

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



d. Public Space Regulation Division

PUBLIC SPACE COMMITTEE HEARING

1100 4th Street SW, 2nd Floor

Thursday, June 27, 2019 at 09:00 AM

The meeting was called to order by Matthew Marcou at 9:23 am. The following members were in attendance: Matthew Marcou, Courtney Williams, Andrew Wiley, Anna Chamberlin, Julia Hudson, Chris Shaheen

9:00 AM - 9:15 AM Chair's Report

- 1) ANC 6E05 - **508 K STREET NW** - Permittee: Drew Turner - Owner: Drew Turner - Landscaping: Tree Planting, Tree Removal, Paving: Curb & Gutter(s), Driveway(s) Close Existing, Sidewalk(s), Projections: Bay Window(s) # 323912

9:16 am – 9:29 am Consent: Agenda

Approved – Vote 5 to 0

- 1) ANC 5A07 - **1 HAWAII AVENUE NE** - Permittee: Brian Ruhl - Owner: Chris Marshall - Paving: Driveway(s) New- Commercial # 323740
- 2) ANC 1B06 - **2500 14TH STREET NW** - Permittee: GCS SIGAL - Owner: GCS SIGAL - Fixture: Bike Rack(s): DDOT Standard, Landscaping: New Tree Space(s), Tree Planting, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) New- Commercial, Mill and Overlay, Sidewalk(s) # 326041
- 3) ANC 3F01 - **3950 37TH STREET NW** - Permittee: Capital Construction Division DGS - Owner: Capital Construction Division DGS - Fixture: Bike Rack(s): DDOT Standard, Sign (w/footings)(Exception), Trash Receptacle(s) (Exception), Landscaping: Tree Planting, Paving: Curb & Gutter(s), Leadwalk Only, Sidewalk(s), Projections: Canopy # 326486
- 4) ANC 2C01 - **1099 NEW YORK AVENUE NW** - Valet Staging Zone - Permittee: Sfoglina Downtown - # 10725804
- 5) ANC 2C01 - **1399 NEW YORK AVENUE NW** - New Sidewalk Cafe Un-Enclosed - Permittee: PDDC Inc Edward Wong - PDDC Inc Edward Wong # 10726116
- 6) ANC 2B06 - **1850 M STREET NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Roti Restaurants, LLC - Roti Restaurants, LLC # 10726278
- 7) **200 - 299 BLOCK OF FLORIDA AVENUE NE, 200 - 399 BLOCK OF NEW YORK AVENUE NE** - Permittee: MRP Realty - Owner: MRP Realty - Fixture: Hand Rail (36" high for ADA, 30"-42" high other), Retaining Wall to 42", Wall (Exception over 42"), Landscaping: Tree Planting, Over Head Work: Streetlight(s) Installation, Paving: Curb & Gutter(s), Leadwalk Only, Sidewalk(s), Projections: Bay Window(s), Window Well(s) # 326629
- 8) ANC 8B04 - **2395 ELVANS ROAD SE** - Permittee: Martha's Table - Owner: Martha's Table - Landscaping: New Tree Space(s), Tree Planting, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) New- Commercial, Mill and Overlay, Sidewalk(s) # 327267
- 9) ANC 6D07 - **135 N STREET SE** - Permittee: Alan Owings - Owner: Alan Owings - Paving: Driveway(s) New- Commercial, Sidewalk(s) # 329187

General Agenda

9:34 am – 9:45 am

Approved as revised– Vote 5 to 0

- 1) ANC 6D07 - **201 TINGEY STREET SE** - Permittee: Forest City - Owner: Forest City - Paving: Driveway(s) New- Commercial # 328164
-Applicant has revised plan as of 6/26/19 and the PSC has approved the revised plans dated page #L505 shows a wall/fence combo. The fence can't be on the property line side because vehicles wouldn't be able to enter and exit the driveway per the applicant Brian McDermott.

9:46 am – 9:55 am

Approved as revised– Vote 5 to 0

(With the condition that HP approves in the Tops system)

- 2) ANC 2B05 - **1725 RHODE ISLAND AVENUE NW** - Permittee: Brad Ball - Owner: C/O Msgr. Ronald Jameson ROMAN CATHOLIC ARCHBISHOP OF WASHINGTON - Fixture: Street Fixture or Furniture (Exception) # 327539
-Applicant has revised the location for the statue and has moved the statue up against the existing retaining wall instead of the tree box space. The decision was made not to install in the garden area by the church per the applicant.

9:56 am – 10:23 am

Tabled – Vote 5 to 0

- 3) ANC 6D02 - **41 L STREET SE** - Permittee: MRP Realty - Owner: MRP Realty - Fixture: Bike Rack(s): DDOT Standard, Bollard(s) (Exception), Curbside Signage, Landscaping: Hedge to 36" tall, Stormwater Mgmt (serve public), Over Head Work: Pole Removal (single or first one), Streetlight(s) Installation, Paving: ADA Curb Ramp, Alley(s), Curb & Gutter(s), Mill and Overlay, Sidewalk (porous/pervious), Sidewalk(s), Projections: Balcony, Bay Window(s), Canopy, Show Window(s) (commercial) # 327903
Discussions: Pending meeting with reviewers regarding the revisions
-The revised uploads for this application were uploaded on 6/26/19 and all reviewers have not had time to review/approve revised plans yet
-The wall is not a projection ; It's a pre standing wall in public space per the applicant
-There is also a meeting plan for early next week to address the storm water management concerns.
-The door swings into public space and the wall appears to be for esthetics only. Matthew Marcou (Chair) stated that the wall needs to be removed and the door should be egressed to not swing out in public space.
-Staff will add Fire/EMS for review of the door on L Street side (Catrina)
-All of the projections into public space are five feet maximum on all sides per the applicant.
-The applicant needs to make sure that Storm Water Management revisions are addressed.

10:25 am - 10:26 am

Approved – Vote 5 to 0

- 4) ANC 2E06 - **2929 M STREET NW** - Permittee: Georgetown BID - Owner: - Fixture: Bench(es), Planter Box on Sidewalk (Exception) # 326573

10:26 am - 10:35 am

Tabled – Vote 5 to 0

application until CFA has heard this application and made a decision or the White Paper request has been completed

- 5) - **2700 - 2899 BLOCK OF K STREET NW** - Permittee: Georgetown BID (GBID) - Owner: - Fixture: Planter Box on Sidewalk (Exception) # 329705
- They are proposing to place eight planters' boxes in public space per applicant. The applicant had no objections to DDOT if they have to move or relocate planters.
-The applicant has still not applied with Fine Arts yet and when the Chair asked the applicant stated that he had an administrative question and has not done so yet. However, he agreed to submit to Commission Fine Arts now. He also stated that the location of the proposed planters is outside the CFA's jurisdiction.

7:16 pm – 7:17 pm

Tabled – Vote 5 to 0

Applicant not present at meeting; 1st failure to appear at the hearing.

- 6) ANC 4D01 - **930 KENNEDY STREET NW** - Permittee: Mohamed Zabadani - Owner: KENNEDY STREET HOLDINGS, LLC KENNEDY STREET HOLDINGS, LLC - Paving: Driveway(s) New- Commercial, Projections: Stoop & Steps # 322131

10:37 am – 10:46 am

(Design Concept Only) Approved – Vote: 5 to 0

- 7) ANC 6D07 - **861 NEW JERSEY AVENUE SE** - Permittee: Greystar GP II, LLC - Owner: Greystar GP II, LLC - Paving: Driveway(s) Close Existing, Driveway(s) New- Commercial # 321213
-Johnathan Rogers email was read by Anna Chamberlin and the applicant stated during the testimony.
-Applicant agrees to all of the mitigations that Johnathan Rogers (PSD) has recommended
-Design Concept for Commercial driveway and the closing of the existing driveway on location and size of the driveway is what the PSC is approving.

10:50 am - 12:35 pm

Approved – Vote: 5 to 0

(revised drawing SIB004 dated 5/22/2019)

- 8) ANC 8A03 - **2345 R STREET SE** - Permittee: Eagle Academy Charter School - Owner: Eagle Academy Charter School - Paving: Driveway(s) New- Commercial, Projections: Stoop & Steps # 320657
-The Chair stated that the department has been compliant with regards to the permits on site however; at the last meeting the applicant and the Community needed to meet and come to the agreement with regards to the communities issues when returning before the PSC meeting.
-Applicant has 560 names on the petition.
-Curb cut on Ridge Place, SE is what the applicant is requesting for food delivery.
-The reduction in side of the driveway has been uploaded into Tops per the applicant. The applicant had met with the ANC twice prior to the PSC meeting. Eagle hired a Rodent Company, Commercial access, and has maintained the overgrowth adjacent to the school and yards of neighbors that were adjacent to the school. Matthew Marcou stated that the map given to him during the PSC was not correct per the listed the petition and the map that was included (incomplete) and no copies for the PSC members and next time list the Single Member District.
-The applicant scheduled a meeting at least five times with the ANC Commissioner and Community stakeholders since the last PSC meeting and the ANC/Stakeholders did not attend. The Commissioner is out of town. The applicant submitted a package that responded to the previous concerns brought up by the PSC. The Director (Ms. Allison) of Eagle Academy stated that they are at the Safeway passing out information regarding the proposed plans.

Meetings Missed listing:

April 26, 2019, applicant went to site

April 29, 2019, Rodent abatement issues addressed

May 7, 2019, ANC regular scheduled meeting Mr. Pinkney attended

May 23, 2019, scheduled meeting applicant attended and three members attended

May 30, 2019, scheduled meeting

On June 20, 2019, there was a scheduled with Councilmember White meeting that was cancelled at the last minute.

June 25, 2019, the meeting was scheduled at Bus Boys & Poets and was cancelled

Why is the alley not an acceptable location for the driveway?

The public space on the R Street side of the school; the Director has agreed in her testimony that all the overgrowth will be cleaned up.

There was a neighbor (Doreen) that testified in support of the Eagle Academy. Debra Ray also spoke in support of Eagle; she stated that she's been a Ward 8 resident for sixty years and stated that Eagle Academy reaches beyond the walls of the school for her grandchildren.

-The applicant has demonstrated and documented the community's engagement.

-The applicant must upload the email to (Ms. Alston) that she testified to.

(staff will set record to revise and resubmit so that the email can be uploaded to the TOPS record)

12:40 pm 1: 20 pm PSC Break for Lunch

Went back on record at 1:27 pm

1:28 pm – 1:38 pm

Approved with modification– Vote: 5 to 0

- 9) ANC 7F03 - **4837 BENNING ROAD SE** - Permittee: KIPP BENNING PCS - Owner: KIPP BENNING PCS - Paving: Curb & Gutter(s), Driveway(s) Repair or Replace # 328051

-Two access points is not a problem but you need to look into using the alley.

Modifications-The two existing Benning Road driveways will be closed and there will be a widening of the G Street t driveway24 feet and a final approval for the streetscape plan is done at a later date. All the work has to be done all at one time. The Executive Secretary (Courtney Williams, acting today) will place a hold on the signing off on the Building permit until an approved streetscape plan has been approved

-Curb cut only with the condition that the full streetscape plans after the design has been completed.

-The PSC recommended that the unimproved paper alley be used instead of the additional driveway and curb cut

-The moment you razed the building; the change of use has happened per Matthew Marcou.

1:54 pm – 2:15 pm

BZA Ruling and extended restoration – Vote: 5 to 0

- 10) ANC 2D01 - **2300 CONNECTICUT AVENUE NW** - Permittee: Alan Tharp - Owner: Embassy of the Peoples Republic of China - Fixture: Bike Rack(s): DDOT Standard, Knee Wall w/Fence to 42" (open design), Landscaping: New Tree Space(s), Tree Planting, Over Head Work: Streetlight(s) Installation, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) Circular, Driveway(s) New- Commercial, Sidewalk(s), Projections: Canopy # 328778

The Chair will confirm revised portion of BZA 41C in Exhibit 48 and full restoration will occur once work has been complete in public space.

2:15 pm – 2:19 pm

Approved – Vote: 5 to 0

- 11) - **900 - 999 BLOCK OF 30TH STREET NW** - Permittee: Statsbygg, c/o Royal Norwegian Embassy - Owner: Statsbygg, c/o Royal Norwegian Embassy - Fixture: Flagpole(s) (Exception) # 328855

-Ambassador is requesting the flag pole. This is a temporary installation. Ms. Mill will notify Stacey Collins (Inspection) when removal takes place and restoration starts

2:23 pm - 2:46 pm
0

Approved with Conditions– Vote: 5 to 0

- 12) ANC 7C06 - **5307 GAY STREET NE** - Permittee: District Properties - Owner: District Properties - Paving: Curb & Gutter(s), Driveway(s) New -Residential # 328667

-The applicant stated that District Properties was developing both properties.

-The second property on the left (on the drawing) has been applied for separately.

- The applicant has been advised to combine the both 5309 and 5307 Gay Street, NE
- OP recommended that the applicant reapplies for a Shared driveway design with a fourteen foot width. The plan that we have before us is for 5307 Gay Street, NE curb cut only and the applicant has agreed that he will not be seeking a curb cut
- The applicant must install a lead walk and sidewalk in front of both the properties.
- The permit will not be issued a permit until the applicant submits a document to the Executive Secretary showing as part of the deed there will be no future driveway at 5309 Gay Street, NE property.

2:46 pm – 3:08 pm

Approved with Conditions – Vote 5 to 0

Conditions: Approve site plan for the single driveway and modify and show the curbside space and be reviewed/approved by UFA with regards to the Heritage trees (three trees are existing)
Executive Secretary will place a Hold for Correction: B1907554 is the Building Permit (staff will make sure that DDOT is on building permit as a reviewer with regards to the Heritage trees.

- 13) ANC 3F06 - **3564 ALTON PLACE NW** - Permittee: 3564 Alton LLC - Owner: 3564 Alton LLC - Paving: Driveway(s) New -Residential, Driveway(s) Repair or Replace, Lead walk w/Steps # 328610
- The curb cut being proposed is not to DDOT standards; the widths are too wide
 - The applicant stated that having the two proposed driveways would make it safer to him if each house had its own driveway.
 - The Chair stated it's been the Department's standards to reduce the amount of driveways within the public space.
 - ANC-3F06 has objections until the subdivision has occurred. The legal status of the property is uncertain and whether a second driveway is needed

3:09 pm - 3:26 pm

Approved with Conditions – Vote: 5 to 0

- 14) ANC 5C02 - **2301 LAWRENCE AVENUE NE** - Permittee: Anthony Piscitelli - Owner: Anthony Piscitelli - Paving: Driveway(s) New- Commercial # 329670
- Conditions: Pending UFA's resolution on Special Tree**
A) The Special Tree permit must be applied for and obtained prior to issuance of this permit.
B) UFD must state that there is no need to obtain a Special Tree permit prior to issuance

3:20 pm - 3:55 pm

Approved Design Concept - pending a meeting with DOEE, DCRA and DDOT with to confirm the engineering analysis as to where these items are located in public space and a standard for future installation
Vote: 5 to 0

-Approving with clarification of the numbers with DOEE and DCRA

- 15) ANC 8E04 - **3401 13TH STREET SE** - Permittee: John Miller - Owner: John Miller - Excavation: Vault(s) L'XW' # 327935
- Conditions: The PSC approved Concept Design for the use of the public space; rental fees must be confirmed by DDOT's legal prior to issuance of this permit.
- This is a medium scale residential project and will reduce the use of energy for residents
 - Evaluating the vault issue and the context of the project.
 - Awarded contract by DHCH – Eighteen townhouses will be built in the Southeast
 - This is a utility pipe in public space (first of its kind) it can't be placed on private property because they need a half a dozen and they need twenty feet off-set to each other.

3:57 pm – 4:54 pm

Tabled – Vote: 5 to 0

- 16) ANC 6E01 - **1600 7TH STREET NW** - New Sidewalk Cafe Un-Enclosed - Permittee: DACI Enterprises, LLC - # 10729395
- Conditions: **All elements in public space need to be added to your revised plans (site line at alley, fans, conduits, etc. and to give the applicant time to look into other designs.**
- This business has been open and operating for many years and the ANC with noise reduction devices that the applicant is proposing within the public space. The café is proposing to Convert to Enclosed. The enclosure/structure has been in public space for since 2016.

- The applicant testified that the following items were:
- No change in layout, sound proof walls heaters, fans screens, framing – conduits and transparent screens and the existing fencing that was previously approved.
- the fifteen feet sight line should be used for the existing solid wall that reduces the noise levels fencing adjacent to the alley.
- ANC Commissioner was in attendance at the hearing.

17) ANC 2B03 - 1730 R STREET NW - Permittee: DCPS - Owner: - Fixture: Playground # 332361 (this application was moved to the Chair's Report)

Note: Anna Chamberlin had to leave the meeting in the middle of this case but the PSC still has a quorum.

4:54 pm – 6:20 pm **Approved with Conditions – Vote: 5 to 0**
The applicant has four weeks to provide a reasonable number of examples of buildings that have been permitted with projections (bay windows) that exceed the twenty feet. The applicant will send this information to Elliot Garrett (Executive Secretary) There should be at least ten examples (after the Code modification back in 2014)as required under Title 12A-Section 3202.10.3.1.4

18) ANC 1B02 - 912 U STREET NW - Permittee: Community Three Grimke, LLC - Owner: - Landscaping: Tree Space (Stormwater Mgmt), Paving: ADA Curb Ramp, Curb & Gutter(s), Mill and Overlay, Sidewalk(s), Projections: Bay Window(s), Canopy # 325141
Condition: The applicant must find other examples of the bay windows that exceeding 20 feet in the last 10 years. Three examples (3) that it's been done before. The applicant will send these materials to the Executive Secretary for review and approval.

- Discussion: One portion of this site came before the PSC prior to this part of the site being redeveloped; the applicant then received comments that the projections projected into public space too much and the bay projections were an issue
- The Code Modifications are the issue with this application
- The door swing doesn't need a Code Modification and the maximum width of the projections (bay windows) should have been 20 feet. This was the issue with this application
- This is a public and private partnership per the applicant.

6:28 pm – 7:15 pm **General Concept Approval to location of pier Approved– 5 to 0**
Condition: The PSC approve the floating pier for up to the PSC legal authority; DDOT's General Counsel will Confirm final development within the 1st Street right-of-way.

19) - 2000 - 2201 BLOCK OF 1ST STREET SW - Permittee: River Point Partners LLC - Owner: River Point Partners LLC - Fixture: Street Fixture or Furniture (Exception), Landscaping: Tree Planting, Paving: Sidewalk(s) # 329712

- Concept Design on the floating pier with some relative structure at the pier in the future
- OP asked what is going to be actually located on the pier (ticket booth, water taxi fixtures, or other improvements at the pier). The applicant answered that it is still being designed.
- There are over one thousand new units being proposed per the applicant.
- Any Commercial or structural uses of the pier will have to come back before the PSC for review and approval.
- There are legal elements regarding others using this location for the water taxi.

Tabled – Vote: 5 to 0

20) ANC 4C06 - 1125 SPRING ROAD NW - Permittee: Victory Housing Inc. - Owner: Victory Housing Inc. - Fixture: Bench(es), Bike Rack(s): DDOT Standard, Curbside Signage, Hand Rail (36" high for ADA, 30"-42" high other), Knee Wall to 30", Repair Retaining Wall (No change), Trash Receptacle(s) (Exception), Wall/Fence Combo (Exception over 42"), Landscaping: Tree Planting, Tree Removal, Paving: ADA Curb

Ramp, Curb & Gutter(s), Leadwalk Only, Leadwalk w/Steps, Mill and Overlay, Sidewalk(s), Projections:
Stoop & Steps, Window Well(s) # 323839

-The applicant requested a postponement at the meeting; rescheduled until July's PSC meeting.

The meeting was adjourned by Matthew Marcou at 7:18 pm