close the plastic flap windows whenever it wants for purposes of noise control. The door opening to the sidewalk café from the inside of the restaurant will be on Tenth (10<sup>th</sup>) and H Streets, close to the street, not in the direction of the side closest to residences. There was a discussion of various elements of the plan, including the size of the café; sidewalk width (7'8"); relocating the curb cut for the use of trash receptacles, but not for trucks; removable space heaters, fans, and lights; trash will be kept inside the building; and the height of awning.
- iii. Co-Chair Mahmud noted that there had been a question of operating hours, and the TPS Committee had expressed an interest in this sidewalk café following the same hours as those contained in the ANC standard voluntary agreement - closed at 11:00 pm Sunday through Thursday and 12:00 am Friday and Saturday. Committee recommendations will insist on those same hours for this sidewalk café.
- iv. Co-Chair Mahmud discussed "centering of the activity" of the sidewalk café - as close to H Street as possible, and as far from the R-4 residential area as possible. Mr. Mahmud asked about moving the seating area closer to H Street and away from the adjacent homes. Mr. Ali noted that he owns the first home, and Mr. White noted that from the edge of the outdoor café to the next house's front door (the house located next to the one owned by Mr. Ali) is at least sixty (60) feet, but that Ben's would take a look at Mr. Mahmud's recommendation about orienting the sidewalk café as far from adjacent homes as possible.
- v. Mr. Mahmud also indicated the ANC recommendation would include standard requests the Committee has made of other similar businesses with a sidewalk café, including, but not limited to, no music or amplified noise; keeping tree boxes clean; maintaining consistent sidewalk width, moving tables and chairs when not in use, establishment of a trash management plan, etc. Mr. Mahmud also pointed out that the owners had agreed to participate in a trash clean-up effort for the surrounding block.
- vi. Ben's indicated the business's trash service will pick up 7 days a week; pick-up times will be arranged to be between 9:00 am - 12:00 pm Monday through Friday. Mr. Mahmud recommended no earlier than 11:00 am on weekends and not during later evening hours.
- vii. Ms. Meek, the neighbor living in the house next to Mr. Ali and closest to this business expressed her experience that the construction and dumpster pick-up noise has been very loud and disruptive to the quiet enjoyment of her home. She also expressed several concerns about noise from the operation of the café similarly disrupting her home once the business opens. Some argument followed

among neighbors, Ms. Meek and Commissioner Phillips-Gilbert, which took up the remaining meeting time.

- viii. Since the meeting time ran out before this recommendation could be finalized, Co-Chair Mahmud indicated he would summarize the recommendations discussed during the meeting, work out details concerning the final recommendations with Ben's Chili Bowl by email, and bring the recommendation to the full ANC at the meeting on October 9, 2014.
- VI. Adjourn meeting at 8:30 pm because the custodians were closing the school auditorium.