

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

Minutes  
July 23, 1979

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- II. Phil Mendelson was asked to call the roll: all Commissioners were present except Pitts, Williams, and Kopff.
- III. Verification of the posting of notice was ascertained.
- IV. Minutes: Because the minutes for the meetings of April 23rd and May 28th were approved only "in general" at the Commission's June meeting, they were presented, in addition to the minutes for the June 25th meeting, for formal approval tonight.

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There was one correction to the minutes of June 25, 1979: Mendelson reported that Williams had asked that these minutes reflect that notice had been posted, as required, prior to the meeting.

Arons moved the approval of these three sets of minutes, as corrected. By voice vote the approval was unanimous.
- V. At this point the remainder of the meeting agenda was reviewed; unknown concerns were elicited from those residents in attendance.
- VI. Treasurer's report: A copy of the report, for the month of July, is attached to the file copy of these minutes. The current balance is \$13,285.69. The third and fourth quarter payments have been received from the City. July payments include an advance to Mendelson. \$5,000 has been transferred from the checking to the savings account. In addition, the quarterly report is due for submission to the D.C. Auditor; \$5,230 was expended. Grinnell reported that there is still confusion as to how the City calculates the funding. He also said that he hopes to have a cost estimate on addressograph plates for the Commission's next meeting.

It was moved, and unanimously approved by voice vote, that the monthly report be approved. It was then moved, and unanimously approved by voice vote, that the quarterly report be approved.

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-  
07-Gary Kopff  
08-  
09-Louis Rothschild  
10-David Grinnell

## VII. Residents' Concerns:

A. Jan Welch, an area resident, had several questions for the Commission. In response to one, she was told that minutes of the meetings are public and are available on request for inspection at the office. In response to another question, she was referred to several D.C. offices for action on a residence in her neighborhood that is becoming dilapidated.

B. Another area resident, Robert Major, expressed his distress over the increase in traffic on Porter Street and the problem of some motorists using various side streets in order to avoid the traffic light at Porter and Wisconsin Avenue. Major was told to contact Lindsley Williams, who heads the 3-C Transportation Committee.

C. In light of the fact that both of these residents reside in a presently vacant SMD, the Chair noted that ANC elections are upcoming. She reviewed the filing schedule for petitions.

D. Earle Elliott gave a status report on the Hearst Recreational Center. This Fall he will ask the Commission to endorse a proposal to enlarge the building at the Center. This will cost \$5-600,000. He said this was originally proposed a number of years ago and was in the D.C. Dep't of Recreation budget for several years. It was then dropped, but it may be restored to the budget submitted this Fall. Elliott also reported that an ANC funding request will be forthcoming; it will seek re-funding for the Hearst soccer program (which received 3C funding last year).

Grinnell asked that the Commission get at least a sketch of the proposed building expansion. He also stated that funding proposals are better received if other funding sources are also approached. Haugen noted that Mr. Elliott should contact the Ward III Recreation Council.

E. ABC Bill--three documents, which were the basis for the discussion, were distributed to the Commissioners. Rothschild moved approval of the letter and alternative bill. Arons and Coram both noted that the letter implies, in bold type, the existence of a completely separate draft bill which, in fact, is not a total substitute. It was suggested that this bold type was perhaps inflammatory, but since a D.C. Council Committee will be considering this issue tomorrow the consensus was to leave the documents unchanged. Thereupon, the motion was unanimously approved by voice vote.

F. Housing--a proposed position paper, by Coram, on the Mayor's draft housing policy for the District of Columbia was distributed to Commissioners and others in attendance. The floor was opened up for comments and changes. Coram said that item #3 on page 5 would be expanded upon by referencing the proposals to be considered by the D.C. Emergency Condominium and Cooperative Conversion Commission at its public hearing next Monday.

Paula McMartin, from the audience, stated that not enough attention is given in the Mayor's draft to handling the displacement problem resulting from conversions, such as to cooperatives. She made a number of other suggestions: there should be more public information, both to tenants and individual purchasers, regarding the buildings being converted; information, both clear and adequate, should be readily available to tenants about the owners and their agents; where more than 10% of the units in a condo or coop are rented, there should be renter representation on the ownership council; there should be rent control protections for renters in condos and coops.

Laura Cahill, from the audience, stated that more emphasis should be given to the rights of tenants, particularly the elderly. Certificates of eligibility are too easily obtained and are used not to convert but to enhance the purchase value of the property. These certificates should be subject to review before being granted and should not be allowed to last indefinitely.

Stewart Knoop, from the audience, suggested that the use of the City's zoning authority could create two kinds of multi-family housing zones. Already there exists a distinction between single and multi family housing. The different forms of multi-family housing could be protected by using zoning to encourage and/or discourage conversions and development. Nowhere in the Mayor's draft is it specifically stated that it is the City's intention to preserve rental housing. Another technique could be to use taxation to encourage rental preservation and to discourage conversions.

Rothschild moved that the proposed position paper be adopted with the changes suggested in tonight's discussion and that the entire document then be submitted to the D.C. Government. The motion was approved unanimously.

G. Financial Management System for D.C.--Haugen gave a brief report and said there were no comments for review and action at this time.

H. Plan On Aging--Haugen gave a lengthy report. Knoop, who is the Ward III representative to the City Commission On Aging, also spoke.

I. Sheraton Park & Shoreham Hotels (Bill Carroll addressed the Commission): To date, there has been no decision from the BZA on the variance application for a single roof structure at the Sheraton.

Councilmember Jerry Moore has called another meeting concerning bus and trailer parking problems on Calvert Street by the Shoreham and also on the bridge. Signs permitting the parking on the bridge have been removed. The D.C. Dep't of Transportation has proposed that the City buy land to handle hotel exhibitor parking. Another proposal would be to provide limited parking on the bridge, but Carroll said this would lead once more to complete relaxation of enforcement.

There are rumors of an impending sale of the Shoreham to a developer. Williams is scheduling a meeting, to be held around August 14th, where the architectural firm of Skidmore, Owings & Merrill will make a public presentation. There may be some demolition and the development of condos and other housing on the Rock Creek side of the property.

At a July 12th community meeting, a vote was taken to oppose the Sheraton Park's development plans because of permits that have been issued for the land fronting on Woodley Road. The Task Force (which includes 3C representation) has never been able to pin down the Sheraton on its plans. Carroll said no action was needed from the Commission at this time.

#### VIII. Miscellaneous Business:

A. The Commission approved, by voice vote, authorization to purchase two sets of 1975-1977 D.C. Statutes-At-Large for a total of \$150. One set will be donated to the Cleveland Park Library.

B. The Commission reaffirmed authorization for the Housing Committee to purchase literature on tenant rights and procedures. (See March 26, 1979 minutes.) ANC-1C and Strongforce have put together a handbook that may be published in the *Rock Creek Monitor* as a supplement available for purchase by other groups.

IX. The meeting was adjourned at 10:08pm.

Attached to the file copy of these minutes are the following:

- Notice of the meeting as posted.
  - Photocopy of the meeting announcement as printed in the *Northwest Current*.
  - Attendance list from the meeting.
  - Treasurer's report for the month of July, 1979.
  - Quarterly report for April - June, 1979.
  - Note from Kopff concerning the ABC bill agenda item.
  - \*July 23, 1979 letter from Kopff to ANC Chairpersons re. the ABC bill.
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  - Photocopy of articles from the July 19, 1979 *Northwest Current* re. aging.
  - Haugen's May testimony, before the D.C. Council Committee on Transportation (inclusion of this in these minutes was specifically requested at the meeting).
- \*Copies of the asterisked items were distributed to each Commissioner.

Respectfully Submitted  
for the Commission:

  
Phil Mendelson

Attested as Approved & Corrected:

\_\_\_\_\_  
Katherine V. Coram  
Recording Secretary

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ADVISORY NEIGHBORHOOD COMMISSION 3-C  
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July 8, 1979

Mr. Herbert L. Tucker  
Director, Department of  
Environmental Services  
Government of the District of Columbia  
415 Twelfth Street, N.W. -- Room 309  
Washington, D.C. 20004

Dear Mr. Tucker:

Re: Cross-Town Water Main

At its regular meeting of June 25, 1979, Advisory Neighborhood Commission 3C considered the matter of the proposed cross-town water main. This letter constitutes our advice to you and the Executive Branch on this subject.

Overall Need

Although your Department has sent staff and consultants to quite a few public meetings, we could not agree that the overall need for the cross-town water main has been established. Accordingly, we are recommending that the Council of the District of Columbia retain its own experts to advise them on this matter rather than relying on those you have employed. The scope, and cost, of this matter are of such a magnitude that independent advice seems critical. Of course, if both your consultants and those we suggest the Council retain agree, our legislators can vote with more confidence.

If the project is truly needed, as you and your consultants are indicating, Advisory Neighborhood Commission 3C recommends that it be given preference to the proposed Convention Center in terms of the limited remaining authority to borrow funds as the District approaches its statutory debt limit.

Referendum

It is the view of Advisory Neighborhood Commission 3C that the proposed cross-town water main, and all other large scale capital projects (including the Convention Center) should be subject to a referendum in which the question could be put to the voters and taxpayers of the District of Columbia.

Route of Project

At the time of our meeting, it was our understanding that the options being most seriously being considered had been reduced from five (identified as "A" through "E" in the flyer "The Cross-town Water Main") to two (identified as "A" and "D").

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July 8, 1979

The first of these two, alignment "A," would follow public rights of way most of the distance; about half of the route would be below Massachusetts Avenue.

The second of these two, alignment "D," would follow the route of the former D.C. Transit company's line running from Georgetown to Glen Echo.

The latter is a less costly route to construct, or so your consultants indicate.

The latter is also a route which persons living near to it have expressed some support for -- particularly as it would offer an opportunity to establish a bike path and it would bring the land in question, which is now in private hands, into public ownership, control, and maintenance.

Based on the foregoing, Advisory Neighborhood Commission 3C urges you to construct the cross-town water main following alignment D assuming the project is ultimately supported by independent analysis as to need and voted by the Council of the District of Columbia and, if at all possible, voted by the taxpayers of the District of Columbia in a referendum.

FOR THE COMMISSION,

*Lindsley Williams*

Lindsley Williams, Chairperson

cc: Members, Council of the District  
of Columbia  
Ward 3 Advisory Neighborhood  
Commissions  
Office of Community Services,  
Office of Planning and Development

7/8/79

A copy of This is being sent  
to Grinnell

Lindsley:

Here is my attempt at the water main letter. I am not enthusiastic; one reason is that I have never seen, nor know where to find, any of the material on this issue. So, for example, I do not know how to identify the alternative 3C endorsed.

I will be out of town until approx. 10pm on 7/15. You can leave messages with me through Jack Koczela, if there is really anything that urgent.

~~XXX~~

Herbert L. Tucker  
Director, DES  
Room 309, Presidential Bldg.  
415 12th Street, N.W.  
Washington, D.C. 2004

RE: Proposed Cross-Town Water  
Main

Dear Mr. Tucker:

At its regular meeting on June 25, 1979, Advisory Neighborhood Commission 3C decided--with some reluctance--to endorse alternative \_\_\_, for the proposed cross-town water main, subject to the following qualifications:

- \*DES obtain and disseminate the testimony of independent experts as to the necessity of this project.

- \*This proposal, as with all capital projects, should be subjected to referendum.

- \*This proposal should take precedence over the convention center.

It must be emphasized that this Commission is not convinced of the necessity for a new water main from the Delecarlia Water Treatment Plant. The evidence presented by your Department has not been persuasive. Perhaps if experts outside and independent of DES were to address the need--rather than all of the expert testimony being "in house"--our doubts would be removed.

Furthermore, this Commission believes that District of Columbia capital projects, such as this, should be subjected to voter referendum for approval before implementation.

Our experience with the convention center has shown that referenda could avoid costly and unwanted projects. It should be noted, however, that ANC-3C has specifically taken the position that this proposal should take precedence over the convention center.

On balance, this Commission is generally not supportive of this project. But, recognizing its inevitability, we reiterate that we would prefer alternative \_\_.

FOR THE COMMISSION:

cc: all Council members  
ANC's 3D, 3A, 3B,

ADVISORY NEIGHBORHOOD COMMISSION 3-C  
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July 6, 1979

Mr. Edwin M. Yoder, Jr.  
Editorial Page Editor  
The Washington Star  
225 Virginia Avenue, S.E.  
Washington, D.C. 20061

Dear Mr. Yoder:

In a letter published July 4, Stephan P. Vu of Oxon Hill, Md. accuses the D. C. government of "dragging its feet" on the implementation of "right turn on red" rules for motorists. He goes on to urge speedy adoption of this system as a means to save gas.

At what cost? While there may be some savings of petroleum, allowing right turn on red may also lead to higher rates of pedestrian injuries and fatalities due, in part, to drivers not being as careful as they should be when making such turns.

Moreover, many signalized intersections within the District of Columbia are near areas in which there are large numbers of children and elderly persons. For example, the population in the area served by Advisory Neighborhood Commission 3C -- near the National Zoo -- is one fourth over the age of 65. Many older persons need the full green cycle time, if not more, to make it across wider streets from one curb to another.

Placing pedestrian safety ahead of convenience to the motorists, the D. C. government is studying sight-lines at each intersection, considering the volume and nature of pedestrian activity, and then, after that assessment, taking steps to allow right turns only when the government can be reasonably assured it is safe to do so. We support this course of action.

The D.C. government's actions are designed to make walking a safe means of getting from one place to the next. A side benefit: Pedestrians use less gas than motorists.

Sincerely,

*Lindsley Williams*

Lindsley Williams, Chairperson  
Advisory Neighborhood Commission 3C  
Cathedral Heights, Cleveland Park,  
McLean Gardens and Woodley Park

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**Slow turn**

While Mayor Marion Barry talks about energy conservation, it is a shame that the D.C. government is still dragging its feet on the enforcement of the "turn right on red" rule. It has become almost a nationwide practice and has proven its validity in saving gas and time for motorists elsewhere. The sooner D.C. adopts it, the better for the gas situation. A drop saved is a drop earned.

Stephan P. Vu  
Oxon Hill, Md.

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July 27, 1979

Marie Nahikian  
D.C. Dep't Housing & Community  
Development  
Room 934  
1325 "G" Street, N.W.  
Washington, D.C.

Dear Marie:

Attached are two copies of ANC-3C's comments on Mayor's Draft  
Housing Policy For The District Of Columbia.

This position was formally and unanimously adopted by the  
Commission at its regular meeting on July 23, 1979.

If other copies should be directed elsewhere within DHCD,  
please advise.

Sincerely,

  
Phil Mendelson

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Mr. David Splitt  
Director  
Office of Documents  
District Building, Room 523  
Washington, D.C. 20004

Dear Mr. Splitt:

This is to request that you set aside two (2) sets of the 1975-1976-1977 "Statutes at Large" for subsequent purchase by Advisory Neighborhood Commission 3C.


Under our by-laws, expenditures such as this must be approved by the Commission at a regularly scheduled meeting. This next occurs Monday, July 23.

We would like to ask that you lay two sets aside so that the Commission can consider purchase and then advise you of whether to send them to us or not. Payment of \$75.00 per set would accompany that indication.

For your information: we propose to maintain one set at the office of this Commission; we propose to donate the second set to the Cleveland Park Library.

Thank you for your kind assistance.

Sincerely,



Lindsley Williams, Chairperson

cc: Vice Chairperson, Kopff  
Treasurer, Grinnell

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NOW AVAILABLE:

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1976 AND 1977 D. C. STATUTES-AT-LARGE

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DC LAWS 1-42 THROUGH 2-48 PLUS ALL COUNCIL  
RESOLUTIONS AND MAYOR'S ORDERS FOR 76-77.

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1976 STATUTES-AT-LARGE - 800PP. \$25.00

1977 STATUTES-AT-LARGE - 1000PP. \$30.00

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BOTH 1976 AND 1977 EDITIONS: SPECIAL PRICE  
THROUGH AUGUST 31ST ONLY - \$50.00

---

LIMITED NUMBER OF 1975 STATUTES-AT-LARGE  
NOW AVAILABLE. SINGLE EDITION: \$35.00

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ORDER ALL THREE EDITIONS (75-76-77) NOW  
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SEND CHECK PAYABLE TO "D.C. TREASURER" TO  
THE OFFICE OF DOCUMENTS, ROOM 523, DISTRICT  
BUILDING, WASHINGTON, D. C. 20004.

---

**D.C. REGISTER**

ROOM 523  
DISTRICT BUILDING  
WASHINGTON, D.C. 20004

ANC 3C  
Woodley Park Towers, #1  
2737 Devonshire Pl., N.W.  
Washington, D.C. 20008

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

*Calver Gardens  
Chrono file*

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 21, 1979

Honorable Jerry A. Moore, Jr., Chairperson  
Committee on Transportation and  
Environmental Affairs  
Council of the District of Columbia  
Washington, D.C. 20004

Dear Rev. Moore:

Thank you for convening a group of Council members, officials of the Executive Branch, and concerned neighborhood residents and their representatives, as well as representatives of area hotels to facilitate discussion of, and resolution of, long-standing concerns of parking tour buses and trucks on streets and bridges in our community.

I regret that I shall not be able to attend the meeting you have arranged at 9:30 am on Tuesday, July 24. I have, however, received a copy of the draft report which the Department of Transportation has prepared.

This letter is intended to share with you, and others attending your meeting, my own reactions to DOT's draft report.

Basically, I feel it does a good job of reviewing the problems we have faced. More could be said, but the scope is more than adequate.

In response to the discussion of the problems, DOT appears close to proposing (close, because of "draft" status) that limited tour bus parking (5 spaces) be allowed on the south side of the Calvert Street ("Duke Ellington") bridge and that remaining curb space be regulated so as to allow residential sticker parking (about 30 spaces).

Frankly, I am most uneasy about the proposal to allow any tour bus parking on the bridge. If five spaces are needed in the area (above those already available on hotel grounds), could that amount be obtained at the existing "Metrobus" turnaround at the east end of the bridge; and, if so, would that be acceptable to the Adams-Morgan community?

As to parking of ordinary vehicles, basically passenger cars, on the bridge, that too gives me pause both on legal and aesthetic grounds. My own suggestion is that the two communities each be given an opportunity to consider this aspect of

Single Member District Commissioners, 1978-1979

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

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

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



Honorable Jerry A. Moore, Jr.

-2-

July 21, 1979

what DOT appears near to be suggesting and, if it is determined to be the preference of the adjacent communities, then let us take that perspective to DOT for future consideration.

I hope you will find these comments helpful. Again, thank you for helping bring these community problems to a forum in which they are given focus and solutions can be considered and, hopefully, agreed upon.

Sincerely,

A handwritten signature in dark ink, reading "Lindsley Williams". The signature is fluid and cursive, with the first name "Lindsley" written in a larger, more prominent script than the last name "Williams".

Lindsley Williams

cc

Honorable Polly Shackleton

Honorable David A. Clarke

Douglas N. Schneider, Jr., DOT

John M. Brophy, DOT

Jeff Marble

William Carroll, Woodley Park Community Assn.

Ann H. Hargrove, ANC 1C

Robert E. Shreeve, Shoreham North

Ruth Haugen ANC 3C-02

Whayne Quinn

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 23, 1979

MEMORANDUM:

TO: Commissioners

FR: Phil Mendelson *fm*.

RE: Office Copier

-----  
I have called Washington Photocopy (333-8150) regarding the office copier. Copies are coming out with streaks of varying size and are not clean.

One possible explanation is in the settling of the toner; I have stirred this up and the copies appear to be better. But Washington Photocopy has said that they will check their files and see if our machine could use a "PM" (preventive maintenance overhaul).

We should be contacted by Washington Photocopy within the next day or two, and a date for the PM will be arranged.

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 7, 1979

Leonard W. Burka  
Bindeman and Burka  
4201 Connecticut Avenue, N. W.  
Washington, D. C. 20008

Dear Mr. Burka:

Enclosed is a copy of the attachment to the letters recently sent to various city officials concerning a potential fire hazard to your client's premises at 3412 Connecticut Avenue. Apparently, the attachment was omitted from your copies of the letters. We regret the omission.

Sincerely,

Gary J. Kopff

Attachment

Single Member District Commissioners, 1978-80

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

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

Cathedral Heights

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Woodley Park

REVIEW OF ABC BOARD CASE

WITH REGARD TO FIRE SAFETY

For nearly three years, the operation of a bar/restaurant at 3412 Connecticut Avenue (known as "Ireland's Four Provinces") has been strongly and consistently opposed by Advisory Neighborhood Commissions 3-C and 3-F, by the Cleveland Park Citizens Association, and by the majority of the residents in the surrounding neighborhood. Among numerous reasons for the widespread opposition is grave concern for the safety of patrons (up to 199 at a time) in the event of fire.

The Fire Chief and Building Inspector of the District of Columbia were subpoenaed August 4-7, 1978 to testify before the Alcoholic Beverage Control Board ("ABC Board," hereafter) as to how in the face of a clear violation of the D.C. Building Code (5A-1 D.C.R.R. Section 628.3(2)), which mandates the number and location of fire exits, they allowed the establishment to receive a Certificate of Occupancy over 3 years ago and continue to allow it to operate. The premises are classified as a Group F-2 Assembly Building under Article 2, Section 202.7(2). Section 628, which applies specifically to F-2 occupancies, sets forth explicit fire exit requirements:

"When the population capacity exceeds 125 in buildings of Type 1 construction, or 100 in buildings of Types 2 or 3 construction, or when the travel would exceed 75 feet to an exit, there shall be not less than two exits, and no point in the room shall be more than 75 feet by the shortest line of actual travel from an exit in buildings of Type 2 or 3 construction, nor more than 100 feet in buildings of Type 1 construction." D.C. Building Code, Art. 2, Section 628.3(2) (Emphasis added).

Evidence admitted by the ABC Board into the hearing record at the rehearing confirms that:

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

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Woodley Park

1. The northern wall of the premises is 173.02 feet long
2. Toward the western side is a dart room and kitchen
3. Two exits are located on the eastern wall and the southeastern corner
4. The distance from the exits to the western wall is 150 feet or more
5. Seating capacity is 150 persons and total capacity is 199 persons.

Moreover, evidence was proffered that has the effect of prohibiting construction of an exit on the western wall to reduce the distance that patrons would need to move in the event of a fire. There is an official agreement binding on the Mayor and City Council (as successors to the Board of Commissioners of the District of Columbia, who are one of the three parties to the agreement) that was filed with the Recorder of Deeds in 1939 which creates a covenant running with the land prohibiting owners of the property from constructing a rear exit.

The testimony on August 8, 1978 by representatives of the Fire Chief and Building Inspector in response to the subpoenas, was not allowed to be given due to an evidentiary ruling by two ex-Commissioners of the ABC Board.\* The apparent failure of the ABC Board to fulfill its legal responsibilities has led to the second lawsuit in connection with the granting of a liquor license to Ireland's Four Provinces. (The prior case, Gary Kopff, et al v District of Columbia Alcoholic Beverage Control Board (381 A.2d 1372) was decided in December 1977 when the D.C. Court of Appeals remanded the case for rehearing due to a number of reversible errors.)

---

\* - Ex-Commissioner Jackson indicated that the ABC Board would examine a fire inspection if requested in writing (Cf. Transcript, page 95) and such a request was made, thereafter, through letters and subpoenas. However, ex-Commissioner Hill apparently overruled Mr. Jackson by refusing to look behind an "apparently valid" Certificate of Occupancy and by refusing to allow the representatives to testify. The evidentiary rulings are being contested before the D.C. Court of Appeals in Gary Kopff, et al v District of Columbia Alcoholic Beverage Control Board (Docket No. 14091).

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

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Cathedral Heights

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Regardless of how the D.C. Court of Appeals and the ABC Board ultimately rule, the Fire Department and the Department of Licenses, Investigations, and Inspections are not absolved of their responsibilities under the laws of the District of Columbia to ensure the safety of patrons in the event of a fire at the bar/restaurant at 3412 Connecticut Avenue. Neither the Fire Chief nor the Building Inspector has responded to our letters to them last July/August raising issues in connection with this case. We see no valid reason for delaying the responses while the D.C. Court of Appeals rules on related issues. The three questions initially raised last summer remain pertinent both for this case and as policy issues before the District of Columbia Government:

1. Who is/was responsible for approving the Certificate of Occupancy for 3412 Connecticut Avenue in 1976 with respect to the number and location of exits, as called for in Section 628?
2. Who is now authorized to cite a violation pertaining to Section 628.3 which is discovered after an initial Certificate of Occupancy is issued? And what actions have been taken to cite such a violation?
3. What enforcement procedures and sanctions are provided for under existing laws to correct a violation to Section 628.3? And what actions have been taken to date?

Under 5A-1 D.C.R.R. Section 110.1, a Certificate of Occupancy may not be issued until an application has been signed by fire, building, plumbing, and Department of Environmental Services inspectors certifying compliance with the respective codes. The application for the premises at issue was not signed by the fire inspector.

In the aftermath of several recent tragedies in the City due to fires, it is imperative that compliance be achieved with existing city statutes and regulations in connection with this hazardous condition in the event of a fire. Most of the patrons of the bar/restaurant are from Maryland, Virginia, or distant parts of the District of Columbia; however, we will not tolerate an obvious fire hazard within our official jurisdiction that could threaten the lives of any persons. We expect that your investigation will be rigorous both out of concern for the safety of patrons and the fact that an owner of the bar/restaurant is/was a D.C. fireman.

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

Minutes

July 23, 1979

- I. The meeting was called to order, with Katherine Coram presiding, at 8:18pm at the Second District Police Station. The Chair stated that neither Williams nor Kopff were able to be at the meeting due to out of town commitments.
- II. Phil Mendelson was asked to call the roll: all Commissioners were present except Pitts, Williams, and Kopff.
- III. Verification of the posting of notice was ascertained.
- IV. Minutes: Because the minutes for the meetings of April 23rd and May 28th were approved only "in general" at the Commission's June meeting, they were presented, in addition to the minutes for the June 25th meeting, for formal approval tonight.

There were no corrections to the minutes of April 23, 1979.

There was one correction to the minutes of May 28, 1979: it was agreed that item IV (on page two, the first paragraph) be changed to reflect the fact that no action was taken by the Commission on the suggestion that it "request that the BZA consider instituting the requirement of a master plan for campuses like Sidwell Friends." This suggestion was not included, but was not deleted intentionally, in the final resolution as adopted at that meeting.

There was one correction to the minutes of June 25, 1979: Mendelson reported that Williams had asked that these minutes reflect that notice had been posted, as required, prior to the meeting.

Arons moved the approval of these three sets of minutes, as corrected. By voice vote the approval was unanimous.
- V. At this point the remainder of the meeting agenda was reviewed; unknown concerns were elicited from those residents in attendance.
- VI. Treasurer's report: A copy of the report, for the month of July, is attached to the file copy of these minutes. The current balance is \$13,285.69. The third and fourth quarter payments have been received from the City. July payments include an advance to Mendelson. \$5,000 has been transferred from the checking to the savings account. In addition, the quarterly report is due for submission to the D.C. Auditor; \$5,230 was expended. Grinnell reported that there is still confusion as to how the City calculates the funding. He also said that he hopes to have a cost estimate on addressograph plates for the Commission's next meeting.

It was moved, and unanimously approved by voice vote, that the monthly report be approved. It was then moved, and unanimously approved by voice vote, that the quarterly report be approved.

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## VII. Residents' Concerns:

A. Jan Welch, an area resident, had several questions for the Commission. In response to one, she was told that minutes of the meetings are public and are available on request for inspection at the office. In response to another question, she was referred to several D.C. offices for action on a residence in her neighborhood that is becoming dilapidated.

B. Another area resident, Robert Major, expressed his distress over the increase in traffic on Porter Street and the problem of some motorists using various side streets in order to avoid the traffic light at Porter and Wisconsin Avenue. Major was told to contact Lindsley Williams, who heads the 3-C Transportation Committee.

C. In light of the fact that both of these residents reside in a presently vacant SMD, the Chair noted that ANC elections are upcoming. She reviewed the filing schedule for petitions.

D. Earle Elliott gave a status report on the Hearst Recreational Center. This Fall he will ask the Commission to endorse a proposal to enlarge the building at the Center. This will cost \$5-600,000. He said this was originally proposed a number of years ago and was in the D.C. Dep't of Recreation budget for several years. It was then dropped, but it may be restored to the budget submitted this Fall. Elliott also reported that an ANC funding request will be forthcoming; it will seek re-funding for the Hearst soccer program (which received 3C funding last year).

Grinnell asked that the Commission get at least a sketch of the proposed building expansion. He also stated that funding proposals are better received if other funding sources are also approached. Haugen noted that Mr. Elliott should contact the Ward III Recreation Council.

E. ABC Bill--three documents, which were the basis for the discussion, were distributed to the Commissioners. Rothschild moved approval of the letter and alternative bill. Arons and Coram both noted that the letter implies, in bold type, the existence of a completely separate draft bill which, in fact, is not a total substitute. It was suggested that this bold type was perhaps inflammatory, but since a D.C. Council Committee will be considering this issue tomorrow the consensus was to leave the documents unchanged. Thereupon, the motion was unanimously approved by voice vote.

F. Housing--a proposed position paper, by Coram, on the Mayor's draft housing policy for the District of Columbia was distributed to Commissioners and others in attendance. The floor was opened up for comments and changes. Coram said that item #3 on page 5 would be expanded upon by referencing the proposals to be considered by the D.C. Emergency Condominium and Cooperative Conversion Commission at its public hearing next Monday.

Paula McMartin, from the audience, stated that not enough attention is given in the Mayor's draft to handling the displacement problem resulting from conversions, such as to cooperatives. She made a number of other suggestions: there should be more public information, both to tenants and individual purchasers, regarding the buildings being converted; information, both clear and adequate, should be readily available to tenants about the owners and their agents; where more than 10% of the units in a condo or coop are rented, there should be renter representation on the ownership council; there should be rent control protections for renters in condos and coops.



Laura Cahill, from the audience, stated that more emphasis should be given to the rights of tenants, particularly the elderly. Certificates of eligibility are too easily obtained and are used not to convert but to enhance the purchase value of the property. These certificates should be subject to review before being granted and should not be allowed to last indefinitely.

Stewart Knoop, from the audience, suggested that the use of the City's zoning authority could create two kinds of multi-family housing zones. Already there exists a distinction between single and multi family housing. The different forms of multi-family housing could be protected by using zoning to encourage and/or discourage conversions and development. Nowhere in the Mayor's draft is it specifically stated that it is the City's intention to preserve rental housing. Another technique could be to use taxation to encourage rental preservation and to discourage conversions.

Rothschild moved that the proposed position paper be adopted with the changes suggested in tonight's discussion and that the entire document then be submitted to the D.C. Government. The motion was approved unanimously.

G. Financial Management System for D.C.--Haugen gave a brief report and said there were no comments for review and action at this time.

H. Plan On Aging--Haugen gave a lengthy report. Knoop, who is the Ward III representative to the City Commission On Aging, also spoke.

I. Sheraton Park & Shoreham Hotels (Bill Carroll addressed the Commission): To date, there has been no decision from the BZA on the variance application for a single roof structure at the Sheraton.

Councilmember Jerry Moore has called another meeting concerning bus and trailer parking problems on Calvert Street by the Shoreham and also on the bridge. Signs permitting the parking on the bridge have been removed. The D.C. Dep't of Transportation has proposed that the City buy land to handle hotel exhibitor parking. Another proposal would be to provide limited parking on the bridge, but Carroll said this would lead once more to complete relaxation of enforcement.

There are rumors of an impending sale of the Shoreham to a developer. Williams is scheduling a meeting, to be held around August 14th, where the architectural firm of Skidmore, Owings & Merrill will make a public presentation. There may be some demolition and the development of condos and other housing on the Rock Creek side of the property.

At a July 12th community meeting, a vote was taken to oppose the Sheraton Park's development plans because of permits that have been issued for the land fronting on Woodley Road. The Task Force (which includes 3C representation) has never been able to pin down the Sheraton on its plans. Carroll said no action was needed from the Commission at this time.

#### VIII. Miscellaneous Business:

A. The Commission approved, by voice vote, authorization to purchase two sets of 1975-1977 D.C. Statutes-At-Large for a total of \$150. One set will be donated to the Cleveland Park Library.

B. The Commission reaffirmed authorization for the Housing Committee to purchase literature on tenant rights and procedures. (See March 26, 1979 minutes.) ANC-1C and Strongforce have put together a handbook that may be published in the *Rock Creek Monitor* as a supplement available for purchase by other groups.

IX. The meeting was adjourned at 10:08pm.

Attached to the file copy of these minutes are the following:

- Notice of the meeting as posted.
  - Photocopy of the meeting announcement as printed in the *Northwest Current*.
  - Attendance list from the meeting.
  - Treasurer's report for the month of July, 1979.
  - Quarterly report for April - June, 1979.
  - Note from Kopff concerning the ABC bill agenda item.
  - \* July 23, 1979 letter from Kopff to ANC Chairpersons re. the ABC bill.
  - \* July 20, 1979 memorandum from Suzan Aramaki re. "Overview of ABC Rules Revisions."
  - \* July 20, 1979 draft section-by-section summary of amendments to the ABC bill.
  - \* Proposed "Position of ANC-3C: Draft Housing Policy For The District Of Columbia."
  - July 6, 1979 letter from Williams to David Splitt re. "Statutes At Large."
  - Photocopy of articles from the July 19, 1979 *Northwest Current* re. aging.
  - Haugen's May testimony, before the D.C. Council Committee on Transportation (inclusion of this in these minutes was specifically requested at the meeting).
- \*Copies of the asterisked items were distributed to each Commissioner.

Respectfully Submitted  
for the Commission:

  
Phil Mendelson

Attested as Approved & Corrected:

\_\_\_\_\_  
Katherine V. Coram  
Recording Secretary

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

OFFICIAL  
**NOTICE**



ADVISORY NEIGHBORHOOD COMMISSION  
**3-C**

**MEETING**

**WHERE:** Community Room, Second District Police Station  
(Newark and Idaho Streets N.W.)

**WHEN:** Monday, July 23, 1979

The Commission meets regularly on the fourth Monday of every month. The meetings include a "Town Meeting" segment during which concerns may be raised by local residents.

The public is invited to attend and encouraged to participate.

PLEASE DO NOT REMOVE THIS NOTICE UNTIL AFTER THE DATE POSTED.

Single Member District Commissioners, 1978-1979

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### **ANC-3A**

The Georgetown Advisory Neighborhood Commission (ANC 3A) will meet at 7:45 p.m., at St. John's Church Library, 3240 O St., NW, on August 1, 1979. Public is cordially invited.

### **ANC 3-C**

Advisory Neighborhood Commission 3-C (Cathedral Heights, Cleveland Park, McLean Garden and Woodley Park) will hold its monthly meeting on Monday, July 23, 1979, at 8 p.m. at the Second District Police Station, 3320 Idaho Avenue, NW.

Topics scheduled for discussion include the following:

*Housing Policy for the District of Columbia—Draft Statement.* Comments are due in Director's Office on July 27, 1979.

*Human Resources and Aging.* FY 80 D.C. Plan on Aging. Public Hearing scheduled on July 25-26 in Council Chambers.

*New Financial Management System for D.C. and the Role of the Public and the Council in the Budget Process.* Public Hearing is scheduled for July 26, 1979, Room 114, District Building.

*Update—Task Force on Re-development of Sheraton Park Hotel.* Recommendations for action growing out of Woodley Park Community Meeting on July 12, 1979.

Meetings of the Commission are open and the public is invited to attend. Agenda also will include the opportunity for the residents of the ANC area to express their concerns—"the town meeting element of each meeting" provided for in the By-Laws.

AWC 3 C

July 23, 1979

JUL 23 1979

NAME

ADDRESS

TEL #

Housing Laura Cahill 4000 Mass. Ave 362-1890  
" " "

Zoning  
General

(Hearst)

Jan Welch

3203-34th St NW

362-3826

Earle Elliott

5480 Wis. Ave. Ch. Ch. Md.

654-2029

Housing Paul G. Andrews

2829 31st St. N.W.

483-1215

Transportation

Robert A. Mayo

3600 Idaho Ave. N.W.

244-987

Housing  
Asing

Stewart L. Koop

2814 Cathedral Ave. NW

223-9064

Housing

Paula V. McMahon

4101 Cathedral Ave. N.W.

966-1744

Bill Carroll

Woolly Park Cologues Area

Mr & Mrs. Morrison

JUL 23 1979

TREASURER'S REPORT, ANC-3C

For Month of July, 1979

A. Opening Balances

- |                           |                 |                      |
|---------------------------|-----------------|----------------------|
| 1. Checking maintained at | <u>NF&amp;L</u> | \$ <u>2,627.42</u>   |
| 2. Savings maintained at  | <u>NF&amp;L</u> | \$ <u>5,484.08</u>   |
| 3. Other maintained at    | <u>—0—</u>      | \$ <u>          </u> |

\$ 811.50

B. Revenues During Month

- |                        |                               |                      |                  |
|------------------------|-------------------------------|----------------------|------------------|
| 1. D.C. Government     | <u>324<sup>44</sup> Quail</u> | \$ <u>585248</u>     | <u>\$ 589227</u> |
| 2. Interest on savings |                               | \$ <u>39.79</u>      |                  |
| 3. Other               |                               | \$ <u>          </u> |                  |

C. Disbursements Made

Total Disbursed

\$ 67826

	<u>Payee</u>	<u>Purpose</u>	<u>Amount</u>
1.	<u>N&amp;S Trust</u>	<u>Transfer</u>	<u>5000.00</u>
2.	} <u>320 to 325</u>		
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

678.26

(Additional details posted in Treasury Accounts Book and in Treasury Vouchers, both available for inspection by consulting with the Treasurer)

D. Closing Balances (A + B - C) = (D.1 + D.2)

- |             |                      |
|-------------|----------------------|
| 1. Checking | \$ <u>2801.61</u>    |
| 2. Savings  | \$ <u>10484.08</u>   |
| 3. Other    | \$ <u>          </u> |

\$ 13,285.69

Respectfully submitted by

David Grinnell  
David Grinnell, Treasurer

Gary J. Kopff, Vice-Treasurer

Date

OPENING BALANCES April 1, 1979

please note our new address  
Office of the D. C. Auditor  
Suite 200 - 777 14th St. NW  
Washington, D.C. 20005  
telephone 727-3600

a) Checking Account \$ 11,858.11  
b) Savings Account 1,484.08  
c) Petty Cash \_\_\_\_\_

OPENING CASH ON HAND April 1, 1979

\$ 13,342.19

REVENUES:

d) D.C. GOVERNMENT \$ — 00 —  
e) Interest 39.32

Other \_\_\_\_\_

TOTAL REVENUE

\$ 39.32

TOTAL CASH AVAILABLE

\$ 13,381.57 (A)

EXPENSES PAID:

	(1)	+	(2)	=	(3)
	BUDGET	Oct. 1 to March 31	April 1 to June 30	Oct. 1 to June 30	
1) Net Salaries & Wages			<u>— 0 —</u>		
2) a. Total Federal Wage Taxes Paid (Income and Social Security)			<u>— 0 —</u>		
b. D.C. Income Taxes Paid			<u>— 0 —</u>		
3) Unemployment Insurance Tax			<u>— 0 —</u>		
4) Out of City Travel			<u>— 0 —</u>		
5) Local Transportation			<u>— 0 —</u>		
6) Office Rent			<u>360.00</u>		
7) Telephone Service			<u>57.00</u>		
8) Postage and Delivery			<u>100.35</u>		
9) Utilities			<u>— 0 —</u>		
10) Printing & Duplicating			<u>440.16</u>		
11) Contractual Services			<u>1314.18</u>		
12) Office Supplies & Expenses			<u>131.82</u>		
13) Office Equipment			<u>— 0 —</u>		
14) Other			<u>2833.00</u>		
TOTAL					

TOTAL EXPENSES PAID DURING QUARTER

\$ 5230.57 (B)

ACCOUNT BALANCES  
June 30, 1979

*difference of 824.11*

CASH AVAILABLE ON June 30, 1979

\$ 8157.00 (A-B)

List Deposits  
on  
Reverse Side

Checking \$ 2627.42  
Savings 5323.40  
Petty Cash \_\_\_\_\_

CERTIFIED CORRECT:

APPROVED BY FULL COMMISSION ON

July 23, 1979

*Reinhold*  
Treasurer

*Kathleen*  
Secretary

VICE Chairman

ATTACH COPIES OF APRIL, MAY AND JUNE BANK STATEMENTS

LIST CHECKS ON REVERSE SIDE

Please list each check issued between April 1, 1979 and June 30, 1979 and attach copies of your April, May and June bank statements and bank reconciliation for June 30, 1979

CHECK #	DATE	PAYEE	AMOUNT	EXPENSE CATEGORY
293	4/4	Phil Mendelsohn	400.68	11
4	4/23	Legum & Thurmon	120.00	6
5	"	Ruth Hanger	18.00	12
6	"	Det Balar Hall	736.00	11
7	"	Phil Mendelsohn	37.50	11
8	"	C & P Title Co	17.00	7
9	"	Record Corp. Co	440.16	10
300	"	Hebert School	1008.00	14
301	"	Oyster School	300.00	14
2	"	Galen School	1500.00	14
3	5/24	Office Mover	125.00	11
4	"	Norman & Legum	120.00	6
5	"	W A A C	25.00	14
6	"	Nelly Kapp	5.00	11
7	"	Kopff	40.00	12
8	"	Wash Office Equip	9.75	12
9	"	C & P Title Co	17.00	7
10	"	Ruth Hanger	73.85	8
11	"	Janet Himmels	10.00	11
12	"	Cash	4000.00	Transfer to Sav
13	5/23	Legum & Norman	120.00	6
14	"	C & P Title	17.00	7
15	"	Wash. Office Equip	33.75	12
16	"	Ruth Hanger	26.50	8
17	Wk	Wash Photo	6.25	12
18	"	Brewster	24.25	12

Please list each Bank Deposit made between April 1, 1979 and June 30, 1979

CHECKING ACCOUNT

DATE	AMOUNT	FROM

SAVINGS ACCOUNT




JUL 23 1979

Memo from  
Gary Kopff

---

David -

The following three items will be sent to all Chair persons of ANCs if the Commission agrees tonight to the cover letter. Also, I'll present the letter at Robert's Roundtable

Linkley and I have reviewed the draft bill prepared for ANC 3C by the Harrison Institute -- and we recommend Commission approval.

JUL 23 1979

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 23, 1979

Chairpersons

Advisory Neighborhood Commissions

District of Columbia Government

Washington, D. C.

Dear Chairpersons:

My introduction to the ANCs occurred three years ago as a result of my efforts to protest the granting of a liquor license in our community by the Alcoholic Beverage Control Board. The protest, on behalf of a group of 44 neighbors, the Cleveland Park Citizens Association, and ANCs 3-C and 3-F, exposed us to procedural abuses of our rights as protestants and of the rights of our ANCs to receive notice and great weight for neighborhood concerns.

Out of our sense of outrage, and with the assistance of the Harrison Institute for Public Law at Georgetown University Law Center, we sued the ABC Board and won. The D. C. Court of Appeals enforced the rights of all ANCs to notice and great weight in December 1977 when it ruled in our case. (Kopff et al. v. D. C. A. B. C. Board, 381 A.2d 1372 (D. C. App. 1977)).

Now, we have an opportunity to move forward, once again, this time in the legislative arena. The D. C. Council's Committee on Consumer Affairs is prepared to take action on Bill 3-165, which represents the executive branch position on streamlining the ABC Board's procedures. The Committee's Chairperson, Wilhelmina Rolark, has scheduled a roundtable discussion on the bill for Tuesday, July 24th, 2:00 pm, room 503 of the District Building.

This particular bill, in our opinion, does not meet the needs of District residents who seek to participate in ABC Board hearings. Bill 3-165 would make life easier for the ABC Board, but it ignores procedural difficulties confronted by citizens.

**WE URGE YOU TO OPPOSE BILL 3-165 AND SUPPORT AN ALTERNATIVE BILL PREPARED BY ANC 3-C AND THE HARRISON INSTITUTE.**

Our alternative bill (a section-by-section summary is attached) incorporates the experiences of several ANCs, civic associations, and private attorneys. It

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07-Gary Kopff  
08-  
09-Louis Rothschild  
10-David Grinnell

July 23, 1979

addresses such key issues as notice, evidence and the nature of representation before the ABC Board. We are continuing to work on additional amendments of the ABC statute in order to clarify the standard of appropriateness for issuance of a liquor license, and to provide enforcement mechanisms other than outright denial of a license.

Notice of the July 24 Roundtable was sent to ANCs on July 12 from Council Member Rolark. Twelve days advance notice is clearly insufficient for most ANCs to convene a meeting to agree on a position, particularly since we are required by law to provide 7-days prior public notice. Moreover, requests to speak at the Roundtable were due by July 20. Therefore, most ANCs will undoubtedly be unable to comment officially as a Commission at the Roundtable. However, Council Member Rolark indicated to us that the Committee will consider comments received in writing prior to August 8; therefore, forward your comments directly to Ms. Ruth O. Robinson, Secretary to the Council of the District of Columbia, 14th and E Streets, N. W., Washington, D. C. 20004. Please send a copy to either Bob Stumberg or Suzan Aramaki at the Harrison Institute.

ON BEHALF OF THE COMMISSION,



Gary J. Kopff  
Vice-Chairperson

cc: Members of City Council  
Committee on Consumer Affairs  
District of Columbia Government

Attachment



# THE ANNE BLAINE HARRISON INSTITUTE FOR PUBLIC LAW

GEORGETOWN UNIVERSITY LAW CENTER  
605 G ST., N.W. - SUITE 401  
WASHINGTON, D.C. 20001  
202-624-8235

July 20, 1979

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STEPHEN J. WRIGHT

TO : ANC Chairpersons

FROM : Suzan Aramaki

RE : Overview of ABC Rules Revisions

These revisions to the Rules of the Alcoholic Beverage Control Board were developed by Advisory Neighborhood Commission 3C in conjunction with the Harrison Institute and Courts Oulihan, Esq., in order to give citizens a broader basis for participation in licensing hearings before the Board. In approaching the revisions from the perspective of affected individual citizens, citizen organizations, and Advisory Neighborhood Commissions, three basic objectives were adopted.

First, the rules and practices of the ABC Board need to be made more accessible to average citizens who have not had special training in the law or experience in ABC Board practices. Too often complicated legal language obscures the meaning of a law to non-lawyers. Just as often information about Board and court decisions and practices cannot be found in one place and the citizen does not know where to go to find them. For these reasons a major effort was made in these rules revisions to simplify the language in the rules and to include the practices and decisions which affect ABC Board licensing proceedings. In this latter area a major advance can be accomplished by proposing an annual compilation of ABC Board and court decisions.

The second objective of the rules revision is to directly open the machinery of the ABC Board to greater citizen participation. This is accomplished primarily through notice requirements directed at guaranteeing that citizens affected by ABC Board licensing proceedings are informed of hearings, rules for filing citizen protests against granting of liquor licenses so that citizens will have a greater opportunity to express opposition, and rules governing representation by non-lawyers.

The third objective of the rules revision is to make the Board more accountable for its actions. Aside from general gains in ABC Board accountability through greater citizen participation, encouraging greater responsibility by the ABC Board requires rules revisions in three major areas: (1) limit unnecessary discretion by the ABC Board; (2) provide greater disclosure of information both about past ABC Board decisions and about present license applications; and (3) guarantee that any contacts between the ABC Board and the parties before it are on the records so that a court can review them. The importance of court review is critical. Historically such review has been the primary means to enforce citizens' rights to participate.

Limiting unnecessary discretion is important from the viewpoint of citizen participants because past experience has indicated that where the ABC Board has been given discretion, it has been more likely to exercise it in favor of license applicants rather than citizens opposing such licenses. Discretion can be limited in several ways. One way is to eliminate ambiguity in the rules so that the Board is not as free to interpret. Another way is to establish criteria by which the ABC Board must make discretionary decisions, thus rendering such decisions more reviewable by the courts. A third way is to outright deny discretion in areas where it is unnecessary for the proper functioning of the Board.

Greater disclosure of information is necessary to ensure that citizens have access to the same information available to the ABC Board. This is in accordance with the general trend of greater openness in government, and renders ABC Board decisions more susceptible to court review. A corollary to disclosure of information is the greater dissemination of ABC Board decisions through the proposed compilation mentioned above. Such a compilation would encourage greater consistency and predictability in Board decisions by causing the Board to make its interpretations of law with future application in mind, since such interpretations would be more accessible to be used as precedent.

Finally, by eliminating off-the-record informal communications between the Board and parties before it, there is greater assurance that decisions by the ABC Board are made solely on the basis of information available in the official record of the proceedings.

RECEIVED JUL 20 1979



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TO ANC CHAIRPERSONS/July 20, 1979

The attached first draft is a summary of amendments to the ABC Board rules prepared for ANC 3C (Lindsley Williams, Chair, and Gary Kopff, Vice-Chair).

This draft is based upon an analysis made by our own staff, an extensive analysis provided to ANC 3C by attorney Courts Oulahan, and the Commissioners of ANC 3C.

Gary Kopff asked that we circulate this draft even though it is in rough form. We are most interested in your participation and comments, particularly since Councilmember Rolark's Committee on Consumer Affairs is now ready to take action on ABC Board Rules legislation.

The attached document is the section-by-section summary, not the actual draft. We felt it would be easier to digest and compare to the existing ABC Rules. If you would like a copy of the latest statutory draft, please give us a call.

When you call the Harrison Institute, please ask for Suzan Aramaki or Bob Stumberg.



right thereby giving ANC's access to information under Section 20.17, and the Regulations will recognize the role of ANC's under D.C. Code § 1711 and Kouss v. D.C. A.H.C. Board, 381 A.2d 1372. ~~ANC could file protests and remonstrances under its own name~~ thereby dispensing with the present fiction where ANC commissioners must file remonstrances in their individual capacities as neighborhood residents.

ANCs are not expressly made parties in Notice to Show Cause Hearings for several reasons. First, where a violation of ABC laws or regulations is suspected, an ANC can file a complaint with the ABC Board. Once a complaint is filed, however, the rights and interests of the ANC becomes analogous to those of a <sup>complainant</sup> in a criminal case where the law violation is considered to be against the state and therefore only the state and the defendant are parties. In addition, the incorporation of D.C. Code §502(10) allows the Board to admit ANC's as parties for limited purposes, although this would admittedly be in the Board's or Mayor's discretion.

(b) Section 2.1 - New Subsection: This provision concerns the evidentiary weight to be given agency certification of an applicant's compliance with various safety and health requirements. Comment: Such certifications are particularly important with regard to determining the suitability of the premises under Section 21.8(a)(2), *infra*. Here under the new subsection (d), an agency's certification of compliance is conclusive evidence of compliance with the pertinent regulations, and where no certification has been given, the Board must allow a reasonable time for inspection by the responsible agency. However, this subsection basically puts the burden on a party alleging non-compliance to make a complaint to the responsible agency and thereby



✓ initiate <sup>an</sup> and inspection before the hearing, wherever a certification of compliance has already been issued.

(c) Section 2.2 - Change: Public libraries are added to the category of establishments including churches, schools, colleges, ✓ and recreation parks protected from liquor retail establishments within 400 feet. Comment: The same policy considerations which ✓ militated against liquor retail establishments within 400 feet of churches, schools, colleges, and recreation parks apply as well to public libraries. Children frequent public libraries, and their exposure to adult behavior in and about bars should be minimized.

(d) Part 20 - New Part: A largely new and revised part of the Regulations pertaining to hearings brings the Regulations into compliance with the D.C. A.P.A., and provides for a generally fairer hearing procedure, with limitations on the Board's discretion:

Section 20.1 - New Section: This section provides more detailed notice requirements. ANC's are to be given 30 days notice. Notice requirements are made expressly applicable to both new and reissued licenses. Two copies of the notice are required to be posted outside the applicant's premises. The ✓ Board is required to inspect <sup>to</sup> the insure notices continue to be ✓ prominently <sup>e</sup> posted. Comment: This section complies with the requirements of Kopff v. D.C. A.B.C. Board, 381 A.2d 132<sup>7</sup>2 (D.C. App. 1977), that ANC's be given 30 days notice of ABC Board hearings. Notice requirements are also imposed for the reissuance

of licenses, thereby eliminating the problems of inadequate notice that have accompanied the routine reissuance of licenses. While reissuance proceedings have tended to be little more than a formality in the past, encouraging citizen response to applications for reissuance of licenses will encourage the Board to actually reevaluate each applicant's qualifications, thereby making the proceeding more meaningful and encouraging licensees to comply with the regulations. Finally, a continuing problem with respect to notice posted on the applicant's premises is that such notice is too often obscured so as to minimize its views to potential remonstrants. To correct this two copies of the notice are now required to be posted, and the Board is required to inspect at least once to guarantee that the posted notice continues to be prominently displayed to the public.

Section 20.2 - New Section: This section provides for the computation of the running of time periods under the regulations. Subsection (c) also allows the Board to extend any time period for cause. Comment: This section eliminates any uncertainty regarding the running of time periods. The Board is given discretion in particular cases to extend any time period, and it is unlikely that any party would be <sup>severely</sup> ~~severely~~ prejudiced by an extension.

Section 20.3 - New Section: This section details the requirements for proper service of papers. Comment: This provision is self-explanatory and largely identical to that proposed by the Board, with the exception that Mr. Oulihan's

*(no specific)*  
✓ suggestion of allowing service by attorney's of record to be by first class mail is herein incorporated. This latter practice is followed by the courts, and would reduce the unnecessary costs of certified mail or telegraph where numerous parties are involved.

Section 20.4 - New Section: This section regulates who may appear before the Board and in what capacity. Subsection (a) provides for appearance by parties and their agents, and allows personal representatives to appear on behalf of a party. Subscetion (b) provides a right of counsel to any person appearing before the Board. Subsection (c) requires representatives to submit a statement of name, address, telephone number, and representative capacity. Subsection (d) allows the Board to give a party reasonable time to obtain counsel if during the course of a proceeding such counsel becomes necessary. Subsec-tion (e) provides for the signing of papers by representatives.

Comment: Personal representatives should be allowed to appear for parties for a number of reasons. This provision would permit property owners to be represented by their spouses, for instance. The Rental Accommodations Commission has a similar provision. The statement by a representative is necessary in order to allow the Board to contact the representative when necessary, and in order to inform the Board of that representative's particular capacity.

Section 20.5 - New Section: This section provides for situations when a party fails to appear at a hearing. Where the party has an excusable reason for non-appearance, that

party is allowed to submit written testimony or evidence.

Comment: This section insures fairness where a party is unable to attend a hearing, but at the same time avoids necessitating delay to allow for appearance of such party.

Section 20.6 - New Section: The present 3 day time limit on continuances is retained. Where a continuance is granted, the deadline for submitting protests under Section 21.4 is likewise extended. Notice for rescheduled hearings must comply with notice requirements for original hearings, with the exception that only two weeks notice is required. Comment: By permitting an extension of the deadline for filing protests whenever a continuance is granted, greater citizen participation will be encouraged. Since protests will have already been filed, additional protests would not affect the character of the proceedings. The lesser time requirement for notice will give the Board more flexibility in setting new hearing dates and will avoid unnecessary delays.

Section 20.7 - New Section: By requiring complete applications before a hearing date is set, the practice of conducting hearings before an application is complete will be eliminated. Comment: Mr. Oulihan drafter this provision because in the past applicants have been allowed to complete their applications during or after the hearing, thereby denying protestants notice of all the issues raised by the application. This practice is unfair to protestants.

Section 20.8 - New Section: This section incorporates the burden of proof provision of D.C. Code §1-1509(b).

Section 20.9 - New Section: This section sets the order of appearance at a hearing according to the present rule in all adjudicatory proceedings.

Section 20.10 - Redraft: For organizational purposes this section combines present Sections 20.4 - 20.6 regarding presentation of evidence and argument, materiality of evidence, and time limitations with no substantive change.

Section 20.11 - Redraft: For organizational purposes this provision combines the present Sections 20.7 and 20.8 regarding objections and exceptions without any substantive change.

Section 20.12 - Change: This section restates the present Section 20.9 regarding offers of proof, but in addition expressly provides that offers of proof will be part of the record. Comment: The principal policy underlying offer of proof is to preserve such proof for appeal. In the past offers of proof have not been included in the record sent by the Board to the D.C. Court of Appeals. This section in conjunction with Subsection 22.4(d) will guarantee that offers of proof will be preserved for appeal.

Section 20.13 - Redraft: For organizational purposes this section combines the present Sections 20.10 - 20.12 concerning exhibits and documents without any substantive change.

Section 20.14 - Change: This provision is identical to the present Section 20.13 governing admission of records from other proceedings, with the exception that the records of administrative proceedings are expressly included and in particular the Board's own records in other proceedings are included.

✓ Comment: These changes permit use of the Board's records and specifically ~~and~~ findings in prior proceedings to be admitted as evidence. This will help avoid needless duplication where an issue has been litigated at earlier proceedings.

Section 20.15 - Change: This section incorporates the present Section 20.17 regarding stipulations, but also provides for stipulations at hearings on the record and allows the Board to acquire additional evidence. Comment: These additions will cause no change in actual practice at Board proceedings, since the Board currently allows oral stipulation on the record and requires additional evidence when it feels that is necessary. Incorporating such practice into the Rules, however, will eliminate any controversy or confusion in the future.

Section 20.16 - Change: This section is identical to the present Section 20.14, with the exception that official notice of material fact is expressly included, pursuant to D.C. Code §1-1509(b). Comment: This change allows for the updating of evidence up to the time of the Board's decision, where such evidence is susceptible to official notice or is submitted by a party.

Section 20.17 - New Section: This section allows public access and copying of the Board's records, and in addi-

tion requires that the cost all copies be paid for by those receiving such copies. Exception is made for all documents exempt under the Freedom of Information Act of 1976, although where such information is relied upon by the Board, it is made available to the parties. Comment: Under the Freedom of Information Act the Board's files must be made available to the public. The provision for payment of copying costs is necessary to curb favoritism by the Board whereby some parties are given free copies while others are required to pay. Non-disclosure of financial and criminal record information protects the legitimate privacy interests of applicants, while any information affecting the Board's decision is made available to the parties for purposes of appeal.

Section 20.18 - New Section: This section was suggested by Mr. Oulihan to eliminate the problem of ex parte contacts between parties and the Board. Comment: Ex parte contacts subject Board members to improper pressure from parties and encourage the influencing of Board decisions by factors not on the record and therefore not subject to appeal. The fact that most federal regulatory agencies have rules limiting ex parte contacts indicates that D.C. agencies would benefit by them as well.

Section 20.19 - New Section: This section provides deadlines and guidelines for submission of Proposed Findings of Fact and Conclusions of Law by parties. It also provides the general criteria for the Board's Findings of Fact and Conclusions

of Law, pursuant to D.C. Code §1-1509(e).

Section 20.20 - Redraft: For organizational purposes this section incorporates the present Sections 20.15 - 20.16 governing transcripts without any change in substance.

Section 20.21 - Change: This section is identical to the present Sections 20.18 - 20.19 regarding petitions for reconsideration with additional requirements relating to paper size, number of copies and service on opposing parties.

Section 20.22 - New Section: This section codifies current law regarding rules of construction and the supremacy of the D.C. A.P.A.

(e) New Part: This new part is a combination of the present Part 21, with a number of revisions and new sections.

Section 21.1 - Change: This section is the same as the present Section 21.1, with the exception that neighborhood boundaries are expressly required to be no less than 600 feet from the applicant's premises. Comment: A problem in the past has been the inconsistent and largely arbitrary manner in which the Board has determined neighborhood boundaries. The 600 foot requirement insures that those residing within that area will be included in the designated neighborhood.

Section 21.2 - Redraft: This section incorporates the present Section 21.3 with no change in substance. Redrafting eliminates unnecessary verbage.

Section 21.3 - No Change: This is the present section



21.2. Comment: It is particularly important that no change be made in this section, since the viability of citizen participation depends in large degree on free access of citizens to the administrative tribunals of D.C. agencies. In addition the Board's fact finding function can only be aided by allowing citizens to give testimony. Any danger of needless delay can be resolved under the Board's authority to exclude irrelevant, immaterial, or repetitive evidence.

Section 21.4 - Change: This section modifies the present Section 21.6 by allowing petitions to be filed up to 5 days before either an original or a rescheduled hearing. In addition letters favoring or opposing an application can be received until the close of the record. Comment: Given that the policy underlying the present 5 day deadline is simply to fix the number of protestants prior to the hearing and to discourage last minute filing of petitions against otherwise unopposed applicants, ~~no interest is served and~~ a number of interests are furthered by extending the filing date to 5 days prior to the rescheduled hearing. Hearings are generally not rescheduled unless a protest has already been filed, and the gains in increased citizen participation could be substantial. The greater the participation of neighborhood residents and property owners is, the more information will be available to the Board in ascertaining the wishes of the neighborhood. This applies as well to letters received up to the close of the record.

Section 21.5 - Redraft: For organizational purposes this section incorporates the substance of present Sections 21.4 - 21.5 regarding signatures of the owners of real property, with no substantive change.

Section 21.6 - Change: This section is a redrafting of present Subsection 21.6(d), with the additional requirement of disclosure of the identity of the signature solicitor's employer.

Section 21.7 - Redraft: This section follows present Subsection 21.6(e) with the exception that the new Section 20:17 is incorporated by reference.

Section 21.8 - Change: This section follows present Section 21.7, with the addition that it is also made applicable to applications for transfer of a license to a new location or person.

Subsection 22.4(d) - New Subsection: See discussion under (f) 20.12.

(g) New Part: This new Part 23 requires an annual compilation of Board decisions.

Section 23.1 - New Section: This section provides for an annual compilation of Board decisions and applicable D.C. Court of Appeals decisions, beginning one year after the effective date of these regulations. Comment: A compilation of Board and court decisions would contribute greatly to consistency and predictability of Board decisions. Without such a source of prior decisions, legal issues have a tendency to be litigated again and again with no guarantee of consistent

decisions by the Board. In addition, the Board will be encouraged to make its interpretations of law with future applications of such an interpretation in mind. These are some of the essential elements in a rational development of law.

Section 23.1 - New Section: This section defines the content of the compilation. Emphasis is placed on organization and citation of each decision for easy reference.

JUL 23 1979

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

DRAFT

POSITION

OF ANC-3C

DRAFT HOUSING POLICY FOR THE  
DISTRICT OF COLUMBIA

ANC 3-C is pleased that for the first time in recent years the District of Columbia Government is attempting to formulate a housing policy.

In general, it is apparent that the policy is well thought out and reasonable. However, there are omissions, as well as sections that we disagree with. The greatest flaw in the policy document is that it is not particularly innovative. The individual goals seem mostly to be a matter of trying harder to do a better job on the same approaches to housing problems. Innovation is neither advanced as part of the policy nor encouraged by the means chosen to implement the policy. While it is certain that a genuine commitment to carrying out the traditional housing policies will be a great improvement over past performance, it is also almost certain that the situation in the District of Columbia will require new approaches.

We also observe that the Mayor's introduction to the document is not fully reflected in priorities addressed in the document itself. In particular, the introduction states that "the provision of decent and affordable housing for all of our citizens" is the major goal. Similarly, it says that when market forces "would cause substantial displacement of the poor, the elderly and the handicapped, then this government will act in behalf of those needing maximum protection and resources." The policy itself includes many ways of help-

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ing the poor obtain and keep affordable housing, but it does not address the problems of those with fixed incomes and/or special housing needs. There should be an entirely separate section on housing for such persons. Such a section would probably focus primarily on the housing needs of the elderly, but would also include a discussion of developing housing alternatives that will provide affordable and secure places to live for the handicapped, the mentally ill, and those on supplemental security income.

Similarly, although the introduction speaks of the need to enhance neighborhood diversity, the policy document, itself, is far more concerned with neighborhood pride and stability--both of which generally foster neighborhood diversity, but do not alone guarantee it.

Another general issue is that the Draft Policy places most of the implementation burden on the Department of Housing and Community Development (DHCD), where it logically belongs. However, very little discussion takes place of how DHCD can be prepared to take on this role.

Finally, we find that the document fails to address the question of the rights of housing consumers. Such activities as the recognition of tenant associations for collective bargaining need to be considered if the balance of power is going to be shifted away from those who are providing (or denying) a basic human necessity while motivated solely by a desire for personal profit.

## II. COMMENTS ON SPECIFIC ITEMS

### A. Neighborhood Improvement:

This section generally well states the issue and approaches to it. However, there is some question of whether this issue deserves its prominent location in the document. While some specific programs for neighborhood improvement are possible, for the most part neighborhood pride and stability are products of many factors besides housing.

In the discussion of Goal A-2, two fairly obvious objectives are omitted:

1. To help reactivate inactive neighborhood organizations.
2. To provide neighborhood organizations with training and resources so they can develop the skills and expertise they need to improve their communities.

In the discussion of Implementation, point #5 should read: "To require substantial relocation assistance for displacees from apartments converted to coop or condo." There is no reason for any income limitation on such benefits. Persons of all income groups need help when displaced, especially if they seek to remain in their neighborhoods.

B. Conservation, Improvement, And Preservation:

The major thrust of the housing policy must be the conservation and improvement of existing housing resources. The housing problems of the city cannot possibly be solved by any other means. However, conservation, preservation, and improvement must not be confused with "rehabilitation" with the express purpose of making the housing suitable for persons with ever-higher incomes.

In the Objectives related to Goal B-3, the following should be added:

1. To reverse the tendency for historic preservation to be used as a motivation for luxury remodeling.
2. To make a broader community aware of the value of historic preservation.

In the Implementation Section, the following points can be noted:

1. The creation of a housing court specifically to hear landlord/tenant cases is an excellent suggestion.
2. There is no explanation given of why the targeting of Section 8 Rental Assistance Funds to certain parts of the city is considered

desirable, but it does not seem that such a policy could fail to work a hardship on persons who happen to live outside those sections.

C. Public Housing:

There is probably no aspect of the housing question more in need of radical change than public housing. Yet the policy, as drafted, proposes no new approaches, merely trying to do better at the same thing. Some suggested approaches might include:

1. Subsidizing the construction of housing and then selling it to low income persons.
2. Exploring city-built housing for other than the lowest income groups; this could be done where small vacant sites are used for infill construction.
3. The development of mixed income "towns" on the few remaining large parcels of land, especially those belonging to the Federal Government.
4. The use of direct subsidies instead of public housing.

Additionally, the plan oddly seems to be hesitant to embrace the concept of giving the persons who live in public housing all (or nearly all) of the task of running their own homes.

D. Increasing The Housing Stock:

This is, of course, the escape hatch. No matter how good the housing policy is in all other areas, the pressure on the existing housing will be intolerable if new housing is not constructed.

In the discussion of this issue the following points may be noted:

1. Goal D-1, Objective C--tax and financing incentives for the development of privately owned

land should be available only for low and moderate income housing development or heavily weighted in favor of such development.

2. Luxury decontrol will not have the value that it is given. While it might decrease the pressure to upgrade existing housing, it would also have the effect of making very small the demand for luxury rental housing while intensifying the pressure on mid-range facilities, since moderately upper income persons not not able or willing to choose luxury homes would compete with middle income persons for the very scarce supply of less expensive housing and creating a resultant downward pressure.
3. The cooperative/condominium conversion process can be regulated in more ways than those stated.
4. The simplification and speeding up of zoning procedures must not be done in such a way as to decrease the opportunity for citizen participation.
5. Similarly, the closing of streets and alleys to permit housing development should not be simplified at the expense of public protection.
6. Attention should be devoted to ways in which zoning regulations can be used to encourage housing in general, in mixed uses, and for mixed incomes.

#### E. Economic Development:

We generally support the principles stated here. It should be remembered that the persons who are most likely to suffer from displacement or the inability to find decent, affordable housing are the same persons upon whom the economic system has already wreaked hardships. Fundamental economic change is necessary to improve the housing situation to any great extent.



F. Private Sector:

The City cannot solve the housing question by itself. It must work with the private sector in order to encourage the latter to channel its resources into the housing area. At the same time, the City must not become so involved with the private sector that it is unwilling to implement controls or disincentives when the latter fails to act in the public interest.

Two additional incentives that might be considered are:

1. Choosing a repository for City funds based on the mortgage policies of the financial institutions.
2. Providing incentives to encourage landlords to sell buildings to tenant cooperatives.

G. Increased Public Financing:

The Commission has no comments on this section.

H. Interagency Coordination:

The objective of simplifying and coordinating procedures to encourage development seems laudable, but it must be remembered that citizens cannot act as quickly as can businesses. Frequently, the time lags built into city approval procedures provide time that citizens need to find out about and, if necessary, muster opposition to development plans.

I. Developing Community Capacity:

This short section at the end of the document contains several ideas which could provide creative partial solutions to the housing problem.

This is the only section which discusses conversion to tenant ownership, but the only suggested activities are educational ones.

Nonprofit housing corporations, especially those which would involve existing community organizations, could provide an important new source of housing funding.

DRAFT  
ANC-3C POSITION  
PAGE SEVEN

The adaptation of nonresidential structures to residential uses is an exiting concept.

Generally, we suggest that this section be expanded and made more prominent, and that its emphasis be changed from education and exploration to action.

KVC:pm

JUL 23 1979

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 6, 1979

Mr. David Splitt  
Director  
Office of Documents  
District Building, Room 523  
Washington, D.C. 20004

Dear Mr. Splitt:

This is to request that you set aside two (2) sets of the 1975-1976-1977 "Statutes at Large" for subsequent purchase by Advisory Neighborhood Commission 3C.

Under our by-laws, expenditures such as this must be approved by the Commission at a regularly scheduled meeting. This next occurs Monday, July 23.

We would like to ask that you lay two sets aside so that the Commission can consider purchase and then advise you of whether to send them to us or not. Payment of \$75.00 per set would accompany that indication.

For your information: we propose to maintain one set at the office of this Commission; we propose to donate the second set to the Cleveland Park Library.

Thank you for your kind assistance.

Sincerely,



Lindsley Williams, Chairperson

cc: Vice Chairperson, Kopff  
Treasurer, Grinnell

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.  
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---

**D.C. REGISTER**

ROOM 523  
DISTRICT BUILDING  
WASHINGTON, D.C. 20004

ANC 3C  
Woodley Park Towers, #1  
2737 Devonshire Pl., N.W.  
Washington, D.C. 20008

## Aging To Be Discussion Topic for Inter-ANC Meeting

JUL 23 1979

### GU Offers Courses to Senior Citizens

For senior citizens who have always wanted to go back to college but couldn't afford the tuition, lack of money is a problem no longer.

Starting this fall, Georgetown University will offer Washington-area senior citizens age 65 and over the opportunity to enroll in selected credit courses on an audit basis. Courses covering the entire academic gamut will be selected from Georgetown's regular undergraduate offerings and will be open to senior citizen auditors on a space-available basis. An auditor is a student who does not receive any grades.

The registration fee is only \$30. For a listing of courses offered and an application, contact Georgetown University at 625-3003, or write to the Senior Citizen Auditor Program, School for Summer and Continuing Education, Georgetown University, Washington, DC 20057.

Ward 3 Inter-ANC Committee on Aging will meet on Saturday morning, July 21, 1979 at 10 a.m. at the Second District Police Station, 3320 Idaho Ave. NW.

Agenda will include discussion of the 1980 D.C. "State" Plan on Aging (Draft) and reports from Ward 3 members of the D.C. Commission on Aging. Public Hearings on the D.C. Plan are scheduled for July 25-26 in the Council Chambers, Fifth Floor of the District Building. This plan will be a three year projection and show allocation of federal appropriation from the Older Americans Act of 1965 to the District through the D.C. Office on Aging. For information on time of hearings, call D.C. Office on Aging, 724-5622.

The D.C. Commission on Aging, a fifteen member body, appointed by the Mayor and confirmed by the Council, is advisory to the Mayor and the Director of the D.C. Office on Aging on the concerns and needs of the older population in the District. For July the Com-

mission will meet on Wednesday, July 18, 1979, from 10-12 a.m. instead of its regular meeting on the fourth Monday of each month. Meetings are open. Meeting place should be checked by calling 724-5622. Marguerite Gilmore, 4000 Tunlaw, and Stuart L. Knoop, 2814 Cathedral Ave. NW are commission members appointed from Ward 3.

Ward 3 Inter-ANC Committee on Aging is an informal association of representatives from the seven Advisory Neighborhood Commissions in Ward 3 who assume responsibility for Human Resources and Aging concerns of their respective commissions and others (citizen representatives) who share common interests. Meetings are open. Participation from concerned citizens is welcome. Recommendations for action may be taken to individual commissions. For information call Ruth Haugen and/or leave message 232-1468 (home); 232-2232 (ANC 3C office), or Marguerite Gilmore 965-2144.

### Health Lecture Series for Seniors

"L'Chaim—To Your Good Health" is a new health lecture series for senior adults, sponsored by the Department of Older Adult Services of the Jewish Community Center of Greater Washington. The lectures will be held on the follow-

ing Thursday afternoons, free to the public, from 1-2 p.m.:

- July 26—Dr. Jack Kleh (Geriatrician) Physiology of Aging—Normal vs. Abnormal.
- August 2—Dr. Sigmond Lebensohn (Psychiatrist) Emotional Health and Aging.

- August 9—Dr. Bernard Ostrow (Cardiology) Heart and Circulatory System.

- August 16—Dr. Irving Gray (Prof. of Biology—G.U.) Nutrition and Aging.

- August 23—Dr. Samuel Dodek (Gynecology)—Gynecology and Aging.

- August 30—Dr. Raymond Scalettar (Rheumatologist) Arthritis.

- September 6—Dr. Howard Katzman (Anesthesiologist) Anesthesia for the Aging Patient.

## GOVERNMENT OF THE DISTRICT OF COLUMBIA



## PUBLIC HEARINGS

ON THE  
DISTRICT OF COLUMBIA  
PLAN  
ON  
AGING-FY-1980

Sponsored By

D.C. OFFICE ON AGING  
COME OUT AND LET US HEAR FROM  
YOU!

DATE: JULY 25th and 26th

TIME: 10:00AM-12:noon

2:00PM - 4:00PM

6:00PM - 8:00PM

LOCATION: COUNCIL CHAMBERS

5th Floor - District Building

1350 E Street, N.W.

PERSONS WISHING TO OBTAIN MORE INFORMATION OR TO  
PRESENT WRITTEN OR ORAL TESTIMONY SHOULD

CONTACT: Mrs Carlotta Green

AT

724-5622

### D.C. Office on Aging To Hold Hearings

The D.C. Office on Aging will hold public hearings July 25 and 26 to help plan services for District senior citizens during the 1980 fiscal year, which begins in October.

The hearings will be held from 10 a.m. to noon, 2 to 4 p.m., and from 6 to 8 p.m. on both days in the D.C. Council chamber, the District Building.

In announcing the hearings, Richard Artis, director of the Office on Aging, said:

"Our office provides a comprehensive range of services to meet the special needs of elderly persons in the District. We are interested in obtaining the views of older District residents, those who work with the elderly and other interested persons in preparing our plans for the coming year so that we can help to provide the best possible quality of life for our senior citizens."

**SAVE  
GAS-  
CLOD**

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 16, 1979

Brewtons, Inc.  
Georgetown

To Whom It May Concern:

This is to authorize Mr. Phil Mendelson to purchase, for our use, 3 legal size binders, such as those made by Acco-Press, and appropriate dividers.

These items should be charged to our account. Thank you.

For the Commission,



Lindsley Williams, Chairperson

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-  
07-Gary Kopff  
08-  
09-Louis Rothschild  
10-David Grinnell

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 31, 1979

Dear Friend:

Attached is a copy of this Commission's comments on the Mayor's "Draft Housing Policy For The District Of Columbia."

This position by ANC-3C was formally and unanimously adopted at the Commission's regular meeting on July 23, 1979.

I would be interested in any comments you <sup>on the Draft Policy or</sup>

- ① If you have any written comments ~~I would be interested in seeing them~~  
② It is important that we ~~work together on important issues~~ coordinate our efforts on critical issues. ③ If you have any ~~thoughts~~ on our comments, I would be interested in seeing them.

Sincerely,

Ward III ANC's

ANC's 1C, 2B

City Council ~~Foltz, Blundy, Hilde, Clarke,~~  
City-wide  
Strong force

Single Member District Commissioners, 1978-1979

01-Fred Pitts  
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ADVISORY NEIGHBORHOOD COMMISSION 3-C  
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 8, 1979

Mr. Herbert L. Tucker  
Director, Department of  
Environmental Services  
Government of the District of Columbia  
415 Twelfth Street, N.W. -- Room 309  
Washington, D.C. 20004

Dear Mr. Tucker:

Re: Cross-Town Water Main

At its regular meeting of June 25, 1979, Advisory Neighborhood Commission 3C considered the matter of the proposed cross-town water main. This letter constitutes our advice to you and the Executive Branch on this subject.

Overall Need

Although your Department has sent staff and consultants to quite a few public meetings, we could not agree that the overall need for the cross-town water main has been established. Accordingly, we are recommending that the Council of the District of Columbia retain its own experts to advise them on this matter rather than relying on those you have employed. The scope, and cost, of this matter are of such a magnitude that independent advice seems critical. Of course, if both your consultants and those we suggest the Council retain agree, our legislators can vote with more confidence.

If the project is truly needed, as you and your consultants are indicating, Advisory Neighborhood Commission 3C recommends that it be given preference to the proposed Convention Center in terms of the limited remaining authority to borrow funds as the District approaches its statutory debt limit.

Referendum

It is the view of Advisory Neighborhood Commission 3C that the proposed cross-town water main, and all other large scale capital projects (including the Convention Center) should be subject to a referendum in which the question could be put to the voters and taxpayers of the District of Columbia.

Route of Project

At the time of our meeting, it was our understanding that the options being most seriously being considered had been reduced from five (identified as "A" through "E" in the flyer "The Cross-town Water Main") to two (identified as "A" and "D").

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Washington, D. C. 20009  
202-2232

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Mr. Herbert Tucker

-2-

July 8, 1979

The first of these two, alignment "A," would follow public rights of way most of the distance; about half of the route would be below Massachusetts Avenue.

The second of these two, alignment "D," would follow the route of the former D.C. Transit company's line running from Georgetown to Glen Echo.

The latter is a less costly route to construct, or so your consultants indicate.

The latter is also a route which persons living near to it have expressed some support for -- particularly as it would offer an opportunity to establish a bike path and it would bring the land in question, which is now in private hands, into public ownership, control, and maintenance.

Based on the foregoing, Advisory Neighborhood Commission 3C urges you to construct the cross-town water main following alignment D assuming the project is ultimately supported by independent analysis as to need and voted by the Council of the District of Columbia and, if at all possible, voted by the taxpayers of the District of Columbia in a referendum.

FOR THE COMMISSION,

*Lindsley Williams*

Lindsley Williams, Chairperson

cc: Members, Council of the District  
of Columbia  
Ward 3 Advisory Neighborhood  
Commissions  
Office of Community Services,  
Office of Planning and Development

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

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July 8, 1979

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202-7232

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July 8, 1979

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*Lindsley Williams*

Lindsley Williams, Chairperson

cc: Members, Council of the District  
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Ward 3 Advisory Neighborhood  
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Office of Community Services,  
Office of Planning and Development

# ADVISORY NEIGHBORHOOD COMMISSION 3-C

Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 8, 1979

Mr. Herbert L. Tucker  
Director, Department of  
Environmental Services  
Government of the District of Columbia  
415 Twelfth Street, N.W. -- Room 309  
Washington, D.C. 20004

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Mr. Herbert Tucker

-2-

July 8, 1979

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FOR THE COMMISSION,

*Lindsley Williams*

Lindsley Williams, Chairperson

cc: Members, Council of the District  
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Ward 3 Advisory Neighborhood  
Commissions  
Office of Community Services,  
Office of Planning and Development

# ADVISORY NEIGHBORHOOD COMMISSION 3-C

Government of the District of Columbia

Cathedral Heights

Cleveland Park

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July 8, 1979

Mr. Herbert L. Tucker  
Director, Department of  
Environmental Services  
Government of the District of Columbia  
415 Twelfth Street, N.W. -- Room 309  
Washington, D.C. 20004

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FOR THE COMMISSION,

*Lindsley Williams*

Lindsley Williams, Chairperson

cc: Members, Council of the District  
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Ward 3 Advisory Neighborhood  
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ADVISORY NEIGHBORHOOD COMMISSION 3-C  
Government of the District of Columbia

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July 8, 1979

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Government of the District of Columbia  
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FOR THE COMMISSION,

*Lindsley Williams*

Lindsley Williams, Chairperson

cc: Members, Council of the District  
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Ward 3 Advisory Neighborhood  
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# ADVISORY NEIGHBORHOOD COMMISSION 3-C

Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

July 8, 1979

Mr. Herbert L. Tucker  
Director, Department of  
Environmental Services  
Government of the District of Columbia  
415 Twelfth Street, N.W. -- Room 309  
Washington, D.C. 20004

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Minutes

July 23, 1979

- I. The meeting was called to order, with Katherine Coram presiding, at 8:18pm at the Second District Police Station. The Chair stated that neither Williams nor Kopff were able to be at the meeting due to out of town commitments.
- II. Phil Mendelson was asked to call the roll: all Commissioners were present except Pitts, Williams, and Kopff.
- III. Verification of the posting of notice was ascertained.

- IV. Minutes: Because the minutes for the meetings of April 23rd and May 28th were approved only "in general" at the Commission's June meeting, they were presented, in addition to the minutes for the June 25th meeting, for formal approval tonight.

There were no corrections to the minutes of April 23, 1979.

There was one correction to the minutes of May 28, 1979: it was agreed that item IV (on page two, the first paragraph) be changed to reflect the fact that no action was taken by the Commission on the suggestion that it "request that the BZA consider instituting the requirement of a master plan for campuses like Sidwell Friends." This suggestion was not included, but was not deleted intentionally, in the final resolution as adopted at that meeting.

There was one correction to the minutes of June 25, 1979: Mendelson reported that Williams had asked that these minutes reflect that notice had been posted, as required, prior to the meeting.

Arons moved the approval of these three sets of minutes, as corrected. By voice vote the approval was unanimous.

- V. At this point the remainder of the meeting agenda was reviewed; unknown concerns were elicited from those residents in attendance.
- VI. Treasurer's report: A copy of the report, for the month of July, is attached to the file copy of these minutes. The current balance is \$13,285.69. The third and fourth quarter payments have been received from the City. July payments include an advance to Mendelson. \$5,000 has been transferred from the checking to the savings account. In addition, the quarterly report is due for submission to the D.C. Auditor; \$5,230 was expended. Grinnell reported that there is still confusion as to how the City calculates the funding. He also said that he hopes to have a cost estimate on addressograph plates for the Commission's next meeting.

It was moved, and unanimously approved by voice vote, that the monthly report be approved. It was then moved, and unanimously approved by voice vote, that the quarterly report be approved.

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09-Louis Rothschild  
10-David Grinnell

## VII. Residents' Concerns:

A. Jan Welch, an area resident, had several questions for the Commission. In response to one, she was told that minutes of the meetings are public and are available on request for inspection at the office. In response to another question, she was referred to several D.C. offices for action on a residence in her neighborhood that is becoming dilapidated.

B. Another area resident, Robert Major, expressed his distress over the increase in traffic on Porter Street and the problem of some motorists using various side streets in order to avoid the traffic light at Porter and Wisconsin Avenue. Major was told to contact Lindsley Williams, who heads the 3-C Transportation Committee.

C. In light of the fact that both of these residents reside in a presently vacant SMD, the Chair noted that ANC elections are upcoming. She reviewed the filing schedule for petitions.

D. Earle Elliott gave a status report on the Hearst Recreational Center. This Fall he will ask the Commission to endorse a proposal to enlarge the building at the Center. This will cost \$5-600,000. He said this was originally proposed a number of years ago and was in the D.C. Dep't of Recreation budget for several years. It was then dropped, but it may be re-stored to the budget submitted this Fall. Elliott also reported that an ANC funding request will be forthcoming; it will seek re-funding for the Hearst soccer program (which received 3C funding last year).

Grinnell asked that the Commission get at least a sketch of the proposed building expansion. He also stated that funding proposals are better received if other funding sources are also approached. Haugen noted that Mr. Elliott should contact the Ward III Recreation Council.

E. ABC Bill--three documents, which were the basis for the discussion, were distributed to the Commissioners. Rothschild moved approval of the letter and alternative bill. Arons and Coram both noted that the letter implies, in bold type, the existence of a completely separate draft bill which, in fact, is not a total substitute. It was suggested that this bold type was perhaps inflammatory, but since a D.C. Council Committee will be considering this issue tomorrow the consensus was to leave the documents unchanged. Thereupon, the motion was unanimously approved by voice vote.

F. Housing--a proposed position paper, by Coram, on the Mayor's draft housing policy for the District of Columbia was distributed to Commissioners and others in attendance. The floor was opened up for comments and changes. Coram said that item #3 on page 5 would be expanded upon by referencing the proposals to be considered by the D.C. Emergency Condominium and Cooperative Conversion Commission at its public hearing next Monday.

Paula McMartin, from the audience, stated that not enough attention is given in the Mayor's draft to handling the displacement problem resulting from conversions, such as to cooperatives. She made a number of other suggestions: there should be more public information, both to tenants and individual purchasers, regarding the buildings being converted; information, both clear and adequate, should be readily available to tenants about the owners and their agents; where more than 10% of the units in a condo or coop are rented, there should be renter representation on the ownership council; there should be rent control protections for renters in condos and coops.

Laura Cahill, from the audience, stated that more emphasis should be given to the rights of tenants, particularly the elderly. Certificates of eligibility are too easily obtained and are used not to convert but to enhance the purchase value of the property. These certificates should be subject to review before being granted and should not be allowed to last indefinitely.

Stewart Knoop, from the audience, suggested that the use of the City's zoning authority could create two kinds of multi-family housing zones. Already there exists a distinction between single and multi family housing. The different forms of multi-family housing could be protected by using zoning to encourage and/or discourage conversions and development. Nowhere in the Mayor's draft is it specifically stated that it is the City's intention to preserve rental housing. Another technique could be to use taxation to encourage rental preservation and to discourage conversions.

Rothschild moved that the proposed position paper be adopted with the changes suggested in tonight's discussion and that the entire document then be submitted to the D.C. Government. The motion was approved unanimously.

G. Financial Management System for D.C.--Haugen gave a brief report and said there were no comments for review and action at this time.

H. Plan On Aging--Haugen gave a lengthy report. Knoop, who is the Ward III representative to the City Commission On Aging, also spoke.

I. Sheraton Park & Shoreham Hotels (Bill Carroll addressed the Commission): To date, there has been no decision from the BZA on the variance application for a single roof structure at the Sheraton.

Councilmember Jerry Moore has called another meeting concerning bus and trailer parking problems on Calvert Street by the Shoreham and also on the bridge. Signs permitting the parking on the bridge have been removed. The D.C. Dep't of Transportation has proposed that the City buy land to handle hotel exhibitor parking. Another proposal would be to provide limited parking on the bridge, but Carroll said this would lead once more to complete relaxation of enforcement.

There are rumors of an impending sale of the Shoreham to a developer. Williams is scheduling a meeting, to be held around August 14th, where the architectural firm of Skidmore, Owings & Merrill will make a public presentation. There may be some demolition and the development of condos and other housing on the Rock Creek side of the property.

At a July 12th community meeting, a vote was taken to oppose the Sheraton Park's development plans because of permits that have been issued for the land fronting on Woodley Road. The Task Force (which includes 3C representation) has never been able to pin down the Sheraton on its plans. Carroll said no action was needed from the Commission at this time.

#### VIII. Miscellaneous Business:

A. The Commission approved, by voice vote, authorization to purchase two sets of 1975-1977 D.C. Statutes-At-Large for a total of \$150. One set will be donated to the Cleveland Park Library.

B. The Commission reaffirmed authorization for the Housing Committee to purchase literature on tenant rights and procedures. (See March 26, 1979 minutes.) ANC-1C and Strongforce have put together a handbook that may be published in the *Rock Creek Monitor* as a supplement available for purchase by other groups.

IX. The meeting was adjourned at 10:08pm.

Attached to the file copy of these minutes are the following:

- Notice of the meeting as posted.
  - Photocopy of the meeting announcement as printed in the *Northwest Current*.
  - Attendance list from the meeting.
  - Treasurer's report for the month of July, 1979.
  - Quarterly report for April - June, 1979.
  - Note from Kopff concerning the ABC bill agenda item.
  - \*•July 23, 1979 letter from Kopff to ANC Chairpersons re. the ABC bill.
  - \*•July 20, 1979 memorandum from Suzan Aramaki re. "Overview of ABC Rules Revisions."
  - \*•July 20, 1979 draft section-by-section summary of amendments to the ABC bill.
  - \*•Proposed "Position of ANC-3C: Draft Housing Policy For The District Of Columbia."
  - July 6, 1979 letter from Williams to David Splitt re. "Statutes At Large."
  - Photocopy of articles from the July 19, 1979 *Northwest Current* re. aging.
  - Haugen's May testimony, before the D.C. Council Committee on Transportation (inclusion of this in these minutes was specifically requested at the meeting).
- \*Copies of the asterisked items were distributed to each Commissioner.

Respectfully Submitted  
for the Commission:

  
Phil Mendelson

Attested as Approved & Corrected:

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Katherine V. Coram  
Recording Secretary