



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for May 8, 2014**



2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
Public Meeting - All Are Welcome to Attend

- 7:00 pm **Call to order**
Call of the roll and announce the presence of a quorum
Approve Previous Meeting's Minutes, Adopt Agenda
- 7:05 **Community Comments (2 minutes each)**
- 7:10 **Community Presentation:**
Presentation on the DC Water Clean Rivers Project - Mr. Emanuel Briggs
- 7:30 **Officer Reports:**
Chair (2 minutes)
Vice-Chair (2 minutes)
Secretary (2 minutes)
Treasurer (2 minutes) *pg.15*
1. Approve Treasurer's Report
2. FY 2014 2nd Quarter Report
- 7:40 **Standing Committee Reports:**
Community Outreach *pg.19*
1. Approve committee report.
2. **Recommendation:** The COC recommends that ANC 6A approve \$300.00 in support of the Eliot-Hine PTO request for picnic tables for an outdoor classroom (quorum).
3. **Recommendation:** Confirmation of Veronica "Roni" Hollmon as a member of the Community Outreach Committee
4. Next meeting - 7 pm, May 19, 2014 (3rd Monday)
- 7:50 **Alcohol Beverage Licensing *pg.25***
1. No report - Committee did not meet.
2. Next meeting - 7 pm, May 20, 2014 (3rd Tuesday)
- 7:55 **Transportation and Public Space Committee *pg.28***
1. Approve committee report.
2. **Recommendation:** ANC pass a resolution and send a letter to DDOT asking that DDOT consider installation of a traffic signal at Maryland and 10th Streets NE as an independent project.
3. **Recommendation:** ANC send a letter to Jim Sebastian at DDOT recommending the location of the new promised Capital Bikeshare station, originally slated for 12th and H Streets NE, at 10th Street and Maryland Avenue NE.
4. **Recommendation:** ANC send a letter to DDOT asking them to correct their characterization of Reservation 266 as public parking because 1) the term properly applies only to the City owned property between the actual street curb and the property lines drawn out in the L'Enfant Plan and 2) if the application of this designation is extended to other similar parcels, it will result in greatly diminished public utility of pocket parks throughout the District.



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5. **Recommendation:** ANC send a letter to Councilwoman Mary Cheh: 1) recommending that all pocket parks and Reservations currently under DDOT jurisdiction be transferred to DPR, along with associated funding, as DPR has a better capacity to manage them in the public interest as publicly available recreational space. Maintaining as large and inventory of publicly available green space is critical as the District's population expands, and 2) asking that she urge DDOT to reconsider its position with regard to the designation as public parking, and to issue regulations providing for public notice and comment.
6. **Recommendation:** ANC send a letter to DC City Council requesting that they craft legislation to declare that pocket parks and Federal Reservations are public space and may never be considered as public parking and that no changes to the landscaping or hardscaping by individuals, that would affect public use or access, may be approved without public input including consultation with the ANCs. Further, a board similar to HPRB should be established to review such cases to ensure a fair and transparent process.
7. **Recommendation:** ANC oppose HPA 14-310 on the grounds that the proposal is inconstant with Section 2 of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Official Code § 6-1101) because 1) a fence subdividing the space will further detract from the historic appearance of Reservation 266 as it was originally a single expanse and 2) more importantly, the fence would prevent public access.
8. Next meeting - 7pm, May 19, 2014 (3rd Monday)

8:20

Economic Development and Zoning *pg.31*

1. Approve committee report.
2. **Recommendation:** ANC write a letter to HPRB in support of HPA 14-180, which seeks design approval for the conversion of the church and two adjoining row houses at 819 D Street, NE into a 30-unit residential development, provided that the developer incorporate HPRB's pending comments into its design prior to the HPRB hearing.
3. **Recommendation:** ANC write a letter to the Zoning Administrator advising that the building plans provided by the developer for 1511 A Street NE at minimum do not appear to accurately depict the grade and curb level, which will affect the calculation of FAR and building height, and advising of additional issues related to the preparation of the plans.
4. Next meeting - 7 pm, May 21, 2014 (3rd Wednesday)

8:30

New Business

8:35

Single Member District reports (2 minutes each)

8:45

Community Comments Round II, time permitting (2 minutes each)

9:00

Adjourn



Advisory Neighborhood Commission 6A Meeting Minutes of April 10, 2014



Advisory Neighborhood Commission (ANC) 6A Minutes Regular Business Meeting Miner Elementary School April 10, 2014

Present: Commissioners Alberti, Hysell, Holmes, Mahmud, Nauden, Ward, Williams

Absent: Commissioner Phillips-Gilbert

The meeting was convened at 7:00 pm.

1. Agenda

The following additions to the agenda were proposed:

- Under Transportation and Public Space, Mr. Holmes proposed a letter opposing the Red Bull Rallycross at RFK Stadium on June 22, 2014;
- Mr. Alberti asked to introduce Charles Onduche, Mayor Gray's new Ward 6 representative;
- A brief presentation from James Gaston III of the Historically Black Colleges and Universities (HBCU) Alumni Association;
- A discussion of 819 D Street NE added to the Economic Development and Zoning Committee; and
- A brief presentation from Commander Deidre Porter of the Fifth (5th) District. The agenda, as amended, was agreed to without objection.

2. Minutes

The March 2014 minutes were agreed to without objection.

3. Community Presentations

Commander Deirdre Porter

Commander Deirdre Porter, head of the 5th Police District, which covers about half of Ward 6, introduced herself and discussed what her responsibilities are to the community. She was asked by several people about how close her working relationship is with First (1st) D Police District Commander Brown, and she was adamant that it was seamless and on-going, with twice-weekly meetings as well as immediate communication when issues arise.

Historically Black Colleges and Universities (HBCU) Alumni Alliance Race

James Gaston III, representing the Historically Black Colleges and Universities (HBCU) Alumni Alliance, gave a brief presentation on their annual 5K run/2K walk on Saturday, June 28, 2014.

Introduction of Charles Onduche, Office of the Mayor

Charles Onduche, the new Ward 6 representative of the Office of the Mayor, introduced himself and said he was looking forward to working with the residents of Ward 6 on their needs and problems. He invited residents to attend the Mayor's Town Hall meeting on the FY 2015 Budget, scheduled for Monday, April 21, at 6:30 pm at Capitol Hill Montessori School, 215 G Street NE.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to add ANC 6A's name as a sponsor of the event. The motion passed without objection.



Advisory Neighborhood Commission 6A Meeting Minutes of April 10, 2014



Anwar Saleem, Executive Director, H Street Main Street

Anwar Saleem, Executive Director, H Street Main Street, made presentations on two of his organization's major projects. The first was a detailed outline of plans for the H Street Festival on Saturday, September 20, 2014. The Festival will be held from the 400 to 1400 blocks of H Street and will require the street to be closed from 4:00 am to 11:00 pm. Along with delineating the details of the entertainment, booths and food, Saleem mentioned his desire for the DC Council to enact legislation that would required streetcar service to be suspended during the time of H St Festivals.

The second presentation Mr. Saleem made was for The Starburst Plaza Intersection, a plan for providing a community gathering place through programming at the Starburst intersection at H Street NE, Bladensburg Road NE and Benning Road NE. The plans include movies, a farmers market, crafts market, and other regularly scheduled events designed to encourage community gathering and pedestrian activity throughout the neighborhood.

4. Officers' Reports

Chair

Mr. Alberti reported that he and Mr. Holmes, along with representatives of other ANCs, had met with Department of Consumer and Regulation Affairs (DCRA) head Nick Majette at a meeting facilitated by Councilmember Vincent Orange to discuss matters on which they would like DCRA to focus. He also reported that Mr. Holmes and he testified on March 21, 2014 before the DC Council's Committee on Transportation and the Environment on behalf of the ANC. They testified about concerns regarding District Department of Transportation's (DDOT) stewardship of pocket parks, particularly as they relates to DDOT actions that have resulted in the potential loss of public access to many of those parks and DDOT's assignment of control of pocket parks to private use.

Treasurer's Report

Mr. Holmes presented the Treasurer's Report. He reported that the opening balance in the checking account was \$14,197.53 and the savings account balance was \$13,718.03. There was an interest payment of \$0.23 to the savings account. There were disbursements of \$200.00 to Irene Dworakowski for the March 2014 agenda package (Check #1641)); \$178.20 for a reimbursement to Elizabeth Nelson for a payment to WebHST (Check #1642); \$180.00 to Roberta Weiner for transcription of the March 2014 ANC minutes (Check #1643); \$755.48 to Blick for art supplies for a grant to Maury Elementary School (Check #1644); \$194.60 for FedEx Office for March 2014 statement (Check #1645); and \$342.00 for USPS postal box rental (Check #1646), leaving a balance of \$12,221.13 in the checking account, and \$13,718.26 in the savings account.

Motion: Mr. Holmes moved/Mr. Williams seconded a motion to accept the disbursements. The motion passed unanimously.

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to accept the Treasurer's Report as presented. The motion passed without objection.

5. Committee Reports

Community Outreach

Ms. Nelson said the Committee had not met, but she wanted to announce that the Committee now had a Twitter account for outgoing messages only pertaining to ANC business, @ANC6A.



Advisory Neighborhood Commission 6A Meeting Minutes of April 10, 2014



Alcoholic Beverage Licensing

There was no formal Committee report. However, Mr. Williams reported that there will be a protest hearing on the hours for the patio for Cusbah.

He also reported that there had been a stabbing outside XII and its license had been temporarily suspended. They went to ABRA and presented a new security plan, and reopened. Williams said the ANC is still protesting their license renewal.

Transportation and Public Space

The report of the Committee was accepted without objection.

Chupacabra Latin Kitchen - 822 H Street NE

Motion: The Committee moved/Mr. Hysell seconded a motion that the ANC approve the Committee's recommendation to send a letter to DDOT in support of Chupacabra's application for the installation of a bicycle rack on public space upon receipt of a commitment in writing that the restaurant staff will dispel loiterers from the location of the bike rack. The motion passed 6-0-1, With Mr. Holmes abstaining.

Nomad Hookah Bar - 1200 H Street NE (This is formerly Sahra Hookah Bar, but is a new business with a new name)

Motion: The Committee moved/Mr. Alberti seconded a motion that the full ANC accept the Committee's recommendation and withdraw its opposition to sidewalk café application by Nomad Hookah Bar upon receipt of written confirmation that: 1) the application has been amended reduce sidewalk café capacity to 44 patrons; 2) the owner will maintain the adjacent sidewalk area and any adjacent planted areas; and 3) that the owner will limit hours to those stipulated in the Settlement Agreement. The motion passed unanimously 7-0-0.

Red Bull Global Rallycross - RFK Stadium - June 22, 2014

Motion: Mr. Holmes moved/Williams seconded a motion to send a letter to Mayor Gray opposing the Red Bull Global Rallycross to be held at RFK Stadium on June 22, 2014, because of the noise impact it will have on the entire community, based on concerns that the pressure levels in the residential neighborhoods will not conform to the DC Ordinance requirement of 60 db during the day and 55 db at night. The motion passed 6-0-1 with Ms. Nauden abstaining.

Economic Development and Zoning

The report of the Committee was accepted without objection.

313 9th Street NE

Motion: The Committee moved/Mr. Alberti seconded a motion that the ANC accept the Committee's recommendation to send a letter to the Historic Preservation Review Board (HPRB) supporting design approval for a two story addition to an existing row house. Mr. Albert offered an amendment saying that the letter should include language saying that the ANC was aware of recommendations on this case made by the Capitol Hill Restoration Society and urged hat HPRB to evaluate the project in light of those recommendations. The amendment passed unanimously, 7-0-0. The motion, as amended, passed 7-0-0, unanimously.

1511 A Street NE

This is a project that proposes to build an eighteen-unit apartment building in a neighborhood of small townhouses, and it has attracted a heavy response from community members.



Advisory Neighborhood Commission 6A Meeting Minutes of April 10, 2014



Motion: The committee moved/Mr. Alberti seconded a motion that the ANC support its recommendation to send a letter to the Office of Planning requesting that the western half of the block bounded by Fifteenth (15th) Street NE, A Street NE, Sixteenth (16th) Street NE and East Capitol Street. Which is currently zoned C-2-A, be upzoned to R-4, with the exception of those properties on the south side of the block that front on East Capitol Street. The motion passed 7-0-0, unanimously.

Motion: The committee moved/Mr. Alberti seconded a motion that the ANC support its recommendation to send a letter to the Zoning Administrator calling to his attention that the proposed development at 1511 A Street NE contemplates eighteen (18) residential units, expressing concern as to how the developer plans to achieve that level of density without zoning relief with respect to FAR and onsite parking, and requesting that the Zoning Administrator investigate. The motion passed 7-0-0, unanimously.

819 D Street NE

The plans for this project, the renovation of a church and two adjoining buildings, have been modified but the ANC has not yet seen them.

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion to authorize Committee Chair Golden and Commissioners Alberti and Holmes to review, as far as they can, revised plans for 819 D Street NE prior to any scheduled HPRB hearing. The motion passed 6-0-1 (Mr. Hysell was out of the room.)

1717 E Street NE

Mr. Holmes initiated a discussion of the agreement reached between the developer of 1717 E Street NE and how it has been implemented. Mr. Bello, a representative of the developer who was present at the meeting, said that he did not have the information but it was his understanding that the developer had offered a contribution to a youth organization associated with a church in Rosedale. He agreed to get more information to Mr. Alberti.

6. SMD Reports

Mr. Williams reported that there will be a DC Council hearing regarding the CSX Virginia Avenue SE tunnel project on Wednesday, April 30, 2014 at 10:00 am.

Mr. Ward thanked the members of his community for coming out in force on 1511 A Street NE, and he appreciated their coming together on an important issue.

Mr. Mahmud attended a Florida Avenue Multi-Modal Transportation Study meeting, which will eventually make the route safer. He also reported that he would be going door-to-door to question Cusbah's neighbors about the noise levels.

Mr. Alberti reported that the HPRB has received a request to provide fencing for the pocket park at Thirteenth (13th) Street and Tennessee Avenue NE.

Ms. Nauden reported that she was pleased to see new bike lanes in her SMD. She also reported that a building at Ninth (9th) and G NE is being renovated.

Mr. Holmes reported that the work at Maryland Avenue and Seventeenth (17th) and Nineteenth (19th) Streets have stopped. He also reported that demolition of the Benning Road power plant is close to completion.

The meeting was adjourned at 8:55 PM



Commission Letters of May 8, 2014 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



April 15, 2014

Mr. Matthew Marcou
Deputy Director for Public Space Regulation
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Installation of Bicycle Rack by Chupacabra Latin Kitchen/Taqueria (822 H St NE)

Dear Mr. Marcou,

At a regularly scheduled and properly noticed meeting¹ on April 10, 2014, our Commission voted 6-0-1 (with 5 Commissioners required for a quorum) to support the installation of a bicycle rack on public space adjacent to the northern border of Chupacabra Latin Kitchen/Taqueria's sidewalk café located at 822 H St NE.

The placement of a bicycle rack at this location is an appropriate and practical use of public space to the north of the sidewalk café. It will serve as a public amenity to both the patrons of the establishment and the general public who travel to H St NE by bicycle.

Please be advised that Nicholas Alberti, Omar Mahmud and Todd Slove are authorized to act on behalf of ANC 6A for purposes of this case. Thank you for giving great weight to the recommendation of ANC 6A. I can be reached at 6A04@dc.gov.

On behalf of the Commission,

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



Commission Letters of May 8, 2014 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



April 15, 2014

Mayor Vincent Gray
Executive Office of the Mayor, Sixth Floor
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Deputy Mayor Paul Quander
Executive Office of the Mayor, Sixth Floor
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Tanya Mitchell
HSEMA
2720 Martin Luther King Jr Avenue SE
Washington, DC 20032

Erik A. Moses
Managing Director
Events DC, Sports and Entertainment Division
801 Mount Vernon Place NW
Washington, DC 20001

Re: Opposition to June 21-22, 2014 Red Bull Global Rallycross

Dear Mayor Gray,

At a regularly scheduled and properly noticed meeting¹ on April 10, 2014, Advisory Neighborhood Commission 6A voted 6-0-1 (with 5 Commissioners required for a quorum) to oppose the upcoming June 21 and 22, 2014 Red Bull Global Rallycross at the RFK Stadium and parking lots.

We oppose the race because of our previous experience with the Cadillac Grand Prix held at RFK Stadium in 2002. During that event there were several full days of deafening racing noise with no possibility of relief for homeowners.

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The last auto race was deafening. Please don't subject our community to that type of experience again. These races are usually held in open country or in a stadium that confines the sound. A repetitive high volume circuit in the middle of a city is just plain wrong. In 20002, residents as far away as the western edge of our Commission we were irritated by the sound volumes. ANC 6C to our west complained about the noise, saying it could be heard at Union Station, about 2½ miles away from the course.

There is no possibility that the Rallycross competitors will be able to keep the sound at levels that meets the city ordinance while racing in the RFK lots.

The noise ordinance specifies:

Zone	Daytime (7a - 9p)	Nighttime (9p - 7a)
Commercial	65 dB	60 dB
Industrial	70 dB	65 dB
Residential, Waterfront, Special Use		60 dB 55 dB
Other Zone	60 dB	60 dB

These are full-throated racing cars, often running at 8000 to 9000 peak RPM. They are powered by small displacement engine that generate 550-600 horsepower. The sound of Rallycross racing can be heard at <https://www.youtube.com/watch?v=0MnOSw5bOjU#t=549>. Visit that link to hear the noise levels generated.

On behalf of the Commission,

Nicholas Alberti

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

cc: Tommy Wells, Councilmember Ward 6
Phil Mendelson, Council Chair



Commission Letters of May 8, 2014 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



April 15, 2014

Paul Connor
Deputy Director
Environmental Services Administration
District Department of the Environment
1200 First Street NE
Washington, DC 20002

Re: Anacostia Rive Sediment Project

Dear Mr. Connor,

ANC 6A is very concerned about the effect on our community of high levels of hazardous substances in Anacostia river sediments and at several locations along the river. The Anacostia River has the potential to be a desirable and useful recreational resource for our community. We believe a thorough and expeditious assessment of toxic materials in and along the river is critical to making the river the valuable asset it should be to our community.

At a regularly scheduled and properly noticed meeting¹ on March 13, 2014, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to urge the District Department of the Environment to complete the Anacostia Rive Sediment Project and for the District to issue the Record of Decision (ROD) by 2017. We urge DDOE to develop and implement a robust and thorough engagement process to help this goal. In addition, we recommend that the DDOE form a Community Advisory Group (CAG) so our community can stay fully informed and has an ongoing conduit to inform DDOE of community concerns as the project progresses.

I can be reached at 6A04@dc.gov.

On behalf of the Commission,

Nicholas Alberti,
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of May 8, 2014 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



April 19, 2014

Ms. Gretchen Pfahler, Chair
Historic Preservation Review Board
Office of Planning
1100 Fourth Street, SW, Suite E650
Washington, DC 20024

Re: HPA # 14-224 (313 9th Street, NE)

Dear Ms. Pfahler,

At a regularly scheduled and properly noticed meeting¹ on April 10, 2014, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to support the design of the proposed rear addition at 313 9th Street, NE. Nonetheless, we recommend that the Board give great weight to the comments offered by the Capitol Hill Restoration Society (CHRS) with respect to this application. Despite our support for the application we share CHRS's concern that the project is not subordinate to the historic house. Additionally, we recommend that the applicant be asked to address those issues CHRS identified as needing clarification (see attached).

The applicant proposes to construct a two-story addition at the rear of the existing building, removing the existing back porch and building out the existing structure in a manner similar to the rear of a neighboring property. There are no zoning issues with this proposal.

Please be advised that Nicholas Alberti, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

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Attachment

Comments of the CHRS Historic Preservation Committee as relayed to ANC 6A:

The following issues need clarification:

A site plan showing lot coverage is needed.

A-31, the horizontal dimensions are needed.

The materials should be specified for the door, windows and other exterior finishes on the addition.

A roof plan is needed.

Additionally, the project is not subordinate to the historic house, at slightly more than 50%.



Commission Letters of May 8, 2014 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



April 19, 2014

Ms. Rosalynn Hughey, Interim Director
Office of Planning
1100 Fourth Street, SW, Suite E650
Washington, DC 20024

Re: Rezoning Square 1070 (East Capitol, 15th, A, and 16th Streets, NE)

Dear Ms. Hughey,

At a regularly scheduled and properly noticed meeting¹ on April 10, 2014, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to request that the Office of Planning rezone the majority of the western half of Square 1070, which is bounded by East Capitol Street to the south, 15th Street to the west, A Street to the north, and 16th Street to the east. Notwithstanding the fact that the only commercial establishments contained in the Square are those fronting on East Capitol Street to the south, the entirety of the western half of Square 1070 is currently zoned C-2-A. We request that those portions of the Square not fronting on East Capitol Street be rezoned to R-4, so that the block may maintain its residential character and remain in keeping with the surrounding area.

Several residents of this Square recently have expressed concern regarding the possibility of its commercial development, and the resulting additional density and increased vehicle traffic. We note that under the current C-2-A zoning regime, new construction may occur up to fifty feet in height by right and there is no requirement that there be at least 900 square feet of lot area for each residential unit, as would be the case in an R-4 zone. Such development would detract from the quiet, residential character of the Square, which consists almost exclusively of traditional two-story rowhomes. We agree that this action is warranted to secure the continued quiet, residential character of the neighborhood and to prevent the increased density and increased vehicle traffic that will result from the type of development that is permitted in a C-2-A zone.

Thank you for your consideration of this matter. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of May 8, 2014 Meeting



District of Columbia Government
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Box 75115
Washington, DC 20013



April 19, 2014

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 3102
Washington, DC 20024

Re: Notice of Potential Zoning Violation (1511 A Street, NE)

Dear Mr. LeGrant,

At a regularly scheduled and properly noticed meeting¹ on April 10, 2014, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to request that you investigate planned construction at 1511 A Street, NE that appears to have the potential to result in violations of the zoning code.

A search of the subject address at DCRA's website lists building permit B1307755 as having been filed for the property on June 12, 2013. Under the heading "Elevator Review," the website states: "Elevator Review Approved. New elevator in 18 unit APT bldg." Under the heading "Fire Review," the website states "Fire Review Approved. Plans approved as noted. 18 unit APT." It therefore appears that the owner contemplates developing the property with an eighteen unit apartment building. In addition, under the heading "Zoning Review," the website states "Zoning Review – HFC. PREVIOUS COMMENTS NOT ADDRESSED." We are unaware of any application for zoning relief having been filed in connection with this address.

The D.C. real property assessment database indicates that the address in question, 1511 A Street, NE, consists of two record lots. The first, Lot 1070 0802 ("Lot 1"), has a listed area of 3,784 square feet and is improved with a rowhouse that fronts on A Street. The second, Lot 1070 0803 ("Lot 2"), has a listed area of 2,152 square feet and is improved with a garage-like structure that fronts only on the interior alley of the block. Lot 2 is located immediately at the rear of Lot 1. Both Lots are located in the western half of square 1070, which is zoned C-2-A.

Several neighbors have contacted us expressing concerns regarding the density and impact on parking of the proposed project. Although a FAR of 2.5 for residential projects is permitted for these lots under the present zoning regime, it is unclear that the proposed project can comply with that limitation given that it appears to contemplate 18 residential units on a total lot size of less than 6,000 square feet. Moreover, the developer also will be responsible for locating no fewer than nine parking spots on site.

We therefore ask that you investigate the proposed construction at this address and determine whether it meets all zoning requirements and whether any zoning relief is required. I would appreciate a response regarding this issue at your earliest convenience. I can be contacted at 6A04@anc.dc.gov.

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Commission Letters of May 8, 2014 Meeting



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On Behalf of the Commission,

A handwritten signature in black ink that reads "Nicholas Alberti".

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A



Officer Reports - Treasurer



ANC QUARTERLY REPORT OF FINANCIAL ACTIVITY Quarterly Report Period Covered: January-March 2013

ANC [6A]

Summary of Receipts and Disbursement: Checking Account

Balance Forward (from "Ending Balance" of Previous Quarterly Report)		\$15,734.69
Receipts:		
District Allotment	\$4,607.82	
Interest	\$0.00	
Other	\$15.00	
Transfer from Savings	\$0.00	
Total Receipts		\$4,622.82
Total Funds Available		\$20,357.51
Disbursements		
1. Net Salary & Wages	\$0.00	
2. Insurance:		
a. Health	\$0.00	
b. Casualty/Property	\$0.00	
3. Total Federal Wages Taxes (Income and Soc. Sec.)	\$0.00	
4. State and Local (DC, MD, VA) Income Taxes Paid	\$0.00	
Unemployment Insurance Taxes	\$0.00	
6. Tax Penalties Paid	\$0.00	
7. Local Transportation	\$47.48	
8. Office Rent	\$0.00	
9. Telecommunication Services		
a. Landline Telephone	\$0.00	
b. Cellular Telephone	\$0.00	
c. Cable/Internet Services	\$0.00	
10. Postage and Delivery	\$342.00	
11. Utilities	\$0.00	
12. Printing and Copying	\$602.04	
13. Flyer Distribution	\$0.00	
14. Purchase of Service	\$1,392.24	
15. Office Supplies	\$0.00	
16. Office Equipment	\$0.00	
a. Rental	\$0.00	
b. Purchase	\$0.00	
17. Grants	\$755.48	
18. Training	\$0.00	
19. Petty Cash Reimbursement	\$0.00	
20. Transfer to Savings Account	\$0.00	
21. Bank Service Charges	\$45.00	
22. Website/webhosting	\$178.20	
23. Other	\$25.00	
Total Disbursements		\$3,387.44
Ending Balance: (Should Agree with Checkbook Balance at End of Quarter)		\$16,970.07

Approval Date By Commission: _____

Treasurer _____ Chairperson _____

Secretary Certification _____ Date _____

I hereby certify that the above noted quarterly financial report has been approved by a majority of Commissioners during a public meeting in which there existed a quorum.



Officer Reports - Treasurer



SAVINGS ACCOUNT

Check if ANC has NO Saving Account

Balance Forward:	\$13,717.59
Receipts:	
Transfer(s) From Checking Account	\$0.00
Other (Interest Earnings, etc.)	\$0.67
Total Receipts	\$0.67
Total Funds Available	\$13,718.26
Disbursements:	
Transfer(s) to Checking	\$0.00
Other	\$0.00
Total Disbursements	\$0.00
Ending Balance:	\$13,718.26

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Please list each bank deposit made this quarter into the ANC's checking and savings account		
Deposits to Checking Account (Include transfers from savings account)		
Source	Amount	Date
District Allotment	\$4,607.82	2/18/14
Interest		
Other	\$15.00	3/28/14
Savings		
Deposits to Savings Account (Include transfers from checking account)		
Source	Amount	Date
Checking account		
Other		
Interst	\$0.67	Various



Officer Reports - Treasurer



EXPENDITURE LISTING

ANC [6A]

Please list each check issued this quarter, including voided checks, and submit copies of your bank statements, back and front of canceled checks, receipts/invoices, contracts, agreements, grant request letters, minutes, and any other documentation that supports the disbursements listed herein. **Failure to submit copies of appropriate supporting documentation will result in disallowance of the related disbursement.**

Check #	Date	Payee	Amount	Expense Category #	Purpose of Expenditure	Date Approved (1)
1629	1/9/14	DC Treasurer	\$126.12	14	Security Service 2/13/14	1/9/14
1630	1/9/14	ANC Security Fund	\$25.00	23	ANC Security Fund	Budget
1631	1/9/14	Roberta Weiner	\$180.00	14	Minutes Dec. 2013	Budget
1632	1/9/14	Irene Dworakowski	\$200.00	14	Agenda Jan. 2014	Budget
1633	1/9/14	Jay Williams	\$24.06	7	Transportation ANC Business (ABRA)	1/9/14
1634	1/18/14	FedEx Office	\$237.97	12	Jan. 01, 2014 Statement	Budget
1635	1/22/14	VOID	\$0.00	23		
1636	2/13/14	Jay Williams	\$23.42	7	Transportation ANC Business (ABRA)	2/13/14
	2/10/14	Stop Payment CK 1622	\$30.00	21		
	2/18/14	Wire Transfer	\$15.00	21		
1637	2/13/14	Irene Dworakowski	\$200.00	14	Agneda Feb. 2014	Budget
1638	2/13/14	DC Treasurer	\$126.12	14	Security Service Mar. 13, 2014	Budget
1639	2/13/14	Roberta Weiner	\$180.00	14	Minutes Jan. 2014	Budget
1640	2/13/14	FedEx Office	\$169.47	12	Feb. 01, 2013 Statement	Budget
1641	3/11/14	Irene Dworakowski	\$200.00	14	Agenda Mar. 2014	Budget
1642	3/11/14	Elizabeth Nelson	\$178.20	22	Reimburse Payment- WebHSP(Web host)	3/13/14
1643	3/13/14	Roberta Weiner	\$180.00	14	Minutes Feb. 2014	Budget
1644	3/13/14	Blick Art Materials	\$755.48	17	Grant Maury PTA	2/25/14
1645	3/24/14	FedEx Office	\$194.60	12	Mar. 01, 2014 Statement	Budget
1646	3/13/14	US Postal Service	\$342.00	10	PO Box Rental 2014	Budget



Committee Reports Community Outreach Committee (COC)



ANC6A Community Outreach Committee

Minutes - April 21, 2014

Church of the Lord Jesus Christ of the Apostolic Faith Annex, 1235 C Street NE

Meeting called to order at 7:05 p.m.

Committee members present: Elizabeth Nelson (Chair), Jean Kohanek, Rose Williams, Louis Barbash, Maurice Cook (quorum)

Committee members absent: Gladys Mack, Pat Joseph

Community members present: Veronica Hollmon and Heather Schoell (Eliot-Hine PTO)

I. Agenda
Adopted.

II. Ms. Heather Schoell presented the grant application from Eliot-Hine Middle School (MS) Parent Teacher Organization (PTO) for \$300.00 for picnic tables to be used as part of an outdoor classroom installation that will also include edible gardens, stormwater mitigation and a birds/butterflies garden. A drawing of the proposed installation is included in the grant application. A professional landscape designer, Anya Zamudska, donated her services to create the plans. Living Classrooms (a non-profit organization) is partnering with Eliot-Hine to present environmental science experiences.

1. Ms. Williams asked if the Living Classrooms program is already underway.
Yes, this is the first year of the program at Eliot-Hine. It is part of the science curriculum. More “hands on” experiences are an expected part of the International Baccalaureate (IB) program at Eliot-Hine. However, DCPS funding is not available for the outdoor classroom project.
2. Mr. Barbash asked why only \$300.00 was requested when \$400.00 will be needed to purchase four tables.
There is a \$300.00 limit on mini-grant applications. The PTO can raise the additional funds and, in any case, would be able to use three tables until a fourth is obtained.
3. Ms. Kohanek asked how the tables will be secured.
They will be behind a locked fence and will be chained together.
4. The committee members agreed that the proposal met all the grant guidelines and that the program would be an excellent use of ANC 6A funding.
5. Ms. Kohanek moved (seconded by Ms. Williams) that:
The COC recommends that ANC 6A approve \$300.00 in support of the Eliot-Hine PTO request for picnic tables for an outdoor classroom. The measure passed 5-0-0

III. The draft grant application from the Miner Elementary School (ES) PTO was withdrawn by the applicant and will likely be resubmitted for COC consideration in May.

IV. Confirmation of next meeting date.

The next meeting will be held Monday, May 19, 7 p.m. at Maury ES, 1250 Constitution Avenue NE (enter from 200 block of 13th St.)

V. Meeting adjourned at 7:20 p.m.



Committee Reports
Community Outreach Committee (COC)



Advisory Neighborhood Commission (ANC) 6A
Grant Request Application Form

1. DATE OF APPLICATION

2. DATE OF PROJECT OR ACTIVITY

4/14/14

ongoing

3. APPLICANT ORGANIZATION NAME AND ADDRESS

4. EIN (TAX ID NUMBER)++

Eliot-Hine Parent Teacher Organization

46-3739410

1830 Constitution Ave NE, WDC 20002

5. CONTACT NAME

6. TITLE

Veronica Hollmon

PTO President

7. ADDRESS (IF DIFFERENT FROM ABOVE)

1543 N Carolina Ave NE, WDC 20002

8. TELEPHONE

8. FAX

(202) 544-0724

() -

10. E-MAIL ADDRESS

roni2865@aol.com

11. BRIEF DESCRIPTION OF PROPOSED PROJECT/ACTIVITY

Four picnic tables for outdoor classroom at Eliot-Hine Middle School.

12. PROJECTED TOTAL COST

13. AMOUNT REQUESTED

\$400

\$300

14. OTHER SOURCES OF FUNDING (BE SPECIFIC, PROVIDE NAMES)

Additional funding will be sought from the PTO general fund and other grant making organizations such as the Capitol Hill Community Foundation or three tables instead of the desired four will be purchased.

15. STATEMENT OF BENEFIT (DETAILED DESCRIPTION OF PROJECT OR ACTIVITY, WHO WILL BENEFIT AND IN WHAT WAY)

Students of Eliot-Hine. Eliot-Hine is located in ANC 6A, is in-boundary to a large portion of ANC 6A. Many ANC 6A children attend already and it is hoped that programs and amenities such as this, even more neighborhood families will be attracted to the school. (Additional detail attached.)



Committee Reports Community Outreach Committee (COC)



Project Description:

Eliot-Hine Middle School is in its candidacy of the International Baccalaureate Middle Years Programme (IBMYP - www.ibo.org/myp). A goal of IBMYP is to teach students the fundamental concept of developing what they see into questions and answers of why and how - why does it work that way and how could we change the outcome, why did the author have that happen, how can we solve this differently? This year has been the pilot of IBMYP and the response from the Eliot-Hine teachers and students has been extremely positive. Education through the IB framework is a skill - a wholly different way of teaching and learning than the District is accustomed to.

Part of the science curriculum brings in Living Classrooms as a teaching partner. Students learn outdoor skills such as map reading and compass navigation, in addition to learning about environmental stewardship, especially pertaining to the Anacostia River. Eliot-Hine has received a grant for an outdoor greening and stormwater runoff mitigation project, working with Living Classrooms and the Anacostia Watershed Society. We would like to bring classroom learning outside with a space for students to sit and write in the outdoor classroom space on the 17th Street side of the school.

You will see in the garden plans that there is a designated space for picnic tables. There are approximately 20 - 24 students in each class, and each table will seat 6 students. Tables will be behind a locked fence when not in use.

Project Background:

Eliot-Hine is in its candidacy of the International Baccalaureate Middle Years Programme (IBMYP - www.ibo.org/myp). A goal of IBMYP is to teach students the fundamental concept of developing what they see into questions and answers of why and how - why does it work that way and how could we change the outcome, why did the author have that happen, how can we solve this differently?

This year has been the pilot of IBMYP and the response from the Eliot-Hine teachers and students has been extremely positive. Education through the IB framework is a skill - a wholly different way of teaching and learning than the District is accustomed to, so having actual live fish in an environment that they study will reinforce learning in a tangible way for the students.

Project Proposal:

Materials will be purchased locally.

Project Goals:

To foster study of life science while being a welcoming and interesting focal point for Eliot-Hine.

Project Benefits:

Teachers and students will have access to the outdoor classroom that will allow them to explore a multitude of standards based concepts from physical science concepts or environmental stewardship.

Timeline:

Items would be purchased before April 26, when HandsOn DC will be at Eliot-Hine for a large-scale schoolyard greening project. There is already a commitment by them to assemble the tables for immediate use.

Partner:

HandsOn DC, DDOE, AWS, and Living Classrooms



Committee Reports Community Outreach Committee (COC)



Publicity:

Eliot-Hine has a website, a Facebook page, and participates monthly in the Hill Rag School Notes. The grant would be publicized, giving credit to the ANC.

Additional info:

Inquiry-based learning is taking the forefront of education reform. It is central to 21st century skills and allowing children to learn in ways that interest them and meet them where they are. Children have the opportunity to explore concepts and be guide.

Grant amount requested: \$300 (total needed, \$400)

Grant Usage

The funds from ANC6A will be used to purchase the picnic tables. Additional funding will be sought from the PTO general fund and other grant making organizations such as the Capitol Hill Community Foundation. Ongoing maintenance, such as sealing, will periodically be done by parent volunteers.

Eliot-Hine Middle School is a DC Public School within the boundaries of ANC6A. A significant number of students live in ANC 6A and we hope to attract more by improving our offerings and facilities - including bolstering our IBMYP candidacy. Our staff and students will greatly benefit from an outdoor classroom space as another dimension of study, as well as pride in taking care of the fish in what will be a focal point of the school.

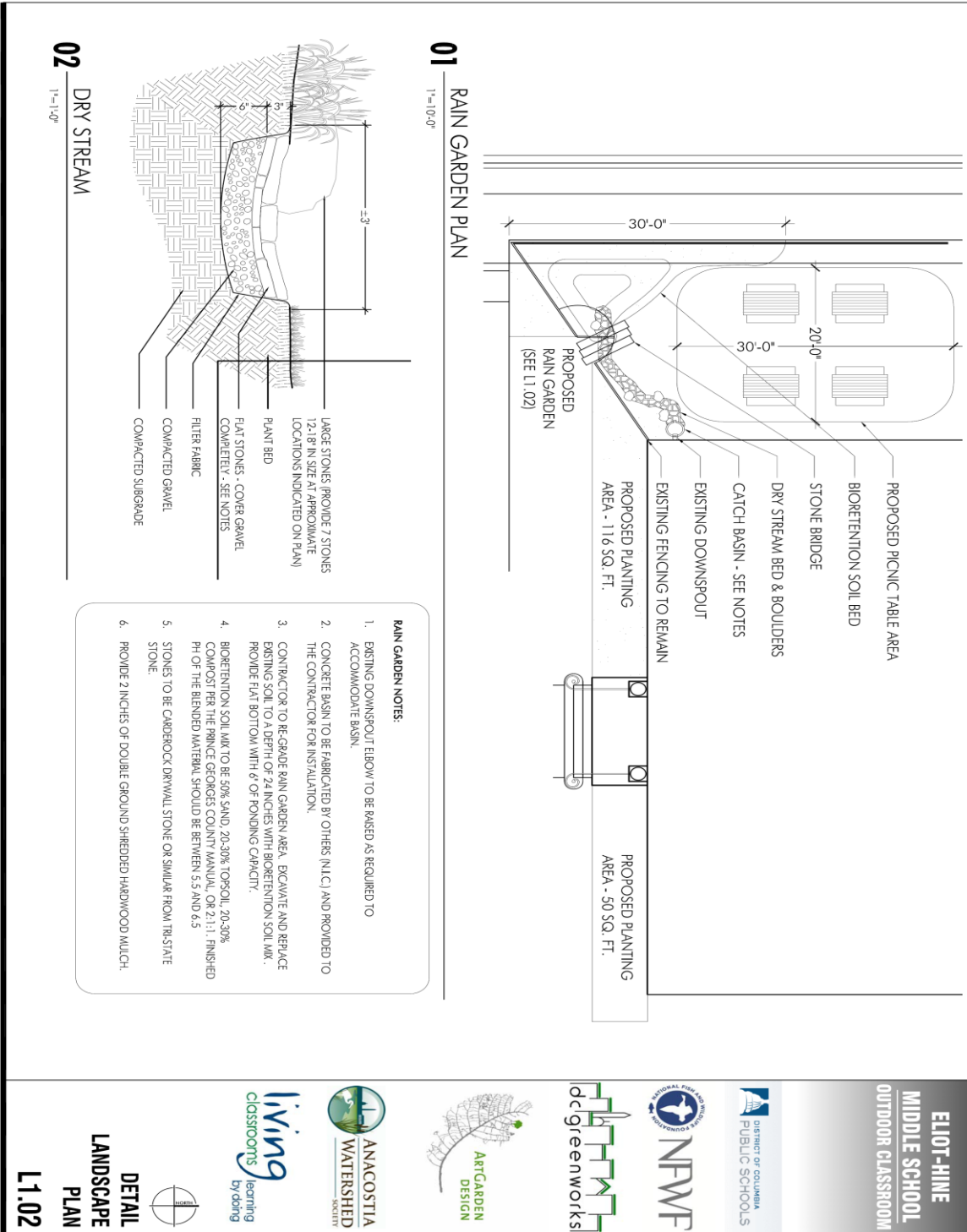
An investment in children's education will not only benefit them but the entire community in which they live, improving our economics, public safety and intangible quality of life issues. Also, having a high-functioning middle-school helps attract families who can contribute in other ways to a vibrant community.

The DCPS budget does not allow for purchase of tables for outdoor classroom space, and therefore is not duplicative of DC Government funding.

Budget:

4 Picnic tables @ approx. \$100 each = \$400

28"x 72" picnic tables are available from Home Depot for \$98, and no tax as E-H PTO operates as a 501(c)(3). These or similar tables would be purchased.





Committee Reports Community Outreach Committee (COC)



4/15/2014

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Department

Search All

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			ADD TO LIST REMOVE	

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Customer Service



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Sales Tax (determined in later step)	---






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Committee Reports

Alcohol Beverage and Licensing (ABL)



ANC 6A Alcohol Beverage and Licensing Committee

No report. Committee did not meet in April 2014.



Committee Reports Alcohol Beverage and Licensing (ABL)



District of Columbia Government
Advisory Neighborhood Commission 6A
P. O. Box 75115
Washington, DC 20013



April 30, 2014

VIA EMAIL

Ms. Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: ABRA #079090 (Little Miss Whiskey's Golden Dollar)

Dear Ms. Miller,

This letter is in reference to item three of the Board's Licensing Agenda for May 1, 2014, a request by Little Miss Whiskey's Golden Dollar to extend its summer garden hours. This agenda item states that the request does not conflict with the establishment's Settlement Agreement with ANC 6A.

ANC 6A does not agree with this interpretation. The language in Section 4(d) of the SA states that, if the applicant meets certain prerequisites, the hours may be extended to the establishment's normal operating hours. ANC 6A believes that the intent of this Section is that later hours would require agreement from the ANC.

Even if you disagree with this analysis, the language in Section 4(d) is not mandatory (i.e., it does not use the term "shall"), so an extension of summer garden hours is not automatic if the licensee meets the prerequisites laid out in that Section. The ANC's stance is that even if its approval is not required for later hours, the Board should still closely consider the request and allow for community input before granting the request, particularly in a case like this one, where the outdoor space in question is in very close proximity to multiple residences.

Thus, the ANC formally requests a Fact Finding Hearing regarding whether the licensee's request conflicts with the Settlement Agreement. However, if the Board determines that this licensee's request is a substantial change that requires placarding (and thus gives the surrounding community the opportunity to provide input on the request), we would accept that decision in lieu of a separate Fact Finding Hearing.

* * *



Committee Reports Alcohol Beverage and Licensing (ABL)



I appreciate your attention to this matter. If you have any questions regarding this communication, please do not hesitate to contact me.

On behalf of the Commission,

Jay Williams
Commissioner, ANC 6A05
Chair, ANC 6A ABL Committee

CC: Mark Thorp (via email)
Matthew LeFande (via email)



Committee Reports

Transportation and Public Space (TPS)



Minutes

ANC 6A Transportation & Public Space (TP&S) Committee
Church of the Lord Jesus Christ of the Apostolic Faith Annex (1235 C Street NE)
April 21, 2014 at 7:00 pm

- I. Meeting called to order at 7:05 pm.
- II. Introductions - Committee members in attendance were J. Omar Mahmud (Chair), Jeff Fletcher, DeLania Hardy, Andrea Adleman, and Lara Levison. Also in attendance were ANC6A Chairman Nick Alberti and Commissioner Sondra Phillips-Gilbert. Mr. Mahmud announced that Committee member Benjamin Rosset had resigned because he has moved out of ANC6A (to the waterfront area). He also announced that Commissioner David Holmes has resigned from ANC 6A and thanked Mr. Holmes for his help with this Committee.
- III. Community Comment
None
- IV. New Business
 - A. Consideration of safety improvements at Tenth (10th) Street NE and Maryland Avenue NE while the Maryland Avenue NE transportation project is pending.
 1. Chairman Mahmud noted that ANC6A has been asking for pedestrian safety measures at this intersection for several years. The District Department of Transportation (DDOT) is doing a transportation study of a section of Maryland Avenue, including this section, and federal requirements for review have slowed the study.
 2. The proposal is to ask DDOT to consider this pedestrian safety project as a separate project. DDOT has indicated that they will be receptive if the ANC makes a request. George Branyan with DDOT said that the permanent plan calls for a traffic signal, and he would bring it up with the signal team.
 3. ***Following some discussion among attendees, Co-Chairman Mahmud offered a motion, seconded by DeLania Hardy, that the ANC pass a resolution and send a letter to DDOT asking that DDOT consider installation of a traffic signal at Maryland and 10th Streets NE as an independent project. The motion passed unanimously.***
 - B. Consideration of new Capital Bikeshare station location originally planned for 12th Street NE and H Street NE in the proximity of the streetcar electrical substation - Mahmud (10 minutes)
 1. Co-chairman Mahmud noted that the ANC was promised a bikeshare station at this location, in compensation for the electrical substation that has been placed there. However, there are already bikeshare stations (close by) at Eleventh (11th) and H Streets NE and Thirteenth (13th) and H Streets NE. At the last meeting, the suggestion was to locate the new station at Tenth (10th) Street and Maryland Avenue NE.
 2. There was a discussion of the specific location at that intersection. Co-Chairman Mahmud identified the concrete triangle on southwest corner, between E Street and Maryland Avenue on Tenth (10th) Street. Commissioner Alberti suggested that DDOT decide where exactly to locate the bikestation. Former Commissioner Holmes noted that the developer has already committed \$25,000.00 for a bikeshare station at this corner.
 3. ***Co-chairman Mahmud offered a motion, seconded by DeLania Hardy, that the ANC send a letter to Jim Sebastian at DDOT recommending the location of the new***



Committee Reports

Transportation and Public Space (TPS)



promised Capital Bikeshare station, originally slated for Twelfth (12th) and H Streets NE, at Tenth (10th) Street and Maryland Avenue NE. The motion passed unanimously.

- C. Review of fence application (HPA-14310) before the Historic Preservation Office (HPO) concerning lot adjacent to 147 Tennessee Avenue NE (at the intersection of 13th Street NE and Tennessee Avenue NE). Link to the application:
<http://anc6a.org/SMD04/HPORes266FenceRqst0414.pdf>
1. Co-chairman Mahmud provided a brief introduction of the issue before giving the floor to the homeowner, Joyce West, who with her husband has submitted the fence application to the HPO. Ms. West said that she has lived there since 1991. The front and side yards are designated on their plat as public space. [The side yard is a triangle of land on the side of 147 Tennessee and on the side of the house on Thirteenth (13th) Street that is back-to-back with 147 Tennessee Avenue NE.] The homeowners asked DC for help with maintenance, and DC said that it was the homeowners' job to maintain it. It [the triangular land] is part of a reservation that was transferred to DDOT in 1972. The homeowners obtained landscaping permits, and the ANC raised a lot of issues about it. (In 2004, the homeowners obtained a permit for fence but didn't have the resources to build it then.) After several months, DDOT Director Terry Bellamy wrote a letter saying the city does not consider it a park; it is designed as "public parking," the same description used to identify all public and side yards on Capitol Hill. The homeowners have maintained it as a flower bed and have sought all the appropriate permits. A video camera, recommended by the police, shows individuals stepping on the plants. The homeowner stated, "A lot of anger has been directed at us. We are trying to take better care of property that the city said is our responsibility." The fence is designed to match the previous fence. The plan is to have it around the public parking space. The homeowners don't want to disagree with their neighbors. There is beauty in beautiful public spaces.
 2. Co-chairman Mahmud responded that he does appreciate anyone beautifying our spaces; it looks really nice. The issue is not the home owners' fault; the city has put us in this weird position. The ANC disagrees with DDOT's new position designating this as "public parking." It is inconsistent with the character of Capitol Hill, with little parks throughout. He encouraged the homeowner not to cordon off the area for their own use. The plants the home owner says are being damaged are the ones that are being used to create a barrier. He therefore suggested that the homeowners remove plantings that create a barrier around the space so the public can continue to use it as a park space without stepping on any plantings.
 3. Extensive discussion followed. The question was asked, will there be a gate in the fence for public access? Ms. West replied that the only gate would be the one in front of the door of their house.
 4. Attendees expressed a variety of views as to the status of the land around which the homeowners have applied to place the fence, mostly expressing the view that the land should remain open to the public:
 - a. It is a reservation, granted by Congress, which didn't change when it was deeded to DDOT in 1972. It is still held for public use. DDOT is totally wrong.
 - b. ANC6A Chairman Alberti: The land was never deeded to DC; the deed is still owned by the National Park Service. This piece of land is part of L'Enfant's plan. The District is only tasked with management of the space.
 - c. Long-time residents described public uses of the land in the past, such as children playing football and children crossing the land to get to Maury Elementary School.



Committee Reports

Transportation and Public Space (TPS)



- d. The L'Enfant plan is a landmark, and the pocket parks are a contributing feature to that landmark. The pocket parks, unlike the front yards, were never part of the street, are not city-owned, and are protected by the historic preservation code. In its letter, DDOT appears to be trying to have it both ways. It says the public should have continued access.
 - e. There is concern about copycats; a lot of other green space will be taken for private use.
 - f. Former Commissioner Holmes: Pocket parks are protected elements of the Capitol Hill Historic District. The parks are also in the comprehensive plan, the National Capitol Planning Commission Studies, and the McMillan Plan. No one is responsible for maintaining these public parks. This issue has gone to court, and there are two recent rulings that if there is wear and tear on the plantings, that is the risk you take.
 - g. Several neighbors [approximately seven (7)] expressed concern that the homeowners had, through a variety of approaches, over a period of years, discouraged neighbors from setting foot or walking their dogs on the land next to 147 Tennessee Avenue NE. Neighbors also expressed appreciation for the beauty of the flowers. Some strong views were expressed. Co-chairman Mahmud and other attendees called for greater civility in the discussion to show respect for each other as neighbors.
5. ***Co-chairman Mahmud offered, and Jeff Fletcher seconded, the following four motions, all of which passed 5-0.***
- a. Oppose HPA 14-310 on the grounds that the proposal is inconstant with Section 2 of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Official Code § 6-1101) because 1) a fence subdividing the space will further detract from the historic appearance of Reservation 266 as it was originally a single expanse and 2) more importantly, the fence would prevent public access.
 - b. Send a letter to DDOT asking them to correct their characterization of Reservation 266 as public parking because 1) the term properly applies only to the City-owned property between the actual street curb and the property lines drawn out in the L'Enfant Plan and 2) if the application of this designation is extended to other similar parcels, it will result in greatly diminished public utility of pocket parks throughout the District.
 - c. Send a letter to Councilwoman Mary Cheh:
 - 1) Recommending that all pocket parks and Reservations currently under DDOT jurisdiction be transferred to DPR, along with associated funding, as DPR has a better capacity to manage them in the public interest as publicly available recreational space. Maintaining as large an inventory of publicly available green space is critical as the District's population expands.
 - 2) Asking that she urge DDOT to reconsider its position with regard to the designation as public parking, and to issue regulations providing for public notice and comment.
 - d. Send a letter to DC City Council requesting that they craft legislation to declare that pocket parks and Federal Reservations are public space and may never be considered as public parking and that no changes to the landscaping or hardscaping by individuals, that would affect public use or access, may be approved without public input including consultation with the ANCs. Further, a board similar to the HPRB should be established to review such cases to ensure a fair and transparent process.

V. Additional Community Comment - no time available for additional community comment.

Meeting adjourned at 8:33 pm to allow the building to be closed.



Committee Reports Economic Development and Zoning Committee



ANC6A Economic Development and Zoning (ED&Z) Committee

7:00 - 9:00 pm, Wednesday, April 23, 2014

Sherwood Recreation Center (640 Tenth (10th) St, NE, Second (2nd) Floor Community Room)

Present

Committee Members: Dan Golden (Chairman), Laura Gentile, Michael Hoenig, Missy Boyette, Charmaine Josiah, Justin Thornton, Brian Carlson, Stephanie Frang

Commissioners: David Holmes, Omar Mahmud

Community Comments

No community comments

Status Reports

Resolution of previously heard BZA/HPRB cases:

819 D Street NE on the agenda for the evening to show revised designs based on Historic Preservation Review Board (HPRB) guidelines. 1511 A Street NE also on the agenda. A meeting with the community was held last week where new plans were presented.

Presentation

Twelfth (12th) Street and Florida Avenue, NE

Habte Sequar, owner/developer, gave a brief presentation regarding the upcoming residential project located adjacent to the existing Jimmy's Tire lot. The building will be a 49-unit condominium with five floors of underground parking for thirty (30) spaces. The project is matter-of-right and will be 50 feet high with a brick masonry and hardboard exterior façade and bay windows. The design will be contemporary. Exterior colors are expected to be tweaked. Of the forty-nine (49) units, thirty-three (33) will be one (1) bedrooms, sixteen (16) two (2) bedrooms. The project will also include ADA-accessible as well as affordable units. Parking access will be from the back of the property within the alley.

Committee Chairman Dan Golden noted that the developers at the R.L. Christian site had encountered underground contamination that precluded them from constructing their planned parking garage and inquired whether there was a similar possibility at this site. Mr. Sequar stated that existing underground tanks are being removed and that no further issues were expected. Commissioner Omar Mahmud inquired whether the units would be condominiums vs. apartments. Mr. Sequar confirmed that the units will be condominiums and that the project is expected to be move-in ready within twelve (12) to fifteen (15) months.

Committee member Missy Boyette inquired regarding penthouse structures. Mr. Sequar advised that there will be a roof deck, however the deck and mechanical equipment will be set-back from the roof edge. Chairman Golden asked about the breakdown for inclusionary (affordable housing) unit. Mr. Sequar advised that there will be a total of five (5) to six (6) units in a mix of one (1) and two (2) bedroom layouts. Commissioner Mahmud asked about the timing of plans to break ground. Mr. Sequar stated that the project would break ground within thirty (30) days and that his crew would try to keep any construction noise down and asked the community to notify him regarding any issues (contact information will be posted at the construction site). Commissioner Mahmud advised that he previously met with the surrounding neighbors who expressed concern about their structural foundations being disturbed. Mr. Sequar said that he has been in contact with the surrounding neighbors and has been recording conditions. Chairman Golden asked about the working hours for the project. Mr. Sequar responded from 7:00 am to 5:00 pm and that the District Department of Transportation (DDOT) limits the times when



Committee Reports Economic Development and Zoning Committee



construction could begin. Commissioner Mahmud requested that the start time be pushed by an hour or so on Saturdays. Mr. Sequar agreed and stated that he typically does so on his other project sites.

819 D Street, NE (HPA 14-180)

Greg Auger and Eric [last name not given], appeared as representatives for the applicant. Applicant is seeking HPRB approval for redesigned plans for renovation of the existing church and two (2) adjoining row houses into proposed thirty (30) unit development. Mr. Auger advised that since his last ED&Z presentation, the project was presented to HPRB in early-April and the owner/design team has been working with HPRB staff to incorporate new changes. The team has also implemented changes gathered from Commissioner Holmes and surrounding neighbors.

The main changes incorporated: 1) for the two (2) adjoining townhouses that are part of the development, the third-story levels and roof decks were removed; 2) the areaways and lightwells were maintained on D and Ninth (9th) Streets, NE, however the windows will be below-grade and units therefore cannot be looked into from the sidewalk (shrubbery will conceal); 3) additional design tweaks were made to achieve balance between structural elements within the façade; 4) the rooftop sight lines on the main building were adjusted, the parapet wall on the E Street side was lowered by six (6) inches and extended along the entire length of the façade to hide railings and mechanical units on the roof; 5) for the existing windows, HPRB said they weren't consistent with preservation rules so the design will keep the colored stain glass but will replace opaque windows with clear glass. The design team is working with HPRB staff to build a mock-up window to test solution(s). New windows will not be added to the primary façade, but double-height windows will be added to the southern façade (facing alley).

Chairman Golden asked about the status of the HPRB process in light of the latest design iterations. Mr. Auger advised that the latest drawings will be re-submitted to HPRB and staff also will review the window mock-up. Chairman Golden inquired about skylights within the project. Mr. Auger stated that the primary skylights were removed, but were added to the southern façade. He also advised that the bell tower will be restored and will be used as a sun room. Chairman Golden asked what materials exist within the bell tower. Eric stated that there is wood paneling and single-pane glass and the louvers will be restored.

Commissioner Holmes advised that the ANC originally recommended the design (6-0-0), with certain additional conditions based on HPRB's recommendations. Prior to the HPRB hearing, a new set of plans was developed and Commissioner Holmes withdrew ANC support until there was an opportunity for these new revisions to be re-reviewed by the ED&Z committee and the ANC.

Community member Shauna Holmes (former Chair of the Capitol Hill Historic Restoration Society (CHRS)) stated that she attended the April 3, 2014 HPRB hearing and identified several issues: 1) areaways - the proposed areaways are overly wide and the historic guidelines discourage digging out or enlarging window wells - HPRB passed a unanimous decision to not expand the areaways (consistent with other cases); 2) bell tower - HPRB did not want changes to be made to it and the tower should be preserved; 3) roof decks - happy to see the decks removed from the townhouses but still concerned about the deck and wall on the original church building. Need to confirm the sight line visibility; 4) was surprised by changes presented at the April 3, 2014 meeting as well as changes shown at tonight's meeting. Mr. Auger advised that the changes were sent to Ms. Holmes last week. Ms. Holmes also pointed out that the windows are a big issue and the city regulations are clear that replacement stained glass windows should match previous windows (for primary elevation). Chairman Golden asked whether the HPRB guidelines would necessitate the preservation of translucent glass panes as well as colored glass panes. Ms. Holmes advised that HPRB



Committee Reports Economic Development and Zoning Committee



has left some flexibility due to adaptive reuse. The window regulations state that glass can be replaced if it matches in every respect to the prior glass materials and that clear glass should be used minimally.

Mr. Auger advised that the next HPRB hearing will be held at the end of May. Chairman Golden asked if there would be another round of changes prior to the HPRB hearing. Mr. Auger stated that HPRB will issue a staff report before the hearing and the owner/design team will have another round of discussions with HPRB. Chairman Golden asked how much wider will the areaways be. Mr. Auger stated the areaways will be widened from 4 feet 6 inches to 6 feet 6 inches to meet current codes and to allow more lighting. Commissioner Holmes stated that the codes don't apply to historic properties. Mr. Auger clarified that they would apply to any enlargement of the existing areaways. At Chairman Golden's request, Mr. Auger also identified where the clear glass will be placed on the façade. Chairman Golden requested that any additional changes to the drawings be submitted to the ANC as far in advance as possible of the HPRB hearing. Mr. Auger explained that the final drawings will be submitted to HPRB staff for review on May 12, 2014 and that no extensive changes are expected.

The Committee made a motion to recommend that the ANC send a letter in support of the project to HPRB on the condition that the applicant incorporate any additional HPRB recommendations. The motion was unanimously approved.

1301 North Carolina Avenue, NE (HPA 13-545)

Ed Donohue, Reverend Diane Dixon-Proctor, Tanya Davis, Steve Kinley (project representatives). Applicant is seeking HPRB approval for placement of cell phone antennae atop existing church. The applicant had previously presented at the October 2013 ED&Z meeting. Mr. Donohue presented updated plans for matter-of-right installation of cell phone antennas atop of the church. Incorporating HPRB recommendations, the new design removed the generators and reduced the antennas from twelve (12) to six (6) feet. Faux chimney brick will also be used to conceal antennas. Additional flush-mounted antennas along the sidewall facing the alley will be painted red.

Mr. Donohue advised that the additional antennas are needed for safety to improve 911 calling availability, the installation design is consistent with DC guidelines, and that the church has embraced the changes. Commissioner Golden asked why the wireless antennas were necessary in this specific location. Mr. Donohue explained that the urban location required installation of the antennas on existing buildings (vs. towers) and that his company looked at alternative locations and determined the church address as the best location. Chairman Golden inquired about radiation near residences. Mr. Donohue advised that the proposed sites meet FCC guidelines. Committee member, Charmaine Josiah asked about any new site locations. Mr. Donohue answered, none at this time, but that during high traffic events like marathons, etc., temporary site antennas are used. Committee member Boyette asked if signage is required and if there were other historic site examples. Mr. Donohue advised that signage is not required and antennas are similarly installed at Dupont Circle. Committee member Michael Hoenig asked if the antennas/generator cause structural concerns. Mr. Donohue advised the height reduction of the antennae reduces issues with the roof structure. Committee member Laura Gentile asked if the adjacent neighbors were notified, in case they wanted to expand onto their roofs. Mr. Donohue said that building up (below twenty (20) feet) wouldn't be an issue. Chairman Golden requested that the surrounding neighbors to the east and south be notified of the proposed installation and the applicant agreed to do so.

Committee member requested that the church exercise pressure to the cellular phone company with the existing antenna on the roof (T-Mobile) to re-review their designs at next lease renewal. Committee member Boyette asked if the antennas could be pushed back further from the roof line. Mr. Donohue



Committee Reports Economic Development and Zoning Committee



advised that the antennas must be at the roof edge to function properly. Community member Shawna Holmes advised that CHRS reviewed the antennae proposal last November but found that the design was not within the historic guidelines and recommended that HPRB not approve. She stated that CHRS was not contacted to re-review and would like the opportunity to do so.

Chairman Golden recommended that Mr. Donohue postpone the HPRB appointment to allow CHRS to review the new plans and allow the ED&Z to review in May 2014 with a final ANC vote in June. Mr. Donohue agreed and stated that in the meantime he would notify the neighbors to the immediate east and south.

1511 A Street NE

The Committee reviewed the most recent drawings provided by developer. Community members and neighbors previously met with the developer and updated the Committee regarding the project's status. At the community meeting with the developer, the developer confirmed that an eighteen (18) unit, matter-of-right building is proposed. With inclusionary zoning applied, the building can go to 75% lot coverage with a FAR of 3.0. The community and committee members discussed that the most recent plans did not comply with zoning regulations and that the plans were outdated. The developer had stated previously that he expected to obtain building permit(s) by end of the week. Chairman Golden noted that the new plans did not appear to accurately show the grade or the curb and that this could lead to inaccurate calculation of the FAR and height of the building. A community member noted that the existing drawings do not include mechanical or trash handling. Community members also requested that Zoning Administrator Matt LeGrant double-check the FAR calculations for existing errors. They advised that communications with the developer and owner's representative have been inconsistent. It was also noted that the project engineer appeared to have had his license revoked in Virginia and that the project architect was not licensed in DC.

The Committee made a motion recommending that the ANC send a letter to Matt LeGrant advising regarding inaccuracies with the curb and grade measurements, the project architect not being licensed in DC and the project engineer's license having been revoked in Virginia. The motion was unanimously approved.

H Street Corridor Signage Design Guidelines

The committee further discussed proposed draft design guidelines for future cases when restrictions on signage are proposed as a condition for a grant of zoning relief. Committee members Josiah and Boyette will develop a draft document for the Committee's consideration.



Committee Reports Economic Development and Zoning Committee



May XX, 2014

Ms. Gretchen Pfaehler, Chair
Historic Preservation Review Board
Office of Planning
1100 Fourth Street, SW, Suite E650
Washington, DC 20024

Re: HPA # 14-180 (819 D Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting¹ on May 8, 2014, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the proposed design for 819 D Street, NE, on the condition that the developer incorporate the comments of the Historic Preservation Office into its final design prior to its hearing before HPRB.

The applicant proposes to renovate the existing church at 819 D Street, NE, as well as two adjoining rowhouses as part of a 30-unit development, with 26 units located in the church and two units in each of the two rowhouses. The applicant proposes renovations to each of the existing structures, including the addition of new windows and vision glass as necessary to ensure adequate light to each of the residential units. As noted above, the ANC approves of the proposed design provided that HPO's comments are incorporated into the final design.

Please be advised that Nicholas Alberti, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



May XX, 2014

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 3102
Washington, DC 20024

Re: Additional Indication of Potential Zoning Violation (1511 A Street, NE)

Dear Mr. LeGrant,

At a regularly scheduled and properly noticed meeting² on May 8, 2014, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to write to you again regarding the proposed construction of an 18-unit apartment building at 1511 A Street, NE and, specifically, to bring to your attention several significant issues related to the attached plans for the proposed structure. The developer has stated that these plans are the plans currently under review by your office.

First, the attached drawings show that the existing front porch will be retained and further denote that the property “grade” is located at a level almost immediately below that of the front porch. In reality, however, and as the attached photograph of 1511 A Street, NE shows, the property grade is in fact several feet below the front porch. The fact that the drawings do not accurately depict the location of the grade is highly significant, because it suggests that the basement floor of the proposed development would not count against the permissible FAR for the structure. If the basement floor were to count against the structure’s FAR (which it would appear should be the case), it would result in a FAR greater than 3.0 and necessitate zoning relief.

Second, the attached drawings show the “curb” from which the building height is measured at a level far above the location of the existing curb. If the building height were measured from where the relevant curb is actually located, the building would be far in excess of the fifty-foot limit on building height in a C-2A zone. Accordingly, the structure as currently designed cannot be constructed on a by-right basis for that reason as well.

Finally, we would like to bring to your attention the fact that it appears that the professional engineer whose stamp can be seen on the plans, Suresh R. Baral, is the same Suresh R. Baral who had his professional engineer’s license revoked in Virginia in September 2013. As the attached documents show, the Virginia board that revoked Mr. Baral’s license found that he had affixed his stamp to drawings not prepared under his direct control and personal supervision. The board concluded that “Baral’s utter disregard for his professional and regulatory responsibilities in conjunction with his total lack of candor demonstrates he cannot be trusted with the responsibilities of being a licensee,” and that “Baral also fails to appreciate the risk to the public created by his actions.” In view of these findings by the Virginia board, we are obviously troubled by Mr. Baral’s involvement in this project.

We again ask that you closely scrutinize the plans provided by the developer and determine whether any zoning relief is required, particularly with regard to the FAR and height of the proposed structure. We

² ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission’s website, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



believe such scrutiny is particularly warranted in view of Mr. Baral's involvement with this project. I would appreciate a response regarding this issue at your earliest convenience. I can be contacted at 6A04@anc.dc.gov.

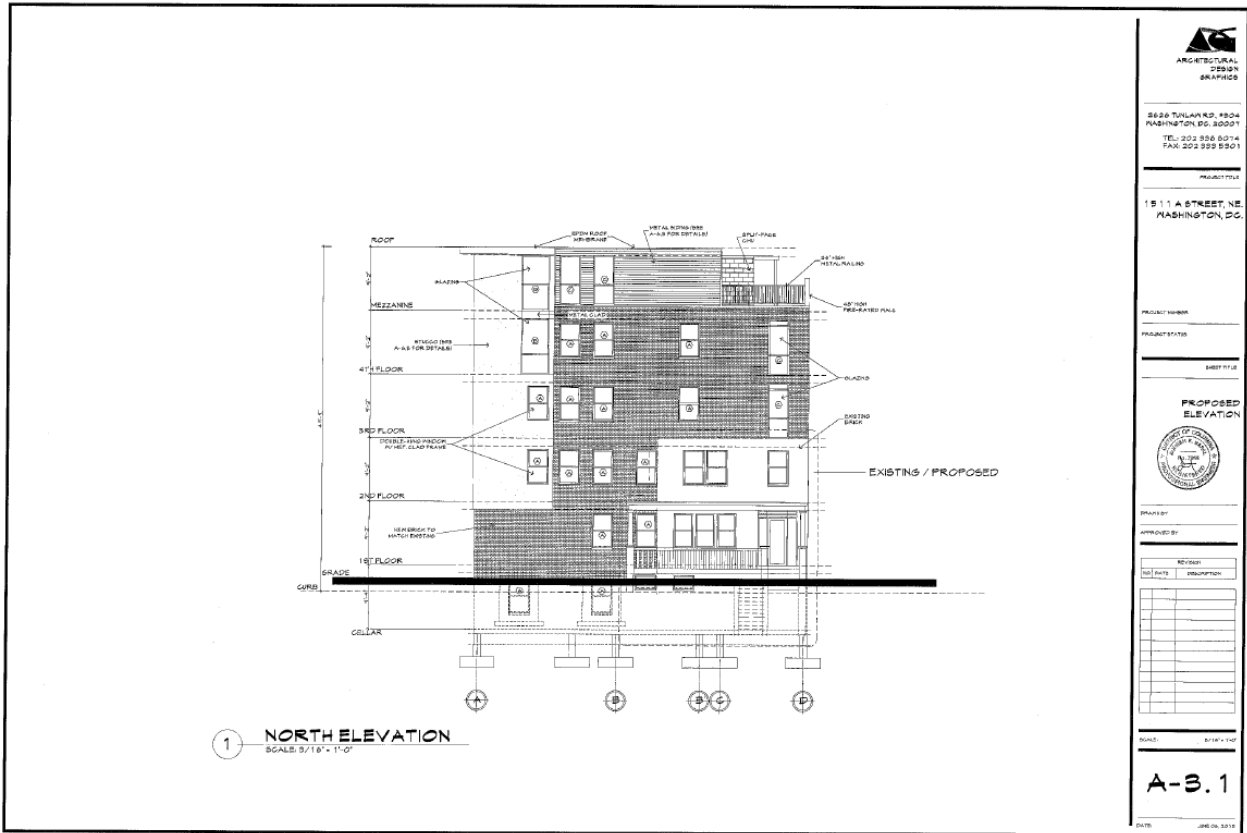
On Behalf of the Commission,

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

Enclosures



Committee Reports Economic Development and Zoning Committee



ARCHITECTURAL
DESIGN
SHAPING

8620 TULANE RD, #204
WASHINGTON, DC 20003
TEL: 202 856 6014
FAX: 202 339 6901

PROJECT TITLE
1511 A STREET, NE
WASHINGTON, DC

PROJECT NUMBER
PROJECT STATUS
DATE TITLED

PROPOSED
ELEVATION

DESIGNED BY
APPROVED BY

NO.	DATE	DESCRIPTION

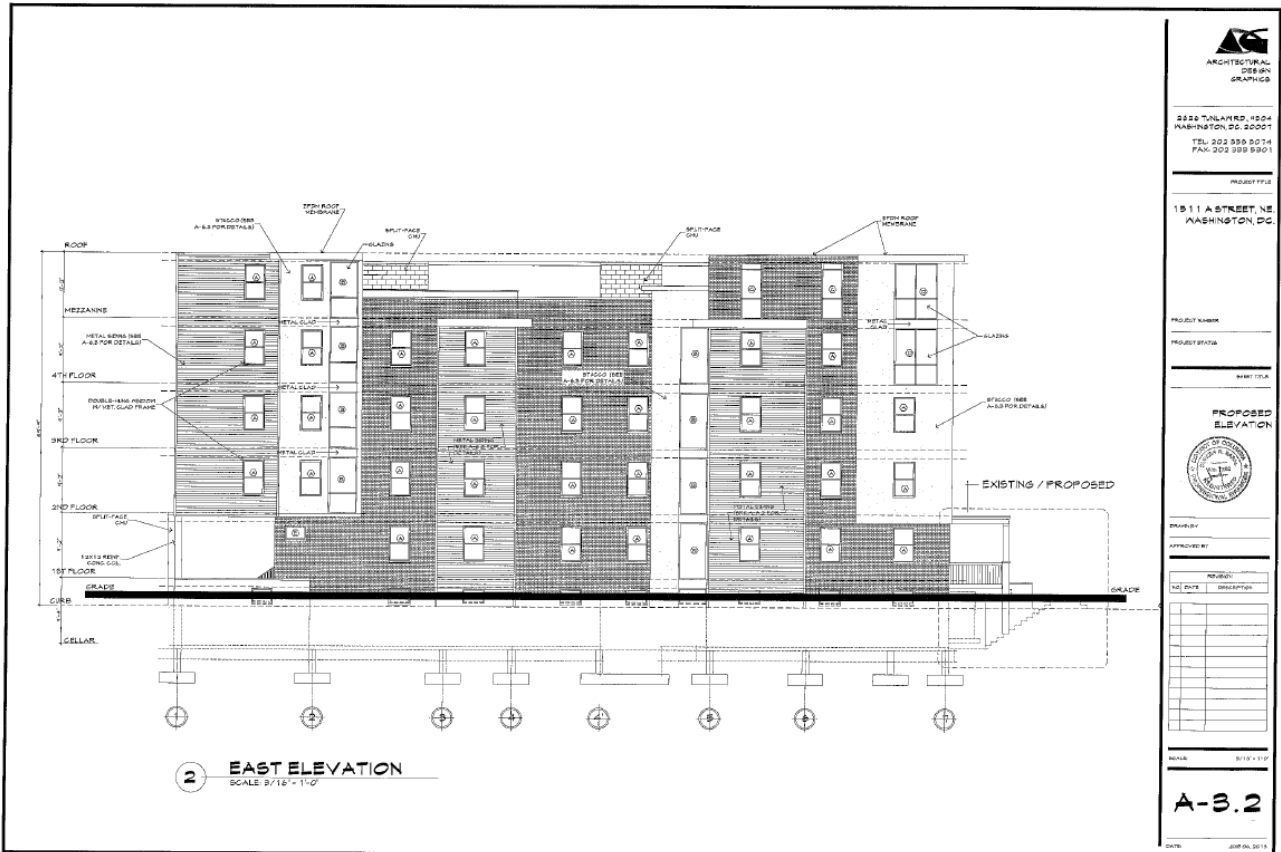
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A-3.1

DATE: JUN 26, 2013

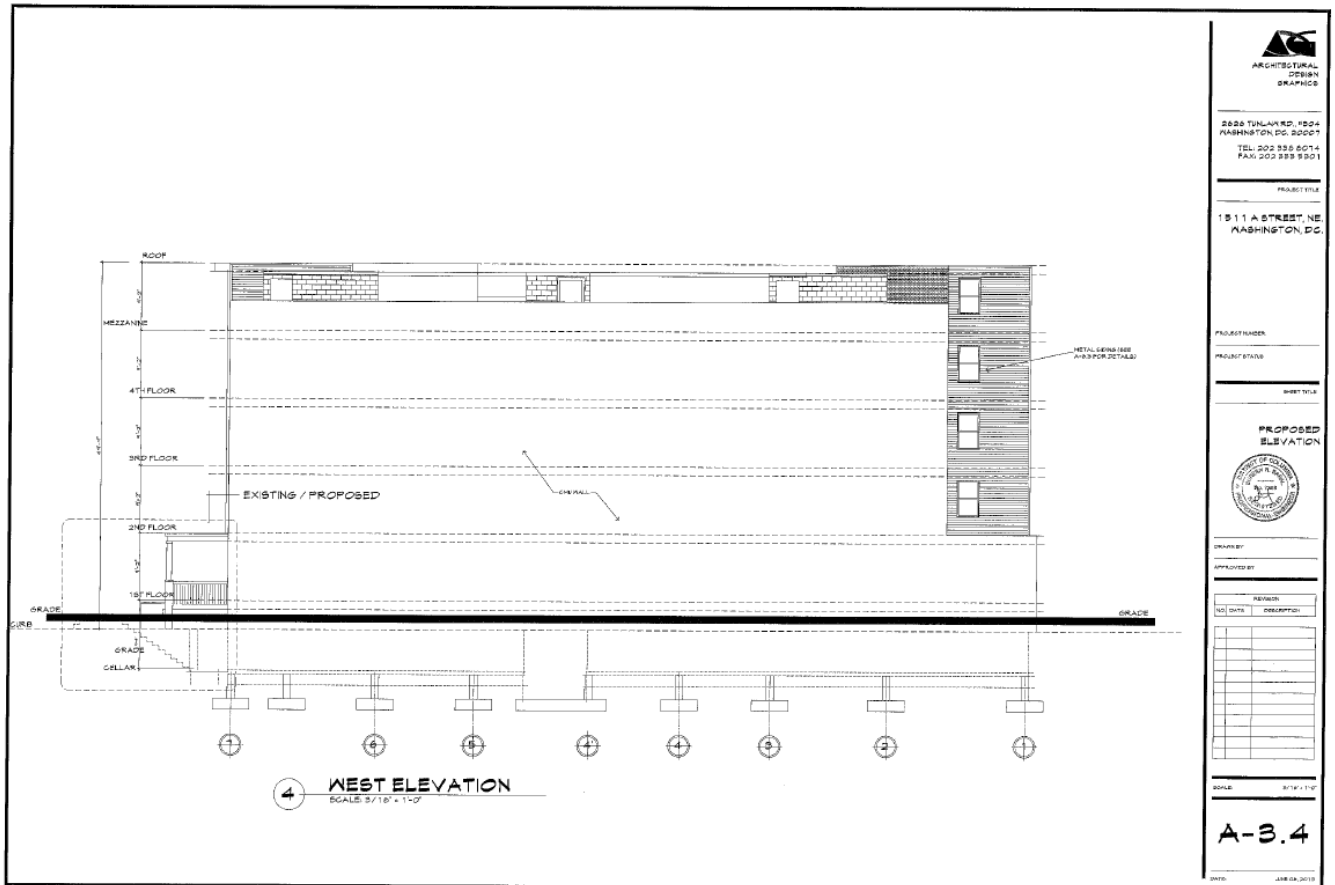


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Economic Development and Zoning Committee





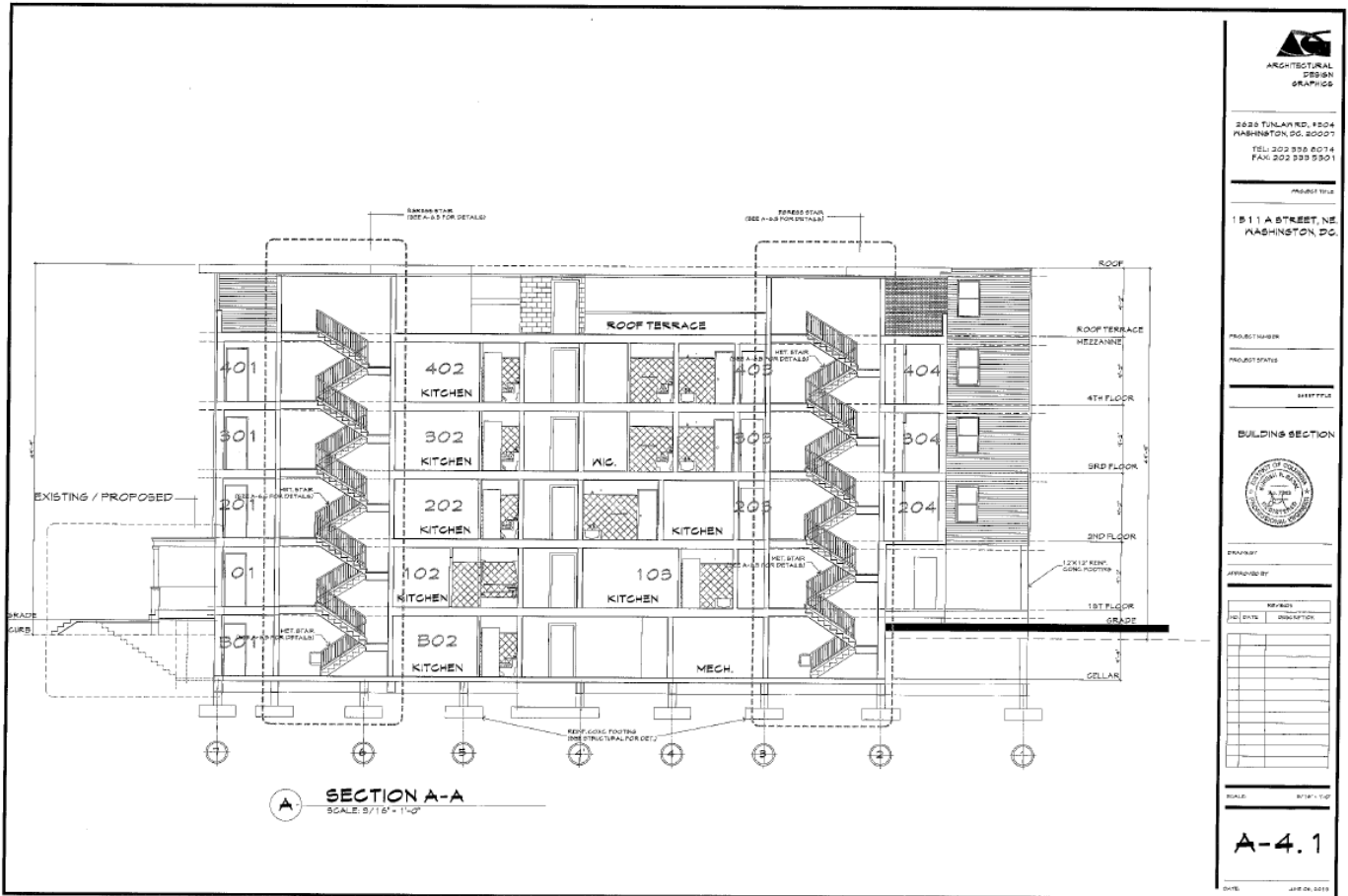
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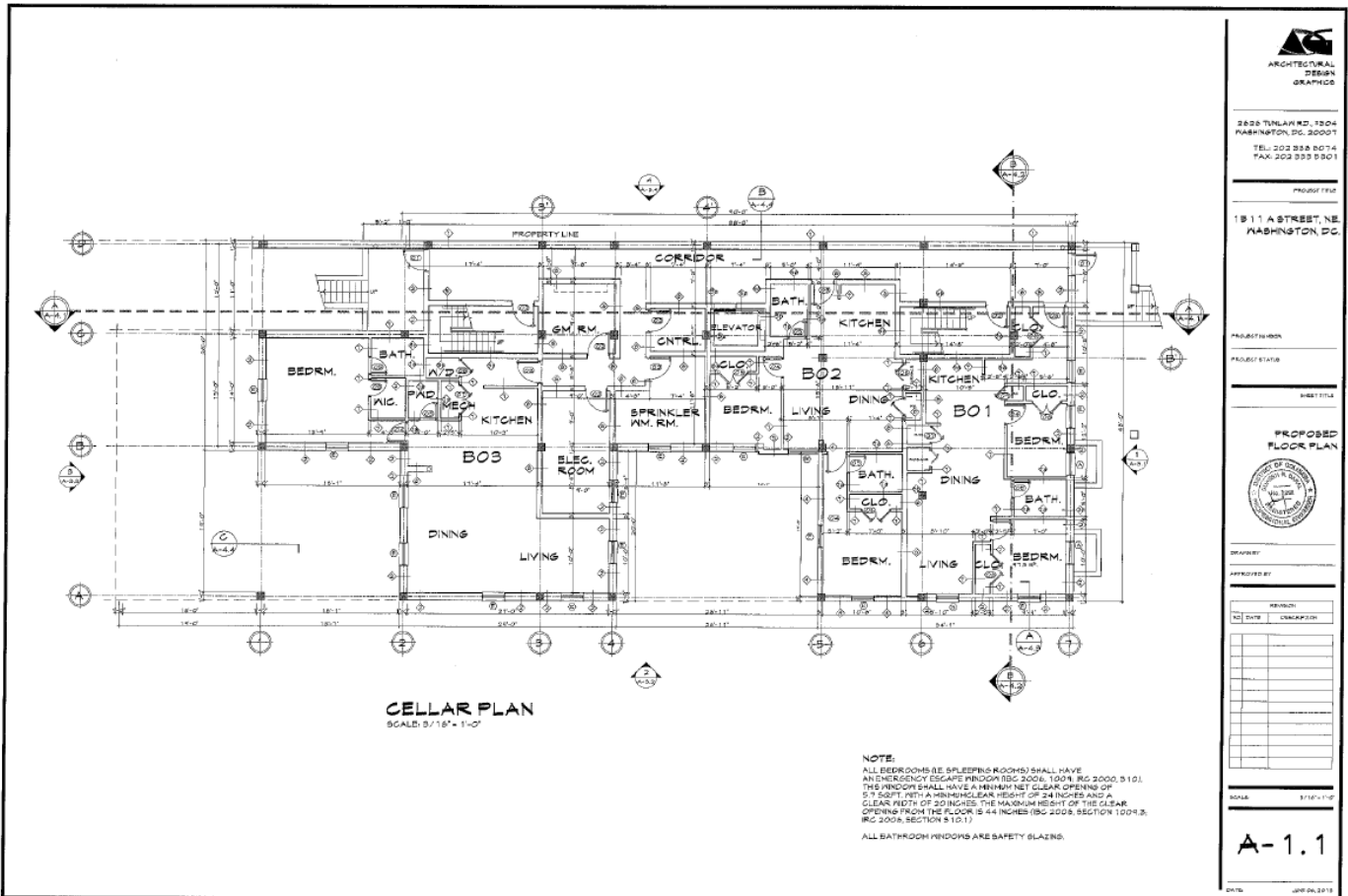
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Economic Development and Zoning Committee



ARCHITECTURAL DESIGN GRAPHICS

2828 TINKER RD. 1204
WASHINGTON, DC 20007
TEL: 202 338 8074
FAX: 202 333 9301

PROJECT FILE:
1811 A STREET, NE
WASHINGTON, DC

PROJECT NUMBER:
PROJECT STATUS:
SHEET TITLE:
PROPOSED FLOOR PLAN

DESIGNED BY:
APPROVED BY:

NO.	DATE	REVISION	DESCRIPTION

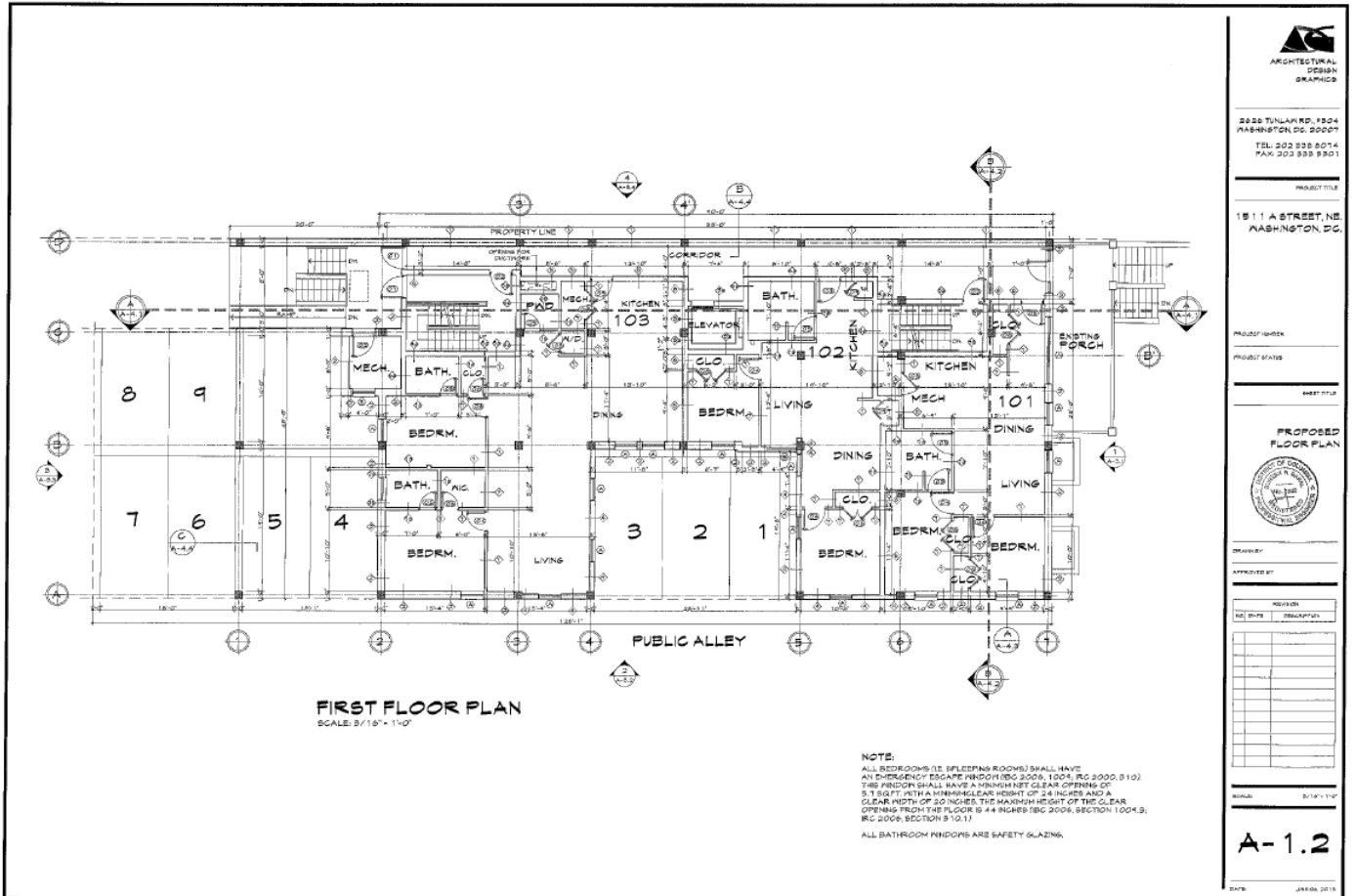
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A-1.1

DATE: JUNE 04, 2013

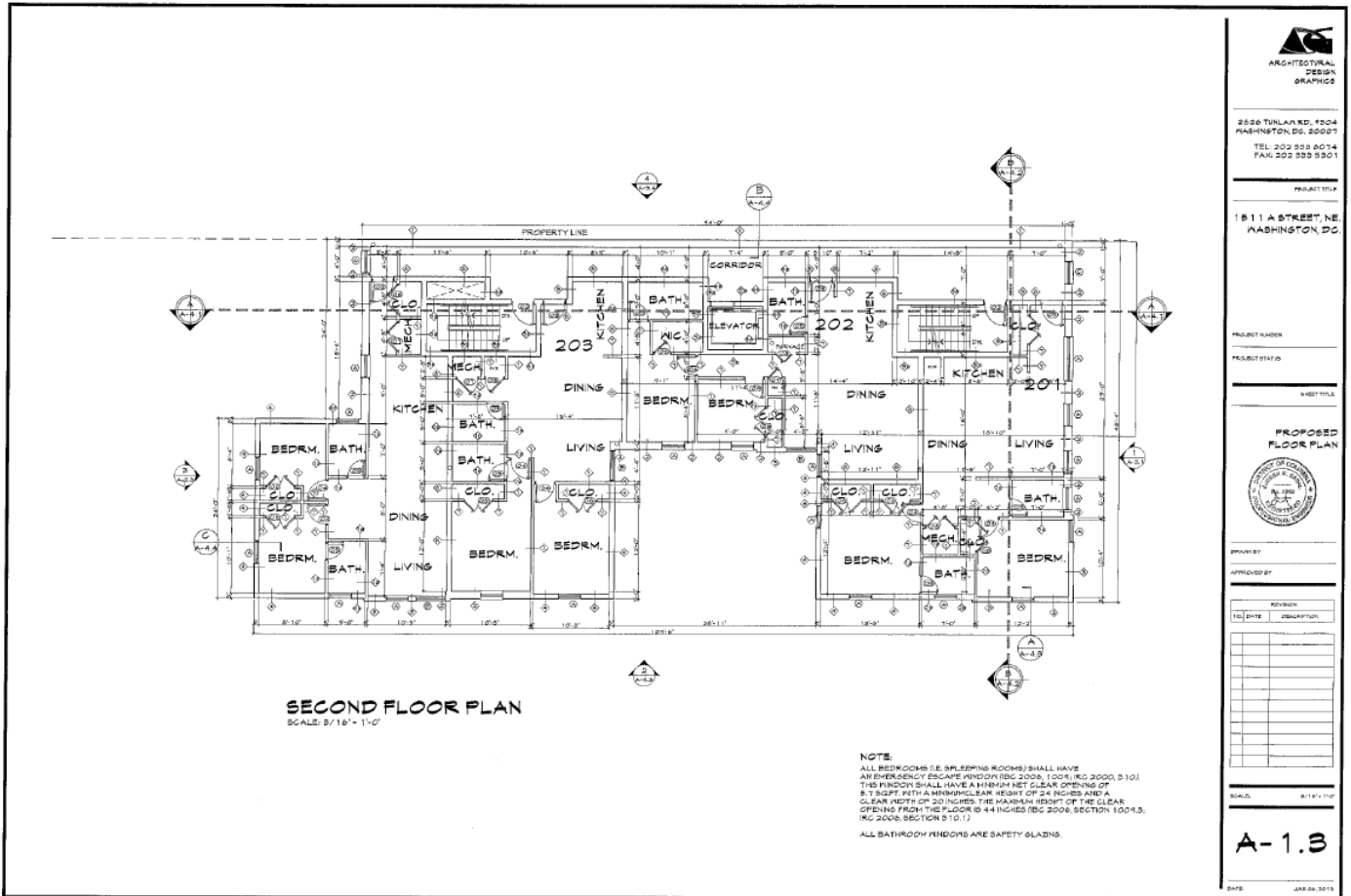


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Economic Development and Zoning Committee





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1510 A St NE - Google Maps

Page 1 of 1



Address 1510 A St NE

Address is approximate





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IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS

Re: Suresh Ranjan Baral
Fairfax, VA 22030

File Number 2012-02121
License Number 0402015039

FINAL OPINION AND ORDER

On August 20, 2013, the Summary of the Informal Fact-Finding Conference ("the Summary") and notification of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("the Board") September 24, 2013 meeting was mailed, via United Parcel Service ("UPS"), to Suresh Ranjan Baral ("Baral") at the address of record. The mail was delivered.

On September 24, 2013, the Board met and reviewed the record, which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference ("IFF"), and the Summary. Baral did appear at the Board meeting in person.

The Board adopts the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, and adopts the Summary. The Report of Findings and Summary are incorporated as part of this Order.

The Board finds substantial evidence that Baral violated the following sections of its Regulations:

(Effective July 1, 2010)
Count 1: 18 VAC 10-20-760 A
Count 2: 18 VAC 10-20-760 B 3
Count 3: 18 VAC 10-20-760 B 1

The Board imposes the following monetary penalties:



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Count 1:	18 VAC 10-20-760 A	\$ 2,500.00
Count 2:	18 VAC 10-20-760 B 3	\$ 500.00
Count 3:	18 VAC 10-20-760 B 1	\$ 1,000.00
	TOTAL	4,000.00

The Board also imposes the following sanctions:

Revocation of the license for violation of Count 1.

THE TOTAL MONETARY PENALTY ASSESSED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THIS FINAL ORDER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF THIS FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF YOUR LICENSE (LICENSE NO. 0402015039) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

FAILURE TO COMPLY WITH ANY OTHER TERMS WITHIN THE STATED TIMEFRAMES FROM THE DATE OF ENTRY OF THIS FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF YOUR LICENSE (LICENSE NO. 0402015039) UNTIL SUCH TIME AS COMPLIANCE IS OBTAINED. BARAL UNDERSTANDS THE RIGHT TO HAVE THIS AUTOMATIC SUSPENSION CONSIDERED IN AN INFORMAL CONFERENCE PURSUANT TO THE ADMINISTRATIVE PROCESS ACT §§ 2.2-4019 AND 2.2-4021 OF THE 1950 CODE OF VIRGINIA, AS AMENDED.

AS PROVIDED BY RULE 2A:2 OF THE SUPREME COURT OF VIRGINIA, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF SERVICE (I.E. THE DATE YOU ACTUALLY RECEIVED THIS DECISION OR THE DATE THE DECISION WAS MAILED TO YOU, WHICHEVER OCCURRED FIRST) WITHIN WHICH TO APPEAL THIS DECISION BY FILING A NOTICE OF APPEAL, SIGNED BY EITHER YOU OR YOUR COUNSEL, WITH GORDON N. DIXON, SECRETARY OF THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS. IN THE EVENT THAT THE DECISION WAS SERVED ON YOU BY MAIL, THREE (3) DAYS SHALL BE ADDED TO THE THIRTY (30) DAY PERIOD.



Committee Reports Economic Development and Zoning Committee



IF A PETITION FOR APPEAL IS FILED WITH THE CLERK OF THE CIRCUIT COURT, AS PROVIDED BY RULE 2A:4 OF THE SUPREME COURT OF VIRGINIA, THEN THE AUTOMATIC SUSPENSION OF YOUR LICENSE FOR FAILURE TO PAY THE TOTAL ASSESSED MONETARY PENALTY WILL BE STAYED PROVIDED THE FOLLOWING INFORMATION IS RECEIVED BY GORDON N. DIXON, SECRETARY OF THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS:

1. A SIGNED COPY OF THE NOTICE OF APPEAL; AND
2. A COPY OF THE SURETY AGREEMENT OR A COPY OF THE RECEIPT FROM THE CLERK OF THE CIRCUIT COURT WHERE THE APPEAL HAS BEEN FILED INDICATING THAT A BOND HAS BEEN POSTED OR CASH PAID INTO THE COURT IN THE AMOUNT OF THE TOTAL MONETARY PENALTY ASSESSED IN THE FINAL ORDER.

SO ORDERED:

Entered this 24th day of September, 2013.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

BY: 
Gordon N. Dixon, Secretary



Committee Reports Economic Development and Zoning Committee



IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS

Re: Suresh Ranjan Baral

File Number: 2012-02121
License Number: 0402015039

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On May 24, 2013, the Notice of Informal Fact-Finding Conference ("Notice") was sent by the United Parcel Service to Suresh Ranjan Baral ("Baral") at the address of record. The Notice included the Revised Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The Notice was delivered.

On June 27, 2013, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("the Board") convened an Informal Fact-Finding Conference ("IFF") at the Department of Professional and Occupational Regulation ("the Department").

The following individuals participated at the IFF: Baral, Respondent; Eric Mays ("Mays"), Complainant; Doug Schroder and Caroline Pruett, Staff Members; and Wiley V. Johnson, III, Presiding Board Member.

RECOMMENDATION

Based upon the evidence in the record, the following is recommended regarding the Counts as outlined in the Revised Report of Findings:

On March 18, 2011, Rohit C. Thakkar ("Thakkar") submitted a set of plans and a building permit application to Prince William County ("PWC") for the interior build out design of a Boost Mobile Store located at the subject property in Manassas, Virginia. The plans were sealed and signed by Thakkar as a registered design professional.¹

¹ Thakkar submitted the plans under PWC's Expedited Commercial Review Program ("ECRP"), which requires plans to be signed and sealed by a registered design professional. The plans may otherwise have been exempted under Section 54.1-402 of the Code of Virginia from the requirement to be signed and sealed. However, PWC's requirements applied in this case, and PWC reviewed the plans on this basis. Further, Board regulation 18 VAC 10-20-760.B.4 requires design professionals to seal their work even if one of the Section 54.1-402 exemptions applies.



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As part of PWC's plan review process, Iran Scott ("Scott") generated Architectural Review Comments ("ARC") for the subject property, dated March 21, 2011. Among other issues, the initial ARC posted by Scott stated that Thakkar was not licensed to practice architecture or engineering in the State of Virginia.² Therefore, PWC returned the drawing to Thakkar and told him that he would need a licensed architect to stamp and approve the drawings.

On March 25, 2011, Thakkar submitted a letter to PWC withdrawing the plans and application he submitted for the subject property.

Count 1: Board Regulation

On March 25, 2011, Baral submitted to PWC for review the same plans for the subject property previously submitted by Thakkar; however, the plans were now sealed and signed by Baral. Baral's seal was not dated. The title block of the plans contained the date of March 18, 2011. Further, the title block indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C.

The record contains several different explanations for the circumstances under which Baral came to seal, sign, and submit these plans. The Board must consider Baral's credibility when deciding which version of events to accept. I had the opportunity to observe Baral's appearance and demeanor during the IFF. My observations, taken together with the information in the record, raise serious concerns regarding Baral's truthfulness.

At the IFF, Baral repeatedly gave vague, evasive, and inconsistent answers. His account of the timeline of his involvement with the Boost Mobile project, the extent of the work he performed, and his business arrangement with Thakkar continued to change and evolve as he was confronted with specific questions. On several occasions, Baral evaded direct questions, giving answers that were nonresponsive. On other occasions he made statements that directly contradicted his previous written responses or other statements during the IFF. As demonstrated below, this information makes it difficult to believe Baral's account of events.

In his initial written response to the Board's agent, dated February 29, 2012, Baral stated that he worked with Thakkar on the subject property "extensively" and that he reviewed and marked up all drawings "with direct supervision on the project." He also stated that he contracted with Thakkar on March 20, 2011. (Exh. R-1) In a later response dated February 6, 2013, Baral repeated that the design work "was reviewed and supervised by me in its entirety" and that it was "checked by me thoroughly prior to sign and seal." (Exh. R-2) On May 16, 2013, Baral wrote, "The drafting of design work was done by Mr. Thakkar with my direct supervision and back check." (Exh. R-3)

² Thakkar was issued an architect's license in 1982. However, the registration for his license expired on June 2, 1992 and had not been renewed when the plans were submitted to PWC in March 2011. On June 13, 2012, Thakkar's registration was renewed. (Exh. I-2)



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The written responses listed above create confusion regarding Baral's specific role in the project. He repeatedly states that he supervised the work but it is difficult to determine what this supervision consisted of. According to Baral's account, Thakkar did the drafting, while Baral "reviewed" and "checked [the design] thoroughly". Together with the statement that they worked together "extensively," these statements seem intended to give the impression that Baral was involved at all stages of the design project.

Furthermore, in May 2013, Baral submitted to the Board's agent a proposal from Baral to Thakkar, dated March 10, 2011, stating that for a fee of \$2,000.00, Baral would provide Thakkar with a "complete review, mark up and supervise all design drawings. You will do drawings, we will back check and respond to all county comments during permit reviews." (Exh. I-4)

At the IFF, when Baral was questioned regarding his role in the project, a different picture emerged. He stated that on "other jobs," he and Thakkar had worked together, but this was a "small job." In this case, Thakkar originally planned to do the job himself because he either "could not afford" the fee Baral would have charged (Transcript, p. 17) or Thakkar "didn't want to spend the money for the consult" because the job was so small. (Transcript, p. 19) However, when Thakkar discovered his own license was not current and PWC would not accept the plans, Thakkar asked for Baral's help on the project. According to Baral, Thakkar stated, "I have to use you." Thakkar requested Baral to "go through everything and stamp it for me." (Transcript, pp. 11-12)

It is important to note the difference in these two versions of events. If Thakkar intended to do the job himself then there would have been no need for Baral to be involved at all before March 21, 2011, the date PWC notified Thakkar that his plans were rejected because his license was not in good standing. This calls into question why they entered into a contract on March 20, 2011.

Baral stated that Thakkar dropped off the drawings and Baral started his review either the same day or the next day.³ (Transcript, p. 15) Initially Baral stated that on his first review, he went through all the drawings and "it was more or less okay," but he made some marks and corrected two things. (Transcript, p. 9) Later in the IFF, Baral said that he reviewed the plan and found it "quite okay," and didn't make any corrections.⁴ He stated that he felt "comfortable" stamping the plans because he had "been working with [Thakkar on] so many projects before." (Transcript, pp. 12-13) On another

³ On page 15 of the transcript, Baral stated he looked at the set of plans the next day after it was dropped off. After being asked a clarifying question, Baral immediately contradicted himself and said he started on the same day. He concluded, "I don't know what day he came back. He gave me a couple of days, I think." Later, he stated without qualification that Thakkar gave him "a couple of days." (Transcript, p. 18) Still later in the IFF, Baral said that Thakkar gave him "four, five, six days" to conduct the review, and that Baral spent two days conducting the review. (Transcript, p. 38) This represents one of many instances during the IFF in which Baral seemed to have difficulty relating a consistent version of events.

⁴ Mays, who attended the IFF as a representative of PWC, confirmed that "not one thing was changed" between the plans that PWC rejected on March 18, 2011 (the plans sealed by Thakkar) and the plans submitted on March 25, 2011 (the plans sealed by Baral). (Transcript, p. 43)



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occasion, Baral stated that he did not feel the need to change “much” of Thakkar’s work. (Transcript, p. 18)

A review of both sets of plans leads me to conclude that Baral did not perform any review at all prior to sealing the plans that he submitted on March 25, 2011. The plans that Baral claims to have spent two days reviewing contained basic errors that should have been caught by simple proofreading. For instance, the plans identified the property as being located in Maryland, when it was actually located in Prince William County, Virginia.⁵

Furthermore, Mays stated that this set of plans needed to be reviewed four times by PWC before it could be approved. The average number of reviews to approve a layout plan in PWC is “roughly between 2.2 and 2.5 reviews.” (Transcript, p. 43). The four reviews of this project were related to the electrical systems. Mays expressed concern that “it takes [Baral] four [reviews] to get the electrical plans correct,” particularly in light of Baral’s statement that his expertise is in structural and civil engineering rather than electrical engineering. (Transcript, p. 13 and p. 44) Moreover, Baral considered this job a simple one.

Baral repeatedly asserted during the IFF that this project was “not complicated.” He also emphasized that this job was small and inexpensive. Baral did not explain why a small, simple job required so many reviews. It appears either that Baral was unable to perform the job competently or that, rather than conducting a thorough review himself, he chose to pass the responsibility for review on to PWC. Baral acknowledged that a significant portion of the project was electrical engineering, which is not his area of specialty. At the IFF, Baral stated that “from now on” he will “not touch” electrical work but will hire an electrical engineer to “look at it and stamp it.” (Transcript, p. 45) This raises the question of why Baral chose to do this electrical engineering work when he acknowledges it is outside his area of expertise.

Only when PWC prompted or directed him to correct or examine the plans thoroughly did he do so.⁶ In discussing the PWC review, Baral first stated that PWC reviews “thoroughly, which is very good.” (Transcript, p. 11) However, later he stated that some county reviews are “more reasonable. They say it works just fine. But there are some reviewers who are very strict, they want to see the number in the reports. . . It all depends on who is reviewing it at the time.” (Transcript, p. 28) It seems that since

⁵ The cover sheet of the plans contains various errors including, but not limited to, Scope of Work note 4 states, “All work to comply with Prince Georges [sic] County, State of Maryland and Fedral [sic].” General Note 18 states, in part, “Final payment will include but not restricted to following documents, certificate of occupancy approved by Howard County.” (Exh. C-4) Of further concern, when his attention was called to these errors, Baral stated that similar errors “happen all the time” and repeated, “It just happened.” These statements show a disturbing lack of concern by Baral regarding the quality of his professional work product. (Transcript, p. 39)

⁶ The record contains one version of the plans with a revision date of April 12, 2011. This revision was performed at the request of PWC. (Exh. W-1) Mays stated that the plan was approved, inclusive of all revisions, on May 24, 2011, and the building permit issued on May 31, 2011. (Transcript, p. 32)



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Baral knew PWC was very strict he would have put in his best effort. If his best effort resulted in the need for four reviews on a small, simple project, this is concerning⁷.

The above circumstances create a reason for great concern regarding the public welfare. Baral and Mays both stated that PWC conducts a particularly rigorous level of review. This raises the question of what would have occurred if Baral had submitted the plans to a locality with a less rigorous standard of review. Essentially, Baral has abdicated his responsibility as a design professional and left it to the locality to perform the review that Baral was supposed to do. This is especially troubling in light of Mays's statement that most of the problems with the plans were related to electrical engineering. Improper electrical design can pose a particular danger to public safety.

The Board's regulation 18 VAC 10-20-760.A allows a licensed professional to seal work prepared by another under certain circumstances: If the work is done by an employee of the same firm as the licensed professional or the person was under a written contract to the same firm as the licensed professional. Thakkar was neither an employee nor under contract at the time the work was performed.

Further, the Board's regulation allows for work done by another professional to be sealed after a thorough review equating to direct control and personal supervision. However, this provision likewise does not apply as Thakkar does not meet the qualification of a professional. His license was not in good standing in the Commonwealth at the time he did the work.⁸

Upon review of all the evidence, I must conclude that the plans Baral signed, sealed and submitted on March 25, 2011 were not work performed under his direct control and personal supervision. Thakkar was not an employee or under contract to Baral, and Baral did not exercise direct control and personal supervision over the work. In fact he did not even conduct an adequate review. Given these circumstances, Baral should not have attached his seal to the plans. When he did so, he created the false impression that the plans had been prepared by a licensed design professional when they were not. In fact, the plans submitted under Baral's seal on March 25, 2011 were actually the work of Thakkar that was done on March 18, 2011.

Baral's actions are a violation of Board Regulation 18 VAC 10-20-760.A. Baral's utter disregard for his professional and regulatory responsibilities in conjunction with his total lack of candor demonstrates he cannot be trusted with the responsibilities of being a licensee. Baral also fails to appreciate the risk to the public created by his actions. Thankfully, this project was submitted to PWC, which staffs its Building Official office

⁷ Baral's repeated emphasis on this being a small job with a small budget suggests Baral gauges the level of his professional responsibility to the size of the budget.

⁸ "Professional" is defined in 18 VAC 10-20-10 as "an architect, professional engineer, land surveyor, landscape architect or interior designer who is licensed or certified, as appropriate, pursuant to the provisions of this chapter and **is in good standing** with the board to practice his profession in this Commonwealth." [emphasis added]



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with well trained, qualified professionals. If these plans had been submitted to a county that would accept the plans as is, based on the strength of Baral's seal, it is possible that defective plans would have been used to complete the build out. Therefore, I recommend a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 2: Board Regulation

In addition to the recommendations outlined above:

The sealed plans submitted by Baral did not contain his firm name or address.

At the IFF, Baral stated that his failure to include this information was "a mistake."
(Transcript, p. 40)

Baral's action is a violation of Board Regulation 18 VAC 10-20-760.B.3. Therefore, I recommend a monetary penalty of \$500.00 be imposed.

Count 3: Board Regulation

In addition to the facts stated above:

The imprinted seal on the cover sheet of the plans Baral submitted to PWC bears Baral's signature, but fails to contain a date.

At the IFF, Baral stated that his failure to include this information was "a mistake."
(Transcript, p. 40)

Baral's action is a violation of Board Regulation 18 VAC 10-20-760.B.1. In some circumstances, this could be viewed as a technical violation. However, the larger context of Baral's misstatements and dishonest actions raises a concern that Baral was attempting to obscure the issue of when the plans were reviewed and stamped. As outlined in Count 1 above, Baral's failure to include the date fits into a larger pattern of dishonesty and reflects negatively on his character and fitness to be a licensee. Therefore, I recommend a monetary penalty of \$1,000.00 be imposed.

By: _____
Wiley V. Johnson, III
Presiding Board Member

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Date: July 22, 2013



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VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
9960 MAYLAND DRIVE, SUITE 400
RICHMOND, VA 23233

REVISED REPORT OF FINDINGS

BOARD: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
DATE: August 24, 2012 (Revised Kimberly Robinson May 22, 2013)
FILE NUMBER: 2012-02121
RESPONDENT: Suresh Ranjan Baral
LICENSE NUMBER: 0402015039
EXPIRATION: October 31, 2013
SUBMITTED BY: Kimberly Robinson, Investigations Supervisor
APPROVED BY:

COMMENTS:

Companion to File No. 2012-02119; Respondent Rohit C. Thakkar

Suresh Ranjan Baral ("Baral") was at all times material to this matter a licensed Professional Engineer in Virginia (No. 0402015039).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On January 10, 2012, the Compliance & Investigations Division of the Department of Professional & Occupational Regulation received written complaints from Eric M. Mays ("Mays"), Building Official for Prince William County ("PWC"), regarding Baral and Rohit C. Thakkar ("Thakkar"). (Exh. C-1 and C-2)

On September 15, 1982, Thakkar was issued an architect license, number 0401005176. The registration for license number 0401005176 expired June 2, 1992. On June 13, 2012, the registration for license number 0401005176 was reinstated. (Exh. I-2)



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On October 1, 1984, Baral was issued a professional engineer license, number 0402015039. (Exh. I-1)

On March 18, 2011, Thakkar submitted a set of plans and a building permit application to PWC for the interior build out design of a Boost Mobile Store located at 10346 Festival Lane, Manassas, Virginia 20109 ("subject property"). The plans were sealed and signed by Thakkar. Thakkar's Commonwealth of Virginia seal listed license #005176. (Exh. C-1 and C-3)

On March 18, 2011, PWC issued permit number BLD2011-04721 for work to be performed at the subject property. (Exh. C-3 and W-2)

The subject property is classified as: M Use Group; Type 2B; Building Area 1,540 square feet, with an Occupant Load of 46, which is exempted under Section 54.1-402 of the Code of Virginia from the requirement that a registered design professional sign and seal the plans. However, the plans and application submitted by Thakkar were submitted under PWC's Expedited Commercial Review Program ("ECRP"), which does require the plans be signed and sealed by a registered design professional. (Exh. C-5) Further, Board Regulation 18 VAC 10-20-760.B.3 states, in part, "If one of the exemptions found in § 54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this Board shall nevertheless apply his seal to the exempt work."

1. Board Regulation

18 VAC 10-20-760. Use of seal.

- A. The application of a professional seal shall indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed. Therefore, no professional shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person unless such work was performed under the direct control and personal supervision of the professional while said unlicensed or uncertified person was an employee of the same firm as the professional or was under written contract to the same firm that employs the professional. If the original professional of record is no longer employed by the regulant or is otherwise unable to seal completed professional work, such work may be sealed by another professional, but only after a thorough review of the work by the professional affixing the professional seal to verify that the work has been accomplished to the same extent that would have been exercised if the work had been done under the direct control and personal supervision of the professional affixing the professional seal.



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Historical Notes:

Derived from VR130-01-2 §12.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 3, eff. December 1, 2008; Volume 26, Issue 4, eff. July 1, 2010.

Print Date: July 1, 2010

FACTS:

Board Regulation 18 VAC 10-20-10 states, in part:

"Direct control and personal supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision and words and phrases of similar import mean that the professional shall have control over the decisions on technical matters of policy and design, and exercises his professional judgment in all professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and the professional has exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team members' work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations and usual and customary standards of care pertaining to professional practice. Further, it is that degree of control a professional is required to maintain over decisions made personally or by others over which the professional exercises direct control and personal supervision. "Direct control and personal supervision" also includes the following:

1. The degree of control necessary for a professional to be in direct control and personal supervision shall be such that the professional:
 - a. Personally makes professional decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever professional decisions that could affect the health, safety and welfare of the public are made; and
 - b. Determines the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.



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2. Professional decisions which must be made by and are the responsibility of the professional in direct control and personal supervision are those decisions concerning permanent or temporary work that could affect the health, safety, and welfare of the public, and may include, but are not limited to, the following:
 - a. The selection of alternatives to be investigated and the comparison of alternatives for designed work; and
 - b. The selection or development of design standards and materials to be used
3. A professional shall be able to clearly define the scope and degree of direct control and personal supervision and how it was exercised and to demonstrate that the professional was answerable within said scope and degree of direct control and personal supervision necessary for the work for which the professional has signed and sealed;

"Professional" means an architect, professional engineer, land surveyor, landscape architect or interior designer who is licensed or certified, as appropriate, pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in this Commonwealth.

On March 18, 2011, Thakkar submitted a set of sealed/signed plans and a building permit application to PWC for the subject property. According to Thakkar, he developed the plans, but Baral looked them over and made some changes.⁹ (Exh. C-1, C-2, C-3, and I-3) Thakkar hired Baral to stamp and approve the drawing. According to Thakkar, Baral had already been involved in the project performing the engineering work on the job while Thakkar performed the architectural drawing.¹⁰ Thakkar further indicated he could provide emails showing he and Baral worked on the project together. However,

⁹ The plans, which included the HVAC plan and the electrical plan, indicated Thakkar was the architect of record. The plans contained an original date of March 18, 2010, but it was hand-corrected to indicate March 18, 2011. (Exh. C-3)

¹⁰ Baral did not seal any of the sheets on Thakkar's original submission but he may not need to if the engineering work was incidental to Thakkar's architecture work.



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Thakkar later acknowledged he had no documentation to show that Baral worked on the project prior to the submission of the plans to PWC on March 18, 2011, because all of the emails between him and Baral had been deleted. (Exh. I-3)

On March 20, 2011, Baral was "contracted by" Thakkar.¹¹ According to Baral, he "worked with Architect Rohit C. Thakkar extensively, reviewed and marked up all drawings with direct supervision on the project and then signed and sealed the drawings." (Exh. R-1)

On March 21, 2011, Iran Scott, PWC Plan Reviewer, posted to the PWC website the Architectural Review Comments ("ARC") for the subject property. The initial ARC posted by Scott listed five comments. The first comment stated, in part:

The seal provided on the drawing identifies the licensed design professional as Rohit C. Thakkar. A license search of the Department of Professional and Occupational Regulation indicates that Mr. Thakkar is not licensed to practice architecture or engineering in the State of Virginia. (Exh. C-6a)

Thakkar indicated he stamped the drawing because he thought he would have renewed his license by that time, but had not done so. When PWC returned the drawing to Thakkar, PWC told Thakkar he would need a licensed architect to stamp and to approve the drawing. (Exh. I-3)

According to Baral, he supervised the architectural work for the subject property and he did not use anyone's work without their knowledge or permission. (Exh. I-4)

On March 25, 2011, Thakkar submitted a letter to PWC withdrawing the plans and application he submitted for the subject property. (Exh. C-7 and W-2)

On March 25, 2011, Baral submitted the same plans for the subject property previously submitted by Thakkar to PWC for review; however, the plans were now sealed and signed by Baral. Baral's seal was not dated. The title block of the plans contained the date of March 18, 2011. Further, the title block indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C. Thakkar indicated he gave Baral the same set of drawings that he submitted to PWC on March 18, 2011, so that Baral could stamp and resubmit the drawings to PWC. (Exh. C-4, C-6, and I-3)

During the investigation, Thakkar provided Investigator Gary Jenkins, the Board's agent, with the HVAC and electrical plans and details for the subject property which listed Baral as the engineer. The plans indicated a revision date of April 12, 2011. (Exh. W-1)

Baral indicated that he did not find out about Thakkar's expired license until Thakkar

¹¹ The fee proposal from Baral to Thakkar indicates, in part, "The fee is for a complete review, mark up and supervise all design drawings. You will do the drawings, we will back check and respond to all county comments during permit review." Exh R-4



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explained to him that the plans were rejected because his [Thakkar's] license was expired. (Exh. I-4)

On April 18, 2011, Thakkar paid Baral \$1,000.00 for his service. (Exh. R-1 and I-3)

Baral, a licensed professional engineer, inappropriately sealed the drawings as they were architecture work; as Thakkar was not an employee or under contract with Baral at the time the work was performed; as Thakkar does not qualify as a professional of record; and as Baral did not exercise direct control and personal supervision over the plans submitted on March 25, 2011.

2. Board Regulation

18 VAC 10-20-760. Use of seal.

- B. An appropriately licensed or certified professional shall apply a seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the professional or someone under his direct control and personal supervision.
3. All plans, drawings or plats prepared by the professional shall bear the professional's name or firm name, address and project name.

FACTS:

In addition to the facts outlined above:

On March 18, 2011, Thakkar submitted a set of sealed/signed plans and a building permit application to PWC for the subject property. The title block of the plans Thakkar submitted indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C. (Exh. C-1, C-2, C-3, and I-3)

On March 21, 2011, Iran Scott, PWC Plan Reviewer, rejected Thakkar's plans because Thakkar was not properly licensed. (Exh. C-6a)

Thakkar hired Baral to stamp and approve the drawing. (Exh. C-1, C-2, C-3, and I-3)

On March 25, 2011, Baral submitted the same plans for the subject property previously submitted by Thakkar to PWC for review; however, the plans were now sealed and signed by Baral. Baral's seal was not dated. The title block of the plans contained the date of March 18, 2011. Further, the title block indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C.¹² Thakkar indicated he gave

¹² The cover sheet of the plans contains various errors including, but not limited to, Scope of Work note 4 states, "All work to comply with Prince George County, State of Maryland and Federal." General Note 18



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Baral the same set of drawings that he submitted to PWC on March 18, 2011, so that Baral could stamp and resubmit the drawings to PWC. (Exh. C-4, C-6, and I-3)

The sealed plans submitted by Baral did not contain his firm name or address.

3. Board Regulation

18 VAC 10-20-760. Use of seal.

- B. An appropriately licensed or certified professional shall apply a seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the professional or someone under his direct control and personal supervision.
 - 1. All seal imprints on the cover or first sheet of final documents shall bear an original signature and date. "Final Documents" are completed documents or copies submitted on a client's behalf for approval by authorities or recordation. In such cases, the cover sheet of the documents or copies shall contain a list of drawings or plats included in the set on which a seal, original signature and date shall be affixed for all regulated disciplines. Every page of the submission, other than the cover, may be reproduced from originals which contain the seal, original signature and date by each discipline responsible for the work.

Historical Notes:

Derived from VR130-01-2 §12.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 3, eff. December 1, 2008; Volume 26, Issue 4, eff. July 1, 2010..

Print Date: July 1, 2010

FACTS:

In addition to the facts stated above:

The imprinted seal on the cover sheet of the plans Baral submitted to PWC bears Baral's signature, but fails to contain a date. (Exh. C-4)

states, in part, "Final payment will include but not restricted to following documents, certificate of occupancy approved by Howard County." (Exh. C-4)



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In his written response dated February 29, 2012, Baral stated, "Date within the seal was missed on the first submission, but was dated in subsequent submission. The drawings had been dated on the right hand side at this submission, but were missed within the seal.¹³ In my opinion, there is no violation." (Exh. R-1)

Baral failed to date his seal.

¹³ The date on the right hand side of the plans is March 18, 2011, the same date Thakkar submitted his version of the plans to PWC. (Exh. C-4)



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