

ADVISORY NEIGHBORHOOD COMMISSION 3C
AGENDA
SEPTEMBER 27, 1976

Call to order

Roll call

Verification of notice

Distribution of minutes

Adoption of minutes of previous meeting

Residents' concerns

Old business

 Committee reports

 Group Health

 Liquor application CJK/Corporation Counsel Decision/City Council Action

 BZA application beauty parlor Woodley Park

 Planning-zoning Committee REport

 Cathedral Heights Recreation Area/Recreation Department application letter

New Business

 Budget/funding

 Office Space/ intern

 Annual report material

 Police needed at Newark and Reno/ Smith

 DC Gov't. notices, hearings, ect.

 Committee responsibilities/reports

ADVISORY NEIGHBORHOOD COMMISSION 3C

Advisory Neighborhood Commission 3C held its regular monthly meeting on September 27, 1976. It was called to order by the Chairperson Kay McGrath at approximately 8:15 p.m. Present in addition to Mrs. McGrath were Commissioners Haugen, Krucoff, Williams & Corcoran. Colonel Van Way was absent because he was required to go out of town and Miss Coram had run into an emergency at work and could not attend. Mr Krucoff was asked to act as temporary secretary.

Mrs. McGrath inquired if all Commissioners had posted notice as required by law and each responded that he had.

In view of the absence of Miss Coram it was agreed that the minutes of the previous meeting should be deferred although copies of them had been distributed.

The first item of business was Residents Concerns and the first speaker was Mrs. Devra Marcus Horowitz of 2719 Woodley Place, N.W., who asked for assistance with respect to their application for a variance. She explained that they had built a deck on the rear of their house pursuant to building permit and survey by the District of Columbia, but later discovered that the survey was inaccurate and as a result covered too much of the lot. She also stated that she had made a survey of the neighbors and had ascertained that there was no opposition to it, especially the neighbors to both sides of her property. The neighbor to one side of the property in fact favored the deck and helped with some painting with respect to it. Mr. Krucoff introduced a resolution supporting the application, and it was unanimously adopted.

Mrs. Gerta Grey, of 3315 Wisconsin Avenue, raised the question about the excessive Maryland and Virginia automobile parking on the 3600 blocks of Macomb, Lowell and Newark Streets, off Wisconsin Avenue. She was asked to survey the area with respect to figures so that some action might be begun. There was a discussion about the pending lawsuit with respect to the parking ban, but inasmuch as the ANC's are prohibited from initiating litigation with the District of Columbia no action was taken with respect to those lawsuits by the Commission. The question was raised also by Mrs. Grey with respect to Rosedale. Mr. Smith responded that the Bulgarian proposal was dead and that he had understood that the matter of Rosedale was to be discussed at the Episcopal National Convention recently held. However, he did not know if it had in fact been discussed.

Mr. Corcoran introduced some correspondence between himself and the manager of 4000 Massachusetts Avenue with respect to various complaints of a tenant there. He pointed out specifically that the resident manager feels, along with others in his profession, that apartments should not undertake security devices except those which are controlled by the tenant themselves and if they allow a tenant to think that the apartment is more secure, then they are increasing rather than decreasing their liability. She attached an article in a professional property manager magazine. Mr. Krucoff suggested that the matter be brought to the attention of the City Council because of the serious impact on safety of citizens that such an attitude may have. He will do so at the meeting of the Woodley Park Community Association to be held this Thursday, the 30th of September. He was asked by the Commission to see what leverage the Commission may have if it discovered that an applicant for renewal has been violating various aspects of building or use codes and similar laws.

There was a discussion led by Mr. Smith concerning the removal of automobiles from public property especially school property. The question was asked as to whether trees that were removed by the city could be used in a creative way for the benefit of playgrounds and Mrs. McGrath observed that there was talent available for such purposes but she did not know whether it could be done without considerable cost.

Mr. Williams reported on the Metro construction of three Connecticut Avenue sites at Woodley Road, Porter St. and Van Ness St. He reported on the meeting with the contractor for those sites and stated that they were very much aware of their heavy obligation to keep an open access to the firehouse at Conn. & Porter St. at all times. The terms of the contract require the contractor to maintain access to each residence or store of at least 4 ft. wide and 6 ft. sidewalk at all times. This does not necessarily mean that the sidewalk will not be moved from time to time. The contractor was receptive to an idea proposed by Mr. Williams that it publish a schematic drawing and explanation of the status of the work from time to time and indicate if there are any delays, what the problems are and what the schedule is. The Commissioners all felt that this was a good idea to help keep the citizens informed.

Mr. Williams also suggested that because of the congestion to be caused by the Metro construction, especially at Porter Street, that the National Park Service be contacted with a proposal to make the Rock Creek Park roadway Beach Drive one way in each direction during lunch hours from Rock Creek and Potomac Parkway through the Zoo Tunnel as far as Broad Branch. The Commissioners felt that this was a useful suggestion and should be explored.

The Commission was introduced to Mr. James Tamper, of Georgetown University who was a student in government and would be interning for the Commission. Each Commissioner was asked to come up with an idea as to how Mr. Tamper's services could best be used and Mr. Tamper will do the same. He will be available several days a week on a part time basis.

Mr. Hugh Allen, Chairman of the Planning and Zoning Committee, discussed a recent meeting held by his committee. The result of that meeting was a proposed memorandum dated September 27th, in which the view is expressed that present land use procedure is the least efficient and useful way for municipal planning and that the present National Capitol Planning Commission Plan be used while the community waits for the sectional development plan that has been requested to be developed. A lengthy discussion followed at which the matter of the interplay between the SDP and the NCPC plans or area planning versus total city planning was discussed. The Commission appointed Mrs. McGrath and Mr. Krucoff as a committee of two to redraft the letter pursuant to that memorandum as our official position. The redraft will indicate that the Commission favors the sectional development plans like the one along Wisconsin Avenue and Woodley Park, but where there is no such development plan it prefers citywide planning to the individual land use issue approach of the Zoning Commission. Mr. Allen will be in touch with Mr. Szoradi, with respect to the continuation and finalization of his plan for Woodley Park with a view towards its adoption as the plan for the area by the Advisory Neighborhood Commission. A town meeting was agreed upon to be held in November or December at Woodley Park to discuss specifics of the Szoradi plan, and Mr. Allen will report to Mrs. McGrath as to those plans.

Mr. Williams, with respect to the Group Hospitalization Association, read a proposed letter to be sent to Mr. Yedell. Present in the audience was Ms. Susan Truitt of the Dept. of Human Resources and she was able to answer some

questions concerning the process. She recommended specifically that the Commission not attempt to solve all the problems with respect to the matter of the quality and number of beds in the area all the various technicalities that the Commission did not have the expertise to deal with, but should concentrate mostly on the planning aspect. After considerable discussion it was agreed that the letter of Mr. Williams should be amended in certain particulars which he agreed to do immediately. The paragraph pertaining to the National Capitol Planning Commission plans should be deleted. -- The paragraph following the NCPC paragraph should be ended after the words "certificate of need" -- the first recommendation should allow for reasonable access of the public on conditions publicly stated -- the fifth recommendation is to be reworded so that there is some leeway in making decisions with respect to environmental and fiscal impact -- recommendations 2 and 3 will be by a lead sentence or clause which will indicate concern with the overbedding problem -- That the Commission recognizes that the hospital as proposed is within the present zoning requirements and that in the absence of a sectional development plan which we earnestly wish to have, the hospital is preferable to other high density uses which are possible under the zoning code, such as an office building.

The next item of business was the application of CJK at the site at 3412 Connecticut Avenue for an Irish Pub. Mrs. McGrath announced that the ABC Board had approved the application notwithstanding our position, on September 23, 1976. She also stated that Prof. Jason Newman's group on street law was planning to handle an appeal based upon the ANC issue and Mr. Krucoff was to contact Prof. Newman in that regard.

Mr. Krucoff stated that he was preparing a letter to Mrs. Shackleton with respect to permanent legislation and he would be trying to work with other interested Advisory Neighborhood Commissioners. He would have specific recommendations before the meeting in October and welcomed the input of any of the other Commissioners.

The matter of the application for variance at 2647 Woodley Road was next on agenda. Mr. Krucoff stated that he had met with Mr. Montez and had reached agreement with him with respect to certain parking and sign restrictions which are set forth in the resolution he introduced. The resolution as amended was unanimously adopted and a copy is attached hereto. Mr. Krucoff was authorized to communicate it to Mr. Montez and to the Board of Zoning Adjustment.

With respect to the Cathedral Heights Recreation Area, Mrs McGrath is to send a letter to the Dept. of Recreation supporting the use of the area involved as a combination garden and tennis court area and that the matter be brought to a prompt resolution by the Dept. of Recreation.

Mr. Williams has made a survey of the wishes of the various Commissioners with respect to stop signs and traffic control in the area and is sending a letter off to the Dept. of Transportation. He also received authorization to send a letter to Washington Metropolitan Transist Authority with respect to fares for older people and in support of the extension of lowered fares throughout the area.

Mr. Smith reported that a plan by Director Reed of the D.C. Schools includes the possibility of combining Hearst and Janey Schools thereby consolidating them and reducing the need for so many teachers in the area. He will make a further report as the next meeting on that issue as well as the issue of the movement of principals of schools that have been closed to other schools.

Mr. Krucoff as a final item of business reported on his meeting with Col. Vanway and a representative of Legum Realty regarding the rental of space at Woodley Park Towers. Woodley Park Towers will rent the space which seems to be suitable for \$100 a month which includes telephone, mail box, electricity, air conditioning, heat. We will have the right of first refusal and the right to terminate the lease if the ANC is not funded. Mr. Krucoff will be drafting a lease and get it over to Legum for review immediately.

There being no further business, the meeting was adjourned at approximately 11:15 p.m.

Respectfully submitted,

Neal E. Krucoff
Temporary Secretary

RESOLUTION 3C-76-13

Advisory Neighborhood Commission 3-C having been further informed on the application to the Board of Zoning Adjustment (Case No. 12185) of the owners of 2719 Woodley Place, N.W. for an extension of a rear addition to the residence beyond that permitted by law, and having learned specifically that the extension has already been erected based upon erroneous information received by them from the District of Columbia Government, does no harm to the neighbors of the property nor sets a precedent, does hereby resolve,

That it supports the aforesaid application without reservation,
and

That it reminds the Board of Zoning Adjustment that pursuant to section 13(d) of D.C. Law 1-58 this resolution is entitled to great weight in the deliberation of the Board and must be discussed by the Board in the written rationale in support of its decision.

RESOLUTION 3C-76-14

Advisory Neighborhood commission 3C, having heard testimony from the applicants and others relative to application #12188 to the Board of Zoning Adjustment for a variance at 2647 Woodley Road, N.W. to use those premises as a beauty salon, does hereby resolve:

That it does not oppose the application; provided, however, that this resolution is based upon certain representations made by the prospective purchasers of the premises and that if said prospective purchasers are not prepared to make the same representations to the Board, Advisory Neighborhood Commission 3C opposes the application.

The representations referred to above are:

That the establishment will advertise itself on the premises with only a single brass plaque near the front door approximately 12 by 24 inches,

That no parking of automobiles will be permitted in the space between the front of the premises and the public sidewalk on Woodley Road,

That parking for employees will not be permitted on the premises to the extent that it interferes with customer parking,

That the BZA is urged to incorporate these representations in its order.

Advisory Neighborhood Commission 3C reminds the Board of Zoning Adjustments pursuant to Section 13(d) of D.C. law 1-58 that this resolution is entitled to great weight in the deliberation of the Board and must be discussed by the Board in the written rationale in support of its decision.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

26 September 1976

TO : Members, ANC 3-C
FROM : Chairperson, ANC 3-C
SUBJECT: ANC 3-E's Agreement with "Two Doors Down" (ABC Matter)

A sister ANC, 3-E, is in the process of looking over the proposed liquor license of an establishment that would like to locate in their area.


It is my understanding that this enterprise, "Two Doors Down," filed for a license a few months ago and that the neighbors expressed considerable opposition to it.

The ANC, however, seems to have embarked on a course to seek to (1) identify and then (2) reconcile differences. The attached facsimile agreement represents, at least in my mind, a breakthrough worthy of your study for possible application in such matters of interest to this ANC.

I would appreciate your reviewing the agreement to see to what extent we might suggest elements of it, particularly its outline, to parties within our area in the event we face a new, transfer, or renewal liquor license in our area which is being, will be, or has the potential to be, "contested."

A copy is being provided, as indicated below, to others I believe should know of this development and, possibly, comment on it.

Thank you.


Lindsley Williams

Enclosure

cc: Honorable Polly Shackleton
Robert Stumberg, Esq.
ANC 3-E Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-Kay McGrath
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

FACSIMILE OF AGREEMENT BETWEEN OWNERS OF TWO DOORS DOWN TRADING AS THREE DIMENSIONS AND ANC 3E

THIS AGREEMENT, made this th day of September, 1978, by and between TWO DOORS DOWN, INC. , t/a "3 DIMENSIONS", hereinafter "Applicant", and ADVISORY NEIGHBORHOOD COMMISSION 3E, hereinafter "ANC".

WITNESSETH:

WHEREAS, Applicant did, on or about June 15, 1978, file with the District of Columbia Alcoholic Beverage Control Board (hereinafter "Board") for license, Class "C", for premises 4926 Wisconsin Avenue, Northwest (hereinafter "premises"); and

WHEREAS, Applicant intends to operate a bonafide restaurant and dart emporium on said premises; and

WHEREAS, The owners and principal officers of Applicant are presently the owners and principal officers of H & R Sandwich Shops, Inc., the holder of an Alcoholic Beverage Control License, Class "C" for premises 4934B Wisconsin Avenue, Northwest, known as the "One Flight Up" restaurant; and

WHEREAS, ANC did, after notice to the residents of the community surrounding the said premises, discuss the concerns of the neighborhood with Applicant; and

WHEREAS, The concerns of the ANC and the residents and property owners in the ANC area are principally that::

- (a) There is already a saturation of A.B.C. licenses in the ANC area, particularly in the 4900 block of Wisconsin Avenue, Northwest;
- (b) There already exists a severe parking problem in the area, which would be intensified by granting of any further A.B.C. licenses, particularly to Applicant who intends to have a customer capacity of close to 400;
- (c) Existing A.B.C. licensees in the area, by virtue of their operation and their clientele, have created a substantial problem with trash in the neighborhood surrounding the 4900 block of Wisconsin Avenue, Northwest;
- (d) Patrons of existing A.B.C. licensees have created undue noise in the neighborhood, particularly in the late evening and early morning hours, thereby disturbing the residential community; and
- (e) Patrons of existing licensees now create a considerable problem with increased traffic, and Applicant's patrons would increase that problem, which results in, among other things, excessive noise and pollution; and

WHEREAS, ANC recognizes that Applicant applied for a license before said concerns were articulated before and by the ANC; and

WHEREAS, Applicant has met with the ANC and members of the community; and

WHEREAS, Applicant has expressed its willingness to attempt as much as possible to alleviate these concerns of the neighborhood; and

WHEREAS, Applicant and ANC now wish to set forth in writing these concerns and remedies thereto;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. The preamble is made part of this Agreement.
2. Applicant agrees that if it is successful in obtaining the necessary permits and licenses from the District of Columbia, including but not limited to, A.B.C. License, Class "C", at said premises, it shall:
 - (a) Operate a bona fide, full service supper club on the first floor and a dart emporium on the second floor, with the highest possible standards.
 - (b) Institute a dress code which will assure the highest type of clientele.
 - (c) Offer a full menu and food shall be available at all times Applicant is open for business.
 - (d) Open for business no earlier than 4:00 p.m. and will remain open, unless there is demand for lunch to be served, until 2:00 a.m., except on Fridays and Saturdays when it shall remain open until 3:00 a.m., or the legal closing hours as set forth by the District of Columbia A.B.C. Board.
 - (e) Employ a doorman to screen patrons and control noisy patrons on Friday and Saturday evenings from 9:00 p.m. to closing.
 - (f) Not offer any nude or semi-nude entertainment and/or waitresses and not have any go-go girls of any type.
 - (g) Provide parking for 27 automobiles to the rear of the premises, said area to be cleaned daily. Applicant and ANC Agree to use their collective best efforts to obtain additional parking within the neighborhood, with Applicant sustaining the entire cost of said additional parking. Upon obtaining said additional parking, Applicant agrees to provide valet parking for its customers.
 - (h) Submit to ANC its plans for the proposed restaurant prior to the commencing of any construction. Applicant will consult with ANC and will use its best efforts to incorporate any suggested changes into said plans.
 - (i) Not apply for any permit which would allow a sidewalk safe at the premises without first obtaining the consent of the ANC.
 - (j) Comply with all District of Columbia laws and regulations.
 - (k) Provide for trash pick up as required, and cause the entire 4900 block of Wisconsin Avenue to be policed for trash and litter.

3. Applicant agrees that it will not sell the One Flight Up or 3 Dimensions restaurants or any interest therein without obtaining approval from ANC, which consent shall not be unreasonably withheld.

4. Applicant agrees to consult with ANC on an on-going basis and agrees to use its best efforts to alleviate parking, traffic and noise problems which now occur in this neighborhood.

5. Applicant also agrees to close off all admittance into the premises one hour before closing. Last call for all alcoholic beverages shall cease at least 30 minutes before closing.

6. ANC agrees that it will use its best efforts to help Applicant obtain additional parking and to alleviate the problems set forth in this Agreement.

7. ANC agrees to withdraw its opposition to the granting of the A.B.C. license in question.

8. The parties agree and understand that this Agreement shall be made part of the Applicant's pending application before the Board, but that if the license is issued by the Board, said license shall not be conditioned upon this Agreement. This Agreement is entered into by the ANC on behalf of its members in their official and private capacities, and on behalf of and for the benefit of residents of the ANC area.

The Agreement is signed by Virginia Spevak, Chairman of ANC 3E, Lorraine Middleton, 3E03, Two Doors Down and H & R Sandwich Shops, Inc., corporate owners of One Flight Up.

NOTE: At the hearing September 13 before the A.B.C. Board, the members of the Board were pleased with the contents of this agreement and noted that although their administrative procedures do not permit them to issue any conditional license, that is, an agreement conditioned on an agreement such as the above, they would look very unfavorably on the Applicant if he were not to abide by the terms of the agreement. In addition, the Board was receptive to the idea of requesting a moratorium for a block such as the 4900 block of Wisconsin Avenue. Lorraine Middleton, ANC 3E03