



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Advisory Neighborhood Commission 2E

**Representing the communities of Burleith, Georgetown, and Hillandale**

3265 S Street, NW • Washington, DC 20007

(202) 724-7098 • [anc2e@dc.gov](mailto:anc2e@dc.gov)

March 23, 2021

Mr. Matthew Marcou  
Chair, Public Space Committee  
District Department of Transportation  
1100 4th Street SW, Third Floor  
Washington, DC 20004  
[PublicSpace.Committee@dc.gov](mailto:PublicSpace.Committee@dc.gov)

### **RE: Public Space Application for the Replacement of Two Boxwood Bushes in Planters with Sculptures at 3614 Prospect Street NW (DDOT #366965)**

Dear Chair Marcou,

On March 1, 2021 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by seven commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (7-0-0) with regard to the above-referenced matter:

ANC 2E believes that the public space application for 3614 Prospect Street NW, which requests the use of public space for sculptures, has a procedural deficiency. All items that are viewable in public space must be reviewed by the Old Georgetown Board, who will determine if and how an applicant's plans abide by the standards of the historic district. In this case, the applicant installed the sculptures prior to any such review or prior to review by the Public Space Committee.

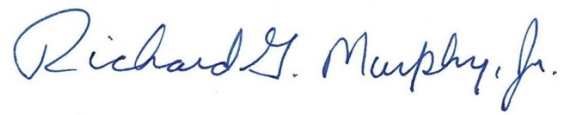
ANC 2E appreciates that the sculptures are unique and bring smiles to many people who see them; however, the ANC has also heard from some neighbors who do not believe that the sculptures fit within the guidelines set forth by the Old Georgetown Board. Importantly, the ANC asserts that the applicant must follow the appropriate review process prior to making any changes viewable in public space and/or located in public space. As such, the ANC does not support the granting of a public space permit at this time and asks for the applicant to go through the appropriate steps such that the Old Georgetown Board can review this application and provide guidance to the appropriate permitting agencies.

Commissioners Lisa Palmer ([2E05@anc.dc.gov](mailto:2E05@anc.dc.gov)) and Rick Murphy ([2E03@anc.dc.gov](mailto:2E03@anc.dc.gov)) are the Commission's representatives in this matter.

#### COMMISSIONERS:

Kishan Putta, District 1	Jenny Mitchell, District 2	Rick Murphy, District 3
Anna Landre, District 4	Lisa Palmer, District 5	Gwendolyn Lohse, District 6
Elizabeth Miller, District 7	Matias Burdman, District 8	

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." The signature is written in a cursive style with a large initial 'R' and a distinct 'Jr.' at the end.

Rick Murphy  
Chair, ANC 2E

# **Attachment A**

**Letters from ANC 2E Residents  
Regarding the Public Space Application  
for 3614 Prospect Street NW**

February 26, 2021

Ms. Lisa Palmer  
ANC 2E05  
3150 South Street NW  
Washington, DC 20007

Dear Ms. Palmer,

On behalf of the Prospect Street Citizens Association (PSCA), I am writing to urge the ANC to unanimously support and immediately act to: 1) encourage the District government to FULLY enforce the Stop Work Orders to immediately dismantle the structures installed illegally on public space in the 3600 block of Prospect Street; and 2) oppose any application before DDOT's Public Space Committee (PSC) to authorize these structures.

The first Stop Work Order (#102480) was issued in January 2021 and to date there has been NO effort to comply. It appears that our neighbors' precedent setting approach is that he can unilaterally take illegal personal use of public space, ignore the STOP Work Order because he can afford to and is willing to pay \$150 daily for that violation.

In January of 2021, these structures were installed over a half week period blocking street traffic and the public sidewalk. These structures were erected without the requisite application and approval from the Public Space Committee and were immediately cited by DDOT. Mr. Howard was instructed to dismantle the structures immediately and also pay a daily \$150 fine. In a January email to the community, DDOT's Chief Inspections and Enforcement Officer, Stacy Collins, informed the community that the owner had been cited with instructions to dismantle the structures and promised the community that, "Enforcement Officer Harris will continue the follow up to ensure compliance." To date, the only "compliance" effort seems to be daily fines-- ***even though the District has the authority to dismantle the structures and charge that cost plus penalties, to Mr. Howard.***

Mr. Howard continues to flaunt the citations and the rules all other DC residents and business owners are required to follow and dismisses the negative impact of his negligence on his neighbors.

In addition to being illegally installed, these structures negative impact on neighbors include:

- blocked garages from parked cars of people wanting to take selfies in front of these structures;
- groups of people gathering in front of his home and along the sidewalk, despite the required current social distancing guidelines;
- a change in the nature, and therefore value, of the homes on the 3600 block of Prospect Street, NW
- the possibility of one of 12-15 feet structures falling on any of us or any passerby;

Prospect Street Citizens Association

A 501(c)(3) whose objective is to preserve the aesthetic nature character of this historic street and to ensure and develop the historic and aesthetic value of this street as a maintained, preserved and pleasant street to live on and to help protect the interests of the residents and homeowners.

Separately, on the substantive issue of the pending PSC application to authorize the structures, it is most significant to note that in the historic district these particular structures are clearly inconsistent with the goal to preserve the historic nature of Georgetown. Decades of committed effort have successfully preserved this rich tradition and this preservation is one of the major reasons we all choose to live here; the reverence for tradition also helps preserve our property values. Approving this installation would begin a slippery slope toward losing that century's long effort.

This selfish and unilateral act of one homeowner is inconsistent with this historic district; these structures are illegally installed on public space and they also impact the value of the other homes nearby. All residents are required to seek and obtain permits for the simplest of acts to our property. Why should this homeowner be any different - because he's decided to test the system to see what he can get away with and simply pay a fine instead of proceeding through the appropriate channels the way rest of us are required do?

If our neighbor is allowed to maintain this precedent setting nuisance - which violates the law, changes the make-up of our street, diminishes our home values, draws groups of people who are not practicing social distancing to view these structures that have been installed without any safety review and could fall on someone and injure them - then the flood gates have opened for all Georgetown residents.

This precedent setting is deeply troubling: it tells all of us who live on this street and anywhere else in Georgetown (or the District for that matter) - do as you please - just allocate in your yearly home budget \$150 per day per year (or more cynically put, a \$52,000 revenue raiser to the District for your fine) then blithely proceed as you like.

You are a conscientious leader. Please Lisa, lead the ANC effort to engage this matter seriously to ensure vigorous compliance with the law and the issued citations... including immediately dismantling the structures... and oppose an PSC application to authorize the structures.

Thank you for your continued help.

Sincerely,

Catherine Emmerson  
Co-Chair, Prospect Street Citizens Association

cc: Brooke Pinto, Council member, Ward 2

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To Whom it May Concern,

On January 22nd, 2021, Mr. Newton Howard of 3614 Prospect ST NW commissioned the installation of two large life sized heavy metallic action figures on the sidewalk outside of his home. When asked why, Mr. Howard explained that his life's work has been the "intersection of science and humanity" and that the *Transformers* spoke to him as one who works in the field of artificial intelligence. Despite the objections of several neighbors who gently pointed out how the figurines were grossly out of place in a historically protected neighborhood, Mr. Howard maintained he'd rather pay a fine than to take them down. His desire for his figurines mattered more than the character of the neighborhood and a street that has been around for nearly two hundred years.

Since that fateful January day, the figurines have become an unsightly and unsafe nuisance for the reasons listed below.

1. The figurines attract attention, to the point where tourists and locals double park to get out and take a photograph. Many have personally witnessed people almost get hit by a passing car, block the driveways of neighbors and slip on ice in front of 3614 Prospect ST NW trying to take a selfie. They are unsafe and bring unwanted attention.
2. People buy homes in Georgetown with the knowledge that it is a federally protected historic district. These rules are strict, they are known, they preserve the character of the neighborhood and preserve future property values. If Mr. Howard is intent on not abiding by them, there are many areas in the DC metro area less steeped in history where the figurines would be welcome and not hurt the resale ability of his neighbors.
3. These figurines are a textbook example of a "slippery slope." If they are allowed to stay up, what comes next? Could an artist interested in shock value erect a statue of Adolph Hitler and claim that it is provocative and speaks to them? What about another fictional character like the grotesque Jabba the Hutt from *Star Wars*? Why couldn't somebody put that in front of their door and say they're a science fiction fan? There is no end on what people could and would do.
4. What precedent will be set? Why should any Georgetown homeowner seek approval from a fine arts commission or Old Georgetown Board to replace a window pane on the back of their home? Why go through that process if the rules truly mean nothing? There is zero incentive to act accordingly if this miscarriage of absurdity is allowed to stand.

In conclusion, the ANC must act with the relevant agencies to have the figurines removed and made sure that anything like them cannot be put up permanently outside.

No ill will is harbored toward Mr. Howard. He should be thanked for his contributions to science. His current contribution to the neighborhood however— —is grossly inappropriate.

Sincerely,

Luke Russert  
Prospect Street Citizens Association