



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G

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February 15, 2022
Washington, DC

Ernest Chrappah
Director
DC Department of Consumer and Regulatory Affairs
1100 Fourth Street SW
Washington, DC 20024

Dear Director Chrappah:

I am writing on behalf of ANC 3/4G, which unanimously authorized this letter at its February 14, 2022 public meeting that was duly noticed, to ask that your department take two steps in connection with the American City Diner property at 5532 Connecticut Avenue, NW.

To recap, the diner closed in July 2018, a year after the death of its owner, Jeffrey Gildenhorn. Initially, prospects for the site seemed bright after restaurateur Steve Salis leased the facility and proposed first a French brassiere and later a bakery at the location. DCRA analyzed and was prepared to approve initial proposals. But as COVID bore down on the city and the world, Salis shelved his plans. By now, the property has sat empty for nearly four years.

The Commission is sympathetic to the challenges the pandemic is creating for small businesses, especially food establishments. But the diner has been allowed to deteriorate to the point that neighbors now express concerns about rat infestations and potential health issues. Adjacent

businesses seem likely to be suffering as a result of the eyesore the property presents. In addition, it appears that the leasing agent, KLNb, may be skirting DC regulations in some of its marketing of the property.

As a result, we ask, first, that your department inspect the property to determine whether it is blighted under DC Code § 42-3131.05. If you determine it is, we believe you will find that it is no longer exempt from penalties under DC's tax law. We ask that you notify the Office of Tax and Revenue that the property is blighted and should, therefore, be taxed as Class 4-blighted.

As you know, our Commission testified before the Council's Committee of the Whole in [May 2021](#), and [January 2022](#), about vacant and blighted residential properties in our ANC. Our concerns apply with even greater force to blighted commercial property. Because of its prominence along our Connecticut Avenue commercial corridor and its negative impact on surrounding businesses, this deteriorating property drags down the entire neighborhood.

Second, we ask that your department review whether KLNb is violating DC billboard regulations in its use of the space above the diner — which previously carried public art — to advertise the property for lease. While there may be an exemption from the regulations for advertising lease or sale of a property, it seems unlikely this absolves KLNb because its specific message suggests that the billboard space is available to be leased for a commercial message, a use that we believe the regulations do not permit. We are appending an analysis by attorney Larry Hargrove that was recently posted on a local social media site, the Chevy Chase Community listserv.

I would be happy to speak with you about this issue at your earliest convenience. I am reachable essentially 24/7 via email or at 202-251-3945.

Sincerely,



Peter Gosselin

Commissioner, ANC 3/4G-06

cc: Phil Mendelson, Chair, District Council
Blaine Stum, Senior Policy Advisor, District Council
Isaac Boateng, DCRA liaison
Alex Krefetz, Program Manager, Chevy Chase Main Street

Larry Hargrove review of the American City Dinner billboard issue
as posted on the Chevy Chase listserv, Friday, February 11, 2022

"The billboard near the intersection of Connecticut and Morrison is in violation of District Regulations found in Appendix N of the Building Code.

"By way of background, in 1931 the District, faced with a proliferation of unsightly billboards, enacted regulations that contained a list of then-existing billboards and allowed those billboards to remain in place; they could be maintained if they obtained a permit that required them to meet a detailed set of conditions as to size, location, lighting, etc. Any billboards not on the list had to be taken down unless they could similarly qualify for and obtain such a permit.

"These provisions, including the list of "authorized billboards", were updated in 1972, and remain in the DC code of regulations today as part of the Building Code. They included provisions designed to protect neighborhoods and neighborhood-serving commercial strips from large-scale outdoor advertising. These included prohibiting billboards in or within 200 feet of a residential zone, and prohibiting their erection on lots that have less than fifty feet of street frontage. Additionally, billboards were required to be set back from the lot line by at least one foot.

"Whether or not the billboard at Connecticut and Morrison was on the "authorized" list compiled in 1931 – which seems unlikely, -- it is required to meet these conditions, which it does not do. Specifically, it is located less than 200 feet from a residential zone (R-2), from which it is separated only by an alley and a few additional feet; is not set back from the lot line, and is erected on a lot that apparently has less than fifty feet of street frontage."