

**16<sup>th</sup> Street Neighborhood Association**  
**Final Meeting Minutes**  
**November 3, 2015**

The meeting at Simpson-Hamline Church was well-attended with about 17 neighbors. The minutes from the October meeting were corrected and approved by attendees.

**Old Business**

Jack, the Association's Chair, and Carrie, the Association's Vice-Chair, provided updates on the Halloween block party on Buchanan and the Safety Training held in October:

- The Halloween party was well-attended by over 200 children and adults who live inside and outside the neighborhood. The association fed them with 25 pizzas from La Villa Pizzeria, 142 hot dogs, 200 bags of treats, great homemade mac & cheese (made by Jack) and apple cider. The children were entertained with a moon bounce, Halloween games, a piñata, and raffled prizes. Much appreciation for the party was expressed. After a short discussion, it was recommended that at the next party, more adults are recruited to run the games.
- The Safety Training in October lasted 90 minutes and covered practical tips for protecting oneself and one's property, as well as advice on improving the safety of our neighborhood. Tips included keeping valuables inside your home away from windows or doors which make them visible to the outside. Logs were provided to attendees for listing the serial numbers on electronics, bicycles and other property in the home. Tracking these numbers can help the police find and return stolen property. Because the neighbors attending the safety training found it valuable, there was discussion about offering the training again so more neighbors can benefit.
- Jack announced that the repaving of 15<sup>th</sup> Street, between Varnum and Webster Streets is scheduled for the end of November. No parking signs will be posted by the city on the block prior to the repaving.

**Development at 1521 Varnum Street**

Most of the meeting time was spent discussing the 7-unit apartment development planned for 1521 Varnum Street NW. John Stokes, the next-door neighbor who filed a zoning challenge to the development, described the status of his case and the issued building permits for the development:

- On September 29<sup>th</sup>, the Board of Zoning Appeals ("BZA") announced that John and ANC4C (an automatic party to these appeals) had lost the zoning challenge because he and Elisa Irwin, our ANC4C representative, had not presented persuasive evidence at the hearing showing that the zoning code was violated. BZA will issue a written opinion documenting this conclusion in the next two to three months.
- Last week, the developer of the property, Jay Gulati, won his appeal of the decision by the Department of Consumer and Regulatory Affairs ("DCRA") to revoke several related

permits. The Office of Administrative Hearings concluded that DCRA, represented by D.C.'s attorney general, did not have a sufficient defense for its revocation action (*i.e.*, motion dismiss decision).

- There is some potential for the Zoning Commission to review the unfavorable BZA decision. While on the BZA panel reviewing John's zoning appeal, Anthony Hood, the Chairman of the Zoning Commission, expressed interest in the Zoning Commission reviewing the appeal. Although it is infrequently exercised (*i.e.*, a *sua sponte* practice), the Zoning Commission can potentially reverse a BZA decision if a majority of the commissioners agree to review it. It is unlikely that the Zoning Commission will act until after the written opinion is issued by BZA.
- Given these developments, at this time, Mr. Gulati can begin demolition and construction at 1521 Varnum Street. However, John Stokes is optimistic that he will delay the project because John plans to appeal the BZA decision. If successful, Mr. Gulati may be ordered to redesign the development to comply with recent amendments to the zoning code that would limit the size of the development.

Since the unfavorable BZA decision, John Stokes and other nearby neighbors met and decided to support John's appeal of the decision by means of a motion for reconsideration filed with BZA (*i.e.*, ask BZA to review the evidence again and change its decision) and/or an appeal filed with the federal appeals court. Both actions will require John to retain an attorney and he is asking neighbors to donate money to pay for the legal fees. John plans to retain an attorney by November 15<sup>th</sup> because after BZA issues its written opinion, there will only be ten days for filing the motion for reconsideration and thirty days for filing an appeal in federal court.

- John Stokes and nearby neighbors will have a fundraiser for the legal fees on Sunday, November 15, 2015. The location and time will be communicated to neighbors on the Listserv as soon as these details are confirmed.
- Neighbors interested in donating money who cannot attend the fundraiser can send a check to John Stokes ([stokesdc@hotmail.com](mailto:stokesdc@hotmail.com)) or Susie King ([teeniemommy@msn.com](mailto:teeniemommy@msn.com)), a nearby neighbor helping John collect donations. (Note that Susie, who is also the association's treasurer, is not collecting money for the appeal on behalf of the association). Please contact them by email for more information on making a donation. John can also be contacted at 1519 Varnum St. NW, Washington, D.C. 20011.
- A neighbor living on Varnum Street suggested that each residence on the Varnum block and the nearby blocks on Webster, 15<sup>th</sup> Street and 16<sup>th</sup> Street donate \$100 in the next week or so to help cover the legal fees because all these residences will be negatively impacted by the development at 1521 Varnum Street.

Elisa Irwin shared that ANC4C is trying to figure out how it should respond to BZA's unfavorable decision. It cannot appeal the BZA decision in the federal appellate court but may be able to help if a motion for reconsideration is filed with BZA.

Jack asked whether sending letters to Chairman Hood and the Zoning Commission encouraging them to review John Stokes' appeal would be helpful. There was a discussion about asking Councilman Todd to send such a letter as soon as the BZA opinion is issued.

### **New Business**

Jack and Carrie led the discussion of new business:

- Carrie is organizing an evening walk-through of alleys and streets to identify unsafe neighborhood conditions that may be resolved with better lighting or other measures. The walk-through will be in the next few weeks. Carrie will confirm details on the date, time and meeting place on the Listserve. During the walk-through, Carrie will note any alleys that need a clean-up.
- Jack asked for volunteers to research the pros and cons of reinstating the association with D.C.R.A. Three neighbors volunteered for this project. If they can complete this research and develop a recommendation before the December meeting, we may vote on a Resolution to reinstate the association at the December meeting.
- Jack shared that a committee will be formed to review the existing bylaws and develop recommendations for the membership on bylaw changes.
- Jack shared that in the next few weeks the executive board will nominate several neighbors to positions on the executive board. The membership will vote on adding these neighbors to the executive board at the December meeting, which will be on Tuesday, December 1, 2015 at 7:15 – 8:30 PM. (Note that this will be a business meeting only.)
- The next Happy Hour will be on Friday, November 20, 2015, 5:30 – 8:00 PM, at the Red Derby (they have heaters on the roof deck where we usually meet).

### **Other Discussions**

- There was a discussion about neighbors leaving garbage and recycling cans in neighborhood alleys throughout the week. There is a D.C. code requiring neighbors to keep cans in their yards except for the day when garbage is picked-up. This code is usually only enforced in response to a neighbor's complaint to the 311 complaint line. One neighbor shared that the garbage service provider will retrieve and return cans from neighbors' yards if the neighbor is disabled or a senior. Neighbors should call 311 to request this service and may be required to provide a doctor's note.

OFFICIAL MINUTES APPROVED AT DECEMBER 1, 2015 MEETING

Cecelia Waldeck  
Secretary