

ADVISORY NEIGHBORHOOD COMMISSION 3-C

Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

MINUTES

January 28, 1980

ROLL CALL The meeting was called to order at 8:00 PM, Gary Kopff presiding as acting Chairman. All members of the 1980 commission were present except Tom Asher (SMD-03).

POSTING It was noted that the posting of notice of this meeting required by the by-laws had been duly accomplished.

* BY-LAWS The motion was made to accept the current by-laws, pending suggestions for revision to be brought to the Commission by a new BY-Laws Committee. Motion carried unanimously. Phil Mendelsson volunteered to chair the By-Laws Review and Revision Committee. The question was raised during the meeting whether the by-laws might provide for an executive committee empowered to act officially between meetings on urgent matters.

* ELECTION OF OFFICERS Officers for the 1980 Commission were elected as follows:

- Chairman Gary J. Kopff
2939 Newark St. NW 20008
Vice-Chairman Joe Jeff Goldblatt
2701 Cortland Place NW #6 20008
Secretary (Recording & Corresponding) Wilma Martin
4000 Cathedral Ave. NW #739B 20016
Treasurer David Grinnell
2603 36th Place NW 20007
Vice-Treasurer Thomas Asher
2639 Garfield Street NW 20008

It was requested that Linda Major mail descriptions of the respective officers' duties and a copy of the by-laws to each commissioner for his/her review and revision to be discussed and voted upon at the February meeting. There was also discussion at this time concerning the appropriateness of adding an administrative officer to the list of by-laws-directed Commission officers. Commissioners decided, in the interest of time, to discuss this in more detail, after consideration, when the By-Laws Review and Revision Committee presents its recommendations at the February meeting.

APPOINTMENT OF COMMITTEE CHAIRMEN The Commission elected the following persons for the 1980 committees:

- Transportation, Zoning Chair Lindsley Williams
Licenses, & Permits V.Chair Pat Wamsley (Zoning, L & P)
V.Chair Linda Major (Transportation)

Single Member District Commissioners, 1980-1981

- 01-Christopher Klose
02-Ruth Haugen
03-Thomas Asher
04-Joe Jeff Goldblat
05-Phil Mendelson

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

- 06-Kaj Strand
07-Gary Kopff
08-Wilma Martin
09-Patricia Wamsley
10-David Grinnell

| | |
|------------------------------------|-----------------|
| <u>Communications</u> | Chris Klose |
| <u>Human Resources & Aging</u> | Ruth Haugen |
| <u>Housing</u> | Phil Mendelsson |
| <u>Education</u> | Kaj Strand |
| <u>Recreation</u> | Tom Asher |
| <u>By-Laws</u> | Phil Mendelsson |

DECEMBER MINUTES A discussion of the December minutes was postponed until the February meeting, in order to allow commissioners sufficient time for review, revision, corrections. Wilma Martin, newly-elected Commission Secretary, was called upon to ensure that the September, October and November minutes would be made available to commissioners in time for similar review before the February meeting.

* TREASURER'S REPORT David Grinnell reported a \$2273.60 (\$2146.97 checking, \$126.63 savings) closing balance for January after a disbursement for that month of \$346.87. Report accepted.

Treasury Business: 1. A Treasurer's Report for the Oct-Dec quarter must be approved by the Commission and submitted to the D.C. Auditor by Feb. 7. The D.C. Government must also be advised of the location of ANC-3C's financial records. Treasurer David Grinnell will take responsibility for both tasks.

2. Signature cards were produced to allow savings and checking account privileges to the new Commission. It was decided that the signature of the Treasurer and one of three other signatory officers (Gary Kopff, Joe Jeff Goldblatt and Wilma Martin) would suffice.

3. Phil Mendelsson expressed concern about the D.C. Government's tardiness in sending the quarterly allotment due ANC-3C. He moved that a letter urging prompt payment of those funds be sent to the D.C. Government, to be signed by the Commission Treasurer. Motion carried.

SECRETARY'S REPORT The Commission was reminded that the D.C. Government and Commission committee chairmen must be notified of the new ANC-3C officers.

2. a motion was made that \$10.00 be approved to have office keys (for 2737 Devonshire Place NW) made for new officers and the secretary. The motion carried with the provision that a detailed report of the expenditure be provided to the Treasurer.

3. Chris Klose volunteered to use graphics facilities available to him to design an updated letterhead necessary for new 1980 ANC-3C stationery to be printed.

4. The Commission requested that an approximately half-page description of the Commission Secretary's duties be prepared for discussion at the Feb. 25th meeting.

5. Linda Major, Commission Secretary, will, unless otherwise notified, assume responsibility for posting two notices per SMD to notify citizens of upcoming meetings. Those notices will be posted one week prior to each meeting, at sites designated by the respective commissioners.

VICE-CHAIRMAN'S REPORT It was decided that responsibility for management of the Anne Blaine Harrison Institute contract would be delegated to the Commission Vice-Chairman.

SMOKING POLICY A motion to prohibit smoking during all ANC-3C meetings carried, 8-1.

COMMITTEE ISSUES/NEIGHBORHOOD CONCERNS

1. Communications This committee will begin work on the ANC-3C newsletter and annual report and take responsibility for the addressograph machine and bulk mail permits.

2. Zoning, Permits and Licensing

A. Sheraton Park-related cases:

- a. The hotel has withdrawn its appeal # 13087 to decrease the legal 9' X 19' parking space size to allow for a greater number of spaces in its lot.
- * b. The BZA appeal #13112: Commission voted to approve the amended form of a letter to Leonard McCants, Chairman of the Board of Zoning Appeals, supporting the Woodley Park Citizens' Association's appeal to question validity of building permits issued by the D.C. Government to the Sheraton Corp. from 1977 to the present. WPCA wants support from the Commission for the following areas of Complaint:
 1. Adequacy of hotel-provided parking facilities and related access/egress.
 2. Definition of some non-incidentual Sheraton function rooms as hotel facilities rather than areas of public assembly(not allowed in such a residential-zoned district.)
 3. Height of Sheraton building
 4. Border of front yard

Lindsley Williams reported that the BZA will hold a hearing on this issue on January 30th at 9:00 AM.

- * c. The Commission voted to ratify Gary Kopff's letter to the D.C. Alcoholic Beverage Control Board protesting reissuance of a Retailer's Class C License to the Washington Sheraton Corp. for reasons outlined at their transfer application #78 hearing in December.
- * d. A motion was made and carried to approve a letter urging preclusion of bus shelter advertising in all R-5 and SP zone districts by the Zoning Commission.
- * e. No specific action was reported on the Hotels and Hotel Zoning Case 79-1, but a motion was made and carried to have the Commission chairman sign a letter drafted by Lindsley Williams to Mayor Marion Barry recommending reconsideration of City Administrator James Gibson's Jan. 17th policy to allow those hotels located on major arterials in residential neighborhoods to expand while precluding establishment of new hotels in the same zone districts.
- * f. Representatives from the Anne Blaine Harrison Institute presented a memorandum concerning comments and recommendations for proposed rulemaking regarding certificates of occupancy. The Commissioners, feeling that an on-the-spot perusal of the lengthy memorandum in question would not be nearly adequate to allow immediate action on such a complex issue, decided to postpone discussion until the February meeting. A suggestion to have the

Vice-Chairman, Joe Jeff Goldblatt, convey to Bob Stumberg the Commission's request that future presentations requiring urgent action be furnished to the commissioners at least three days prior to the meeting during which action is necessary received unanimous approval.

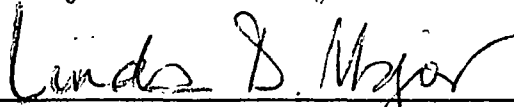
Thanks were given at this time to legal intern Bernie Horn for the consistent accuracy of his technical work.

- * 3. Human Resources and Aging Ruth Haugen reported that a public hearing was scheduled for February 14th on all housing bills including Bill 3-222. She said that it was generally recognized that the strategy in Ward 3 presented by other ANC's was to give support to getting 3-222 out of committee. In keeping with this strategy, a motion was made to adopt, as corrected, ANC-3F's draft resolution recommending that the Housing and Economic Development Committee give favorable consideration to Bill 3-222 and promptly report it to the full D.C. Council for timely action. Motion carried with one abstention.
4. Housing The Commission asked Phil Mendelsson to carry through on the draft resolution (see 3. above) and to prepare, with Ruth Haugen of the Committee on Human Resources and Aging, an ANC-3C position statement vis-a-vis the Rental and Housing Conversion and Sale Act of 1979, Bill 3-222.
5. Transportation No report was given at this time.
6. Education It was decided that response to School Board member Carol Schwartz's appeal to ANC-3C commissioners for approval of tenure for John Eaton and Hearst Elementary School Principal Patricia Greer be given on an individual commissioner basis.
6. Recreation Walt Kroeger, President of the Newark Street Gardening Association, introduced himself and requested that any problems/questions regarding that land/organization be referred to him at 244-7193.
7. Miscellaneous There was discussion of an alarming recent crime wave in the ANC-3C district. Lindsley Williams suggested Captain Spurlock and Sergeant Dowling as good sources of 2nd District information. Joe Jeff Goldblatt suggested that the Commission invite them to speak at a future meeting.

*ATTACHMENT

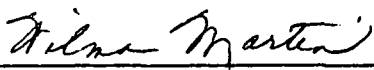
Meeting adjourned at approximately 11:15 PM.

Respectively submitted for the Commission:



Linda D. Major, Recorder

Approved, ~~as corrected~~:



Wilma Martin, Secretary

Vice-Chairman, Joe Jeff Goldblatt, convey to Bob Stumberg the com-

Linda Major
244-1080

ITEMS FOR DISCUSSION AND DECISION
FIRST 1980 ANC-3C MEETING
January 28, 1980

Administrative details:

STRATEGY OF 1980 ANC-3C (highlights and tension points)

- active vs. reactive
- ANC-3C-limited or citywide focus
- funds to be applied to administrative support system vs. community enhancement projects (giving of grants)
- roles of Single Member District
 - Commission
 - Commissioner
 - Committees
- use of official letterhead by individual commissioners should its use require:
 - approval in each individual case
 - that a copy of each such letter be given to a central file (secretary)
 - that each letter specify the particular SMD (commissioner) involved
 - that only letters of inquiry or similar non-position or -opinion letters be allowed

STRUCTURE of ANC-3C

Officers:

- *Chairman
- *Vice-Chairman
- *Treasurer
- *Secretary (Corresponding)
- Secretary (Recording)
- Vice-Treasurer

*required by ANC by-laws

- how should these offices change? can they change?
- should these officers include:
 - Communications Officer to take responsibility for newsletter, Annual Report etc.
 - Administrative Officer to manage administrative matters and staff
- should-some of the traditional offices be eliminated e.g. Vice-Treasurer?

Committees:

- | | |
|------------------------------|--------------------------|
| *1. Zoning | 5. Education |
| *2. Transportation | *6. Permits and Licenses |
| 3. Human Resources and Aging | 7. Recreation |
| 4. Housing | 8. Agriculture |

cont.

Committees (cont.):

- should committees #1,2 and 6 be consolidated
- what should be the relationship between committees and Citizens' Associations
- must each committee be chaired by a Commissioner?
- what are resources and groups available (e.g. Ward 3 Recreation Council including a representative from each ANC and Citizens' Association) to aide or augment committee function?

PAPERWORK

- Staff:
- Secretary (paid or volunteer, full-time or contract) with responsibility for minutes, posting of notices (in certain SMD designated places and newspapers), typing and/or delegation of typing duties, organization of office (mail, phone messages etc.)
 - Editor with responsibility for newsletter and annual report
 - Legal Aide so that ABH Institute contracted hours not be wasted on administrative work

- Meetings:
- Location (same or rotating SMD's)
 - Time of day (always evenings?)
 - Hour (8 PM?)
 - Format (Town Meeting? Always?)
 - Posting (where and by whom?)

- Paper Flow:
- Minutes
 - Treasurer's Report
 - Newsletters
 - Mail
 - Letters
 - Phone messages

- Office:
- Commissioner files
 - Xerox
 - Addressograph
 - Mail
 - Phone (via Ruth Haugen or answering desk?)
 - Typewriter

By-Laws and D.C. Laws: -ANC(3C) By-Laws?

- Budget:
- Outstanding commitments
 - ABH Institute \$5000 contract, including quarterly reports prepaid for 1979-80 (1 year)
 - Administrative costs (Secretary, machines etc.)
 - Allocation of discretionary funds by quarter or by category?
 - receipt of D.C. Gov't funds designated for ANC-3C
 - reaction to late payments when commitments have been made

With reference to ANC-3C business that must be conducted on January 17th prior to the next official meeting on January 28th, Lindsley Williams requested at this time the commissioners' tacit permission to represent ANC-3C's position to oppose expansion of currently existing hotels onto adjacent land/buildings via a D.C. Zoning regulations loophole. Since zoning regulations issue certificates of occupancy to owners rather than buildings, owners of buildings now used as hotels, although they may not build new structures, may buy adjacent buildings and expand hotel facilities to those buildings because of the mutual ownership. Mr. Williams advocates limits to sizes of hotels according to type of area of location e.g. x-size hotels in C-1 districts, larger sizes in C-2 districts etc. This would prevent overlarge hotels from swallowing up neighborhood shopping areas in their construction or expansion. Mr. Williams will represent to the Zoning Commission that hotels are not compatible with residential communities for the reasons above and recommend the ANC-3C position that:

- technical loophole tightening be effected to differentiate between apartment houses (who now may offer very short term accommodations while retaining apartment status) and hotels

- the city should take steps to make it economically feasible for hotels to locate in non-residential areas

He will represent ANC-3C's position (concentration of too many and oversized hotels in the Calvert/Woodley/Connecticut area) by means of a color-coded map of buildings along the ANC-3C portion of the Connecticut Avenue corridor (indicating residential, hotel, office etc. uses). He asked for help in color-code mapping the rest of the ANC-3C area for future reference.

LIST OF ADVISORY NEIGHBORHOOD COMMISSIONERS

| | | |
|------|--|------------------------------|
| 3C01 | Christopher Klose 2750 Woodley Place, N. W. 20008 | 483-3755(h) 426-4250(o) |
| 3C02 | Ruth Haugen 2800 Woodley Road, N. W. 20008 | 232-1468 |
| 3C03 | Thomas R. Asher 2639 Garfield Street, N. W. 20008 | 232-2065(h) 452-1540(o) |
| 3C04 | Joe Goldblatt 2701 Cortland Place, N. W. #6 20008 | 265-6830 (h) 966-9777 (o) |
| 3C05 | Philip H. Mendelson 3840 - 39th Street, N. W. #D106 20016 | 966-1485 (h) 833-8900 (o) |
| 3C06 | Kaj A. Strand 3202 Rowland Place, N. W. 20008 | 966-0495 |
| 3C07 | Gary J. Kopff 2939 Newark Street, N. W. 20008 | 363-0073(h) 393-6820(o) |
| 3C08 | Wilma Martin 4000 Cathedral Avenue, N. W. #739B 20016 | 337-6846 |
| 3C09 | Patricia Wamsley 3238 Idaho Avenue, N. W. 20016 | 362-5855 |
| 3C10 | C. David Grinnell 2603 - 36th Place, N. W. 20007 | 333-8685 |

TREASURER'S REPORT, ANC-3C

For Month of JAN, 19780

A. Opening Balances

- 1. Checking maintained at _____
- 2. Savings maintained at _____
- 3. Other maintained at _____

2620.47
 \$ 2493.84
 \$ 126.63
 \$ _____

B. Revenues During Month

- 1. D. C. Government
- 2. Interest on savings
- 3. Other

\$ _____
 \$ _____
 \$ _____

C. Disbursements Made

Total Disbursed

\$ 346.87

| | <u>Payee</u> | <u>Purpose</u> | <u>Amount</u> |
|-----|---|----------------|---------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | <div style="border-left: 1px solid black; border-right: 1px solid black; border-bottom: 1px solid black; padding: 5px; margin-bottom: 5px;"> 267 - 276 </div> | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |

(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
- 2. Savings
- 3. Other

2278.60
 \$ 2196.97
 \$ 126.63
 \$ _____

Respectfully submitted by


 David Grinnell, Treasurer

 Gary J. Kopff, Vice-Treasurer

 Date

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

January 25, 1980

Mr. Robert Lewis
Chairperson
D.C. Alcoholic Beverage Control Board
605 G Street, N.W.
Level L
Washington, D.C. 20001

Dear Mr. Lewis:

10.C.
On behalf of Advisory Neighborhood Commission 3C, I am hereby protesting reissuance of a Retailer's License Class C to the Washington Sheraton Corporation, T/A Washington Sheraton Hotel. Considering that an application is pending for transfer of the current license to the Sheraton Operating Corporation, it appears to be premature to consider reissuance of a Class C license at this time.

Since an application has been filed to reissue the current license, however, this requires a statement of our substantive concerns and reasons underlying our protest. For that purpose we would like to incorporate by reference the issues and concerns stated in our letters and others submissions in the matter of the transfer application, case #78. Specifically, we incorporate by reference the following documents:


- 1) Letter of October 29, 1980 from Lindsley Williams to Robert Lewis;
- 2) Statement of Advisory Neighborhood Commission 3C in Opposition to the Application;
- 3) Protestants' Proposed Findings of Fact and Conclusions of Law (submitted 1/14/80); and
- 4) Request to Enter Documents Into Evidence After the Hearing!

In addition, we would like to express our concern over the inclusion in the Room Service Menu (a copy of which is attached for your convenience) of a requirement that no liquor may be brought into the hotel. We believe that this type of provision, commonly referred to as a "tie-in sales contract" is illegal in the District. We ask that your staff pursue this matter and enter a report into the file prior to the closing of the record in this case.

Finally, in cognizance of the busy schedule of the Board at this time, we would be willing to forego a hearing at this time in this case since we presented our concerns relative to the applicant's operation at the hearing on the transfer application in December.

Thank you for your cooperation in this matter.

Sincerely,


Gary Kopff, Commissioner ANC 3C

Single Member District Commissioners, 1978-80

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

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

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

January 18, 1980

Mr. Robert Lewis
Chairperson
D.C. Alcoholic Beverage Control Board
605 G Street, N.W.
Level L
Washington, D.C. 20001

Re: Transfer Application #78
Sheraton Operating Corp.
T/A Washington Sheraton
Hotel

Dear Mr. Lewis:

On behalf of the Protestants in the above-referenced case, I am registering a formal protest to the Board's staff setting different time deadlines for submitting proposed findings of fact and conclusions of law by Applicant and Protestants. Protestants were required to submit proposed findings by January 14, 1980; Applicant's deadline is not until January 28, 1980 -- two weeks later.

A brief history of the facts will perhaps be helpful to the Board in understanding the context of our protest. At the hearing on December 5, 1979, the Board initially indicated that the proposed findings would be due two weeks after the parties were notified that the transcript was available. (Tr. 59). However, after some discussion the parties agreed to set a firm date instead, and at the suggestion of Mr. Risher, Applicant's attorney, the date of January 11, 1980, was agreed upon. (Tr. 60). At the time the Board indicated that "if that time frame shifts for any reason, we'll notify you of the additional deadline." (Tr. 60). On December 28, 1979, Protestants contacted the Board and were informed by Mrs. Dillard that the due date was January 14th, the first business day after January 11th. Protestants were notified of no other changes in the deadline. On January 14, 1980, Protestants submitted their proposed findings and served a copy thereof to Applicant's attorney. Only after Protestants requested a copy of Applicant's proposed findings two days later were Protestants notified that Applicant had been given an additional two weeks.

We submit that the Board's staff, having been notified of Protestants' service of its papers upon Applicant's attorney by a certificate of service attached to the primary document, acted in a manner prejudicial to the Protestants' interests by allowing Applicant an additional two weeks to file its submissions. Through service of papers and given the extension of time to file, Applicant now has notice of all arguments and authorities cited in Protestants'

proposed findings, with a corresponding opportunity during a two-week delay to research and prepare arguments in response. Protestants have not been granted such an advantage.

Nor is the explanation that Applicant did not receive notice of availability of transcript until January 14th sufficient to justify such special treatment. At the hearing on December 5th the parties were informed by the Board that the transcript would be available within ten days. (Tr. 59). Rather than tying the deadline to the availability of the transcript, the Board expressly set a definite deadline independent of transcript availability. Moreover, under the Regulations the burden is on the parties to obtain copies of the transcript. Section 20.15 provides that transcripts be available to parties "upon request and payment of the costs". Knowing that the deadline was January 11th, it was the parties' duty to request copies of the transcript. Certainly the Protestants were able to carry this burden, and basic principles of fairness mandate that no different standard be applied to Applicant at the expense of the Protestants.

It is incumbent upon the Board to cure the inherent unfairness of the present situation. Had Mr. Risher requested a time extension prior to the submission of our findings, we would have been happy to agree to it -- provided we were given a similar extension. However, given the present facts, the inequities can only be remedied by allowing us the same opportunity to submit answers to Applicant's arguments after its proposed findings have been submitted. It should be pointed out that the Board's authority to accept submissions after the hearing is limited under the Regulations. Section 20.14 provides that such documents may be received "only when receipt thereof will not unfairly affect the interests of a person". It is manifestly unfair to allow the Applicant to prepare responses to Protestants' arguments and authorities without providing the same opportunity to the Protestants.

Basic tenets of due process and fair administration of the District's alcoholic beverage control laws mandate that both sides to a controversy be subject to the same treatment by the deciding body. A long line of opinions by the Court of Appeals reversing the prior Board's decisions attests to the importance of this basic principle of law in our legal system. Should the Board decide to allow the Applicant to submit its proposed findings without providing the Protestants an opportunity to submit answers, the Protestants will consider the essential fairness of this contested case to have been undermined and will examine their options to seek judicial review of the issue.

page 3
Letter to Mr. Lewis

Although the Board does not have a formal motions practice, we submit this request in the nature of a motion that the Board allow the Protestants, with notice to all parties, to submit answers to Applicant's proposed findings by a date two weeks after Protestants are notified that Applicant's proposed findings have been submitted. In the alternative we would move that the Board proceed forthwith to close the record in this case as of January 14, 1980, and that Applicant be notified that it is precluded from filing additional documents in this case since it failed to timely do so.

Respectfully submitted,



Lindsley Williams
Representative for Protestants
2737 Devonshire Pl., N.W.
Woodley Park Towers
Room 1
Washington, D.C. 20008

cc: Hon. David Clarke
Hon. Polly Shackleton
Mr. Jack Heller, Esq.

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

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

January 28, 1980

10.2.
Rev. Jerry A. Moore, Jr.
Chairman, Committee on Transportation
and Environmental Affairs
Council of the District of Columbia
District Building
Washington, D.C. 20004

Dear Rev. Moore:

This Advisory Neighborhood Commission has commented previously on the proposed legislation your Committee is considering relating to bus shelters.

As we understand it, this has now been reported out of the Committee to the full Council and is expected to be taken up in a second, and final, reading, in early February.

The purpose of this letter is to ask you, your colleagues on the Committee, and the Council as a whole to amend the legislation as reported out which would supplant the provisions of Title 5A of the D. C. Code, relating to buildings and sign regulation, so as to permit -- in direct contravention of existing public law -- the placement of advertisements in bus shelters located in zone districts classified as either R-5 (including R-5-A, R-5-B, R-5-C, and R-5-D) or SP (including SP-1 and SP-2) by the Zoning Commission.

We believe this would create an undesirable esthetic effect on the principal arterials and minor arterials that form the entrances to the Federal City for persons from all over the world. Within our own area, the Wisconsin Avenue and Connecticut Avenue corridors could be overwhelmed by advertising from Chevy Chase to the downtown areas. Elsewhere, the effect would also be damaging and would reflect both negatively on the city and lawmakers who would permit the intrusion of advertising into residential and special purpose zones such as the Massachusetts Avenue corridor east of DuPont Circle or 16th Street north of the White House. Enclosed please find a map showing the vast and critical areas of the District of Columbia which would be affected by the Bill as reported out of the Committee.

Please propose that it be amended to preclude bus shelter advertising in all R-5 and SP zone districts.

We appreciate your help and assistance in this matter.

BY RESOLUTION OF THE COMMISSION,

Chairperson

Enclosure

cc: The Honorable Polly Shackleton
The Honorable Arrington Dixon
The Honorable Hilda Mason
The Honorable David Clarke

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

Cathedral Heights

Cleveland Park

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Woodley Park

January 28, 1980

10. E.
The Honorable Marion S. Barry, Jr.
Mayor
District of Columbia
District Building
Washington, D.C. 20004

Dear Mr. Mayor:

Re: Hotels and Hotel Zoning

This Advisory Neighborhood Commission recommends that you reconsider the policy of the Barry Administration offered by Assistant City Administrator James O. Gibson to the Zoning Commission of the District of Columbia on January 17.

The policy articulated January 17 would allow those hotels located on major arterials in R-5 residential neighborhoods to expand while at the same time propose to preclude new hotels from being established in the same zone districts.

From the perspective of this Commission, the proposed policy is not sound from either the perspective of planning or the law. As to planning policy, it simply makes no sense to allow hotels -- which are commercial entities in every sense and which bring transients by the thousands to where they are located, especially in the case of hotel-convention centers such as the Sheraton, Shoreham, or Hilton -- to expand in residential neighborhoods. This is all the more the case when such expansion would occur at the cost of vitally needed housing, particularly rental housing.

As to the law, the proposed policy would be assailable by owners of land zoned R-5 who want to sell to the highest bidder such as a hotel but who are stopped, for the moment, by the policy. The policy would work an arbitrary hardship on some who could rightly complain that the Zoning Act, under which the Zoning Commission must operate, requires that uses be regulated evenly in the several zone districts. The policy of your administration is arguably uneven. Accordingly, it protects neither apartments adjacent to existing hotels or elsewhere in R-5 districts.

For the above reasons, we urge you to revise your position so as to treat hotels, in all instances, as "commercial" uses and to ban them from R-5 and "residential" portions of "mixed use" commercial zones. At the same time we encourage you to devise ways to induce hotels to locate in the downtown area near the Convention Center.

Single Member District Commissioners, 1978-1979

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

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2222

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

The Honorable Marion S. Barry, Jr.

-2-

January 28, 1980

We hope you will find these comments helpful.

BY RESOLUTION OF THE COMMISSION,

Gary Kopff, Chairperson

cc: The Honorable Ruby McZier
Mr. James O. Gibson
All Council members

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

Cathedral Heights

Cleveland Park

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Woodley Park

28 January 1980

10 B.

Mr. Leonard L. McCants, Esq.
Chairman, Board of Zoning Adjustment
of the District of Columbia
District Building, Room 9-A
Washington, D.C. 20004

Dear Mr. McCants:

Re: Appeal of the Woodley Park
Community Association (#13112)

This is to inform you that, on the evening of January 28, 1980 at its regularly scheduled and duly posted public meeting, the Commissioners of Advisory Neighborhood Commission (ANC) 3C took up the matter of the appeal of the Woodley Park Community Association (WPCA) contesting the issuance of building permits to the Washington Sheraton Corporation for the reconstruction of a major hotel/convention center located in the residential community of Woodley Park. This appeal is your case Number 13112.

The appeal, filed shortly after negotiations which had been taking place between a Task Force representative of community residents and interests (including this ANC) broke down in the summer of 1979* when the Sheraton Washington was unable to produce plans for parking and circulation consistent with their representations to the community in 1977 and 1978. The appeal questions the validity of building permits issued by the Government of the District of Columbia to the Washington Sheraton Corporation starting in 1977 and continuing to the present time. The matters being raised are vital to the well-being, health, safety, and welfare of the 8,000 residents of Woodley Park.

Consistent with the provisions of the ANC Act, this letter identifies some areas of specific concern. Here, the focus is primarily on matters over which the ANC believes the Board of Zoning Adjustment has clear authority and responsibility.**

* By separate copies of this letter, the ANC asks that the Chairman of the community-based Task Force inform the members of the Board of Zoning Adjustment (BZA) of the details of the period of negotiations and its breakdown; it asks the Washington Sheraton to do likewise from its perspective.

** The ANC is not certain that the existing Zoning Regulations and their administration are consistent with the provisions of the Zoning Act. However, the BZA is not asked to rule on this point. The ANC reserves the right to pursue this as appropriate.

Single Member District Commissioners, 1980-1981

01- Christopher Klose
02- Ruth Haugen
03- Thomas Asher
04- Joe Jeff Goldblat
05- Phil Mendelson

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

06- Kaj Strand
07- Gary Kopff
08- Wilma Martin
09- Patricia Wamsley
10- David Grinnell

The specific issues and concerns with which this ANC is presently concerned, which it believes are clearly within the province of the Board of Zoning Adjustment (BZA) to remedy, include but are not limited to, the following:

1. Failure of the District of Columbia Government to ensure that the Washington Sheraton Hotel/convention center will provide adequate off-street parking under the Zoning Regulations and prior conditions of the Board and Zoning Commission; failure of the Washington Sheraton Hotel/convention center to have an adequate parking plan:

The Washington Sheraton Hotel/convention center is located in the residential community of Woodley Park. At times when conventions, exhibits, and other gatherings are taking place, this residential community finds its on-street parking places usurped by automobiles operated by persons (1) who can not park their vehicles within the grounds of the Washington Sheraton Hotel/convention center because its lots and garages are full or (2) who choose not to attempt to find a parking space on the property because of (a) prior adverse experiences on its outdoor lots or in its labyrinthian and poorly illuminated multi-level garages or (b) out-of-pocket costs, or both.

The ongoing expansion of the Washington Sheraton Hotel/convention center increases the number of sleeping rooms, function space (meeting rooms, etc.), and exhibit space. The ongoing expansion, at the same time, proposes no significant increase in the number of parking spaces and many of those few additional spaces that are to be provided are in conflict with the Zoning Regulations in that they are in neither "rear" or "side yards." Further, the proposed number of parking spaces falls short of that number stipulated at prior hearings before the BZA when, in fact, an increase is both needed and required by regulation.

Without appropriate increases in the number of parking spaces, located in a manner consistent with the Zoning Regulations and otherwise arranged in a manner that is accessible, functional, reasonably priced, and safely operated, the residents of the community of Woodley Park will find their streets, alleys, driveways, and garages increasingly clogged and their fire hydrants blocked by automobiles (and certain other vehicles) associated with activities taking place at the Washington Sheraton Hotel/convention center.

Illustration The weekend of January 12-13, 1980 included some 2,500 persons from the metropolitan area attending an evening banquet (the "Touchdown Club") while additional throngs attended an exhibit of photographic equipment. Local residents and hotel function attendees reported having to park more than a half-mile away -- near Reno Road/34th Street. Local streets, particularly Woodley Road, were not just congested; they were impassable. This is not just an inconvenience; it is a direct threat to the safety of both the community and the persons on the premises of the hotel itself -- particularly in the event of fire or criminal activity. The parking areas were closed, being marked "full." This, the Board should note, took place before the completion of the Washington Sheraton Hotel/convention center. Once fully operational, intensity of activity may be expected to increase.

from the sheer lack of adequate numbers of parking spaces, those that do exist are so arranged, priced, managed as to discourage their use. Existing parking lots are irregularly shaped and are located directly beside apartment units. Their configuration confuses users; their proximity to residential units disturbs the peace and tranquility, particularly upon conclusion of banquets and other group events.

Existing garages have irregularly shaped layouts, with each floor different from the next in the "Cotillion" garage but more similarity in the "Park Tower/Motor Inn" garage. Lighting is dim, particularly given the fact that most users are not regular and are not familiar with the various nooks, crannies, and dead ends involved.

Present Hotel policy on parking rates provides for charges that are relatively high given that the facility is not located downtown and provides for charging by the hour, even for evening events. Rates for an evening are higher than that charged by the Kennedy center. Moreover, since fees are collected at the end of an evening, long lines form as major events conclude and fees are calculated and paid leading to idling (or racing) of engines, associated pollution, and the honking of horns by impatient drivers -- at all hours.

2. Failure to provide adequate access to and egress from the Washington Sheraton Hotel/convention center:

The Washington Sheraton Hotel/convention center plans to construct its main entrance and exit on Woodley Road between Connecticut Avenue and 29th Street, all Northwest. Woodley Road will also include a separate entrance to the Wardman Tower building which forms a part of the overall complex. The driveway to the Wardman Tower discharges onto Connecticut Avenue. A separate entrance/exit driveway, which the Hotel has informed the community is for "trucks, buses, and discharging taxis," is located along 24th Street between Connecticut Avenue and Calvert Streets. Finally, an entrance/exit for automobiles and other vehicles of comparable height is located near the western edge of the Hotel's land on Calvert Street.

The driveway connecting 24th Street and the Washington Sheraton Hotel/convention center is inadequately designed for the traffic it bears. While certain of the problems will fall more heavily on the hotel itself (such as the inadequate radius necessitating buses to reverse when turning around), others imperil the community at large. The intersection of the 24th Street driveway with 24th Street itself is very small with "tight" radii. This results in buses and semi-trailers (up to 75 of which may be involved with the loading or unloading of a single exhibit) having to traverse sidewalk areas or cutting an arc in the street that stops traffic in all directions.

The entrance along Calvert Street, at the "Park Tower/Motor Inn" has inadequate vehicular capacity so that as vehicles queue to collect their parking ticket, they back up onto Calvert Street itself, thus impeding the free and orderly movement of traffic.

3. Failure to protect neighborhood from use that is compatible with its character:

The Washington Sheraton Hotel/convention center has function rooms and exhibit halls the separate capacities of which exceed the number of guests that could reasonably be expected to be accommodated in its "sleeping rooms."

Thus, these function rooms and exhibit halls are not of a nature that can be described as either "accessory" or "customarily incidental" to the hotel function itself.

Rather, the uses -- at least to the extent that they provide capacities in excess of that of the hotel itself -- may most nearly be described as "areas of public assembly." Areas of public assembly are not allowed in a residential zone district and, where allowed, are required to have parking spaces in line with their capacities.

Over and above the shortage of parking, such uses bring persons to the neighborhood who are far more transient than even a hotel guest. Such persons can be an attraction to criminal elements who are not, of course, ordinarily able to distinguish between area residents and persons who are guests of the hotel/convention center.

The Woodley Park Community Association has retained Jack I. Heller, Esq. to represent them.

Advisory Neighborhood Commission 3C wishes to associate itself with the appeal of the Woodley Park Community Association and hereby authorizes Mr. Heller, or anyone he designates approved by the Association, to represent the interests of the ANC as summarized in this letter or previously adopted by the ANC in regard to the Sheraton complex. Testimony of Mr. Lindsley Williams and Ms. Leila Smith on the matters of parking and use respectively is made on behalf of the ANC as well as the community, having been approved by the ANC at its meeting of January 28, 1980.

The ANC asks the BZA to uphold the appeal of the Woodley Park Community Association in this matter for the foregoing reasons.

The Board will note that this letter does not propose any particular remedy for the matter being appealed. It is not our purpose to close the Washington Sheraton Hotel/convention center. Rather, the ANC hopes that ways may be found to correct deficiencies noted above and elsewhere that will protect the residential neighborhood in which the facility is located. The ANC is willing to comment on any remedies that may be proposed by the Board, the community, or the hotel, at an appropriate time.

BY RESOLUTION OF THE COMMISSION,

Chairperson

cc: The Honorable Marion S. Barry, Jr.
The Honorable David Clarke
The Honorable Polly Shackleton
Mr. James O. Gibson
Mr. Wayne S. Quin, Esq.
Mr. William Carroll
Mr. Fred Tansill, Esq.
Mr. Arthur Meigs
Mr. Jack I. Heller, Esq.

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Advisory Neighborhood Commission 3C wishes to associate itself with the appeal of the Woodley Park Community Association and hereby authorizes Mr. Heller, or anyone he designates approved by the Association, to represent the interests of the ANC as well. ^{policy previously adopted by the} ~~ANC as well.~~ ~~He is, additionally, authorized to add other issues to those enumerated above.~~ ~~Testimony of Mr. Lindsley Williams and Ms. Leila Smith, on parking and use, respectively, is made on behalf of this ANC as well as the community, having been approved by this ANC at its meeting of January 28, 1980.~~

The ANC asks the BZA to uphold the appeal of the Woodley Park Community Association in this matter for the foregoing reasons.

The Board will note that this letter does not propose any particular remedy for the matter being appealed. It is not our purpose to close the Washington Sheraton Hotel/convention center. Rather, the ANC hopes that ways may be found to correct deficiencies noted above and elsewhere that will protect the residential neighborhood in which the facility is located. The ANC is willing to comment on any remedies that may be proposed by the Board, the community, or the hotel, at an appropriate time.

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January 28, 1980

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M E M O R A N D U M

TO: ANC 3C COMMISSIONERS

FROM: Bernie Horn
Legal Intern

Suzan Aramaki
Staff Supervisor

RE: Comments and Recommendations on Proposed Rulemaking:
Regarding Certificates of Occupancy

In response to a request for assistance by ANC 3C, the Harrison Institute has prepared Comments and Recommendations on new regulations proposed by the Department of Licenses, Inspections and Investigations for Certificates of Occupancy. This is the latest phase of an ongoing project for ANC 3C: an effort to provide channels of citizen input into the licensing process.

Background

While ANCs have been granted oversight responsibilities for "licenses ... of significance to neighborhood planning and development" in the District of Columbia Self-Government Act, the Licensing Department gives ANCs no prior notice of pending licensing applications. Moreover, even if an ANC learns of a proposed license application, there are currently no avenues of access available for its input.

Based upon considerable research and analysis of the issues involved, ANC 3C has been considering proposing a set of possible regulations for consideration by the Department. In the interim, however, the current proposed rules, while not claiming to be comprehensive, present a unique opportunity to inject ANC participation into the rulemaking process. At the same time, the Comments and Recommendations offer amendments designed to improve the technical language of the proposed rules.

Overview of Comments and Recommendations

* Comments regarding Sections I, II, III, IV(B)(1), IV(C)(1)-(2), V, VI, VII(2), and VIII are mostly technical changes designed to better achieve the goals sought by the Licensing Department.

* Section IV(B)(2) would require that notice of Certificate of Occupancy applications be sent to the appropriate ANC.

* Section IV(C)(3) would allow ANC appeals directly from agency decisions to the Board of Appeals and Review.

* Section VII(1) would make records open to inspection pursuant to the D.C. Freedom of Information Act.

* Section IX would allow ANC appeals from decisions of the Licensing Department.

COMMENTS AND RECOMMENDATIONS

CERTIFICATE OF OCCUPANCY
RULES OF PROCEDURES

Section I - Purpose

~~The purpose of these rules is to establish the procedures for applying for a Certificate of Occupancy.~~

Comment: The purpose section is too narrow for what the proposed rules purport to do. At least as important as the procedures for applying for certificates are the procedures for suspending or revoking certificates.

Recommendation: Add after "applying for":
", granting, suspending, revoking, and appealing a decision on".

Section II - Definitions

In addition to the definitions in the law and regulation, the following words shall have the meaning assigned below for the purpose of these procedures:

a. Director - the Director, Department of Licenses, Investigations and Inspections or his authorized agent or agents.

b. Administrator - the Administrator, Office of Licenses and Permits, Department of Licenses, Investigations and Inspections or his authorized agent or agents.

Comment: There is considerable doubt whether phrases like the above "In addition to the definitions in the law and regulations" would constitute sufficient notice of proposed rulemaking. In Junghans v. Department of Human Resources, 289 A.2d 17 (D.C. 1972), the Court of Appeals held that reference in the notice of proposed rulemaking to another regulation without identifying where that regulation could be found and read was insufficient to support a finding of "good cause" for emergency rulemaking. The Court reasoned that without a citation it would be impossible to know whether there was actually good cause. By analogy, unless a citation for the other definitions is given, there is no way to tell whether the proposed definitions are adequate.

Recommendation: Give specific citations for those "definitions in the law and regulation."

Section III - General Requirement for Certificate of Occupancy

No person shall use any building, land, or premises, or part thereof for any purpose, except as exempted under the Zoning Regulations, unless the Director of the Department of Licenses, Investigations and Inspections, shall have issued a Certificate of Occupancy to such person for such use, Provided, the use complies with the Zoning Regulations and the building, land, or premises or part thereof so used complies with all applicable requirements of the Building Code, the related Mechanical and Electrical Codes, the Housing Regulation and all orders promulgated by the Mayor pertaining to such codes.

Comment #1: ~~Compliance with most codes is required, but compliance with the Health & Safety Code and Fire Code is omitted. There is no reason why such codes should be omitted from the requirements for a Certificate of Occupancy since compliance with those codes bears directly on whether a structure is safe for human occupancy.~~

Recommendation #2: Add after "the Housing Regulation": "Fire Regulations, Health and Safety Code,".

Comment #2: Since the single word "Director" was defined in Section II, the use of the director's full title in Section III can be interpreted as specifying the individual person, in contrast to the broadly defined "Director". This would require the director of the department to personally issue each Certificate.

Recommendation #2: Delete: "of the Department of Licenses, Investigations and Inspections,".

Section IV - Application Procedure

(A) All applications for Certificate of Occupancy shall be filed with the Chief, Permit Branch, Department of Licenses, Investigations and Inspections on forms approved by the Director.

(B) The Chief, Permit Branch, shall collect the designated fees and refer the application to the appropriate inspection agencies within five (5) working days from the date of filing.

Comment #1: Both (A) and (B) give duties to the "Chief" of the Permit Branch. Although he is ultimately responsible for these duties, (A) and (B) require the chief to personally accept applications and collect fees.

Recommendation #1: Delete: "Chief" from (A) and (B).

Comment #2: This section does not provide the required notice to Advisory Neighborhood Commissions mandated under Section 13(c)(1) of the ANC Act, D.C. Code §1-171i(c)(1).

Recommendation #2: After "designated fees" in subsection (B) add: ", notify the appropriate Advisory Neighborhood Commission,".

(C) The inspection agencies shall complete the initial inspection within fifteen (15) working days from the date of filing and shall provide the applicant with a written composite notification of all existing violations of the applicable Codes and Regulations within ten (10) working days from the date of the initial inspection. The notice of violations shall be hand delivered to the applicant or sent by certified mail, return receipt requested. The inspection agency shall maintain the returned receipt for review by the Director.

Comment #1: The time period to complete the initial inspection is not fixed. Since the 15 day limit begins from the date of filing, and since the Permit Branch may take up to 5 days to refer the application, the inspecting agency may be given as few as 10 days or as many as 15 days to complete its inspection.

Recommendation #1: Replace the word "filing" with the word "referral".

Comment #2: Although agencies must "provide" notification of existing violations within 10 days, it is unclear whether it must be put in the mail or actually received on the 10th day.

Recommendation #2: After "Codes of Regulations" add: "to be received".

Comment #3: One problem is that there is no provision short of seeking a suspension or revocation under Section VIII for processing allegations by aggrieved persons that an applicant's premises are not in compliance with the applicable codes. Although inspection agencies conduct inspections, in the past mistakes have been made and code violations missed. Some procedure should be available to allow affected persons to express their concerns and to give applicants an opportunity to correct violations.

Recommendation #3: Add a new subsection (D):
"(D) If any inspection agency approval is improperly or mistakenly granted, the affected ANC or any aggrieved person may request reconsideration of that decision. That decision may be appealed to the Board of Appeals and Review under Section IX."

Section V - Applicant's Failure to Comply with Applicable Laws and Regulations

(A) Except as provided in Section VI of these rules, any applicant who fails to comply with all applicable District of Columbia laws and regulations pertaining to the issuance of a Certificate of Occupancy within ninety (90) calendar days from the date of filing the application, said application shall be automatically cancelled without further notice to the applicant. There shall be no refund of the application fee.

(B) Except as provided in Section VI of these rules, if the Certificate of Occupancy is not issued within the specified ninety (90) day period, the applicant shall be required to file a new Certificate of Occupancy application and pay the required fee.

Comment: The intent of this section is commendable. However, it provides sanctions not only for failure by the applicant to comply with the law within 90 days (subsection (A)), but also for non-issuance of the Certificate of Occupancy within 90 days (subsection (B)). The latter may occur even though the applicant has come into compliance with the law within those 90 days. The exceptions provided in Section VI do not necessarily cover every situation where the applicant is in compliance with the law but has not yet been issued a certificate. For instance, an applicant who brings his property into compliance just prior to the expiration of the 90 days may not receive his certificate in time. However, he would not necessarily be protected by paragraph VI(A)(1) (non-issuance attributable to delay by the government) because the government could claim that it had acted as quickly as possible but that he had simply come into compliance too late. Similarly paragraph VI(A)(2) and (3) do not apply. Paragraph VI(A)(4) would theoretically provide a catchall for such cases, but it may in fact be too broad for an exception and therefore defective on due process grounds (see comments below). Furthermore, such circumstances may be unforeseen and therefore the applicant may not have applied for an exemption 15 working days (at least three calendar weeks) prior to the expiration of the 90 days.

All this brings into question why subsection (B) is even necessary. If an applicant brings his property into compliance within 90 days, that should be good enough to avoid cancellation of his application and forfeiture of his fee.

Within the 90 calendar day period, as many as 42 calendar days can pass before the applicant receives the inspection results, which would give him only 27 calendar days before the deadline for submitting an exemption request.

Recommendation: Add to the end of subsection (A):
~~"The applicant may file a new Certificate of Occupancy application and again pay the required fee".~~

Delete subsection (B) entirely.

Section VI - Exemption - Special or Unusual Circumstances

(A) An applicant may be relieved of complying with Section V for any of the following reasons:

(1) Action on the part of the District of Columbia Government which delays issuance of the Certificate.

Comment: Two points need clarification. First, delay is often caused by inaction rather than action. Second, delays which are caused by fault of the applicant may result in government "action".

Recommendation: Amend (A)(1) so that it reads:
(1) Action or inaction on the part of the District of Columbia Government which is not the fault of the applicant and which delays issuance of the Certificate.

(2) The application is for a building being erected or extensive alterations to an existing building where the submission of plans is required and the work cannot be completed within ninety (90) days.

(3) The District Government has performed all the required services but due to extenuating circumstances the applicant is unable, through no fault of his own, to bring the property into compliance.

- (4) Other special or unusual circumstances as determined by the Director.

Comment: As indicated above, paragraph VI(A)(4) allowing exemptions for "(o)ther special or unusual circumstances as determined by the Director" does not contain sufficient standards to guide the Director's discretion. The vague standard of "special or unusual circumstances" is so open to subjective interpretation that it gives the Director virtually unbridled discretion and threatens to create an exception that would consume the rule. Moreover, virtually every applicant requesting an exemption would probably consider his situation special or unusual, and so this exemption fails to give notice to applicants as to what actually would be considered special or unusual. Finally, if the Director's ruling under this paragraph were to be appealed under Section IX, the Board of Appeals and Review and ultimately the Court of Appeals would have no basis by which to judge whether the Director had properly exercised his discretion.

Recommendation: Delete subsection (A)(4).

(B) All requests for exemptions shall be made in writing and addressed to the Director, Department of Licenses, Investigations and Inspections.

(C) All requests for exemptions must be filed fifteen (15) working days prior to the expiration of the ninety (90) day period. The request shall specify:

(1) The details of all efforts on the part of the applicant to bring the property for which an exemption is requested into compliance;

(2) The basis for the request;

(3) The facts which support the request in sufficient detail to enable the Director to make an informed judgment.

Comment: Subsection VI(C) requires that requests for exemptions be filed 15 working days (which amounts to at least 21 calendar days) prior to expiration of the 90 day period. As mentioned above, the 15 day period is simply too long and unforeseen circumstances may preclude an exemption for an applicant who had acted diligently and in good faith.

Recommendation: Delete "fifteen (15)" and in its place insert "five (5)".

(D) The Director shall request and receive information in addition to that required by the applicable codes and these rules reasonably necessary to facilitate a determination that the exemption requested shall be granted or denied.

(E) The exemption requested shall be either granted or denied by the Director as soon as practicable after receipt of all required information, as well as any additional information requested by him.

~~(F) The decision to grant or deny shall be delivered to the applicant in writing by certified mail or personal service.~~

~~(G) A decision to grant an exemption shall set forth the extended period of time by which compliance must be achieved.~~

(H) The provisions of Section V shall apply to the extended period to time.

Section VII - Records

The Chief, Permit Branch, Department of Licenses, Investigations and Inspections shall be the custodian of Certificate of Occupancy records. Such records shall include, but not be limited to, the following:

(A) Pending Certificate of Occupancy applications on file less than ninety (90) days.

(B) All applications for Certificate of Occupancy, copies of all previously issued Certificate of Occupancy cancellation notice and related correspondence.

Comment #1: This section should be drafted in compliance with the D.C. Freedom of Information Act, D.C. Code 1-1521 et seq. Under D.C. Code 1-1502(18) all the documents concerned are part of the "public record" for which the public is guaranteed access under D.C. Code 1-1522(a). This should be expressly stated in Section VII.

Recommendation #1: After "the custodian of Certificate of Occupancy records.", add: "All such records are public records and shall be available for public inspection during regular business hours."

Comment #2: Subsections (A) and (B) do not address pending applications which have been on file more than 90 days but have been granted an exemption under Section VI.

Recommendation #2: Add a new subsection (B):
"Pending Certificates of Occupancy applications
which have been granted exemptions under Sec-
tion VI."

Renumber current subsection (B) to (C).

Section VIII - Suspension and Revocation of a Certificate
of Occupancy

(A) Any Certificate of Occupancy issued pursuant to these
rules may be suspended or revoked by the Director, after no-
tice, for any of the following reasons:

(1) Fraud, misrepresentation, or false
statements contained in the application
for the Certificate of Occupancy.

(2) Violation of these rules, or the
violation of the provisions of other laws
and regulations applicable to the Certi-
ficate of Occupancy.

(3) Conduct of the business licensed under
these rules in an unlawful manner or in
such a way as to constitute a menace to
the health or safety of the public.

(4) The Certificate of Occupancy has been
erroneously issued.

(B) Notice of the proposed suspension or revocation of
the Certificate of Occupancy shall be given in writing, setting
forth specifically the grounds of the complaint. Such notice
shall be by certified mail, at least ten (10) days prior to the
date of the proposed action.

Comments: This section allows suspension or revo-
cation of a Certificate of Occupancy after notice
for certain enumerated reasons. An aggrieved per-
mit holder may appeal to the Board of Appeals and
Review under Section IX. However, the fact that
a Certificate of Occupancy can be revoked without
a prior hearing may be a violation of due process.
Once a Certificate of Occupancy is granted, it be-
comes an entitlement and as such is a "property"
right for which due process requirements must be
met before it can be taken. Therefore permit
holders should be given the opportunity to a hear-
ing BEFORE a revocation or suspension order takes
effect. Such a suspension or revocation comes

within the definition of a "contested case" under Section 1-1502(8) of the Administrative Procedure Act. Although that definition excepts from its terms "proceedings in which decisions rest solely on inspections, tests, or elections", the grounds upon which suspensions or revocations may be ordered are much broader and would most certainly come within the ambit of contested cases.

On the other hand the imposition of another layer of administrative hearings would probably only create an unnecessary administrative burden. The much simpler solution would be to provide for an ~~automatic stay of a suspension or revocation order~~ once a permit holder appeals to the Board of Appeals and Review. That would allow a hearing de novo prior to imposition of an order.

Recommendation: At the end of Section VIII(B) add the following: "The filing of a notice of appeal from any order issued under this section shall be an immediate stay of such order until disposition of the appeal."

Section IX - Appeals

Any person aggrieved by the action of the Director under these rules may appeal such action to the Board of Appeals and Review in accordance with the provisions of Title 10, District of Columbia Rules and Regulations.

Comment: First, ANC s, as the official representatives for neighborhoods throughout the District, should be expressly included as aggrieved parties. Second, consistent with our proposed subsection IV(D), inspection agency decisions should be individually appealable.

Recommendation: Amend Section IX to read: "Any person or affected Advisory Neighborhood Commission aggrieved by the action or inaction of the Director or inspecting agencies under these rules may"

Section X - Severability

If any provisions of these rules or the application thereof to any person or circumstance is held invalid, the remainder of the rules, and the application of such provision to other persons or circumstance, shall not be affected thereby.

Section XI - Status of Pending Certificate of Occupancy

Effective upon implementation of these rules, all Certificate of Occupancy applications currently on file will be treated as new applications and will be given a full ninety (90) day period to comply.

RESOLUTION

(Introduced by _____ and
Adopted by _____ on _____ 1980)

WHEREAS, Ward 3 has suffered a considerable shrinkage of its rental housing stock through condominium and cooperative conversion, particularly along the Connecticut and Wisconsin Avenue corridors; and

WHEREAS, Ward 3 would be threatened by an additional loss of rental housing stock should the current and pending conversion moratoriums expire without a permanent solution of the rental housing crisis having been found; and

WHEREAS, the elderly, fixed and middle-income renters in Ward 3 are experiencing great anxiety caused by the uncertainty of their rental status and by the extremely low vacancy rate in this Ward where most of them have lived for practically a lifetime; and

WHEREAS, the proposed Rental and Housing Conversion and Sale Act of 1979, Bill 3-222, represents a commendable effort to slow down the ever accelerating rate of condominium and cooperative conversion in the District of Columbia; and

~~whereas the 3C's housing committee~~

WHEREAS, Bill 3-222, if enacted would help preserve what is left of the traditional character of the Nation's Capital as a community of renters; and

~~WHEREAS, Advisory Neighborhood Commission 3B has already passed a resolution in strong support of Bill 3-222.~~

BE IT RESOLVED that Advisory Neighborhood Commission 3 recommends that the Housing and Economic Development Committee give favorable consideration ~~urgently to the Council and the Mayor of the District of Columbia to~~ to Bill 3-222 and promptly report it to the full D.C. Council for timely action. ~~enact Bill 3-222 (in its entirety and without debilitating amendments.)~~

~~that the House of Representatives give favorable consideration to Bill 3-222 as promptly report it to full D.C. Council for timely action.~~
enact Bill 3-222

SIGNED BY: _____

DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3C
2737 Devonshire Place, N.W. (202) 232-2232 Washington, D.C. 20008

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

BY-LAWS

Adopted January 30, 1978

As amended through March 27, 1978

Single Member District Commissioners, 1977

01 Fred Pitts
02 Ruth Haugen
03 Neal Krucoff

04 Lindsley Williams
05 Katherine Coram
06 Kay McGrath
07 Sam Smith

08 Charles Van Way, Jr.
09 Thomas Corcoran, Jr.
10 David Grinnell

ADVISORY NEIGHBORHOOD COMMISSION 3C

By - Laws

ARTICLE I. NAME

There is established by the council of the District of Columbia Advisory Neighborhood Commission 3C.

ARTICLE II. OBJECT

Section 1.a. The Commission may advise the Council of the District of Columbia, the Mayor and each executive agency, the courts, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District governmental policy including decisions regarding planning, street, recreation, social service programs, education, health, safety, historic preservation, and sanitation which affects the Commission area. Proposed actions of the District government policy shall be the same as those for which prior notice of proposed rule-making is required pursuant to D.C. code §1-1505(a) or as it pertains to the Council of the District of Columbia.

Section 1.b. Proposed District government actions that the Commission shall have the opportunity to comment upon shall include, but shall not be limited to, actions of the Council of the District of Columbia, the executive and judicial branches or any independent agency. The Commission may advise each agency, board and commission regarding the award of any grant funds, the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvement, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, the opening of any proposed facility system designating historic places or areas, and any other matter.

Section 2. The Commission may present its views to any federal or District agency, and others.

Section 3. The Commission may initiate its own proposals for District government action.

Section 4. The Commission shall monitor complaints of Commission area residents with respect to the delivery of District government services and may file comments on same with appropriate District government entity as well as the Council.

Section 5. On or before November 30 of each year, the Commission shall file an annual report with the Council of the District of Columbia and the Mayor for the preceding fiscal year. Such report shall include but shall not be limited to

- 1) summaries of important problems perceived by the Commission, grouped or ranked in order of their priority,
- 2) recommendations for actions to be taken by the District government,
- 3) recommendations for improvements on the operation of the Commission,
- 4) financial reports,
- 5) summary of Commission activities,
- 6) the record of attendance of Commissioners at all official meetings of the Commission, and
- 7) minority views

The report shall be a part of the records of the Commission and available to the public.

Section 6. The Commission may propose, enact, and operate any program permitted by law.

Section 7. The Commission may, where appropriate and as specifically resolved by the Commission, constitute the citizen advisory mechanism required by any District or federal statute, or non public agency.

Section 8. The Commission shall not participate in partisan political activities.

ARTICLE III. MEMBERS

Section 1. The Commission shall be comprised of those persons duly elected and certified by the D.C. Board of Elections and Ethics to Single Member Districts within area 3C.

Section 2. Each member of the Commission shall serve for a term of two years which shall begin at noon on the second day of January next following the date of election of such member, or at noon on the day after the date the Board certifies such election of such member, whichever is later, except that the terms of the members elected at the first election for members of the Commission shall begin at noon on the first day of March, 1976, or at noon on the day after the Board certifies the results of such election, whichever is later, and shall terminate at noon on the second day of January, 1978. Vacancies shall be filled in accordance with Section 8(d) of the Advisory Neighborhood Councils Act of 1975 and as it may be hereafter amended.

Section 3. The members shall serve without compensation; however, appropriate expenses may be reimbursed upon authorization by the Commission as specified in Article IV, Section 22 of these By-Laws.

Section 4. Each Commissioner shall have one vote on all matters before the Commission. There shall be no voting by proxy.

ARTICLE IV. OFFICERS, THEIR DUTIES AND RESPONSIBILITIES

Election and Removal of Officers

Section 1. The Commission shall elect from among the Commissioners a Chairperson, a Vice Chairperson, a Recording Secretary, a Corresponding Secretary, a Treasurer, and a Vice Treasurer. The Commission may create or combine offices by resolution. The offices of Recording Secretary, Corresponding Secretary, and Vice Treasurer may be combined into one or two offices.

Section 2. The Chairperson shall preside over elections to an office unless he or she is a candidate for that office; if the Chairperson cannot preside over the election for any reason, then the presiding officer shall be the next ranking officer. For purposes of this section, the rank of officers shall be Vice Chairperson, Recording Secretary, Corresponding Secretary, Treasurer, and Vice Treasurer.

Section 3. A quorum for the election of officers or creating an office by resolution shall be seven Commissioners.

Section 4. Each candidate for office shall be nominated from the floor. A candidate may nominate himself or herself. A nomination need not be seconded. A candidate may not be nominated without his or her consent. Candidates nominated may make a short statement.

Section 5. Voting shall occur before the floor is opened for nominations for another office.

Section 6. A simple majority of Commissioners present and voting shall be required for election of officers. In the event that there is no simple majority after the first ballot, there shall be an election between the two candidates receiving the most votes.

Section 7. The election of officers shall be held at the first official meeting of the Commission in each calendar year. The initial election of a Commissioner to an office created by resolution shall be held within thirty days of, but not earlier than the official meeting following the meeting at which the office was created.

Section 8.

The elected officers shall serve until their successors are elected but, in any event, no longer than permitted by the laws of the District of Columbia pertaining to Advisory Neighborhood Commissions. In the event of a vacancy, the officer filling the vacancy shall only serve out the term of the officer he or she replaced.

Section 9. An officer may resign.

Section 10. An officer may be removed from office, or an office created by resolution occupied by a Commissioner may be abolished by vote of seven Commissions at a regularly scheduled official meeting. A motion for removal or abolition of an office occupied by a Commissioner may not be voted upon unless it was presented at a previous official meeting of the Commission and notice of the motion is provided to the public pursuant to Article VI of these By-Laws and to the affected Commissioner. Following a motion to remove an officer, the Commission may, by resolution, suspend the affected Commissioner from that office until further action of the Commission, not to exceed thirty days.

CHAIRPERSON

Section 11. The Chairperson shall serve as a convenor of the Commission and shall chair the Commission meetings.

Section 12. The Chairperson shall rule on procedural questions, (including matters of germaness and time limits on discussion) from the chair; such rulings may be overturned by a majority vote of the Commissioners present and voting.

Section 13. The Chairperson shall have the power to call special meetings of the Commission.

VICE CHAIRPERSON

Section 14. The Vice Chairperson shall provide such assistance to the Chairperson as is requested and shall perform such duties as may be delegated by the Chairperson.

Section 15. In the Chairperson's absence, or when the Chairperson wishes to give up the chair, the Vice Chairperson shall act as Chairperson.

RECORDING SECRETARY

Section 16. The Recording Secretary shall be responsible for the preparation of the minutes for all meetings of the Commission and for the distribution of copies of minutes to all members of the Commission.

Section 17. The Recording Secretary shall be responsible for maintaining records of all activities and shall perform such duties as the Chairperson may direct.

Section 18. The Recording Secretary shall serve as a central repository of copies of minutes of all standing and special committees.

CORRESPONDING SECRETARY

Section 19. The Corresponding Secretary shall issue all notices of regular and special meetings to the Commissioners and conduct the general correspondence of the Commission. He or she shall assure that all Commissioners have actual notice of meetings of the Commission and of all joint Commission meetings.

TREASURER

Section 20. The Treasurer shall maintain and have custody of the Commission's books of account.

Section 22. Every expenditure of funds by the Commission shall be authorized in writing by the Treasurer and recorded in the Commission's books of account, provided, however, that the Treasurer may disburse to Commission member or employee of the Commission amounts not in excess of \$50 out of petty cash funds. All expenditures for compensation for services shall be approved by the Commission by resolution.

Section 23. The Treasurer shall prepare and the Commission shall approve a quarterly financial report within 30 days of the close of each fiscal quarter. These reports shall be public documents and shall be available for public inspection. The quarterly report signed by the Treasurer and Chairperson of the Commission and attested to by the Recording Secretary as having been approved by the Commission shall be filed with the District of Columbia Auditor.

Section 24. The Treasurer shall propose an annual fiscal year budget request to the Commission on forms to be provided by the Mayor at such times requested by the Mayor. When the budget is approved by the Commission, the Treasurer shall transmit the budget to the Council and Mayor.

Section 25. The Treasurer shall be bonded. The Treasurer shall file with the District of Columbia Auditor a cash or surety bond in the amount required by law. The Treasurer shall file with the office of the District of Columbia Auditor a statement giving a) the Treasurer's name, b) home address, c) business telephone number, d) business address, e) home telephone number, f) location of the books and records of the Commission, and g) name and location of each depository.

VICE TREASURER

Section 26. The Vice Treasurer of the Commission shall assist the Treasurer in such manner as the Commission or Treasurer may direct.

Section 27. The Vice Treasurer shall become Treasurer whenever the office of Treasurer is declared vacant by resolution of the Commission. The Vice Treasurer shall perform the functions of the Treasurer if the Treasurer is not available to perform his or her duties for a period of seven consecutive days or more. The Vice Treasurer shall file a statement with the District of Columbia Auditor in accordance with Article IV, Section 25.

ARTICLE V.

FISCAL AFFAIRS

Section 1. The Fiscal year of the Commission shall begin October 1 and end the following September.

Section 2. The Commission shall follow the guidelines of the District of Columbia Auditor in the conduct of its fiscal affairs.

Section 3. The Commission shall designate one or more financial institutions within the District of Columbia as depositories of Commission Funds.

Section 4. No expenditure shall be made by the Commission during a vacancy in the office of Treasurer or at any time when a current and accurate statement and bond are not on file with the District of Columbia Auditor.

Section 5. The Commission shall develop an Annual Fiscal Budget after submitting it to Area residents for review and comment. The final budget shall be submitted to the Council and to the Mayor on or before April 30 of each year provided that submission on any different dates may be required to conform with the District of Columbia budget schedule. *with adequate notice.*

Section 6. Quarterly financial reports of the Commission shall be prepared, approved and filed in the manner set forth in Article IV, Section 25.

Section 7. Records of expenditures of petty cash funds of the Commission shall be transmitted to the Treasurer prior to any further disbursements of such funds.

ARTICLE VI.

MEETINGS AND ACTIONS

Section 1. Pursuant to the provisions of Section 742(a) of the District of Columbia Self-Government and Government Reorganization Act, all meetings of the Commission shall be open to the public.

Section 2. No official action may be taken by the Commission unless five or more of the elected Commissioners are present and voting, and four (or more) Commissioners concur in the action. This section does not apply to matters of procedure.

Section 3. Subject to the provisions of Article V, Section 2, Commission action, except for amending these By-Laws, shall be approved by a simple majority of those Commissioners present and voting.

Section 4. In the case of a tie vote, a motion for Commission action shall fail.

Section 5. The Commission shall convene residents of its Commission area at regular intervals at least four times a year to hear resident views on problems in the Commission area and on proposed District government actions affecting said area.

Section 6. The Commission shall generally meet at regular intervals, not less than nine times a year to consider all matters before the Commission.

Section 7. Within the area of the Commission, meeting places shall be varied.

Section 8. No less than seven days public notice shall be given by the Commission of all its meetings or convocations. Notice shall be given by posting written notices in at least two conspicuous places in each single member district within the Commission area.

Section 9. Notice of less than seven (7) days to the public shall be sufficient for a regularly scheduled meeting if good cause for shorter notice is declared by the Commission at a previous meeting, or in the case of a special meeting by the Chairperson or the three Commissioners calling said meeting. In all cases the rationale for notice of less than seven days shall be stated in the notice.

Section 10. A Commissioner shall be deemed to have received actual notice of a regular or special meeting of the Commission if he or she attends the meeting, attended a prior meeting at which the date, time and place of the meeting was announced, or written notice of the meeting is delivered to his or her residence. The Corresponding Secretary shall assure, to the maximum extent possible, that all Commissioners have actual notice of all meetings of the Commission.

Section 11. Within thirty days of actual receipt of a notification from the District of Columbia government or proposed actions or proposed final policy decisions or guidelines, the Commission shall forward its written recommendations with respect to the proposal to appropriate entities of the District of Columbia government. If the Commission does not have a recommendation, it shall so indicate in writing within the same time. The Commission may apply for and accept additional time within which to make its recommendations.

Section 12. Resident views should be incorporated in positions taken by the Commission.

Section 13. The Commission should establish such mechanisms as will insure the broadest dissemination of information with respect to the Commission meetings, position and actions. The Commission shall make a good faith effort to involve all segments of the Commission population in its deliberations regardless of race, sex, age, national origin, voting status, religion, or economic status.

Section 14. Special meetings of the Commissions shall be called by the Chairperson or by written request of three of the Commissioners delivered to the Corresponding Secretary. The purpose of the meeting shall be stated in the notice and no other topic may be acted upon at that meeting.

JOINT MEETINGS

Section 15. The Commission may hold joint meetings with other Advisory Neighborhood Commissions.

Section 16. Joint Commission meetings may be held only after authorization to participate in such joint meetings and to discuss such matters approved by the Commission at a official meeting held prior to such joint meeting.

Section 17. The Commission may, by resolution appoint one or more of their members as representatives to a joint Commission in accordance with the procedures set forth in these By-Laws.

Section 18. The Commission members shall reflect the views of the Commission and be bound by the instructions of the Commission.

Section 19. All joint meetings of Commissions shall be open to public attendance and at least fourteen days notice shall be given by posting written notices in at least two conspicuous places in each single member district of the Commission. Commissioners shall be notified of joint meetings by the Corresponding Secretary.

Section 20. Votings at such meetings shall be limited to the Commission members.

ARTICLE VII.

COMMITTEES

Section 1. There shall be two categories of committees;

-Standing committees - those created permanently by the Commission.

-Special committees - those created temporarily by the Commission. Memberships on such committees shall be open to any resident. The Chairperson of a committee need not be a Commissioner. Each Commission may involve representatives of neighborhood groups in the work of its committees.

Section 2. Each committee shall be composed initially of at least one Commissioner.

Section 3. The Commission shall appoint and remove committee chairpersons and vice-chairpersons.

Section 4. Committees shall also elect such other officers thereof as are needed.

Section 5. The composition, size, manner of selection and duties of all committees and duration of special committees shall be determined by the Commission.

Section 6. Any special committee may become a standing committee with the concurrence of the Commission.

Section 7. Upon transformation of a special committee into a standing committee, the Commission members serving on, and purpose of the committee, shall remain the same; unless the Commission makes such changes as are necessary.

Section 8. With the concurrence of the Commission, committees shall have the authority to establish sub-committees made up of one or more members of the committee as well as non-members of the committee.

Section 9. The time and schedule of committee meetings shall be established by the respective committees themselves.

Section 10. Whenever a committee is charged with reporting to the Commission the attitudes or opinions of the residents of the Commission area, it will take appropriate steps to involve the residents in its deliberations.

Section 11. Nothing in this Article should preclude any groups of Commissions and residents from forming themselves into ad hoc groups to address and report upon any matter of interest to the Commission.

ARTICLE VIII.

PARLIMENTARY AUTHORITY

Section 1. Meetings of the Commission shall be conducted by the Chairperson in accordance with Articles IV and VI.

Section 2. The agenda of each meeting pursuant to Article VI, Section 6 shall be as follows:

- A Call to order
- B Roll call
- C Verification of notice
- D Distribution of minutes of last meeting (if not previously mailed or otherwise distributed)
- E Adoption of minutes of meeting before last meeting and, if possible, minutes of last meeting
- F Treasurer's report
- G Elections (if any); By-Law changes (if any)
- H Residents' concerns (The Chairperson shall limit discussion of residents concern so as to allow for the completion of other business)
- I Other internal business (other than elections and By-Law changes)
- J Action on matters referred to the Commission by the District of Columbia Government
- K Other business (including resumption of residents' concerns)
- L Announcement of next meeting
- M Adjournment

The Commission by a majority of the Commissioners present and voting may suspend or alter the agenda of any meeting except as to items A, B, C, L, and M.

ARTICLE IX.

MISCELLANY

Section 1. The Commission may solicit or accept funds as permitted by law.*

Section 2. Should the Commission feel legal redress is required, it shall petition the Council through its special committee on Advisory Neighborhood Commissions or such successor committee.

Section 3. Any Commissioner may institute a legal action in the courts of the District of Columbia or in the federal courts but the Commission itself shall not have such power until permitted by law.

Section 4. The Commission shall have no authority to incorporate until permitted by law. No Commissioner shall be liable for action taken as a Commissioner. The Commission shall be responsible for the acts of any person acting for it within the scope of his or her authority.

Section 5. The authority to employ and discharge any employee shall repose in the Commission. The Commission shall establish position descriptions for its employees, and persons hired by the Commission shall meet the qualifications established in the job description. Employees of the Commission may be hired on a full-time or part-time basis and for an indefinite or definite term, but no term of employment shall extend more than 90 days into the term of a newly elected Commission. The Commission shall be an equal opportunity employer. Employees of the Commission are not covered under Federal or District civil services rules and regulations with respect to employment, discharge, or discipline nor under any medical, pension, or retirement plan thereof.

Section 6. As used in these By-Laws, the term "residents" includes any natural person residing in the Commission area. Other persons and entities having an interest in the affairs of the Commission may participate in the affairs of the Commission except as limited by the Commission.

Section 7. The Commission may form itself into a committee of the whole; however, it may not take action as a Commission except at an official meeting called pursuant to Article VI.

Section 8. The Commission may implement these By-Laws by appropriate resolutions.

*At the time of the adoption of these By-Laws (March 22, 1976) the limit on contributions from a single contributor was \$100 per year.

Section 8. The Commission may implement these By-Laws by appropriate resolutions.

Section 9. Whenever these By-Laws require a vote or quorum of a certain number of Commissioners and the number of incumbent Commissioners is other than ten, the number of Commissioners required for that vote or quorum shall be the percentage of incumbent Commissioners, rounded up to the next whole number, determined by applying the number required in these By-Laws to the number ten.

ARTICLE X.

BY-LAWS

Section 1. The Commission shall file an up-to-date copy of each and all amendments thereto with the Council of the District of Columbia within seven days of their initial adoption.

Section 2. Amendment of these By-Laws requires affirmative vote of the Commissioners with at least 14 days prior notice to each Commissioner that the By-Laws will be recommended for change. Such notification shall include the suggested changes or a synopsis thereof.

Section 3. These By-Laws shall be consistent with all Congressional and District legislation and other applicable laws regarding Advisory Neighborhood Commissioners and in case of a conflict the legislation shall govern.

Section 4. Copies of these By-Laws shall be available to the public for inspection and copying.