

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION**



d. Public Space Regulation Division

**PUBLIC SPACE COMMITTEE HEARING
MEETING MINUTES**

1100 4th Street SW, 2nd Floor

Thursday, August 23, 2018 at 09:00 AM

** The meeting was called to order at 9:29 am by Chairman Matthew Marcou*

Committee Members: Matthew Marcou, Thor Nelson (Office of Planning), Andrew Wiley (DC Department of Consumer and Regulatory Affairs), Anna Chamberlin (DDOT), Elliott Garrett (DDOT)

DDOT Staff: Michelle Phipps-Evans

9:29 AM – 9:39 AM **Consent Agenda**

The application under the Consent agenda were approved as submitted ***Vote: 4 to 0***

- 1) ANC 2B02 - **2100 MASSACHUSETTS AVENUE NW** - Permittee: FAIRFAX HOTEL - Owner: FAIRFAX HOTEL - Fixture: Planter Box on Sidewalk (Exception), Retaining Wall to 42", Landscaping: Hedge to 36" tall, Paving: Patio (porous concrete/pervious pavers ONLY) # 313138
- 2) ANC 2E05 - **1048 29TH STREET NW** - Permittee: Georgetown BID (GBID) - Owner: - Fixture: Planter Box on Sidewalk (Exception) # 313142
- 3) ANC 6C06 - **1200 3RD STREET NE** - Permittee: 1200 3rd Street, LLC c/o Jerry Ricciardi - Owner: 1200 3rd Street, LLC c/o Jerry Ricciardi - Fixture: Bike Rack(s): DDOT Standard, Bike Share Station, Retaining Wall to 42", Trash Receptacle(s) (Exception), Landscaping: New Tree Space(s), Stormwater Mgmt (w/Curb Drain), Tree Fence(s), Tree Planting, Tree Removal, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) Close Existing, Driveway(s) New -Residential, Mill and Overlay, Sidewalk (porous/pervious), Sidewalk(s), Projections: Stoop & Steps # 313160
- 4) ANC 3F07 - **4101 CONNECTICUT AVENUE NW** - Permittee: Tracie Claxton - Owner: Tracie Claxton - Fixture: Sign (w/footings)(Exception) # 314205
- 5) ANC 2B06 - **1901 L STREET NW** - Permittee: TMG 1901 L Street LLC c/o Lincoln Property Company - Owner: TMG 1901 L Street LLC c/o Lincoln Property Company - Fixture: Bike Rack(s): DDOT Standard, Planter Box on Sidewalk (Exception), Landscaping: New Tree Space(s), Stormwater Mgmt (serve public), Tree Fence(s), Tree Planting, Tree Removal, Paving: Curb & Gutter(s), Driveway(s) Repair or Replace, Sidewalk(s) # 276385
- 6) ANC 4C07 - **838 VARNUM STREET NW** - Permittee: Ramin Mehdizadeh - Owner: RAMIN MEHDIZADEH - Paving: Curb & Gutter(s), Driveway(s) New -Residential, Leadwalk w/Steps, Projections: Areaway Entrance, Balcony, Bay Window(s), Window Well(s) # 301896
- 7) ANC 2B01 - **1727 21ST STREET NW** - Permittee: Rich Remson - Owner: Rich Remson - Fixture: Bollard(s) (Exception) # 302095

- 8) ANC 1B09 – **749 HARVARD STREET NW** - Permittee: Matthew Ossolinski – Owner: Max Teplitski – Fixture: Fence (Exception over 42 “) #313256
- 9) ANC 4C07 - **4400 GEORGIA AVENUE NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Mastewal Worku - Mastewal Worku # 10599389

Additional

Chairman Matthew Marcou made a motion to remove the following from the Consent Agenda to the General Agenda because of comments coming in from the community. The motion was seconded by Ms. Chamberlain. The PSC voted 4 to 0 to remove the item.

- 10) ANC 2E06 – **1205 28TH STREET NE** – New Sidewalk Café Unenclosed - Permittee: Columbus restaurants - #10663782

Applicants approved on the consent agenda were told that they will receive a letter from the committee indicating the action and it'll be mailed out within five business days.

General Agenda

9:40 a.m. – 9:47 a.m.

Approved with Modifications - Vote 4 to 0

- 1) **1804 - 1899 BLOCK OF PENNSYLVANIA AVENUE NW** - Permittee: Golden Triangle Business Improvement District - Owner: - Fixture: Street Fixture or Furniture (Exception) # 302167

***Discussion:** David Suls presented the application, which was approved after the presentation in the June meeting but it wasn't on the Consent Agenda because there has been no resolution or information from ANC 2B. The applicant said he presented at the June meeting but there was no resolution at that time, even though it was expected. They provided overall support for the project. There were minor modifications to the plan. The plan is for a slip lane for westbound Pennsylvania Avenue to have a turn eastbound on H Street to Pennsylvania Avenue/18th/19th. Vehicles will have to make the turn at the intersection and not the slip lane. The goal is to make the area more pedestrian and user friendly.*

Motion made to approve application with a modified plan by DDOT's traffic safety team. Revised plan should be reviewed by the Planning and Sustainability reviewer, the Office of Planning reviewer, the Traffic Safety team and the Urban Forestry Division. There should be receipt of the resolution from the ANC. Any objections by the reviewers would trigger another appearance before the committee.

9:48 a.m. – 10:02 a.m.

Approved with Conditions - Vote 4 to 0

- 2) ANC 4D, ANC 4D02 - **419 KENNEDY STREET NW, 423 KENNEDY STREET NW** - Permittee: Stephen duPont Jr. - Owner: Charles Paret - Excavation: Clean Out (Sewer), Electric Connection (Trench), Front Yard (In Public Space), Gas Connection (Trench), Gas Service Abandonment, Sewer Lateral Connection over 4" Pipe (Trench), Water Lateral Conn over 2" Pipe (Trench), Water Meter Manhole (over 2" pipe), Water Service Lateral Abandonment (Trench), Fixture: Retaining Wall to 42", Landscaping: Hedge to 36" tall, New Tree Space(s), Paving: Leadwalk Repair/Replace Existing, Leadwalk w/Steps # 233328

***Discussion:** This is a repeat application and the permittee appeared before the committee previously. The application is for a relatively substantial change to properties on the 400 block of Kennedy, which has gone through several iterations for design that's effective for the building and for the neighborhood. Urban Forestry Division approved the application on condition that the special tree permit was completed. It was issued August 14. There are two substantial concerns from the Planning and Sustainability Division that applicant uploaded a different civil plan than what was in the revisions. Applicant clarifies that only physical entrances to the building have been adjusted. In the plan it shows that green space is in front of a lot that's not in front the applicant's property, however, it's not a part of the application. Stormwater Management team had some concerns about the plan and had comments about the Stormwater management, the public right of way and the streetscape bioretention*

planters. The plan before the committee is a rendering and not the actual technical plan. The Stormwater team and Planning and Sustainability team must approve the plan.

The application was approved with the following conditions. Motion by the chairman, seconded by Mr. Wiley.

A single set of unified plans reflecting modifications all-ready designed to incorporate the comments and requirements from Stormwater management and the Office of Planning be provided. Those plans are to be reviewed and approved by the Office of Planning, DDOT's Stormwater management team and the Planning and Sustainability reviewer.

10:03 a.m. – 10:31 a.m.

Application Approved w/Modifications Vote 3 to 1

- 3) ANC 6C02 - **425 2ND STREET NW** - Permittee: Rico Harris - Owner: Rico Harris - Fixture: Fence (Exception over 42") # 275120

Discussion: This application has gone through an iterative process previously with the PSC and the applicant is seeking to temporarily close the alley on the 100 block of E Street NW and add a fencing with a gate near a homeless shelter. The idea is to make the area safer for the residents, and to prevent congregating on the block by those who aren't residents. There are shelters around the city where others may want to create a buffer between residents and non-residents. To note, June 30, 2019 is the date the applicant will like to have the permit to expire. The gate should be closed in the adjacent alley to omit non-shelter residents even after they're asked to move. However, they will need to determine exceptions to the omissions so the applicant suggested employees from Metropolitan Police Department, and, Department of General Services. The gate will be closed by 7:30 pm and will be reopened at midnight every day. The applicant sees this approval as a temporary measure to give some time to secure grants, and financing to secure a more permanent, long-term solution; for e.g. removing the alley. Chairman Marcou said this is the wrong process. It will be a better solution to permanently close the alley by visiting the Office of the Surveyor; however the applicant said the nonprofit does not have the resources yet. But the chairman mentioned that the organization has access to organizations with the resources who may be able to assist. Chairman said they're doing something they don't want to do. They're doing it so they can buy some time to go to the Office of the Surveyor and the Council of the District of Columbia to close the alley permanently.

The application is approved with the following modifications:

- Gate closure protocol be modified to indicate a seven-day a week closure of the alley from 7:30 p.m. through midnight.
- Before the applicant starts the closure, he should deliver a letter to all property owners on the block informing them about the activity. The letter should be uploaded to the TOPS record.
- The permit will expire August 31, 2019.

Mr. Nelson voted against the application.

10:32 a.m. – 10:52 a.m.

Approved with Conditions

Vote 4 to 0

- 4) ANC 2C01 – **611 “EYE” STREET NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Karma Healthy Foods LLC – Karma Healthy Foods LLC # 10625381

Discussion: This is the north side of the Eye Street between 6th and 7th Street NW near the Gallery Place area in the downtown streetscape area near a synagogue. Application was for 20 seats and little over 300 square feet. Most reviewers were ok with the application. A planter should be included. Six feet is a little narrow for a sidewalk in the downtown area. The standard is a 10 foot sidewalk. PSC recognized this is a less used pedestrian path but there's a lot of amenities coming in. Chairman asked if they will reduce the sidewalk to 8 feet for an 8-foot path. Applicant agrees with providing an 8-foot path. The 6-foot pedestrian path may be an issue. Even though it's low density foot traffic, it's still in the downtown area. Another issue was a set of stairs which might be able to reduce the sidewalk to 6 feet. There's 9 feet of sidewalk and 14 feet of public parking on the north side of Eye Street for a total of 23 feet from face of curb. Using the plans given, with the café dimensions as 13 feet from exterior edge of the café, 6 feet to the café itself to the bay window and another 4 feet to the bay window. The bay window should be four feet from the property line and not from the architectural element of the building and the PSC needed more clarification. Ultimately, the committee will decide if to go with the 6 feet or 8 feet for the sidewalk.

Permit is approved with modification of adding a planter on the immediate adjacent side to the driveway. Seconded by Mr. Nelson.

10:53 a.m. - 11:21 a.m.

Denied Vote 4 to 0

5) ANC 2c, ANC 2C01, 01 – 511 10TH STREET NW, 514 10TH STREET NW - Permittee: Francisco Alicea – Owner: Francisco Alicea – Excavation: Electric Connection (Trench), Telecom Connection (Trench) #314031.

Discussion: Application is for excavation only for the signs. Sub terrain excavation doesn't come to the PSC. The application is for wayfinding signs around the Ford Theater to help customers by enlivening the street and providing information. The ANC is onboard with this. The content of the signs will always be about Ford's Theater. The applicant showed where the location of the signs will be. He noted there'll be minimum disruption to the sidewalk and to the area. The chairman noted, however, that the signs are 7 feet tall, 84 inches in height, almost three feet in width and at their widest, at 25 inches. This is quite large for the space. The Ford Theater is under the historic preservation rules, including the areas adjacent to the theater (the proposed site for the signs). The question was asked about temporary signs. The applicant said this is a better way to serve the public. Question on why the schedule for the day can't be promoted on the side of the building or in the building window etc. Applicant disagrees that will be work well, as it's his understanding that he has to lease the building to put these signs in there. However, he also believed that the sign will not be placed well so the public can them while lining up, waiting for tickets. Chairman said the proposed design now will lead to blocking the sidewalk, something that wasn't intended. The applicant is putting "gawkers" right in the sidewalk space, creating a capacity issue with too many people coming into too-small a space.

Chairman says the applicant needs to rethink the design. Chairman advises applicant to return with a new proposal but should be willing to see what works. Chairman said he'll put the team in touch with DDOT's plan reviewer, Evelyn Israel, to set up a design review meeting. New application should be for signs in public space. The application was denied.

The Committee took a brief recess from 11:22 a.m. to 11:30 a.m.

11:35 a.m. – 1:21 p.m.

Approved with Conditions/Tabled the Planters Design– Vote 4-0

- 6) ANC 2F06 – 801 MT. VERNON PLACE NW** - Permittee: EventsDC - Owner: EventsDC – Fixture: Bench(es), Bike Rack: Not DDOT Standard, Planter Box on Sidewalk (Exception), Sign-Free Standing, Landscaping: Replacement Tree, Tree Planting, Tree Removal, Paving: Mill and Overlay, Sidewalk(s), Projections: Awning(s), Stoop & Steps #314197

Discussion: The Convention Center was completed in 2003. Everyone around there knows the pedestrian experience is not a good one. EventsDC has been trying to enliven the exterior building and area, not only to appeal to convention goers but to neighbors as well. The focus has been on the streetscape as the main vehicle for the change. This is the first time this case was before the committee and it has been confirmed that there have been ANC meetings. The team discussed the handouts on the green landscaping it presented within TOPS. Interventions with paving and planting in a series of areas around the Convention Center were shown as a minimal approach being taken for the streetscape, using existing trees and proposing plantings along the streetscape. Improving the pedestrian experience with seating and shade. And a generous sidewalk along N Street with seating and shade. Focus on retail along 9th Street NW. The team is working closely with the Convention Center. Chairman mentioned that some of the areas the team is focused on is on private property, which is not under the purview of the committee. Signage to be placed on private property once they comply. There were some specific discussion on the balcony and a roof-top terrace being proposed, which are 44 feet long, five feet in the air and by 20 in height. The permit seems to be more triggered and activated by the roof area moreso than the sidewalk. The signs were approved as they fit within the sign code and should be placed in private property. Concern that non-standard planters won't have DDOT's Urban Forestry Division (UFD) to maintain it. Concrete proposal from the applicant on who'll maintain the trees needed. The PSC encouraged the applicant to reach out to UFD.

Motion: Chairman makes a motion to approve design concept in part and to table the design concept in part. Seconded by Mr. Wiley and Mr. Nelson.

Approve those relative to the N Street stairs, special paving and wayfinding signs with the following related to each:

- Stairs: design to minimize their visual impact
- Special paving: approved consistent with general existing condition of special paving
- Wayfinding: provided it complies with the building code for signage, and is on private property to the greatest extent practical

Tabling the planters, so applicant can present a care and maintenance plan to Urban Forestry. And to design the planters to minimize their height and extent in public space; provided the planters maintain a viable soil structure for street trees.

The tabled design should return to the PSC.

1:22 p.m. - 1:47 p.m.

Approved with Conditions – Vote 4 to 0

- 7) **ANC 2E06 – 1205 28TH STREET NW** – New Sidewalk Café Un-Enclosed - Permittee: Columbus restaurants, Ben Mansour - #10663782

Discussion: *At issue is whether there is insufficient sidewalk capacity where the café is going to be. This is the first time this application has been before the committee. The sidewalk café will not extend beyond the set of stairs from the main level of the building. The opposing view comes from the Corcoran homeowners association comprising 10 homes, apartments, and businesses etc. that are adjacent to and congruous to the sidewalk café. As a general guide, along this section are the two existing stairs, and the café must fall within the footprint of the stairs. The space will remain tight with the stairs being there. The plan presented is within acceptance of the Public Space Committee as the café is within the footprint of the stairs, which is already in existence.*

Chairman made the motion to approve with the following conditions. Seconded by Mr. Nelson and Ms. Chamberlain

- *The sidewalk café should end at midnight, seven days a week and all materials must be removed at midnight*
- *Tables and chairs must be limited to two tables and six chairs and placed in such a way that none extends beyond the two sets of stairs already there*
- *No amplified music should be provided in the public space*

The homeowners association doesn't object to the permit once the above conditions are fulfilled.

1:48 p.m. - 1:50 p.m.

Tabled

Vote 4 to 0

8)

ANC 6D06 – 101 P STREET SW - Permittee: Carlos Ferro – Fixture: Fence (Exception over 42") # 312857

Permittee did not come to the meeting. This was the first attempt at inviting this applicant to the Public Space Committee.

The meeting was adjourned at 1:52 p.m. by Chairman Matthew Marcou.