



Advisory Neighborhood Commission 6D
Southwest, Buzzard Point, The Wharf

November 13, 2024

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: 6d@anc.dc.gov
Website:
www.anc6d.org

Courtney Williams, Chair
Public Space Committee
District Department of Transportation
250 M Street, S.E.
Washington, D.C. 20003.

OFFICERS

Chair,
Fredrica Kramer

Vice Chair,
Bob Link

Secretary
Bruce Levine

Treasurer
Ron Collins

COMMISSIONERS

SMD 1 *Bob Link*
SMD 2 *Ronald Collins*
SMD 3 *Gail Fast*
SMD 4 *Andrea Pawley*
SMD 5 *Chearie Phelps-El*
SMD 6 *Bruce Levine*
SMD 7 *Fredrica Kramer*
SMD 8 *Rhonda Hamilton*

VIA Email: Courtney.Williams@dc.gov

RE: ANC 6D Comments for Special Hearing on Proposed Permanent Streateries Guidelines, December 5, 2024

Dear Chair Williams:

At a regularly scheduled and properly noticed public meeting on November 12, 2024, with a quorum present, a quorum being five Commissioners, Advisory Neighborhood Commission (ANC) 6D voted 7-0-0 to provide the following review and comments on the Public Space Committee's proposed permanent guidelines for Streateries.

ANC 6D has carefully reviewed the draft Permanent Streatery Guidelines issued by DDOT and offers the following testimony and concerns.

For background, the District Department of Transportation (DDOT) manages the existing Temporary Streatery Program, which allows food establishments to occupy parking lanes, travel lanes, and alleys with outdoor dining. DDOT piloted the Temporary Streatery Program in June 2020 during the COVID-19 public health emergency to mitigate the impacts of the pandemic on food establishments. The support garnered from the temporary program led DDOT to consider the creation of a permanent Streatery Program to sustain the positive impacts gained from these spaces after the public health emergency ended.

In addition to the DDOT-managed Temporary Streatery Program, the Alcoholic Beverage and Cannabis Administration (ABCA) also manages

an endorsement process for Streateries that permits alcohol licensed establishments to sell and serve alcohol on new or expanded ground floor or street level outdoor public or private space not licensed by ABCA. Under this endorsement, alcohol service is permitted between 8:00 a.m. and 12:00 a.m. daily.

Eligibility for the ABCA Streatery endorsement includes on-premises retailer licensees, common carriers, Convention Center food and alcohol retailers, and manufacturers with an on-premises endorsement (e.g., summer garden or sidewalk café). Locations must be in a [DC Office of Zoning-designated commercial or mixed-use zone](#). In addition, ABCA Streatery endorsements must comply with the [District's Department of Transportation guidelines](#) and limit live entertainment to applicants with an entertainment endorsement between 10:00 a.m.-10:00 p.m. daily. Note that even with an entertainment endorsement, music is not permitted to be at a volume where it may be heard in the homes in a [DC Office of Zoning-designated residential zone](#).

ANC 6D notes that despite some “common ties” between the rules of the existing temporary DDOT Streatery program and the ABCA Streatery Endorsement, the parallel definitions and inconsistent approvals have caused significant confusion in the definition, review and approvals of sidewalk cafes, summer gardens and Streateries. At the present time, there are at least three ABCA Streatery endorsements issued within ANC 6D that do not meet even the DDOT Temporary Streatery program requirements much less those of the proposed permanent program. ANC 6D believes that it is imperative that no relief be provided existing endorsement holders when the temporary program expires on July 31, 2025, and that ALL existing endorsements be re-considered to ensure clear and full compliance with the permanent program requirements.

ANC 6D also notes a clear difference between the DDOT Streatery program requirements (temporary and permanent) and the ABCA Streatery Endorsement with respect to the issue of these licenses in non-public and/or private space. DDOT is very clear that a Streatery is a unique endorsement for PUBLIC SPACE only; therefore, ANC 6D requests that the ABCA endorsement requirements be explicitly aligned with this definition for PUBLIC SPACE only. ANC 6D believes that at least two of the known existing ABCA Streatery endorsements within ANC 6D were requested by the Applicant and subsequently approved to bypass the “Great Weight” that all ANC’s hold in the review and approval of ABCA liquor and cannabis placard applications for restaurants and taverns with summer garden endorsements.

ANC 6D requests that both the DDOT Permanent Streatery Program and the ABCA Streatery endorsement be fully developed to CLEARLY and PERMANENTLY delineate the differences between Streateries that create outdoor dining spaces on a temporary basis in travel lanes, parking spaces and alleys known to be in the public space, and summer gardens that provide for seasonal dining and the consumption of alcohol and cannabis and which are typically created directly adjacent to the retailer, restaurant and tavern.

Finally, ANC 6D notes that the draft permanent DDOT Streatery program guidelines create well-defined and easily measured “buffer zones” as follows:

- a) 6’ of clear and free pedestrian access in all adjacent sidewalks;
- b) 4’ of clear separation between tables located within the licensed Streatery space and the adjacent pedestrian sidewalks / vehicle travel lanes.

To avoid future mischaracterization and potential misuse of any of the available outdoor space licensing programs, ANC 6D requests that these same “buffer zone” requirements be added to the existing DC agency licensing of sidewalk cafes and summer gardens to provide uniform, safe and maximum useability and availability to patrons of the licensed establishments as well as pedestrians and drivers in the adjacent public or private travel area.

In addition to the concerns described above, ANC 6D offers the following specific questions, comments and requests with respect to the draft DDOT Permanent Streatery Program guidelines:

Section 1.2 – in support of the previous points, the guidelines clearly delineate that Streateries are not sidewalk cafes and not in private space. ANC 6D requests that this definition be not only retained but that other agencies charged with the licensing of sidewalk cafes or providing Streatery endorsements for the service of alcohol be clearly aligned as such.

Sections 2 and 3 – with respect to eligibility and location:

- a) Since many Streateries will impact prior loading and traffic patterns, applications and approval should require an explicit loading and traffic management plan with attention to neighboring establishments to ensure practical alternatives to current practice and control of double-parking for loading and PUDO;
- b) Similarly, design should account for access points for ADA/mobility limited;
- c) Application for Streateries should be subject to ANC approval but also require notice and review by adjoining property owners, both commercial and residential, who will be affected by the new use of public space;
- d) Should there be limitations on the number in any one block, under what conditions?

Section 2.2 - ANC 6D requests that this section be revisited by DDOT and Streatery-specific hours of operation limits established given the unique nature of these establishments in travel lanes, parking spaces and alleys that exist in public space. The hour limits should NOT be set by or defined by ABCA based on standard limits available to restaurants, taverns and summer gardens.

Section 3.1 - ANC 6D notes that this is the only mention of “ANC support” in the entirety of the draft guidelines. ANC 6D believes that given the location of Streateries in public spaces that ALL Streatery applications should be considered with the “Great Weight” of the local ANC and NOT just when RPP limits are being reduced.

Section 3.1 - ANC 6D suggests that the definition of “...high risk or history of vehicle accidents” is not a sufficient threshold of consideration and that measurable data as well as “created” risks by the placement of a Streatery in a travel lane, parking space or alley must be considered for approval.

Section 3.1 - ANC 6D strongly requests that “...relief from PSC” if all requirements cannot be met be stricken in this section as inconsistent endorsements may result that increase the future risk of safety incidents.

Sections 3.2a / 3.2b - ANC 6D notes that these sections are completely silent on required ANC support, which given the proposed locations of Streateries in public spaces specifically bypasses the ANC's "Great Weight" mandate. In addition, ANC 6D does not understand why ALL the same tenets and prohibitions listed in Section 3.1 would not also be applied to the (ostensibly) more at-risk travel and alley locations being defined here.

Section 3.3 - ANC 6D observes that many modern mixed-use developments in Washington DC are blurring the lines between the historical definition of an alley (primarily in service of one or more businesses and homes) and current use for restaurants, entertainment venues and pedestrian traffic. ANC 6D requests that a clear definition of alley as it purports to the creation of Streateries be provided, and once again asks that ANC "Great Weight" be provided in consideration of each license request.

Section 4.2 - ANC 6D observes that art on barriers located in public space is permitted with no formal public review. Consistent with all other Public Space art applications, ANC 6D requests that ANC "Great Weight" be fully considered in the form of a letter of support for each barrier public art request.

Section 4.3 – ANC 6D notes that the guidelines permit overhead structures as high as 13 ft. but not within 25 feet of a crosswalk. These structures will impede line of sight for motorists and pedestrians at an intersection or driveway crossing as well. The prohibition to overhead structures should apply also to these locations.

Section 4.9 – ANC 6D notes the following specific unpermitted uses:

- a) Live music
- b) Televisions

The section prohibits live music but is silent on recorded recorded or piped music. ANC 6D requests that given the location of Streateries within public space that no amplified music of any type be allowed within the completed Streatery regardless of volume or other entertainment endorsements that the establishment might hold for their existing interior spaces or approved summer gardens.

Streateries are an entirely new source of noise that can be and has proven to be particularly problematic in mixed commercial/residential areas where residents on upper floors have to contend with new open-air music. There is no reason to permit piped-in music in a public space that crosses the public right of way and is separated from the primary eating establishment within or next to the building.

Section 4.10 - ANC 6D notes that the definition "...clear warm lighting" is not clearly measurable and therefore not clearly enforceable. ANC 6D requests that clear numerical measures be added to this section to ensure consistent lighting for all Streateries.

Section 4.10 - ANC 6D notes that there is no clear requirement for the direction of the allowable lighting within the Streatery space. ANC 6D requests that all lighting be required to face "inward" towards the sidewalk, away from the remaining public space and to prevent unexpected impacts / distractions to drivers within the vehicular traffic lanes.

Section 5.1 - ANC 6D notes that an ANC is not depicted as a reviewer or approver in the draft approval process flow, which continues the lack of oversight in the existing temporary Streatery program AS WELL AS ABCA Streatery endorsements and which entirely contradicts the ANC "Great Weight" included in all other Public Space and ABCA license applications. ANC 6D requests that the ANC be added as an Approval Body in each branch of the approval process.

Section 5.1 – The permit will not require annual DDOT review for renewal, and only require DDOT in the context of possible interference with upcoming infrastructure projects. DOB will renew the Certificate of Use annually. Just as with ABCA licenses, these permits should include a renewal cycle that would provide a mandatory review of adherence to, or required adjustments to, all conditions stipulated in the original approval.

As by law, ANC 6D requests that DDOT apply great weight to our findings, recommendations and requests in its consideration of the proposed Permanent Streatery Program guidelines. Should you have further questions, please contact me at 6d07@anc.dc.gov or 202-352-0129.

Sincerely,



Fredrica Kramer
Chair, ANC 6D

Cc: Catrina Felder