

**Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
January 13, 2011**

Present: Commissioners Alberti, Healy, Holmes, Hysell, Lawler, Mack, Ronneberg, and Veenendaal-Selck

The meeting was convened at 7:00 pm by Commissioner Nicholas Alberti.

1. Agenda

Mr. Alberti asked to have a resolution on the ANC's bank considered under the Treasurer's Report. Mr. Holmes requested that the Economic Development Committee report be moved up earlier in the meeting. The agenda was accepted as amended without objection.

2. Minutes

Consideration of the December minutes was moved to the February meeting because they were not included in the agenda package.

3. Special Orders – Election of Officers, Bylaws, Committee Chairs and Appointment of Members for 2011

Officers

Mr. Alberti asked for nominations for the position of Chair: **Motion:** Dr. Ronneberg moved/Ms. Mack seconded a motion to nominate David Holmes as Chair of ANC 6A. There were no other nominations, and Mr. Holmes was elected unanimously.

Mr. Holmes assumed the chair. **Motion:** Mr. Alberti nominated/Ms. Mack seconded the nomination of Drew Ronneberg to be Vice Chair of ANC 6A. There were no further nominations, and Dr. Ronneberg was elected unanimously.

Motion: Dr. Ronneberg moved/Mr. Healy seconded the nomination of Nick Alberti as Treasurer of ANC 6A. There were no further nominations, and Mr. Alberti was elected unanimously.

Motion: Mr. Alberti moved/Dr. Ronneberg seconded the nomination of Lia Veenendaal-Selck as Secretary of ANC 6A. There were no further nominations and Ms. Veenendaal-Selck was elected unanimously.

Bylaws

Mr. Holmes suggested voting on several changes to the ANCs bylaws that were presented at last month's meeting for consideration:

- **Change the titles Chairperson and Vice Chairperson to Chair and Vice Chair respectively.** Mr. Holmes said he believes that "person" is an awkward construction, now dated. It is commonly understood that the titles Chair and Vice Chair encompass both sexes.
- Article 4, section 8a adds "**an instrumentality of**" and deletes "**pursuant to the Federal Deposit Insurance Act.**" Credit Unions are separately insured, as have been savings and loans. Other federal agencies may be created to insure funds in future types of depository institutions.

- Article 5, section 4 makes explicit an acceptable type of public notice for ANC meetings. Add “**Posting of notice of meetings of the Commission’s website; and**”, and re-number.
- In Article 6, section 2, delete section 2b and re-number, because the topic is included in 2d with greater clarity.
- In Article 8, re-number the third section to correct having two Section 2s.
- Article 9, section 4(g), replace “**mailed**” with “**transmitted**”. Few depository institutions still mail originals and many only make copies of cancelled checks available online.
- In Article 10, section 2, insert and re-number to reflect the previously adopted status of Transportation and Public Space as a permanent committee.
- Article 11, section 2 delete “**and file the proper signature**” as duplicative and awkward.

Mr. Holmes also asked whether the Commission wished to designate the Chair as deputy Secretary to fulfill the duties of the Secretary when a vacancy occurs in that office. If so:

- Article 9, Section 1, add new (g) **the Chair shall perform the duties of the Secretary during any vacancy in the office of Secretary, in which case the Chair shall also serve as Deputy Secretary. In case of resignation or vacancy of the Secretary, the Deputy Secretary shall perform the duties of the Secretary until an election can be held at the next Commission meeting.**” Re-number.

He also suggested:

- Amend Article 10, section 7 by adding “**Committee recommendations shall constitute motions [when a quorum of Committee members is present] when presented to the Commission, and shall require a Commissioner to second the motion.**” Mr. Holmes said that this recognizes the importance of the work the Committees do, and expedites the proceedings. (The bracketed portion of the amendment was added as a friendly amendment, and the brackets are not part of the amendment.)

Ms. Lawler asked whether the process in the last amendment is done by other ANCs, and was told, yes by Mr. Holmes, that other Commissions use the same parliamentary process but that the Commission could establish its own procedures. The bylaws changes were approved *en bloc* 7-0-1, with Ms. Mack abstaining.

Committee Chairs

Alcoholic Beverage and Licensing: **Motion:** Dr. Ronneberg moved/Ms. Lawler seconded a motion to nominate Adam Healy as Chair of the ABL Committee. There were no other nominations and Mr. Healy was elected unanimously.

Community Outreach: **Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to nominate Elizabeth Nelson as Chair of the Community Outreach Committee. There were no other nominations and Ms. Nelson was elected unanimously.

Economic Development and Zoning: **Motion:** Ms. Lawler moved/Mr. Hysell seconded a motion to nominate Drew Ronneberg as Chair of the Economic Development and Zoning Committee. There were no other nominations and Dr. Ronneberg was elected unanimously.

Transportation and Public Space: **Motion:** Mr. Alberti moved/Mr. Hysell seconded a motion to nominate Omar Mahmud as Chair of the Transportation and Public Space Committee. There were no other nominations and Mr. Mahmud was elected unanimously.

Mr. Holmes asked whether there were any motions for additional committees, but there were none.

Committees

Motion: Mr. Alberti moved/Dr. Ronneberg seconded a motion to vote on all the candidates for committee membership listed in the agenda package *en bloc*. *Those candidates are:*

Alcoholic Beverage and Licensing: Ann Marie Kosahuta, Jaki Downs, Michael Herman, Katy Ziegler Thomas

Economic Development and Zoning: Dan Golden, Cody Rice, Jeff Fletcher, Phil Toomajian, Barbara Halleck, Arkan Haile, Bill Schultheiss, Charmaine Josiah, Julie Santoboni

Community Outreach: Louis Barbash, Rose Williams, Mark Roy, Jean Kohanek, Necothia Bowens, Patricia Joseph.

Transportation and Public Space: Lance Brown, Shane Artim, DeLania Hardy, Sean Lovitt, Marlon Smoker.

Dr. Ronneberg said that Lance Brown had moved out of the ANC and was not eligible to serve. Mr. Alberti moved to remove his name from the list, and the committee members were approved unanimously.

4. Community Comment

Brittney Weaver, the new Ward 6 representative of the Mayor's Office introduced herself, and said she wants to be as helpful as possible to the people in ANC 6A. She can be reached at brittney.weaver@dc.gov.

Naomi Mitchell, of Councilmember Wells' office, introduced herself to the Commission, saying that she has covered the other three Commissions in the Ward, but now would be covering 6A as well. She said it is important for her to know what each Commissioner is up to so she and the Councilmember can be of help. She was asked what the difference is between what she does and the Mayor's office's responsibilities. She said that she was more concerned with issues, and the Mayor's office worked on process. Mr. Holmes said that Ms. Mitchell had been of great help to the ANC in dealing with important issues.

5. Officer Reports

Chair

Mr. Holmes thanked the Commissioners for their confidence in him.

Treasurer

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$20,410.69 and the savings account balance was \$4,203.20. There was an interest payment to the savings account of \$.35. There were disbursements of \$3,689 to Capital Community News for advertising for 2011 (Check #1489); \$200 to Heather Schoell for the December 2010 Agenda package (Check #1490); \$180 to Roberta Weiner for taking and transcribing the November 2010 minutes (Check #1491); and \$95.39 to FedEx Office (November '10 statement) (Check #1492), leaving a balance of \$16,246.30 in the checking account and \$4,203.55 in the savings account.

Motion: Mr. Alberti moved/Ms. Veenendaal-Selck seconded a motion to approve the disbursements. It passed without objection.

Motion: Mr. Alberti moved/Ms. Lawler seconded a motion to accept the Treasurer's Report. It passed without objection.

Motion: Mr. Alberti moved/Ms. Veenendaal-Selck seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month.

Dr. Ronneberg asked whether the photocopying expenses can be approved for the entire year. Mr. Alberti said that he gets mixed messages from the Auditor, but it is in the budget and he can stop doing this, and he will withdraw the motion and make a new one. Ms. Veenendaal-Selck agreed to the withdrawal of the motion.

Motion: Mr. Alberti moved/Dr. Ronneberg seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for each month of 2011. The motion was accepted without objection.

Mr. Alberti said that it was time to renew the ANC's participation in the ANC Security Fund, which indemnifies all the ANC's against theft and embezzlement. **Motion:** Mr. Alberti moved/Ms. Veenendaal-Selck seconded a motion to allocate \$25 for ANC participation in the ANC Security Fund. The motion passed without objection.

Ms. Veenendaal-Selck raised the issue of business cards for all commissioners and committee chairs that need them. Mr. Alberti said that specific information is needed—who the cards are for, how much they will cost, etc. Ms. Veenendaal-Selck said she will do more research and report back next month. Mr. Healy said he would prefer to move faster because he had people to whom he wanted to distribute the cards. Mr. Alberti said he would appreciate a motion that allocates a lump sum of money with a cap. **Motion:** Ms. Veenendaal-Selck moved/Mr. Hysell seconded a motion to allocate up to \$1000 for business cards for Commissioners and committee chairs. The motion passed without objection.

6. SMD Reports

Mr. Healy reported that there had been a fire in the 800 block of 10th Street. He also said he was working on the logistics for a monthly SMD meeting and would have them finalized shortly.

Dr. Ronneberg reported that the new restaurant Smith Commons had opened in his SMD and "it's fabulous." He also informed the Commission that the streetcar substation has been moved to the southwest corner of 12th and H Streets, across the street from AutoZone. Finally, he said that DDOT had finally removed a wooden locker that had been cemented into the ground during construction.

Mr. Holmes reported that DCRA voided the permit extension issued for the construction of the AppleTree Learning Center because the permit on which it was based had expired. This had happened prior to last month's action by the ANC.

Ms. Lawler reported that she had spoken with Dr. Montgomery of Options School who said they had finally identified a site to move the special needs children, but there was a delay in the move. She also said that there had been five drug arrests in her SMD, and that she too was working on plans for SMD meetings.

Ms. Veenendaal-Selck reported that DCPS was having professional development workshops at Eastern High School and had been kind enough to call her to let her know about the extra parking in her neighborhood. They will be doing more workshops and said they would call and let her know then as well.

7. Committee Reports

Economic Development and Zoning

Dr. Ronneberg recognized the several members of his committee who were in attendance at the meeting, and as he had not attended the last meeting, asked Dan Golden to present the Committee's report.

Gallaudet University

This is a request for a letter of support for a special exception to amend an approved campus plan, and construction of a mixed use academic and student residential building on property zoned R-4. This building will be 60,000 sq. ft. and five stories high, will include a 175-bed dormitory and have a first-floor living and learning center. Gallaudet is seeking approval of the building separately from approval for its Master Plan (which it will present to the Commission soon) because of pressing need for the building.

Motion: Mr. Alberti seconded the Committee's recommendation to send a letter to the Zoning Commission supporting Gallaudet's request for a special exception. The motion passed unanimously, 8-0-0.

1245 G Street NE

This is a request for support for a BZA application for a variance from the non-conforming structure provisions to allow a second story sunroom addition on top of an existing garage serving a one-family house.

The owner, Valeri Byrd, plans to rebuild the existing non-conforming garage and add the sunroom atop the garage. The garage is in need of structural repair, and the sunroom will not have a window on its southern face, overlooking the adjoining property. Mr. Golden reported that Ms. Byrd came to the committee meeting without her architect, and without letters of support for the project from her neighbors. Ms. Byrd also was unfamiliar with the process for obtaining a variance. Because of these reasons, Mr. Holmes, who was present at the meeting indicated he would seek to have the BZA hearing postponed. He also said that if it could not be, Ms. Byrd would have the opportunity to provide the letters of support for the project.

Mr. Alberti asked whether the project could still be considered and was told that it could, although Mr. Ronneberg said that from subsequent e-mails he had the idea that she is not open to any changes. Mr. Holmes said he had spoken to someone at BZA. Mr. Alberti said he will oppose supporting the variance because it is incumbent on the owner to come forward to support their project. **Motion:** Dr. Ronneberg seconded the Committee's recommendation that, in the event that the BZA hearing cannot be postponed, ANC 6A will provide a letter opposing the grant of a request for a variance. The motion passed 7-0-1 with Ms. Mack abstaining. **Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to approve leaving the option of the case being reconsidered by the ANC open. It passed without objection.

Mr. Holmes, who was ill, left the meeting and was replaced in the Chair by Vice Chair Drew Ronneberg.

Alcoholic Beverage Licensing Committee

Mr. Healy said he wanted to thank Mary Beatty, with whom he had a couple of good meetings.

Angelico H Pizza and Tapas – 1421 H Street NE

This is a request for support of a new CR license application for Angelico H Pizza and Tapas at 1421 H Street NE. There is no entertainment endorsement. Liquor service is attached to the food service. They're proposing a summer garden on the Maryland Avenue side of the establishment. The building is currently vacant. They expect liquor sales to be about 20% of sales. Hours will be 11 am to 2 am, seven days a week, although they may close one day. The pizza oven shuts down at 10 pm, tapas and liquor only after that. Seating capacity is 48, plus the summer garden in season. The petition date is January 24th. **Motion:** Dr. Ronneberg seconded the Committee's recommendation that the ANC not protest the license if there is a signed voluntary agreement prior to the petition date, and that the stipulations for the summer garden should be the same as for the Argonaut.

Mr. Healy reported that the voluntary agreement had been signed. However, the ABC Board had added a phrase to number 5 "Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board, or by the ABC Board consistent with the law." Mr. Healy explained that this meant that changes could be done by Board order and sent back to the applicant. Mr. Alberti added that this is a source of conversation between the City Council and ABRA. It is consistent with the laws approved by ABRA, but sets a precedent for unilateral Board action, which takes power away from ANCs.

Mr. Alberti said the Board is being helpful in giving the provision the weight of law. Kelvin Robinson asked whether the Board will accept a rejection by an ANC. Mr. Alberti responded that the Board is suggesting changes that will help the ANCs act. Ms. Mack said she won't support the motion because the owner hasn't been informed of the change. Mr. Healy said that Angelica does have to sign off on the change. The motion passed 4-2-1, with Ms. Mack and Ms. Veenendaal-Selck in opposition and Mr. Alberti not voting.

HR 57 – 816 H Street NE

This is an application for a CT license for HR-57 at 816 H Street NE. It is a community-based jazz club that has been in existence for 19 years in a different location. They have only had one police complaint in nineteen years. The space will hold about 100 to 105 persons. They have soundproofed the space and will only be using the ground floor. They will charge admission from 7:45 pm to closing and will have a happy hour prior to that. Their entertainment endorsement is from 2 pm to 2 am. They will sell carryout food during the day. There is an issue that they permit customers to bring in open containers, which have to be shown on arrival. **Motion:** Dr. Ronneberg seconded the Committee's recommendation that the ANC protest this license unless there is a signed Voluntary Agreement before the petition date of January 10th. Mr. Healy said that the petition date is past, and that the agreement is still being worked on, with the committee working on identifying the language in the law having to do with open containers. The vote was 6-0-1, with Mr. Alberti not voting.

Changes to the Standard Voluntary Agreement

Mr. Healy said that these are several changes to the standard Voluntary Agreement. Mr. Alberti suggested they each be discussed separately.

The first change to Number 1, adds sections (h) and (i), which requires (h) The owner and employees not to park on public space between the building and the curb; and (i) not locate trash bins, chairs, tables, or other equipment of public space without a valid public space permit. **Motion:** Mr. Healy moved/ Mr. Hysell seconded a motion to add these two provisions to the VA.

Mr. Alberti said that this was covered by other DC statutes, and it was enforceable by DDOT. This puts the onus on the community, and will make everyone have to monitor the establishments and take pictures and turn people in. He thinks DDOT should enforce this; ABRA inspectors don't know what public space is. Dr. Ronneberg added that the chances of getting DDOT to enforce the rule are next to nil. In the best of all possible worlds, he said, tying it to the VA will lead to better results. Ms. Mack said that this puts the ANC in the role of the police. Elizabeth Nelson added that carried to its logical extreme, you'd have ABRA enforcing building permits. Mr. Alberti added that if it's a VA and it's enforceable, then it creates a life of its own and you could have ABRA enforcing zoning regulations. Dr. Ronneberg said that there were already requirements in the VA associated with keeping the establishment and surrounding public space clean. If the proposed additions shouldn't be included because of enforceability issues, the current provisions should also be removed. Kelvin Robinson said that it recognizes that ABRA has separate responsibilities, and it provides a way to allow for the documentation of unlicensed behavior. The vote was 5-2, with Ms. Mack and Mr. Alberti in opposition.

The next change to Number 2, would add a new section (v), which would establish an incident log to record any activity by patrons inside or immediately outside the establishment which could lead to an ABRA investigation, and establishes a format for the log. **Motion:** Dr. Ronneberg moved/Ms. Veenendaal-Selck seconded a motion to approve the language establishing an incident log for the VA. The motion passed 6-1-0, with Ms. Mack in opposition.

Finally the language on establishing reimbursable details is discussed in Number 2, section (j). Mr. Alberti said that he doesn't believe the section has the weight of law the way it is written. Ms. Lawler said that there is no compliance period included. Mr. Healy said that they had looked at several VAs and adapted their language. Dr. Ronneberg suggested that the language be amended to say that the applicant agrees to comply with MPD's request as far as numbers. Mr. Alberti said that it should be sent back to the Committee with specific instructions to work on that section. Mr. Hysell asked what constitutes "suggests" in the first sentence of the paragraph, and it should be kept a two-way street, that it's too heavy-handed the way it's written. Mr. Alberti said that legally MPD cannot force an establishment to have a reimbursable detail. **Motion:** Dr. Ronneberg moved/ Ms. Veenendaal-Selck seconded a motion to refer the recommendation back to committee. The motion passed unanimously

8. Community Comments

Margaret Holwill announced H Street Eats, a \$20.11 dinner special week in conjunction with Restaurant Week.

Mr. Healy announced that the XII protest was still not resolved and they have not agreed to any changes in the VA.

Carrie Nobles announced a project to re-name the Rosedale Recreation Center in honor of Reginald C. (KiYi) Ballard, a community activist. She announced that there would be a public meeting at Miner School on February 7th to discuss the project.

The meeting was adjourned at 8:58 pm.