



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for June 12, 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 pm **Community Comments** (2 minutes each)
- 7:10 pm **Community Presentation**
Mr. Josh Kern, Court-Appointed Receiver for Options Charter School
- 7:30 pm **Officer Reports:**
Chair (2 minutes)
Vice-Chair (2 minutes)
Secretary (2 minutes)
Treasurer (2 minutes)
1. Approve Treasurer's Report *pg. 49*
- 7:40 pm **Standing Committee Reports:**
Community Outreach *pg. 51*
1. Approve committee report.
2. **Recommendation:** The COC recommends that ANC 6A approve \$300.00 in support of the Miner PTO request for athletic equipment.
3. Next meeting - 7 pm, June 16, 2014 (3rd Monday). The Committee does not plan to meet in July.
- 7:50 pm **Alcohol Beverage Licensing** *pg. 55*
1. Approve committee report
2. **Recommendation:** The ANC formally protest the CT license application for Mythology & Lore at 816 H Street NE (License Number ABRA-095033) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date.
3. FYI: The ABL Committee discussed the fact that Mythology & Lore is applying for a CT license rather than a CR license (which the ANC has traditionally preferred), but did not consider a motion regarding this issue.
4. **Recommendation:** The ANC formally protest the Class C Multipurpose license application for Gallery O on H at 1354-1356 H Street, NE (License Number ABRA-094849) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date.
5. FYI: The Committee discussed the request by Little Miss Whiskey's Golden Dollar (1104 H Street NE) to extend its summer garden hours to its hours of operation, but did not consider a motion regarding this issue.
6. Next meeting - 7 pm, June 17, 2014 (3rd Tuesday)



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

- 8:05 pm **Transportation and Public Space Committee** *pg. 64*
1. Approve committee report.
 2. **Recommendation:** ANC write a letter to DDOT recommending that the Department look at the intersection of Thirteenth (13th) Street and I Street NE, stating that the ANC would support installation of stop signs.
 3. Next meeting - 7 pm, June 16, 2014 (3rd Monday)

- 8:15 pm **Economic Development and Zoning** *pg. 66*
1. Approve committee report.
 2. **Recommendation:** ANC write a letter in support of the project at 1301 North Carolina Avenue NE (HPA 13-545) to HPRB on the condition that the applicant complies with the five (5) requests stated in the letter from SHPO.
 3. **Recommendation:** ANC write a letter to the BZA recommending approval of the project at 1122 East Capitol Street NE, on the condition that the plans submitted with the BZA application do not deviate materially from the plans reviewed by the Committee.
 4. **Recommendation:** ANC send a letter in support of the project at 1122 East Capitol Street NE to HPRB on the condition that the applicant address CHRS concerns by using a darker color for the siding.
 5. Next meeting - 7 pm, June 18, 2014 (3rd Wednesday)

New Business

- 8:30 pm **Single Member District reports** (2 minutes each)
- 8:45 pm **Community Comments Round II, time permitting** (2 minutes each)
- 9:00 **Adjourn**



Commission Letters of June 12, 2014 Meeting



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



June 9, 2014

Mr. Matthew Brown
Director, District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Installation of a Traffic Signal at 10th St NE and Maryland Ave NE

Dear Mr. Brown,

At a regularly scheduled and properly noticed meeting¹ on May 8, 2014, our Commission voted 5-0-0 (with 5 Commissioners required for a quorum) to request that the District Department of Transportation (DDOT) install a traffic signal at the intersection of Maryland Ave NE and 10th St NE without delay. This intersection presents a daily and alarming threat to motorists and pedestrians. It is a very busy intersection that is extremely difficult to navigate for both vehicles and pedestrians. It is used by many of the nearby elementary school families as they walk to school and is a major commuter route for pedestrians. It is challenging for north-south vehicular traffic to negotiate.

It is our understanding that the consideration of a traffic signal for this intersection is part of a proposed a study of traffic management on Maryland Ave NE corridor between 1st St and 15th St. NE. We have been told that the proposed study and implementation of recommended traffic calming measures for that expanse of Maryland Ave will take more than a year to complete - possibly much longer. Because this intersection presents an immediate and ongoing threat to motorists and pedestrians, we ask that DDOT take more immediate action to improve pedestrian and vehicular safety at this intersection. We ask that DDOT undertake planning for a traffic signal at 10th St NE and Maryland Ave NE apart from the larger study of traffic calming measures for the Maryland Ave corridor.

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 June 12, 2014 Meeting



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



June 9, 2014

Mr. Jim Sebastian
Bicycle Program Manager
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Recommendation for Capital Bikeshare Station at 10th Street NE and Maryland Ave NE

Dear Mr. Sebastian,

At a regularly scheduled and properly noticed meeting¹ on May 8, 2014, our Commission voted 5-0-0 (with 5 Commissioners required for a quorum) to recommend that the promised new Capital Bikeshare station slated for the intersection of 12th St NE and H St NE be located instead at the intersection of 10th St NE and Maryland Ave NE. We believe the traffic island on the southwest corner of the intersection of 10th St NE and Maryland Ave NE would be a suitable location for the bike station.

We note that there are currently bike stations along H St NE at 11th St, 13th St and 15th St. We believe our community would be better served by locating the new bike station at 10th St NE and Maryland Ave NE.

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

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Commission Letters of June 12, 2014 Meeting



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



May 21, 2014

Matthew Brown
Director
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Request to Reconsider 'Public Parking' Designation for Reservation 266

Dear Mr. Brown,

At a regularly scheduled and properly noticed meeting¹ on May 8, 2014, our Commission voted 4-1-0 (with 5 Commissioners required for a quorum) to request that the Department of Transportation (DDOT) reconsider its characterization of Reservation 266 as 'public parking'. Reservation 266 is the pocket park at the intersection of Tennessee Ave NE and 13th St NE. It is one of the publicly owned reservations transferred from the National Park Service to the District. DDOT declared Reservation 266 to be 'public parking' in an October 25, 2013 letter to ANC 6A Chairman Holmes.

At our May 8, 2014 meeting, ANC 6A was presented with DDOT's Departmental Order NO. 1-2014, Subject: DDOT Open Space Preservation and Enhancement Policy (see attachment). We are optimistic that this recently adopted policy will provide much protection against the loss of public access to pocket and triangle parks such as Reservation 266 and improve the management of all public parks under DDOT's jurisdiction. While we welcome this policy and see it as a step in the right direction, we are disappointed that it does not correct DDOT's earlier characterization of Reservation 266 as 'public parking'.

We believe the characterization of Reservation 266 as public parking is an incorrect application of that term. Public parking is a term that properly applies only to the City owned property between the actual street curb and the property lines drawn out in the L'Enfant Plan. The framework for the parking system was established by Congress in the Parking Act of 1870. Reservation 266 was not part of that system. Reservation 266 is a federally owned parcel transferred jurisdictionally from the National Park Service (NPS) to the District in 1973.

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The designation of Reservation 266 as 'public parking' is inconsistent with DDOT's Departmental Order NO. 1-2014, especially as it applies to federal reservations transferred from the National Park Service to the District – see Sections II.C and IV.C of the Order. A broad application of this designation to other public spaces is contrary to general policies set forth in the Order, as it would greatly diminish the public utility of pocket parks throughout the District. Furthermore, that Order recognizes that the assignment of a 'public parking' designation to triangle and pocket parks is inconsistent with the District's Comprehensive Plan. ANC 6A fully agrees with that assessment.

Public access to Reservation 266 and similar parks across the District is threatened by the existing characterization of this pocket park as 'public parking'. That characterization implies that the privileges extended to residents for the use of their front yards (public parking) will extend to the adjacent homeowners for the use of this pocket park. More importantly, DDOT's current designation of Reservation 266, if left unchanged, sets a precedent that would allow similarly situated property owners throughout the District to claim those privileges over adjacent public space.

DDOT's mis-characterization of Reservation 266 is currently being employed by an adjacent homeowner to justify actions that deter public use of the park. Those actions include actively discouraging the public from moving freely through the park and formulating plans to fence the park – the homeowner has applied to the Historic Preservation Office for design approval of a fence that would surround a portion of this public park. We anticipate that the DDOT will soon be asked to consider a public space application for the installation of said fence. If so, we expect DDOT to seek ANC 6A input (see sections IV. C. 5 & 6 of DDOT Order No. 1-2014).

It is for the reasons stated above that ANC 6A strongly encourages DDOT to rescind its previous designation of Reservation 266 as 'public parking' and to issue documentation to that effect.

Please be advised that Nicholas Alberti, Omar Mahmud and David Holmes are authorized to act on behalf of ANC 6A with respect to this matter.

On Behalf of the Commission,

Nicholas Alberti,
Chair, Advisory Neighborhood Commission 6A



ATTACHMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



ADMINISTRATIVE ISSUANCE SYSTEM

DEPARTMENTAL ORDER NO. 1-2014 DATE: April 30, 2014

SUBJECT: DDOT Open Space Preservation and Enhancement Policy

I. PURPOSE

This policy is established to provide consistent and predictable guidance to District Department of Transportation (DDOT) staff to follow when planning improvements within the public right-of-way or reviewing a permit application to make improvements on triangle parks, pocket parks and public parking under its jurisdiction which is consistent with the District's Comprehensive Plan and DDOT's commitment to enhancing the quality of life for District residents as well as protecting and enhancing the natural, environmental and cultural resources of the District.

In support of the Transportation, Environmental and Parks, Recreation, and Open Space Elements of the District Elements of the Comprehensive Plan for the National Capital, codified in chapters 4, 6, and 8 of Subtitle A of Title 10 of the DC Municipal Regulations (DCMR), DDOT is promoting the preservation and enhancement of open spaces under its jurisdiction. By doing so, DDOT preserves the distinctive character of the District's transportation corridors as a legacy of the 1791 L'Enfant Plan and supports the District's modern vision of "building green and healthy communities" which is essential for future economic growth.

II. AUTHORITY

This policy is authorized by the District Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.* (2012 Repl.)) which, *inter alia*, charges DDOT with the responsibility to improve quality of life by planning and coordinating the transportation infrastructure, managing and maintaining the transportation infrastructure and to ensure the safe and efficient movement of people and goods along public rights-of-way.

III. POLICY

DDOT policy is to support the Transportation, Environmental and Parks, Recreation, and Open Space Elements of the District Elements of the Comprehensive Plan for the National Capital by promoting the preservation and enhancement of open spaces under



DDOT's jurisdiction when planning transportation system improvements, when evaluating development plan reviews and when approving public space permit applications for private improvements on the District's public space as follows:

A. Planning Transportation System Improvements

DDOT shall consider a range of environmental and open space improvements to the transportation corridors that enhance the livability and vitality of the District and its communities.

B. Improvements on Public Parking and Building Restriction Line Land

DDOT shall ensure environmental and open space considerations are incorporated in the development plan review process and the public space permit application review process.

C. Permit Applications for Private Improvements to Triangle and Pocket Parks

DDOT shall preserve the District's triangle and pocket parks as publicly accessible neighborhood amenities. (See Comp Plan: section 10-A806.5 (policy PROS-1.3.3: Protecting the Triangle Parks).)

IV. PROCESS

A. Planning Transportation System Improvements

To preserve and enhance the environment and the distinctive open space character of the District's transportation corridors while enhancing the livability and vitality of the District and its communities, DDOT shall:

1. Enhance the visual and open space qualities of the District's streets and avenues through the landscaping of medians and traffic islands;
2. Continue to maintain and expand the District's tree canopy through resident stewardship and partnerships with community groups and nonprofit advocacy groups to undertake tree surveys and planting campaigns and do volunteer training and education;
3. Continue to aggressively enforce operating procedures for utility and road work, as outlined in the DDOT Construction Guidelines for Tree Protection and Standard Specifications for Highways and Structures, to minimize tree damage (See Comp Plan: section 10-A603.13 (Action E-1.1-D: Operating Procedures for Utility and Roadwork). The DDOT guidelines cover damage per the DDOT Standard Specification and the Urban Forestry Preservation Act.);



4. Continue to seek opportunities to implement stormwater management best practices within the street right-of ways to reduce stormwater runoff;
5. Consider the development of elevated public parks and open spaces, such as podium parks, when drafting or negotiating the air rights above freeways;
6. Identify DDOT controlled triangle and pocket parks which benefit from the transfer to the Department of Parks and Recreation (DPR) for their further enhancement as neighborhood amenities (See Comp Plan: section 10-A806.10 (policy PROS-1.3.B: Transfer of Triangles to DPR);
7. Create an Adopt-a-Park program similar to the current DPR Adopt-a-Park program for DDOT controlled triangle and pocket parks not transferred to DPR based on the review criteria below for permitting community supported private improvements for triangle and pocket parks (See Comp Plan: section 10-A810.17 (Action PROS-2.2.C: Adopt-A-Park); and
8. Explore opportunities to identify and develop paper alleys having the potential to be corridors for pedestrian trails or multiuse paths providing circulation within neighborhoods or connections between neighborhoods (See Comp Plan: 10-A815.1 (PROS-3.4 Connecting the City through trails). The actual land cannot be transferred to DPR unless the paper alley is closed and real property is created for transfer.)

B. Improvements on Public Parking and Building Restriction Line Land

During development plan reviews and the review of permit applications for private improvements on public parking, defined as the land between the rear edge of the actual or planned sidewalk and the property line, or if present, the building restriction line, DDOT shall evaluate the plan review or permit application based on whether:

1. The area of public parking devoted to the planting of landscaping and trees is maximized;
2. The installation of impervious surface coverings beyond what is allowed in subsection 104.5 of title 24 of the DCMR and chapter 32 of subtitle A of title 12 of the DCMR is avoided or minimized;
3. Commercial properties, where practical, have incorporated appropriate stormwater management best practices into the landscape design; and
4. Disruptions to the distinctive open space character of the District's transportation corridors caused by high walls and fencing are avoided and the impact of encroachments, such as canopies, awnings and enclosed cafes is minimized, particularly within historic districts. (See Comp Plan: Section 10-A1012.5: (Policy HP-2.5.4: Landscaped Yards in public space). See also Comp Plan: Section 10-A404.1 (T-1.2 Transforming Corridors). This



provision will provide guidance to the Public Space Committee as well as the permit office in general.)

C. Permit Applications for Private Improvements to Triangle and Pocket Parks

During the permit application review of proposed improvements on triangle or pocket parks, defined as publicly owned reservations which have been transferred jurisdictionally from the National Park Service to the District, DDOT shall ensure that:

1. Improvements do not change the real or implied function of the park as a public open space;
2. Public access to the park is preserved;
3. Improvements promote the public enjoyment and use of the park;
4. The use of impervious surface coverings are avoided to minimize stormwater runoff (See Comp Plan: section 806.5 (policy PROS-1.3.3: Protecting the Triangle Parks).);
5. Neighborhood involvement, including sending the permit application to the applicable Advisory Neighborhood Commission (ANC), is incorporated into the application review process prior to approving the permit application; and
6. The recommendations of the affected ANC shall be given great weight, as that term is described in section 13(d)(3)(A) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)(3)(A)).

V. ISSUANCE APPLICABILITY


This Order is to be given to each DDOT employee for his or her review based on the applicability of this policy to his or her job.

VI. EFFECTIVE DATE

This policy shall become effective immediately upon the execution of this Order.



 Terry Bellamy
 Director



 Date



Commission Letters of June 12, 2014 Meeting



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



May 19, 2014

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

Re: HPA # 14-310 (147 Tennessee Ave NE / Reservation 266)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting¹ on May 8, 2014, our Commission voted 4-1-0 (with 5 Commissioners required for a quorum) to oppose the application for the installation of a fence on Reservation 266, the public space adjacent to 147 Tennessee Ave NE (HPA14-310). The homeowner of 147 Tennessee Ave NE has applied to install a fence enclosing on a portion of Reservation 266, the pocket park at the intersection of 13th St NE and Tennessee Ave NE.

We oppose the application 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 detract from the historic appearance of Reservation 266 which is a contributing feature of both the landmarked L'Enfant Plan for the City of Washington and the Capitol Hill Historic District and 2) more importantly, the fence would prevent public access, a clear violation of Section 2 of the Act².

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² Section 2 of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Official Code § 6-1101) states: (a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural and aesthetic merit are in the interests of the health, prosperity and welfare of the people of the District of Columbia.

Therefore, this act is intended to:

(1) Effect and accomplish the protection, enhancement and perpetuation of improvements and landscape features of landmarks and districts which represent distinctive elements of the city's cultural, social, (economic, political and architectural history;

....

(5) Promote the use of landmarks and historic districts for the education, pleasure and welfare of the people of the District of Columbia.



Commission Letters of June 12, 2014 Meeting



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Additionally, the proposed fence is not consistent with the District's Department of Transportation recently issued Departmental Order No. 1-2014 (see attachment). The pocket park in question is a publicly owned reservation that has been transferred jurisdictionally from the National Park Service (NPS) to the District. DDOT's order speaks to the use of NPS reservations in Section IV. C. This section states that 'During the permit application review proposed improvements on triangle or pocket parks..., DDOT shall ensure that: 1. Improvements do not change the real or implied function of the park as a public open space; 2. Public access to the park is preserved; [and] 3. Improvements promote the public enjoyment and use of the park.

Please be advised that Nicholas Alberti, David Holmes and Omar Mahmud 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

Attachment



ATTACHMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



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In support of the Transportation, Environmental and Parks, Recreation, and Open Space Elements of the District Elements of the Comprehensive Plan for the National Capital, codified in chapters 4, 6, and 8 of Subtitle A of Title 10 of the DC Municipal Regulations (DCMR), DDOT is promoting the preservation and enhancement of open spaces under its jurisdiction. By doing so, DDOT preserves the distinctive character of the District's transportation corridors as a legacy of the 1791 L'Enfant Plan and supports the District's modern vision of "building green and healthy communities" which is essential for future economic growth.

II. AUTHORITY

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3. Continue to aggressively enforce operating procedures for utility and road work, as outlined in the DDOT Construction Guidelines for Tree Protection and Standard Specifications for Highways and Structures, to minimize tree damage (See Comp Plan: section 10-A603.13 (Action E-1.1-D: Operating Procedures for Utility and Roadwork). The DDOT guidelines cover damage per the DDOT Standard Specification and the Urban Forestry Preservation Act.);



4. Continue to seek opportunities to implement stormwater management best practices within the street right-of ways to reduce stormwater runoff;
5. Consider the development of elevated public parks and open spaces, such as podium parks, when drafting or negotiating the air rights above freeways;
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7. Create an Adopt-a-Park program similar to the current DPR Adopt-a-Park program for DDOT controlled triangle and pocket parks not transferred to DPR based on the review criteria below for permitting community supported private improvements for triangle and pocket parks (See Comp Plan: section 10-A810.17 (Action PROS-2.2.C: Adopt-A-Park); and
8. Explore opportunities to identify and develop paper alleys having the potential to be corridors for pedestrian trails or multiuse paths providing circulation within neighborhoods or connections between neighborhoods (See Comp Plan: 10-A815.1 (PROS-3.4 Connecting the City through trails). The actual land cannot be transferred to DPR unless the paper alley is closed and real property is created for transfer.)

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1. The area of public parking devoted to the planting of landscaping and trees is maximized;
2. The installation of impervious surface coverings beyond what is allowed in subsection 104.5 of title 24 of the DCMR and chapter 32 of subtitle A of title 12 of the DCMR is avoided or minimized;
3. Commercial properties, where practical, have incorporated appropriate stormwater management best practices into the landscape design; and
4. Disruptions to the distinctive open space character of the District's transportation corridors caused by high walls and fencing are avoided and the impact of encroachments, such as canopies, awnings and enclosed cafes is minimized, particularly within historic districts. (See Comp Plan: Section 10-A1012.5: (Policy HP-2.5.4: Landscaped Yards in public space). See also Comp Plan: Section 10-A404.1 (T-1.2 Transforming Corridors). This



provision will provide guidance to the Public Space Committee as well as the permit office in general.)

C. Permit Applications for Private Improvements to Triangle and Pocket Parks

During the permit application review of proposed improvements on triangle or pocket parks, defined as publicly owned reservations which have been transferred jurisdictionally from the National Park Service to the District, DDOT shall ensure that:

1. Improvements do not change the real or implied function of the park as a public open space;
2. Public access to the park is preserved;
3. Improvements promote the public enjoyment and use of the park;
4. The use of impervious surface coverings are avoided to minimize stormwater runoff (See Comp Plan: section 806.5 (policy PROS-1.3.3: Protecting the Triangle Parks).);
5. Neighborhood involvement, including sending the permit application to the applicable Advisory Neighborhood Commission (ANC), is incorporated into the application review process prior to approving the permit application; and
6. The recommendations of the affected ANC shall be given great weight, as that term is described in section 13(d)(3)(A) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)(3)(A)).

V. ISSUANCE APPLICABILITY

This Order is to be given to each DDOT employee for his or her review based on the applicability of this policy to his or her job.

VI. EFFECTIVE DATE

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 Terry Bellamy
 Director



 Date



Commission Letters of June 12, 2014 Meeting



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



May 10, 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 5-0-0 (with 4 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

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



May 10, 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 meeting¹ on May 8, 2014, our Commission voted 5-0-0 (with 4 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.

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 June 12, 2014 Meeting



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



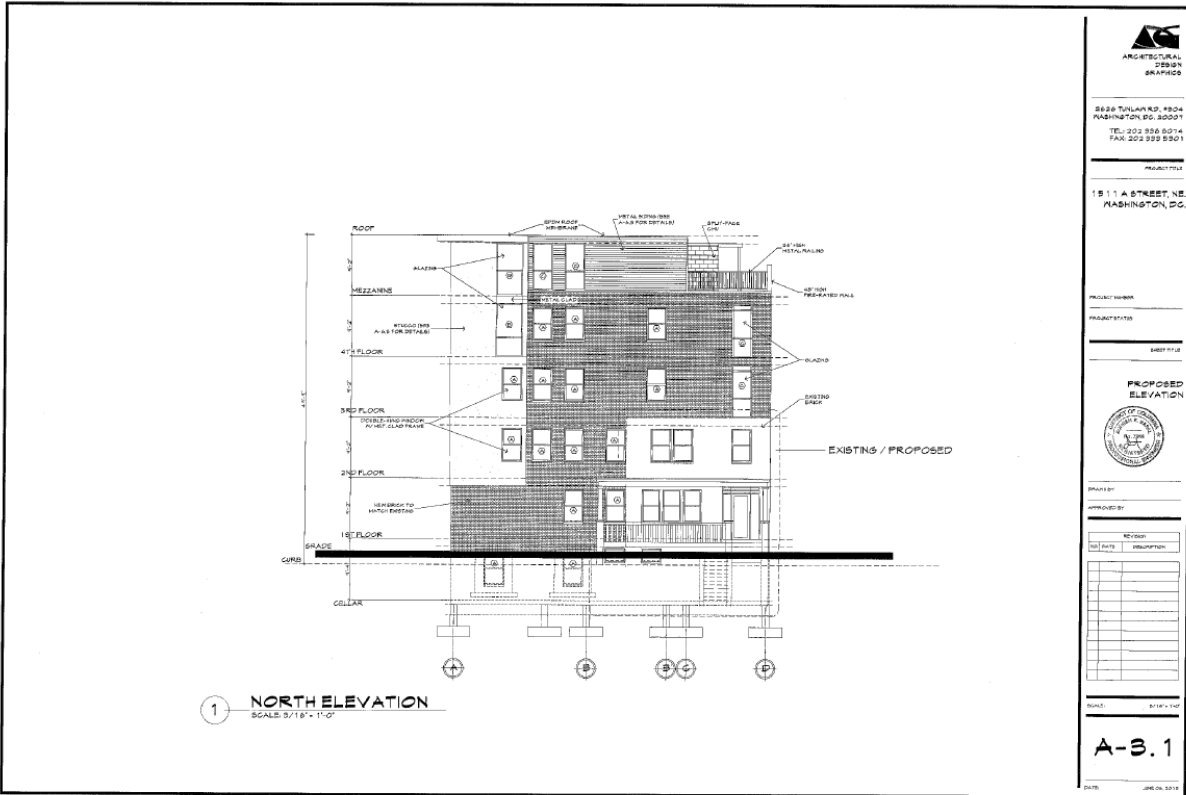
We again ask that you closely scrutinize the plans provided by the developer and determine whether any zoning relief is required, particularly with regard to the FAR and height of the proposed structure. We believe such scrutiny is particularly warranted in view of Mr. Baral's involvement with this project. 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,

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

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

Enclosures



ARCHITECTURAL DESIGN GRAPHICS
2828 TULLANE RD. #204
WASHINGTON, DC 20007
TEL: 202 536 0074
FAX: 202 536 9501

PROJECT TITLE
**1511 A STREET NE
WASHINGTON, DC**

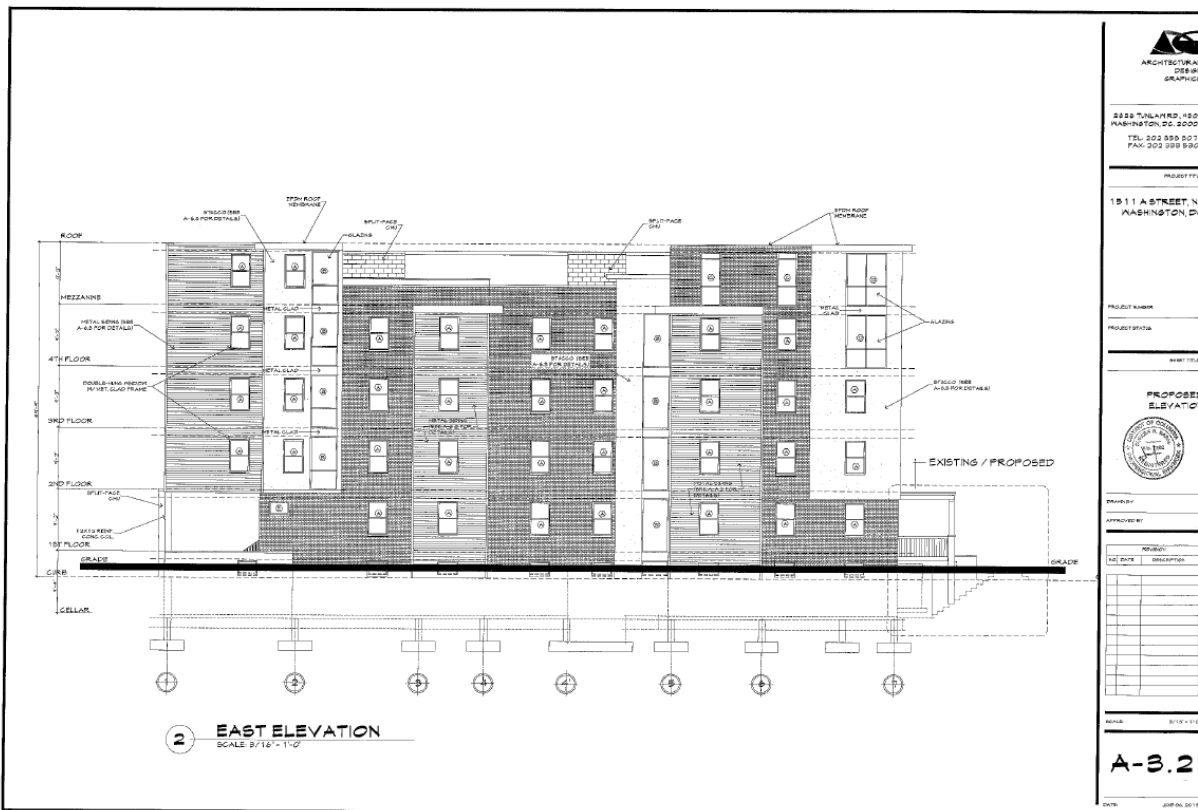
PROJECT NUMBER
PROJECT DATE
DATE PLOTTED

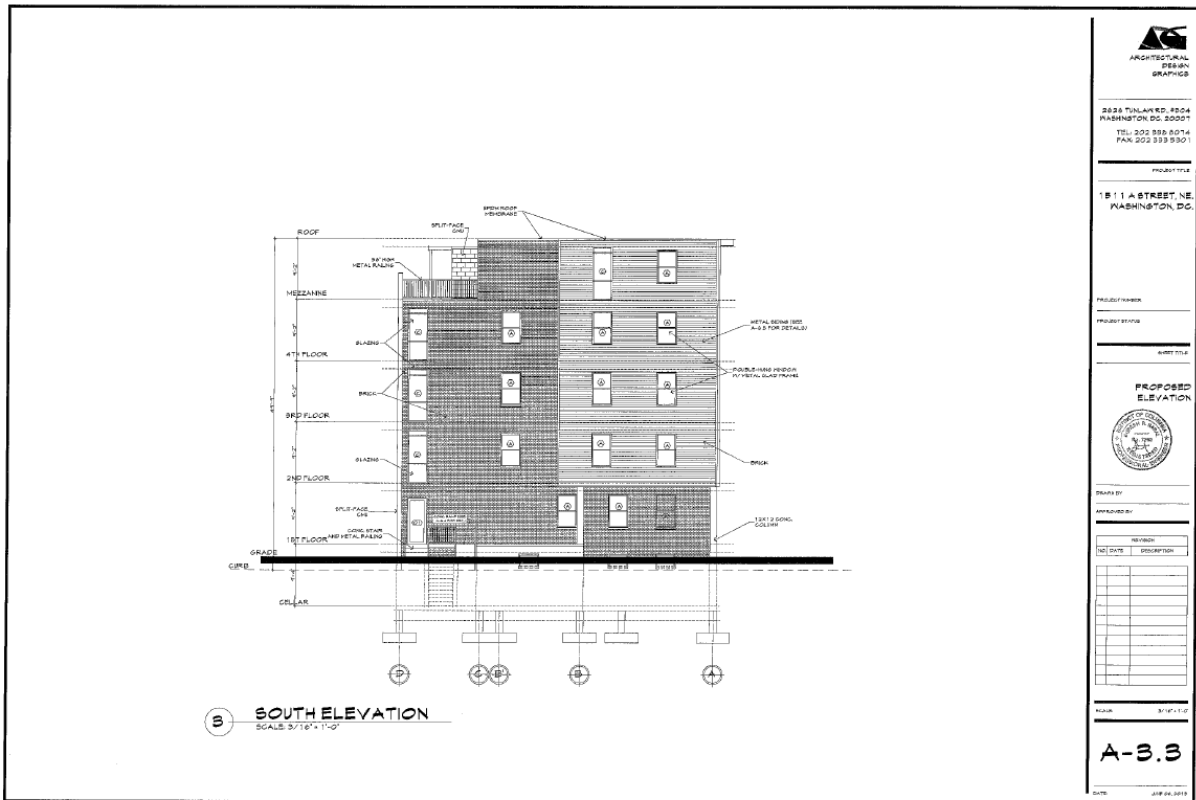
PROPOSED ELEVATION

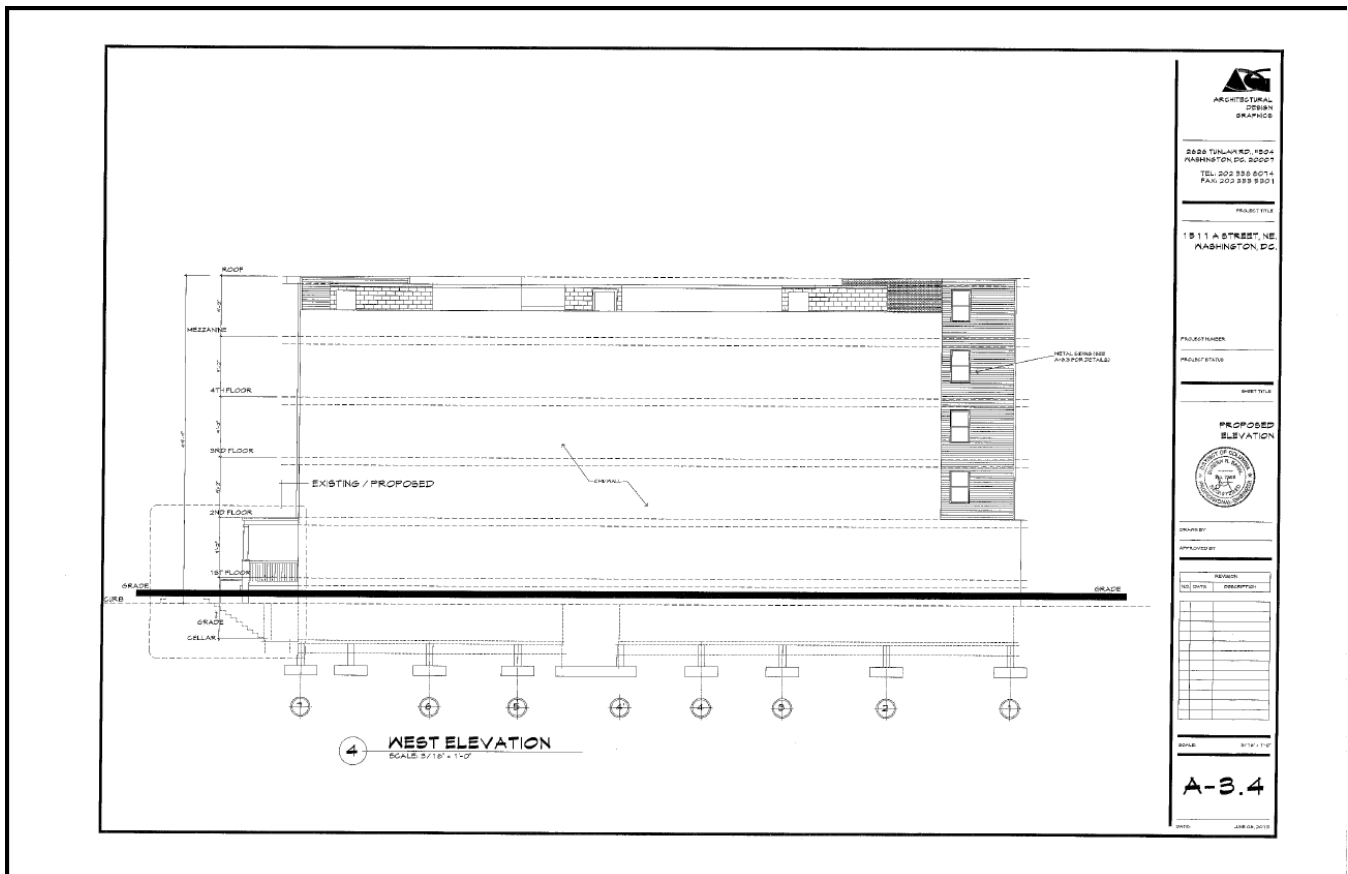
DESIGNED BY
DRAWN BY

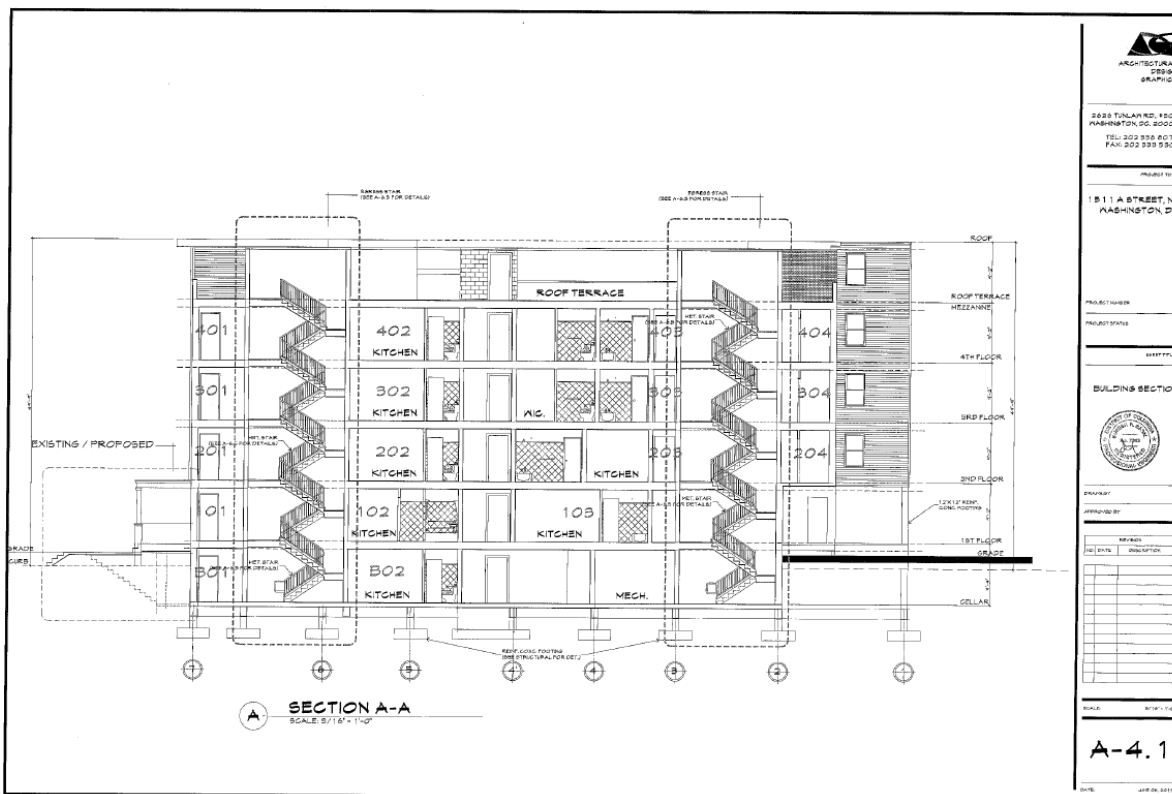
NO.	DATE	DESCRIPTION

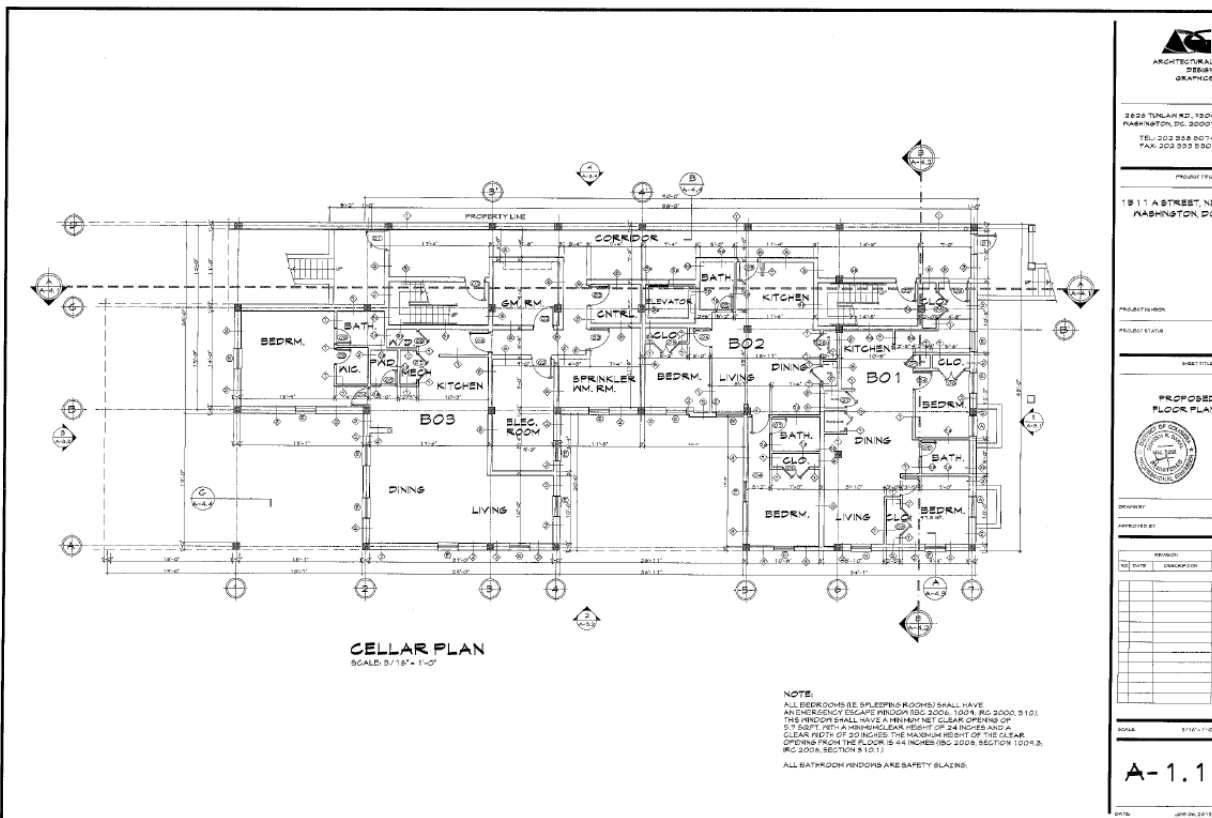
DATE: 01/14/14
A-3.1
DWG: JMS DL 3/14

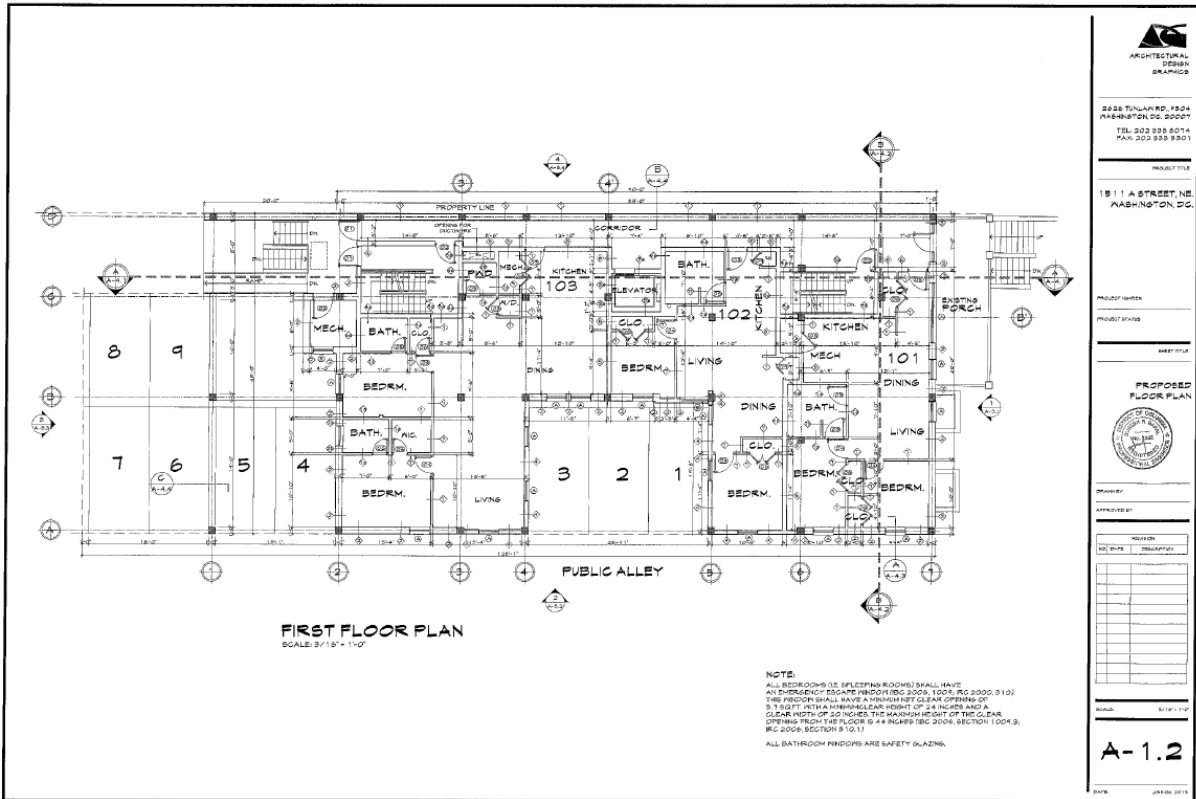


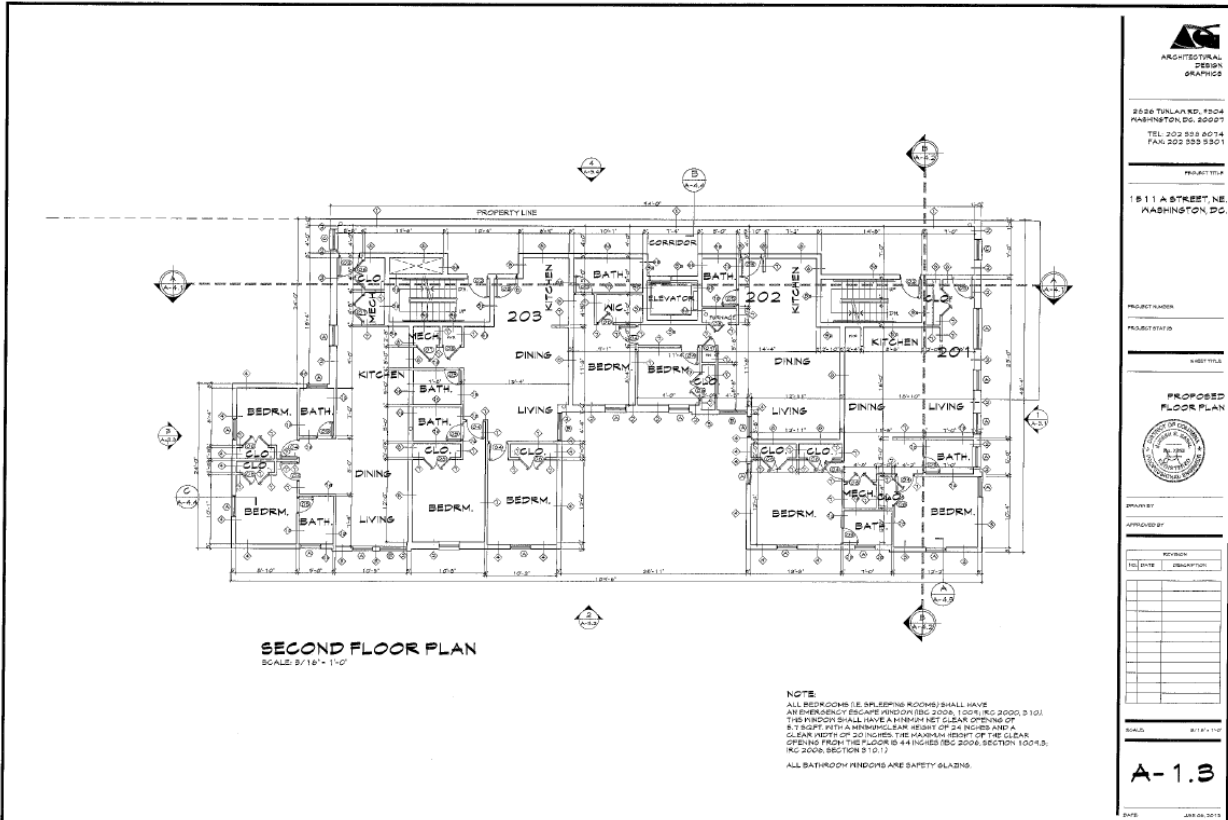


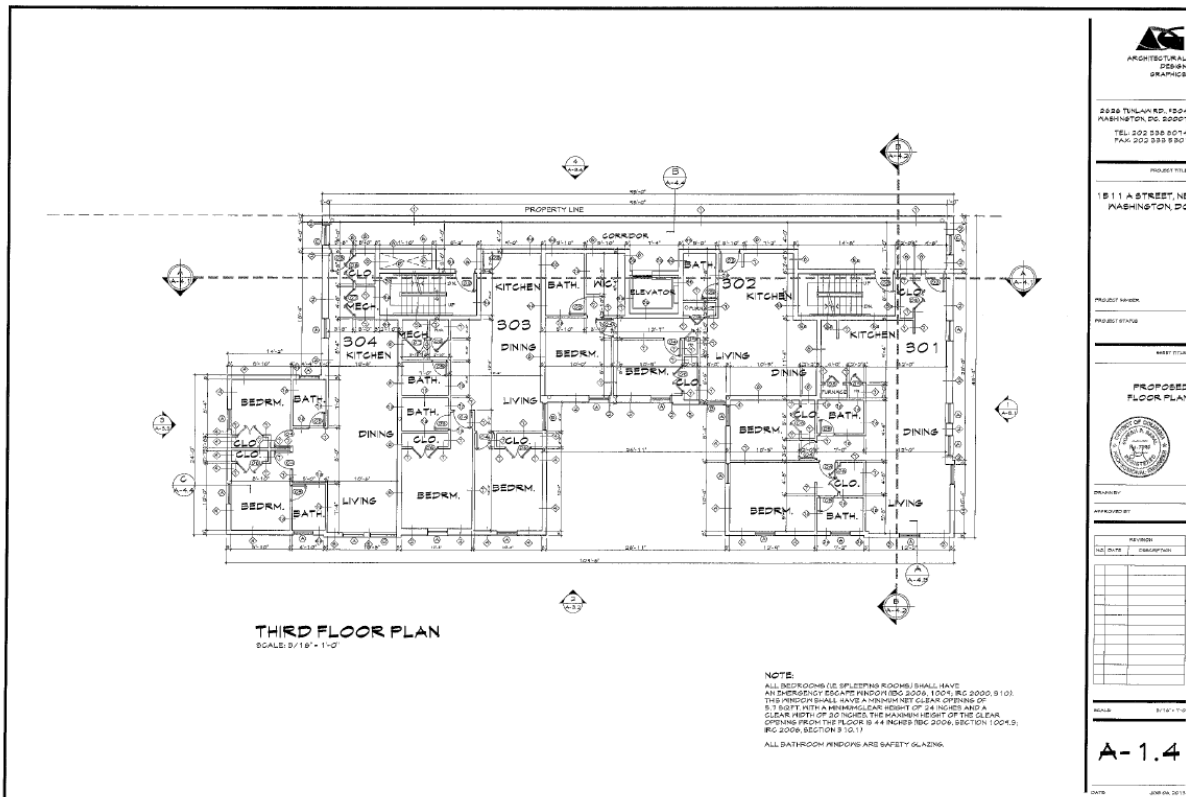












ARCHITECTURAL DESIGN GRAPHICS
2028 TOWNLAND RD. 1204
WASHINGTON, DC 20007
TEL: 202 536 8074
FAX: 202 536 8901

PROJECT TITLE:
**1511 A STREET, NE
WASHINGTON, DC**

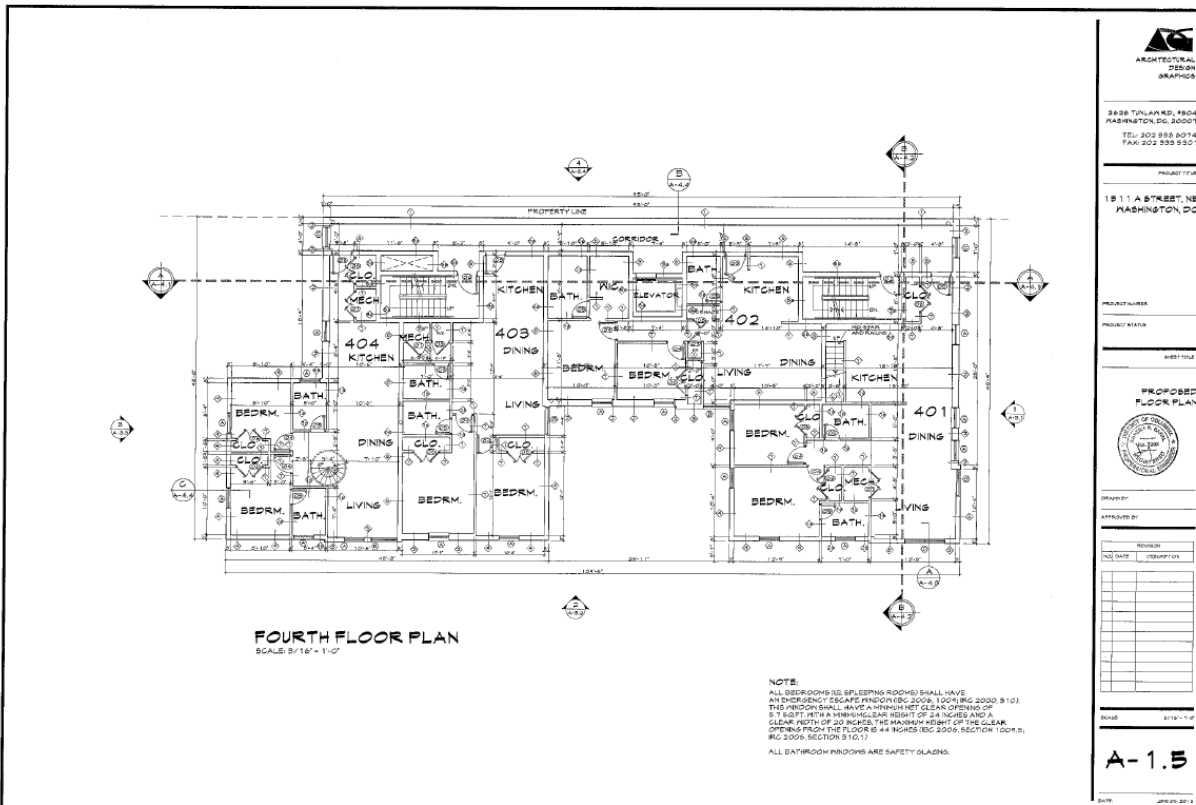
PROJECT NUMBER:
PROJECT STAGE:
DATE: 04/27/14

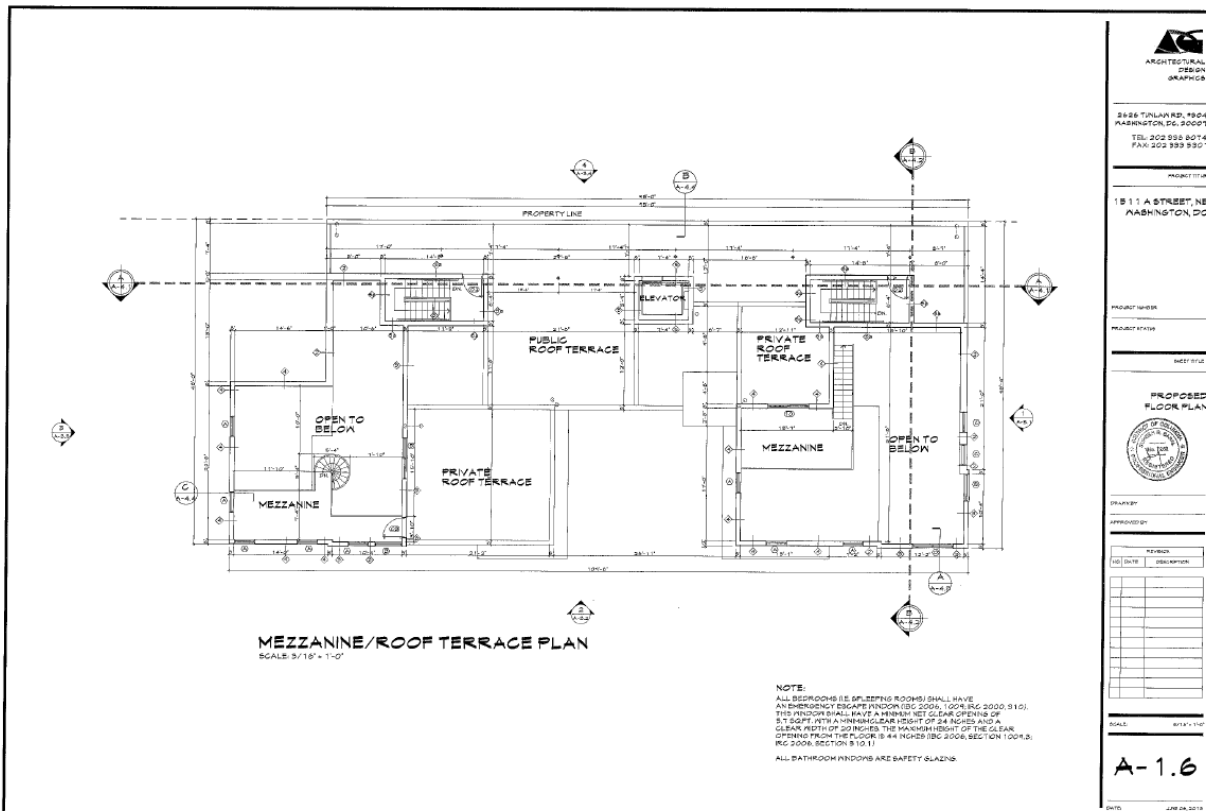
PROPOSED FLOOR PLAN

DESIGNED BY:
APPROVED BY:
DATE: 5/10/14

A-1.4

DATE: 2008.06.20/11





ARCHITECTURAL DESIGN GRAPHICS
2828 TANLARD, #204
WASHINGTON, DC 20007
TEL: 202 598 8014
FAX: 202 599 9901

PROJECT #11
1811 A STREET, NE
WASHINGTON, DC

PROJECT NUMBER
PROJECT NUMBER
SHEET TITLE

PROPOSED FLOOR PLAN

DATE: 6/11/14

A-1.6

DATE: JUN 24, 2014



Commission Letters of June 12, 2014 Meeting



1510 A St NE - Google Maps

Page 1 of 1



Address **1510 A St NE**

Address is approximate





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:



Commission Letters of June 12, 2014 Meeting



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.



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



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.



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)



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)



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)



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]



Commission Letters of June 12, 2014 Meeting



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



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)



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.



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.



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.



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



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



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)



Commission Letters of June 12, 2014 Meeting



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)



Officer Reports - Treasurer



ANC 6A Treasurer's Report May 2014

Period Covered 05/01/14 - 05/31/14

Checking Account:

Balance Forwarded \$ 16,329.45

Receipts:

District Allotments: FY 14 2nd Quarter \$ 4,607.82
Transfers from Saving Account

Total Receipts \$ 4,607.82

Total Funds Available \$ 20,937.27

Disbursements:

Roberta Weiner (Minutes April 2014) Ck #1651 \$ 180.00
Irene Dworakowski (Agenda Apr. 2014) Ck #1652 \$ 200.00

Total Disbursements \$ 380.00

Ending Balance \$ 20,557.27

Savings Account:

Balance Forwarded \$ 13,718.49

Receipts:

Interest 05/30/14 \$ 0.23
Deposit -
Transfers from Checking Account

Total Receipts \$ 0.23

Total Funds Available \$ 13,718.72

Disbursements \$ -

Ending Balance \$ 13,718.72



Officer Reports - Treasurer



ANC 6A Treasurer's Report
May 2014

PETTY CASH SUMMARY

Balance Forwarded	\$	25.00
Deposit to Petty Cash	\$	-
Total Funds Available	\$	25.00
Disbursements:		
Total Disbursements	\$	-
Ending Balance	\$	25.00



Committee Reports

Community Outreach Committee (COC)



ANC6A Community Outreach Committee (COC)
May 19, 2014 Minutes
Maury Elementary School (ES), 1250 Constitution Avenue NE

Meeting called to order at 7:00 pm.

Committee members present: Elizabeth Nelson (Chair), Jean Kohanek, Louis Barbash, Maurice Cook, Roni Hollmon, Pat Joseph, Gladys Mack (quorum)

Committee members absent: Rose Williams, Shirley Worthy

Community members present: Arthur Yarbrough, Miner Elementary School (ES) Parent Teacher Organization (PTO)

I. Agenda
Adopted.

- II. Mr. Arthur Yarbrough presented the grant application from Miner ES PTO for \$300.00 for athletic equipment to enhance recess activities and physical education instruction at the school. There are about 415 students enrolled. He said that the school community believes that intellectual stimulation is important but that physical stimulation is also important - that children cannot live healthful lives without getting sufficient exercise. He referenced the First Lady's "Let's Move" program as an inspiration. The school has insufficient equipment to provide the types of instructional and recess experiences the students need.
1. Committee member Jean Kohanek asked if they would be increasing the variety of equipment or simply adding more of items they already have. Mr. Yarbrough said that the PTO would use the funds to purchase different types of equipment than what they currently have. Committee member Pat Joseph asked what sorts of equipment the school already had. Mr. Yarbrough said they had a lot of different kinds of balls but they didn't have tug-of-war-ropes, jump-ropes and other things that could be used to play the games that he enjoyed as a kid. More variety would encourage children to get more exercise.
 2. Committee member Roni Hollmon asked if Physical Education (PE)/Health was offered year round. It is, as required by the Healthy School Act. PE is one of the "specials" and has a dedicated faculty member. Committee member Louis Barbash asked if a trained person would present instruction in how to use the new equipment. Ms. Carlotta Brown, a graduate of Howard University, is the full-time PE teacher. She has training in athletic instruction, both practical and theoretical. She put together the list of items to be purchased and will be responsible for seeing that they are put to appropriate use. The equipment would be stored at the school, secured in the PTO locker to which Ms. Brown has a key. The list states that items are examples of what might be purchased and includes approximate prices as the exact prices and availability of particular items will not be known until the purchase is made.
 3. Committee member Maurice Cook asked what types of sports teams are operating at the school. Currently, there is only a basketball team that plays other schools. They would like to add soccer but that would require additional resources.
 4. Committee member Gladys Mack asked if the equipment would be duplicated by District of Columbia Public Schools (DCPS). Chairperson Elizabeth Nelson said it would not be because this is outside the scope of what DCPS will provide. Ms. Nelson referenced a similar grant to the Maury PTA a few years back; equipment was purchased to enhance the recess experience at that school.
 5. Mr. Barbash moved (seconded by Ms. Kohanek) that:



Committee Reports

Community Outreach Committee (COC)



The COC recommends that ANC 6A approve \$300.00 in support of the Miner PTO request for athletic equipment. The measure passed 6-1-0

- III. Ms. Nelson gave an update on the Twitter account for ANC 6A, @ANC6A. It is outgoing only and used for meeting announcements, links to agendas and meeting cancellations (if necessary). Thus far, none of the followers have tried to use it for incoming messages. The workload has been manageable. So, the current policy and set up are adequate and no additional work needs to be done on this issue.
- IV. Confirmation of next meeting date.
The next meeting will be held Monday, June 16, 2014 at 7:00 pm at Maury ES, 1250 Constitution Ave NE (enter from 200 block of Thirteenth (13th) Street). The committee does not plan to meet in July.
- V. Meeting adjourned at 7:35 pm.



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
05/12/2014	2014-2015 School Year

3. APPLICANT ORGANIZATION NAME AND ADDRESS	4. EIN (TAX ID NUMBER)++
Myrtila Miner Elementary PTO	46-5630964
601 15 th Street NE Washington, D.C. 20002	

5. CONTACT NAME	6. TITLE
Arthur Yarbrough	PTO Co-President

7. ADDRESS (IF DIFFERENT FROM ABOVE)

8. TELEPHONE	8. FAX
(202) 397-3960	(202) 724-4957

10. E-MAIL ADDRESS

Calotta.brown@dc.gov, artyarbro@hotmail.com (PTO)

11. BRIEF DESCRIPTION OF PROPOSED PROJECT/ACTIVITY

Purchase of athletic equipment that can be used to enhance students' learning experience within the classroom during various sports units and during recess.

12. PROJECTED TOTAL COST	13. AMOUNT REQUESTED
\$350.00	\$300.00

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

None

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

Physical Education is a growing necessity for all schools; however, our school is lacking some additional resources for Health and PE. Not having these resources makes the ability to properly teach a unit more difficult, thus not allowing our students to reach their full potential while playing certain sports. If granted with the opportunity to purchase more athletic equipment it will give students tremendous aid in providing a more hands-on approach for learning and would help teachers by enhancing their unit/lesson plans to create a more valuable learning environment. Additionally, these items will be used to enhance the recess experience and encourage students to be more active during this time. Miner ES is located in ANC 6A; its in-boundary area is largely within ANC 6A; consequently a large percentage of students are residents of ANC 6A.



Committee Reports Community Outreach Committee (COC)



ANC 6A Grant Request
Miner Elementary School PTO
Funds for Athletic/Recess Equipment

Project Description:

The Miner Elementary School PTO would like to request \$300.00 to fund the purchase of athletic equipment to be used during all physical education classes to give students a better hands-on approach when learning various sports units. Having additional sports equipment will also improve the quality of our recess activities, encouraging students to use this time in more productive ways, encouraging them to be more active and engage with each other in more constructive ways. This equipment is outside the scope of what DCPS will provide. Other funding is not available.

Background:

Every student at Miner Elementary School from pre-school to fifth grade is required to take physical education. But we would like to teach sports that require equipment that we currently do not have or do not have enough of making it difficult to completely teach the lesson/unit. For example, the students will have a unit on Badminton but we do not have enough shuttlecocks for students to practice with nor do we have a Badminton net to learn how to play an official Badminton match/game. Although it forces the teacher to become more creative with the lesson and have students work together collaboratively, it is still very imperative that students are able to work independently especially for the individual sports versus the team sports. More athletic equipment will enhance the learning experience and allow students to reach their maximum potential in sports and result in more advanced lesson plans from teachers.

Budget:

If awarded, the grant money will be used to purchase items such as:

• Dual use Badminton and Tennis net	\$100.00
• Tug of War Rope	\$76.00
• Foam Noodles	\$72.00
• Dodge Balls	\$70.00
• Kick Balls	\$20.00
• Double Dutch Ropes	<u>\$12.00</u>
	\$350.00



Committee Reports

Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing (ABL) Committee Advisory Neighborhood Commission (ANC) 6A May 20, 2014

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm on May 20, 2014 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Chair), Michael Herman, David Oberting, Roger Caruth, Christopher Seagle, and Adam Healy.

Committee Members Absent: Ann Marie Koshuta.

Commissioners Present: None.

Community Members Present: Margaret Holwill, Claude Labbe, Blair Zervos (H Street Country Club), Mark Thorp (Little Miss Whiskey’s Golden Dollar), Todd Luongo (Mythology & Lore), Steve Hessler (Gallery O on H), Rafael Marshall, Coralie Farlee (ANC 6D ABL Committee) and others.

I. Call to Order

Chairman Jay Williams called the meeting to order at 7:00 pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Mr. Williams reviewed the agenda and asked if there were any additions or edits. There were none.

II. Community Comment

- None

III. Old Business

A. Update on status of XII and Cusbah protest hearings.

- Mr. Williams reported on the various delays associated with the ANC’s protest of XII’s liquor license renewal. He expects there to eventually be a protest hearing after XII files for renewal a third time.
- Mr. Williams reported that the Cusbah protest hearing had been continued to August.

B. Update on requests by Little Miss Whiskey’s, H Street Country Club, Rock N Roll Hotel, and Vendetta to terminate their Settlement Agreements (SAs) with ANC 6A.

- Mr. Williams reported that negotiations with H Street Country Club and Rock N Roll Hotel were ongoing, and he hoped a resolution could be reached without a protest hearing. Mr. Blair Zervos was in attendance on behalf of these two entities. There was a discussion regarding whether the ANC would continue to have “blanket” rules for outdoor space hours.
- Mr. Williams reported that mediation with Little Miss Whiskey’s was unsuccessful and that he expected that the establishment’s request will go to a protest hearing.
- Finally, Mr. Williams noted that Vendetta’s request was on a different timeline than the others, so mediation and other discussions had not occurred yet.

IV. New Business

A. A. Discussion of new license application for Mythology & Lore at 816 H Street NE (Class “C” Tavern) (License Number ABRA-095033).

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Committee Reports

Alcohol Beverage and Licensing (ABL)



- Mr. Todd Luongo, one of the primary partners in the endeavor, spoke to the Committee about his plans.
- Mr. Luongo reported that the general manager of the establishment will be Mr. Mark Medley, who is the former general manager of the Atlas Room.
- The location is the previous location of HR-57 and is in the midst of a total rebuild, including digging out the basement. The façade of the building will be maintained.
- The goal is to have a main restaurant (Mythology), which will be a “modern chophouse” taking up the entire first floor. Mr. Luongo distributed draft sample menus, and noted the feel of the restaurant would be “white tablecloth.”
- The second floor (Lore) will be a restaurant/lounge. There will be a full kitchen on the second floor, and Lore will have access to the Mythology menu until a certain point every night, when it will switch to a lounge menu. Lore will serve food up until an hour before closing.
- The third floor is a combination indoor/outdoor space. The interior space will be a lounge concept. There will be large sliding doors to allow the space to open up to a deck area. On the H Street and alley side, there is a fourth floor loft space that blocks off the deck from the alley/street.
- Mr. Luongo stated that the goal is to be a quiet, neighborhood-friendly environment. The third floor will have approximately twenty (20) seats. A small fourth floor deck may have space for six to seven (6-7) people, but that space may not be open at all times (could be reserved for special events).
- Mr. Luongo stated that the business will be high-end and food-centric. There is a twenty (20) year option in the lease, and his partners see this as a long-term investment.
- Mr. Luongo says he plans to reach out to neighbors across the alley to address any concerns they may have. He already plans to have an interior trash room to prevent any noise related to trash pickup.
- The partners hope to open the location by the beginning of 2015, but much depends on the DCRA permitting process.
- When asked about the rooftop deck, Mr. Luongo explained that there may be a “weird angle” for line of sight/sound from the back, but that the majority of the space is blocked off by the loft structure.
- Mr. Williams referenced the fact that the placard says the deck capacity would be thirty-two (32). Mr. Luongo said that 32 would be the maximum seating, and also noted that the third floor space could be rolled out after the first two floors are open.
- Committee member Christopher Seagle asked if there would be two kitchens. Mr. Luongo stated that there would be kitchens on the first and second floors. The basement would be used for prep areas, storage, and operations.
- When asked about his reasons for applying for a Tavern license (as opposed to a Restaurant license), Mr. Luongo explained that it was to provide greater flexibility. There may be warmer months where the style of food served will not sell as much, and alcohol sales will significantly outweigh food sales. He stated that the past two establishments in this building (Fever and HR-57) had CT licenses.
- Mr. Seagle noted that the ANC asked Chupacabra to switch to a CR license, which they did. Mr. Luongo said that he did not believe he could execute his business plan with a CR license.
-



Committee Reports

Alcohol Beverage and Licensing (ABL)



- Committee member Adam Healy asked whether there would be live entertainment on the outdoor spaces. Mr. Luongo said that they wanted to allow for entertainment at private events, and the entertainment would likely be something along the lines of acoustic guitars, not full bands.
- Mr. Healy noted that the standard ANC Settlement Agreement (SA) states that there cannot be any amplified music on any outdoor space, and that while Mr. Luongo's intentions may be good, if the ANC allowed amplified music on the outdoor space, there would be little recourse for neighbors. Mr. Luongo responded that he is cognizant of this issue, which is why they designed the outdoor space to limit acoustics and line-of-sight to neighbors.
- Ms. Margaret Holwill pointed out that while there are currently no residences across the street, the Rappaport development should begin construction soon. She raised concerns that noise could bounce off of the north side of the building and go across to the Rappaport development. Mr. Luongo stated that his understanding is that the development would be set back from the street, and that no noise from their establishment would ever be louder than noise coming off of the street itself.
- Mr. Zervos stated that the ANC needs to deal with these issues on a case-by-case basis because there are already establishments with later outdoor space hours.
- Ms. Holwill raised concerns that although this establishment may keep its promises, the license could transfer down the road and a less scrupulous owner could take over.
- Committee member Michael Herman asked whether this was an instance where the ANC could put in a "sunset provision" into the SA that is tied to a license transfer. Mr. Luongo said he would be open to that.
- Ms. Coralie Farlee from ANC 6D stated that their standard SA has a paragraph that states if the surrounding residential area redevelops, the agreement can be renegotiated. Mr. Williams noted that typically renegotiations would be to relax the language, not tighten it.
- Committee member Roger Caruth compared Mythology's plans for outdoor space to that of Maketto, which technically has outdoor space, but it is completely surrounded by interior space. He noted that the ANC drafted additional language to allow more flexibility in the hours there, and suggested using such an approach here.
- Mr. Williams asked Mr. Luongo if he was willing to enter into a SA with ANC 6A. Mr. Luongo stated that he would need to discuss a SA with his attorney and management team, but that he believed the neighborhood is trending away from SAs.
- Mr. Williams responded that, with one exception, all establishments in 6A have SAs in place. He noted that these documents are very important to the neighborhood because they reflect what is important to the surrounding community and put promises by establishments in writing.
- Mr. Luongo said that his biggest concern with a SA is the enforcement mechanism, and that he was reluctant to add another layer of restrictions/rules on top of the variety of rules/regulations he already has to follow as a licensee.
- Mr. Seagle noted other recent instances where the CT issue had come up, including The Elroy and Halftime Sports Bar. He noted that The Elroy did not have a kitchen, so it could not meet the CR requirements. Mr. Williams stated that these establishments were not close to residences.
- Mr. Rafael Marshall argued that, in the area where this establishment will be located, all other SAs have restrictions on live/prerecorded music on the outdoor space, and



Committee Reports

Alcohol Beverage and Licensing (ABL)



that there should be a standard approach to all licenses on H Street with no exceptions.

- Mr. Luongo stated that if his establishment cannot get a CT license, it likely would not open. Although the operation is food-centric, there is a lounge operation and the summer months could create issues with higher percentages of alcohol sales.
- Mr. Healy noted that in terms of history, Fever had a CT license because at the time the landlord would not allow renovations to put in a kitchen.
- Committee members discussed their thoughts on whether a CR license should be required. After further discussion, no motion was offered regarding Mythology's CT license.
- Mr. Luongo stated that he would not agree to any SA language that forbade music on the outdoor space, because that was necessary for his business.

Mr. Healy moved/seconded by Mr. Seagle that the ANC formally protest the CT license application for Mythology & Lore at 816 H Street NE (License Number ABRA-095033) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date. Motion carried 5-1, with Committee member David Oberting in opposition.

B. Discussion of new license application for Gallery O on H at 1354-1356 H Street, NE (Class "C" Multipurpose) (License Number ABRA-094849).

- Mr. Steve Hessler, owner of Gallery O, presented his plans.
- The gallery is located at 1354-1356 H Street NE; the 1356 space is outdoors, and the 1354 space is indoors (used to be a used car lot and sales office).
- Gallery O is a traditional art gallery and they recently won a Mayor's grant.
- The ABRA application is part of a larger plan to further arts on H Street. In the past, the gallery has obtained single-day licenses for beer and wine, but wants to have a more permanent license to be able to more easily plan events.
- Mr. Hessler noted that Gallery O has been obtaining day licenses over the past six years, and there has never been an incident or complaint.
- The plan is for music performances, art shows, etc., and not to be a bar or restaurant.
- The events will not occur daily, and on the days that there are events, hours will necessarily be shorter than traditional bar/restaurant hours. The latest they would ever close is 11:00 pm on weeknights and 12:00 am on weekends, but Mr. Hessler again stressed that events would not be occurring every day.
- Mr. Hessler said he has never had any noise complaints. Occasionally, he will have live music outside. Mr. Hessler stated that he has litigated noise cases in the District, and knows the noise regulations very well. He stated that behind the gallery space, there is an extended open area where two alleys come together. He has had no complaints from neighbors, and many sit out back and watch events across the alley.
- Mr. Williams asked about the types of beverages that would be sold at events. Mr. Hessler said that, in the past, beverages have been limited to beer and wine. In future, from time to time, there will be a liquor component to fit with the theme of an event, but it will never be something like "shots on Sunday."
- Mr. Caruth, Mr. Thorp, Mr. Luongo, Ms. Holwill, Mr. Zervos, and Mr. Marshall all attested to Mr. Hessler's responsiveness and involvement in the community, and talked about how supportive he has been of all businesses and residents on H Street.
-



Committee Reports

Alcohol Beverage and Licensing (ABL)



- When asked about a possible SA, Mr. Hessler stated that he reviewed the Atlas Theater SA, but believed there were several sections that were outdated. He said he was willing to reach an agreement, but did not want to limit his license too much.

Mr. Williams moved/Mr. Herman seconded that the ANC formally protest the Class C Multipurpose license application for Gallery O on H at 1354-1356 H Street, NE (License Number ABRA-094849) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date. Motion carried 6-0.

C. Discussion of application for later Summer Garden hours by Little Miss Whiskey's Golden Dollar at 1104 H Street NE (License Number ABRA-079090).

- Mr. Williams explained that Little Miss Whiskey's has requested later summer garden hours to line up with its hours of operations. Their SA has language that states that the hours can be extended if there are no noise complaints in the first three months of operation. ABRA counsel recently determined (after inquiry by the ANC) that this meant that the establishment did not need to obtain approval from the ANC to extend its hours.
- Mr. Mark Thorp noted that he was simply requesting hours that were allowed in his SA, and he had an email from Mary Beatty (who negotiated the agreement at the time) confirming his understanding (as well as that of the ABRA counsel).
- Mr. Thorp stated that he has had a good track record with the neighborhood, and no noise complaints.
- Mr. Williams asked Mr. Thorp to describe the outdoor space. According to Mr. Thorp, there are two patios - the second level is entirely enclosed, but does not have a roof. There are glass windows, and the floors are hardwood. The lower level is open on the sides, but there is a fountain and dense vegetation to mitigate the noise.
- Mr. Healy stated that, as a former Commissioner covering this area, his experience has been that Mr. Thorp is always responsive to neighbors and there have been few problems.
- Mr. Caruth stated that Mr. Thorp is very responsive to any emails/calls.
- Mr. Claude Labbe noted that he would be concerned that other establishments (that were not as responsive) would begin to ask for similar relaxations.
- After further discussion, no motion was offered concerning this application.

V. Adjourn

The Committee adjourned at 8:00 pm.



Committee Reports Alcohol Beverage and Licensing (ABL)



Made this 21st day of May, 2014

by and between

Andy Lee Liquor, Inc. (Trade Name TBD) (ABRA #094107)
914 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Preamble

Through this agreement, both parties aim to create an environment whereby Applicant may operate as a viable contributing business to the ANC 6A community, while concurrently curtailing any adverse effects a business such as Applicant’s could have on the surrounding neighborhood. This agreement applies to Class A liquor licenses that permit the retail sale of beer, wine, and spirits for off-premises consumption, and Class B liquor licenses that permit the retail sale of beer and wine for off-premises consumption.

Applicant agrees to work regularly with ANC 6A, neighborhood associations, and residents to ensure the business operations do not adversely affect the surrounding neighborhood. All parties believe the statements and provisions contained in this agreement are reasonable and must become wholly integrated into the day-to-day operation of the business establishment.

Further, ANC 6A acknowledges that this Settlement Agreement shall be presented to all Class “A” and Class “B” applicants within the boundaries of ANC 6A. To the greatest extent possible, the ANC will not insist upon or allow any significant changes to this Settlement Agreement that will unfairly benefit or, conversely, cause competitive disadvantage to, any individual applicant or establishment within the ANC, unless such change is required by the District of Columbia government, other authorized governmental bodies, or rule of law.

The community and merchants have agreed that it is in all the parties’ best interests to standardize the requirements for the operation of Class A and Class B establishments within the boundaries of ANC 6A. The community and merchants understand and agree that the changes imposed upon the operations of all licensees within the ANC as set forth herein are important measures to protect the safety, peace, order, and quiet of the neighborhood, its residents, and businesses.

Witnesseth

Whereas, Applicant’s premises is within the boundaries of ANC 6A; and,

Whereas, the parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer’s Class “A” or Class “B” Liquor License at the subject premises; and,

Settlement Agreement between Andy Lee Liquor, Inc. and ANC6A

Page 1 of 4



Committee Reports

Alcohol Beverage and Licensing (ABL)



Whereas, the parties wish to state their mutual intention and commitment to promote the success, peace, order, and quiet of the community. Both parties recognize the importance of commercial districts (and limited commercial operations within residential districts) and their adjacent neighborhoods that are safe, clean, and pedestrian-friendly.

The Parties Agree As Follows:

1. **Requirements for Sale/Provision of Single Containers of Alcoholic Beverages.**
 - a. Applicant shall not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale in single containers of alcohol of 70 ounces or less.
 - b. Applicant shall not sell, give, offer, expose for sale, or deliver an individual container of wine or fortified wine in a single container with a capacity of less than 750 ml.
 - c. Class B applicants will not sell fortified wine. Fortified wine is defined as wine that exceeds 14% alcohol content.

2. **Ban on Sale/Provision of Other Items.**
 - a. Single Cigarettes:
 - i. Applicant shall not sell, give, offer, expose for sale, or deliver individual single cigarettes.
 - b. “Go-cups”:
 - i. Applicant shall not sell, give, offer, expose for sale, or deliver “go-cups” or servings of plain ice in a cup.
 - ii. Per the Alcoholic Beverage regulations, a “go-cup” is defined as: “a drinking utensil provided at no charge or a nominal charge to a customer for the purpose of consuming alcoholic beverages off the premises of an establishment.”
 - c. Products associated with illegal drug activity:
 - i. Applicant shall not sell, give, offer, expose for sale, or deliver products associated with illegal drug activity.
 - ii. These items are defined as cigarette rolling papers, pipes, needles, small bags, or any other items that may be regarded as drug paraphernalia.

3. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free conditions by:
 - a. Picking up the trash, including beverage bottles and cans, and all other trash a minimum of twice daily (immediately before business hours and once between 5:00 p.m. and 8:00 p.m.).
 - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
 - c. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
 - d. Assisting in maintenance of the curbs in front of the establishment to keep them free of trash, removing snow and ice from the sidewalk, and complying with all applicable D.C. laws and regulation in these respects.
 - e. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
 - f. Promptly removing graffiti written on the exterior walls of the property. Promptly is defined as within two (2) weeks of graffiti’s appearance.
 - g. Requiring the owner and employees not to park on public space between the building and the curb.
 - h. Not locating trash bins, chairs, tables, or other equipment on public space without a valid space permit.

Settlement Agreement between Andy Lee Liquor, Inc. and ANC6A

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Committee Reports

Alcohol Beverage and Licensing (ABL)



4. **Signage/Loitering/Illegal Activity.**
- a. Applicant will not directly or indirectly, sell or deliver alcohol to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated. A person of intemperate habits shall be defined as any person arrested or cited by the Metropolitan Police Department for any alcohol-related crime three times or more in any one year and who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
 - b. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. The minimum age requirement for purchase of alcohol,
 - ii. The obligation of the patron to produce a valid identification document in order to purchase alcohol,
 - iii. Prohibitions against selling to minors,
 - iv. No panhandling, and
 - v. No loitering.
 - c. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Posting a sign kept in good repair requesting customers to not contribute to panhandlers,
 - ii. Asking loiters to move on whenever they are observed outside the establishment,
 - iii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iv. Keeping a written record of dates and times (a “call log”) when the MPD is called for assistance.
 - v. Upon request of the Board, Applicant’s call log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant’s license.
 - d. Total signage for alcohol and tobacco products in the front window shall be limited to 25% of the total window space available.
 - e. Applicant shall receive, at their request, and at no cost to Applicant, a sign to post within their establishment (provided by the ANC6A ABL Committee) that outlines the primary points of this agreement.
 - f. To the extent such lighting is not present on the exterior of the establishment, Applicant will install and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
5. **Regulations.**
- a. In addition to the requirements of this agreement, applicant will operate in compliance with all applicable laws and regulations.
6. **Miscellaneous.**
- a. Applicant shall not support the installation of pay phones outside of the establishment on its property. Applicant shall have existing pay phones (if any) removed from their exterior of the establishment at the end of the current contract.
 - b. Applicant shall complete an alcoholic beverage server training course.
 - c. Applicant certifies that it does not owe more than \$100 to the District of Columbia government as a result of any fine, penalty, or past due tax for more than six months.
 - d. Applicant will participate in a Business Improvement District program if one exists.
 - e. Applicant will operate in compliance with all applicable DC laws and regulations.

Settlement Agreement between Andy Lee Liquor, Inc. and ANC6A

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Committee Reports Alcohol Beverage and Licensing (ABL)



7. Enforcement.

- a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
- b. This Settlement Agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: _____ Date: _____

Signature: _____

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, 6A05 Date: 5/23/14

Signature: *Jay Williams*



Committee Reports Transportation and Public Space (TPS)



Transportation & Public Space Committee Advisory Neighborhood Commission (ANC) 6A May 19, 2014

Pursuant to notice duly given, a meeting of the Transportation & Public Space Committee (“Committee”) of ANC6A was held commencing at 7:00 pm on May 19, 2014 at Maury Elementary School, 1250 Constitution Avenue NE, Washington, DC 20002.

Committee Members Present: Omar Mahmud (Co-Chair), Todd Sloves (Co-Chair), Lara Levison, Jeff Fletcher

Committee Members Absent: Andrea Adleman, Christine Ennis, DeLania Hardy

Commissioners Present: Omar Mahmud.

Community Members Present: Christiaan Seguar and Clayton Patrick Hayes (residents of 1200 Block of I Street NE).

VI. Call to Order

Co-chairman Todd Sloves called the meeting to order at 7:00 pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Chairman Sloves reviewed the agenda. There were no changes thereto.

VII. Introductions.

All committee members and community members in attendance introduced themselves.

VIII. Community Comment.

None.

IX. Announcements.

Maryland Avenue NE pedestrian safety community meeting with DDOT will be held on May 21, 2014 from 6:30 pm to 8:00 pm at the Northeast Library (southwest corner of Maryland Avenue NE and Seventh (7th) Street NE). Topics to be covered include the pedestrian crossings at Maryland Avenue and Tenth (10th) Street NE and Maryland Avenue, Seventh (7th) Street and D Street intersections.

X. New Business

D. Request by residents to install stop sign at Thirteenth (13th) Street and I Street NE (convert intersection to a four-way stop).

- Two residents of the 1200 block of I Street NE, Christiaan Seguar and Clayton Patrick Hayes, attended the meeting to make this request.
- There are stop signs on I Street but not on Thirteenth (13th) Street. It is confusing and unsafe. Cars turning off Florida Avenue are going fast. Going in the other direction, drivers also speed, trying to make the light on Florida.
- Neighbors have made this request before. Christiaan made the request via 311 and was told to obtain support from the ANC.
- ***Co-chair Todd Sloves offered a motion, seconded by Jeff Fletcher, recommending that the ANC write a letter to DDOT recommending that the Department look at the intersection of Thirteenth (13th) Street and I Street NE, stating that the ANC would support installation of stop signs. The motion passed unanimously.***



Committee Reports

Transportation and Public Space (TPS)



XI. **Additional Community Comment.**
None.

XII. **Adjourn.**
There being no other business, the committee adjourned at 7:12 pm.



Committee Reports Economic Development and Zoning Committee



Advisory Neighborhood Commission (ANC) 6A Economic Development & Zoning Committee

7- 9 PM, Wednesday, May 21, 2014

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

Present (7:06 pm call to order)

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

Commissioners: David Holmes

Community Comments

No community comments

Status Reports

1511 A Street NE

Nearby residents were successful in gaining access to review the permit submittal plans on file at DCRA, which confirmed that the zoning issues identified in the plans provided by the developer are also present in the plans that are on file. Currently, the DC government has scheduled a hearing to revoke the license of the engineer of record.

819 D Street NE

The owner received approval from the Historic Preservation Review Board (HPRB).

Presentation

1301 North Carolina Avenue NE (HPA 13-545)

Representatives from Donahue & Stearns, gave a brief presentation regarding their updated proposal to install cellular antennae atop the existing church. The development team has reduced the number of antennae from 12 to 6 and removed the back-up generator. Additionally, the developer sent a letter to the residents surrounding the project approximately two weeks prior, informing them of the installation of the antennae, and has had no response. On April 25, 2014, the DC State Historic Preservation Office (SHPO), provided a letter stating that the project would have no adverse effects, on the conditions that: 1) the Sector 1 antennae be pushed back as far from North Carolina Avenue as possible; 2) the Sectors 1 and 2 antennae be painted to match the walls to which they are attached; 3) the wall-mounted antennae be installed through mortar joints only, causing no damage to the bricks; 4) the stealth screen for the Sector 3 antennae be designed to match the brick of the church; and 5) the property owner be informed that additional antennae from another cellular provider would not be appropriate on the rooftop of the church.

- Chairman Golden summarized for the Committee an email from Shauna Holmes, indicating that the Capitol Hill Restoration Society (CHRS) had requested that the developer provide evidence in DC where “stealth concealment” antennae are currently being used, and the developer did not, and that, as a result CHRS could not support the project. However, Ms. Holmes stated that, while CHRS did not agree with the determination of SHPO, it did strongly support the five conditions on which SHPO’s concurrence was based.
 - The developer was unable to find current examples of “stealth concealed” antennae in the District, but was confident it has been used in the past.
- SHPO Requests:
 - Push faux chimney and antennae as far back as possible.
 - Applicant will comply.



Committee Reports Economic Development and Zoning Committee



- Work with the church to find a paint color for the antennae that makes sense.
 - Applicant will comply.
- Try to use anchors in the mortar joints for the antennae.
 - Applicant states that this makes the most sense and will comply
- Match the stealth screen to the brick of the church
 - Applicant agreed to do this.
- Try to restrict additional carriers or other antennae at this location
 - Applicant agreed and indicated additional antennae may interfere with the signal from the antennae that already are present.
 - Moreover, there potentially is no space for additional antennae.
- Committee questions:
 - How long will it take to complete this project?
 - One month of construction after all approvals have been acquired.
- Motion:
 - Chairman Golden made a motion to recommend that the ANC write a letter in support of the project to HPRB on the condition that the applicant complies with the five (5) requests stated in the letter from SHPO.
 - 5 aye
 - 1 no

1122 East Capitol Street NE

Request: Applicant seeks Bureau of Zoning Authority (BZA) approval for a special exception from lot occupancy requirements and for a variance from court width requirements, as well as HPRB approval for design of a two-story addition to the rear of existing rowhouse.

The owner and his architect presented first regarding the special exception and variance.

- The majority of the square in question contains houses that are at or above 69% lot occupancy. The applicant is proposing 69% lot occupancy which is 9% above the current 60% that the house currently occupies.
- Committee questions:
 - Are both neighbors supportive of the proposed project?
 - Neighbor to the west is in support.
 - Neighbor to the east has concerns about light and air being affected by the proposed addition. However, the committee noted that the light and air of that neighbor appeared unlikely to be materially affected by the addition.
 - Is the court width typically an issue with the BZA?
 - Commissioner Holmes stated that this is typically not an issue.
 - Committee member Missy Boyette noted that the new court would actually be narrower than the existing court by a small margin. She and Chairman Golden agreed that this did not appear to be an issue in this case, but, in a future case, it may be appropriate to limit the proposed narrowing of an existing court.
- Motion:
 - Chairman Golden made a motion to recommend the ANC write a letter to the BZA recommending approval, on the condition that the plans submitted with the BZA application do not deviate materially from the plans reviewed by the Committee.
 - 6 aye
 - 0 no



Committee Reports Economic Development and Zoning Committee



The owner and his architect's second presentation focused on the HPRB.

- Chairman Golden read comments from Shauna Holmes on behalf of CHRS noting:
 - The applicant is proposing a modest addition.
 - However, there are concerns related to the view from Twelfth (12th) Street through the alley.
 - Most homes have a brick rear façade.
 - The new two-story addition proposes to use hardi-board or another type of siding. CHRS urged that the homeowner consider using brick.
- Committee questions:
 - What is the economic difference between siding and brick?
 - The homeowner's architect thought there could be a material difference. However, he did not have any specific numbers, as the applicant had not thought about using brick.
 - Using brick would create less usable space in the interior of the addition.
 - Committee determined that this was not a large issue, but urged the applicant to be mindful of color choice and to use a darker color of hardi-board siding, so that the spirit of CHRS's comments could be honored and the addition not be visually obtrusive.
- Motion:
 - Chairman Golden made a motion to recommend that the ANC send a letter in support of the project to HPRB on the condition that the applicant address CHRS concerns by using a darker color for the siding.
 - 6 aye
 - 0 no

Historic Alley Dwellings in the Historic District

Committee member Michael Hoenig provided a brief update on the meeting he attended regarding Historic Alley Dwellings

- The District has undertaken a survey of existing alley dwellings in historic districts (Capitol Hill). Questions to be addressed by the District include: Are these dwellings contributing to the historic district? Are they adaptable?
- Currently there are 635 such dwellings on Capitol Hill.

Adjourn: 8:07 pm



Committee Reports Economic Development and Zoning Committee



June XX, 2014

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

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

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting¹ on June 12, 2014, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the proposed installation of six cellular phone antennae, installed in three “Sectors,” and an accompanying concealment chimney at 1301 North Carolina Avenue, NE., on the condition that the developer comply with the five conditions set forth by the D.C. State Historic Preservation Office in its attached letter of April 25, 2014.

Specifically, the following conditions must be complied with: 1) the Sector 1 antennae shall be pushed as far back from North Carolina Avenue as possible; 2) the Sector 1 and 2 antennae shall be painted to match the walls to which they are attached; 3) the wall-mounted antennae shall be installed through the mortar joints only, causing no damage to the bricks; 4) the stealth screen (chimney) for the Sector 3 antennae shall be designed to match the brick of the church; and 5) the property owner shall be informed that additional antennae, beyond those proposed to be installed by the applicant, are not appropriate on the rooftop.

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

Enclosure

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



GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION OFFICE
OFFICE OF PLANNING



April 25, 2014

Mr. J. Scott Horn
ACER Associates
1012 Industrial Drive
West Berlin, NJ 08091

**Re: Proposed antenna collocation, 1301 North Carolina Avenue NE, Washington DC
ACER #2013725, SHPO #13-530**

Dear Mr. Horn:

The DC State Historic Preservation Office (SHPO) has received the revisions to the proposed antenna collocation at the above-listed address. The redesign appropriately reduces the number of proposed antennas and locates them in a way as to be minimally intrusive to the character of the Capitol Hill Historic District, to which the property contributes.

The SHPO concurs with ACER's determination that the project will have no adverse effects on historic resources conditioned upon the following:

1. The Sector 1 antennas shall be pushed as far back from North Carolina Avenue as possible;
2. The Sectors 1 and 2 antennas shall be painted to match the walls to which they are attached;
3. The wall-mounted antennas shall be installed through the mortar joints only, causing no damage to the bricks;
4. The stealth screen for Sector 3 antennas shall be designed to match the brick of the church; and
5. Information that additional antennas by any provider are not appropriate on this highly visible rooftop shall be conveyed to the property owner.

Thank you for providing this office an opportunity to comment. If you have any questions regarding these comments, please do not hesitate to contact me at 202.442.8842 or anne.brockett@dc.gov.

Sincerely,

Anne Brockett
Architectural Historian

Cc: Rev. Dr. Diane Dixon-Proctor, Lincoln Park United Methodist Church
Deontae Hunter, Lincoln Park United Methodist Church
David Holmes, Chair, Advisory Neighborhood Commission 6A
Steve Kinley, Site2Site Wireless Solutions

1100 4th Street, S.W., Suite E650, Washington, D.C. 20024
Phone: 202-442-7600 Fax: 202-442-7638



Committee Reports Economic Development and Zoning Committee



June XX, 2014

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 188XX (1122 East Capitol Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting² on June 12, 2014, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request for a special exception from § 223 (not meeting the lot occupancy requirement in an R-4 zone) and a variance from § 406.1 (minimum width of open court) in the above referenced application.

The Commission supports granting the requested special exception because the proposed addition to the rear of the structure will not unduly affect the light and air available to neighboring properties nor unduly compromise their privacy of use and enjoyment. The Commission supports granting the requested variance because strict application of the open court width requirement would result in peculiar and exceptional practical difficulties and hardship to the applicant. Furthermore, granting the requested variance will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

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

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



June 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-XXX (1122 East Capitol Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting³ on June 12, 2014, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the design of the proposed rear addition at 1122 East Capitol Street, NE, on the condition that the applicant address the concerns of the Capitol Hill Restoration Society by using a darker color for the addition's siding.

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. (The applicant also will be seeking zoning relief from the lot-occupancy and court-width requirements.) The ANC supports the proposal, provided that the condition regarding the color of the siding is met, and believes it will provide an aesthetically pleasing fit with the remainder of the block.

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

³ 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.



New Business

