

## Dupont Circle Advisory Neighborhood Commission (ANC 2B)

### Guidelines on Sidewalk Café/Outdoor Restaurant Use

(Adopted by ANC on March 9, 2011)

#### General

The Dupont Circle Advisory Neighborhood Commission (ANC 2B) supports appropriate rental of public space by local businesses for outdoor sidewalk café and restaurant use. ANC 2B believes that sidewalk cafes/outdoor restaurants are an important element in the urban ambiance and charm of the Dupont Circle community, while also promoting safety and economic development. ANC 2B recognizes that public space use is a privilege, not a right.

ANC 2B will apply prospectively the following set of guidelines in considering public space applications and applications for new or changed sidewalk cafes/outdoor restaurants (including applications before the ABRA and DDOT). These guidelines are designed to supplement the municipal public space regulations. While these guidelines serve as a guide, the ANC and its commissioners have a responsibility to consider the merits of each individual public space application.

#### Guidelines

- I. Hours of Operation
  - A. The ANC recognizes that sidewalk cafes/outdoor restaurants close to residences can cause issues related to peace, order and quiet.
  - B. Closing hours for sidewalk cafes/outdoor restaurants across the street from or proximate to residentially zoned blocks should be 11 p.m. Sunday through Thursday, and 12 midnight on Friday and Saturday. This would apply to new applications, transfer applications (new operators of existing businesses), or revised applications (to cover proposed expansions).
  - C. Applications may provide for earlier closing hours than provided in (B).
  - D. ANC 2B may support exceptions to the above for special events or holidays.
  - E. Closing hours for sidewalk cafes/outdoor restaurants in commercial blocks will be based on proximity to residential buildings. Proximity to hotels should not serve to limit sidewalk café/outdoor restaurant closing hours.
  - F. Permit holders/applicants will be urged to close all exterior doors and windows immediately following the closing of sidewalk cafes/outdoor restaurants.
  - G. Permit holder/applicants should make all reasonable efforts to close outdoor restaurants and sidewalk cafes as quietly as possible, including the dispersal of customers and knockdown of facilities.
  - H. Closing hours for interior spaces are not intended to be limited by these guidelines.
- II. Noise

- A. Permit holders/applicants will comply with the noise limit standard as set forth in the D.C. Noise Control Act, as amended, for sidewalk cafes/outdoor restaurants in proximity to residential blocks.

### III. Sidewalk Access

- A. The ANC recognizes that pedestrian sidewalk access is a major concern of residents and in public space regulations.
- B. Public space regulations require a minimum of 10 feet of sidewalk clearance from any obstacle (e.g., tree box, parking meter, curb cut, traffic and street light pole). The regulations do permit variances, based on the circumstances of the situation. The ANC may consider variance requests under special circumstances with the burden of proof for a variance on the applicant. Current public space use that has less than 10 feet of clearance is grandfathered, if legally obtained.
- C. The ANC recognizes that public space use access is an issue that may equally apply to commercial and residential properties.
- D. The ANC may support applications for wrap-a-round sidewalk cafes/outdoor restaurants under the following circumstances:
  - 1. Where there is adequate diagonal clearance on the corner;
  - 2. Where entrance(s) are not blocked;
  - 3. Where only the same establishment is connected.
- E. Operation of sidewalk vending is discouraged in front of sidewalk cafes/outdoor restaurants unless adequate sidewalk clearance is proved per D.C. regulations. This same restriction applies to public telephones, maitre d' stations, etc.

### IV. Street Tree Protection

- A. Street tree protection is an important consideration in reviewing public space applications. Public space use can often place stress on adjacent street trees and tree boxes.
- B. The ANC will take into account the applicant's plan regarding tree protection and maintenance of overall cleanliness in considering public space applications.
- C. Public space applicants are responsible for providing protection and upkeep of relevant street trees, tree boxes, tree guards, trash pick-up, tree watering, etc.
- D. Public space applicants and permit holders are urged to replace dead or missing street trees in cooperation with the ANC, the Department of Transportation—Urban Forestry Administration, and neighborhood organizations and citizens.

### V. Enclosed Sidewalk Cafes/Outdoor Restaurants

- A. The public space regulations permit enclosed public use under certain conditions.
- B. ANC 2B is generally opposed to enclosed structures that are permanent in nature or design.
- C. Applications for temporary enclosed public space structures should incorporate as much as possible a substantial open air character, including design of doors, walls, roofs, and windows.
- D. In considering applications for temporary enclosed public space structures, the ANC will consider such criteria as the location, the character and pedestrian traffic of the area, neighboring outdoor café/restaurant uses, residential and other businesses, and historic district and preservation issues, if appropriate.

VI. Other Issues

- A. The ANC encourages food consumption along with the consumption of alcohol.
- B. The ANC prefers applications for sidewalk cafes/outdoor restaurants by restaurant (CR) licensees, rather than tavern (CT) licensees. The ANC will consider support for future public space applications by CT or DT ABC-licensed institutions on a case-by-case basis. Proximity to residents of the neighboring area must be taken into consideration when the ANC considers a CT or DT public space application. For CR to CT license conversions or CT/DT licenses proximate to residences, food service must remain available in public space during approved service hours.
- C. After obtaining a permit to rent the Public Space for a sidewalk café/outdoor restaurant, the establishment remains responsible for compliance with all applicable ABRA license and public space permit requirements.