

## Minutes

ANC 6A Transportation & Public Space Committee Meeting  
Sherwood Recreation Center (10<sup>th</sup> Street NE and G Street NE)  
November 18, 2013 at 7:00 pm

- I. Call meeting to order
  - A. Chairman Mahmud called the meeting to order at 7:02pm
- II. Introductions
  - A. Introductions were made first by the committee, including those in attendance: Chairman Mahmud, Lara Levison, Todd Sloves, Andrea Adleman, Ben Rosset (minutes), Christine Ennis, and Jeff Fletcher. Representatives of Ben's Chili Bowl then introduced themselves, as did representatives of Souk restaurant.
- III. Community Comment
  - A. Raphael Marshall (not speaking on behalf of DPR or Sherwood Rec center) mentioned an annoyance of DDOT construction outside his house on the corner of 10th and Eye streets NE on the mornings of September 26 and 27th, starting at 6:30am and continuing all day. This including jackhammering as early as 7am. Chairman Mahmud expressed sympathy and frustration at the situation and said he would inform DDOT that such early morning work is unacceptable.
  - B. Todd Sloves mentioned that DDOT is extending a pilot program of offering Residential Parking Permit placards in certain sections of the ANC until January 31st.
- IV. Announcements
  - A. Hotline for streetcar construction issues, including upcoming night work – [\(202\) 210-3700](tel:2022103700). No comments.
  - B. Invitation going out to DDOT to attend our December committee meeting to update community regarding outstanding transportation projects (including C Street redesign, 17<sup>th</sup>/19<sup>th</sup> Streets redesign, Maryland Avenue redesign and G & I Streets bicycle lanes). No comments.
- V. New Business
  - A. Presentation and request for support concerning National Marathon and Half Marathon to be held March 15, 2014.
    1. Diane Thomas of the Rock and Roll National Marathon spoke about plans for the March 15, 2014 Marathon. The Marathon and half marathon will both pass through ANC 6A and traffic through the area will be affected that day. She stated that rolling street closures will be in affect and that our ANC will experience street closures

between about 7:30am and 12:45pm that day. There will be a music stage for the event at approximately H and 7th streets NE, outside of ANC 6A. There will be no music stage at Lincoln Park this year. Ms. Thomas stated that the community will be properly notified of the event so as to be able to plan for it. Door hangers will be provided for every building within a 3-4 block radius of the course. Those will be distributed approximately 14 days prior to the event. Signs will also be posted along the race course about 7 days in advance. The runners are taking the same route through the ANC as they did last year, which means the start line and all the associated trash/discarded clothing will again not be in our ANC this year.

2. ***A motion was made by Chairman Mahmud to recommend the ANC send a letter of support for the race, which was seconded by Todd Sloves and passed with unanimous consent.***

B. Presentation and request for support concerning public space application for sidewalk café area adjacent to Ben's Chili Bowl site under construction at 1001 H Street NE.

1. Representatives of Ben's Chili Bowl presented their plans for an outdoor sidewalk cafe to open along with their new restaurant at the corner of 10th and H Streets NE in 2014. The outdoor sidewalk cafe is proposed to be 40' by 13.3' and to seat approximately 35 customers. Chairman Mahmud asked about the relocation of an existing bike rack location at the address. Ben's said they would look into it and make sure the bike rack location was not removed or properly restored if moved during their construction, though it may have to be relocated. They will get back to the committee about where it will be located.
2. Mr. Sloves asked what hours Ben's planned to operate the sidewalk cafe. Ben's representatives replied they will take a "wait and see" approach. Chairman Mahmud told Ben's that was not appropriate given neighbors need to ensure reasonable patio operating hours are being kept by the business. All other sidewalk cafes on H Street are required by our ANC to close by 11pm on Sunday-Thursday and by midnight on Friday and Saturday. Mr. Mahmud informed Ben's that the community would be expecting the same from its operation. Representatives from the community weighed in with their own concerns about noise levels, expressing support for limiting the hours that the sidewalk cafe is open at night. Ben's indicated that they will have to discuss it, but indicated that they did not agree their business should be required to adhere to the proposed patio operating hours. Ben's stated that they will have a vinyl protective covering that could be lowered to minimize sound escaping from the patio area. Mr. Marcou, Chairman of the DDOT Public Space Committee who was in attendance at the meeting, stated that the vinyl covering would actually have to remain raised during the majority of the time to be in compliance with DC regulations given those regulations specify when the vinyl covering can close up the space, and it can only be done under specific regulatory conditions (i.e. not anytime the business wanted to in order to minimize noise).

3. In response to community questions, Ben's stated that the entire downstairs of the restaurant, including the sidewalk cafe, will not serve alcohol, but that alcohol will be served upstairs and on the roof. There was a question from the community about whether Ben's would be asked to sign something akin to a Voluntary Agreement (VA) for alcohol licensing for this process so that there is an agreement in place to address noise issues and usage and times for their sidewalk cafe. Chairman Mahmud stated that the ANC does not currently enter into agreements with businesses beyond the VA for alcohol licensing purposes, but that he would investigate the feasibility of doing that since this issue came up before when the committee considered the Chupacabra public space application and outdoor café patio. Mr. Marcou indicated DDOT actually enforces patio hours once those hours are set during the application process. Some community members did speak up in support of the Ben's application, identifying Ben's as a reputable business as well as DC iconic family and institution, and suggesting the committee should lend great weight to that when making its decision regarding the proposed public space use.
4. Discussion then turned to the sidewalk width in front of the proposed outdoor cafe. Mr. Marcou stated that DC regulations call for a minimum of 6 to 10 feet of clearance between the sidewalk and the tree boxes for pedestrian access. There is an outstanding question of just how much clearance will be available given the proposed dimensions of the cafe. Ben's will investigate the issue and get back to the committee. Chairman Mahmud asked if Ben's would be willing, during construction, to eliminate the existing curb cut in front of the location to prevent unauthorized parking there. Ben's indicated it would eliminate the curb cut as a part of its construction process. Chairman Mahmud also requested that the sidewalk cafe not protrude past the point of protrusion of other neighbors' front yards on that side of 10th street. Ben's agreed and said that it would not.
5. Mr. Mahmud also asked about the trash plan for the outdoor area given the restaurant serves food using disposable wrappers and other containers, which will be used and consumed on the outdoor patio. Ben's indicated it would instruct its staff to diligently keep the outdoor area clean and to afford customers easy access to trash cans. Ben's also indicated it would explore joining any existing H Street business clean up detail to ensure trash is cleaned up along the adjacent block. It also indicated the fencing around the patio area would be designed to keep trash inside the patio area so that it is not blown out of the area during windy conditions.
6. Mr. Mahmud also brought up other concerns for the patio operation, in addition to those discussed earlier, which he has raised to other applicants, including: 1) prohibition on any outdoor music or any business generated noise (e.g. order number speaker) on the patio area, 2) a plan to address potential trash issues in the neighborhood stemming from this public space use, including installation of patio fencing designed to contain trash in the patio area, 3) regularly maintaining the tree box adjacent to the property and public space are used for the patio, 4) ensure the patio does not extend beyond the fence line of other front yards on the same block and ensure the width of the sidewalk is similarly consistent with the rest of the block,

5) take all other necessary steps to mitigate noise generated in the patio area, both in the design of the patio and in its operation once the business opens.

7. Ben's agreed to return to the December Committee meeting to re-present their plans for the patio area and to discuss all outstanding issues, including those mentioned above and the following issues raised at the meeting: 1) hours of operation of the sidewalk cafe, 2) elimination of the existing curb cut, 3) the available sidewalk width adjacent to the cafe, and 4) Ben's trash plan for the sidewalk cafe.

C. Presentation by representative from the DC Bicycle Advisory Council (BAC) about role of the BAC and recently passed biking legislation.

1. David Cranor, a representative of the DC Bike Advisory Council, gave a presentation to the committee about the Bicycle Advisory Council, and its role in DC. General discussion ensued about bike infrastructure in the district, and particularly around H street NE.

D. Request for additional street lighting along Constitution Avenue NE (between 17<sup>th</sup> Street and 19<sup>th</sup> Street)

1. Calvin Ward, ANC 6a08 commissioner, presented to the committee on a request from residents of the 1700 block of Constitution NE to increase lighting on the street. Given this matter appeared to be a concern about lights being out in existing streetlight poles (as opposed to an infrastructure concern – i.e. new light poles needed), Chairman Mahmud encouraged Mr. Ward to submit a 311 service request to fix any broken or extremely dim streetlights first. Mr. Mahmud then asked Mr. Ward to follow up with the committee if official ANC action is necessary to address his service request if the response from DDOT is lacking. Submitting a 311 service request will provide the ANC with a tracking number and service history for the ANC to follow up on, if necessary. Ms. Ennis encouraged Mr. Ward to discuss the issue of adding more lighting with the residents on the block, to determine if they would support requesting additional lighting to be installed on the block. She relayed a similar experience she had where additional lighting was installed in the alley adjacent to her house, which now shines into the homes of nearby residents due to its increased brightness. Mr. Ward agreed with this approach and indicated he would follow up with the committee accordingly.

VI. Additional Community Comment. No additional comments.

VII. The meeting adjourned at 8:45pm.