

**Park Concepts, LLC dba Surroundings Flowers
1023 East Capitol St., SE
Washington, D.C. 20003**

January 24, 2015

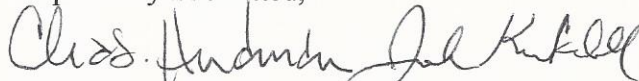
Stephen Varga, AICP, LEED Green Assoc.
Senior Zoning Specialist
Office of Zoning
Gov. of D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 200/210-S
Washington, D.C. 20001

In re: Appeal of Marie E. Birnbaum
BZA Appeal No. 18948
Joint Letter of Opposition

Dear Mr. Varga,

As described in the Motion to Dismiss filed concurrently herewith in this proceeding, attached are representative emails and letters from nearby neighbors residing in both ANC6B and ANC6A as well as throughout the Capitol Hill area opposing Ms. Birnbaum's appeal. We join with these and the other residents voicing their opposition and urge the Board of Zoning Adjustment to expeditiously dismiss the appeal.

Respectfully Submitted,



Charles Hudman & John Kuykendall
Managing Members
Park Concepts, LLC dba Surroundings Flowers

Rindy and Frank O'Brien
1020 East Capitol Street NE
Washington, DC, 20003
2-2-247-5290 rindyobrien@gmail.com

January 22, 2015

Charles Allen
Ward 6 DC Councilman

Dear Charles,

We are writing to support the efforts of Surroundings to correct the error on the

Certificate of Occupancy to allow the retail grocery store and flower shop to continue to flourish on our corner.

We live directly across the street from the shops and the beauty that the flower shop provides our neighborhood was part of the charm that made us by our condo. And, the convenience of the grocery store is also very important to us.

Surroundings has also been a great community partner giving gift certificates to a number of non-profit fundraising efforts over the years.

It has made us sad and mad with the threat from DCRA to close Surroundings down to see all the work being done to the corner and it transforming back to a plain ugly corner. It would be a very big loss to the neighborhood.

We hope you will do all you can to stop this effort before more time and effort has to be spent to correct the situation.

Sincerely,

Rindy and Frank O'Brien

On Jan 22, 2015, at 5:54 PM, Patricia Chase <patricia@i-sustain.com> wrote:

Dear Steve and Charles,

My husband and I have lived for three years at **1018 E. Capitol St. NE #6**, just across the street from Surroundings. We do not know the owners so we are not biased in their favor. We want to state our unequivocal support of Surroundings being able to exist just as it has been. It is a wonderful amenity for the neighborhood and makes the street and park feel more safe and cozy. I love the lights, the little store, and seeing the plants as I walk by. Obviously, they designed the space to be a neighborhood amenity and were not only thinking of themselves. I can see their fountain from my living room and love it when whether it is flowing or icy. Surroundings is a great neighbor. Not having it where it is would take something special away from the neighborhood.

Patricia Chase

From: Pauline Robison [<mailto:pmrobison@msn.com>]

> Sent: Thursday, January 22, 2015 10:50 AM

> To: Allen, Charles (Council)

> Cc: surroundings@comcast.net

> Subject: 1023 East Capitol Street (Surroundings and P & C Market)

>

> Dear Charles Allen,

>

> I am writing to express support for Charles Hudman and John Kuykendall residents of 1023 East Capitol Street, SE, and the retail flower shop (known as Surroundings), and market (known as P & C market) that operate on the basement level of their home. I reside across the Street at 1018 East Capitol Street (Lincoln Park Condominium) where I have lived with my teenage daughter for the past 5 years. We love our neighborhood, and delight in the beauty of Lincoln Park, the buildings that line East Capitol Street and the adjacent streets. We take particular pleasure everyday in the wonderful environment Charles Hudman has created with Surroundings, the fountain on the corner that transforms from icicles into flowing water depending upon the temperature, the flowers and plantings that change with the holidays and seasons, not to mention the friendly nods of hello exchanged in passing with the industrious crew who works to maintain the plantings and bring the seasonal transformations about. In addition to Surroundings, we enjoy the wonderful convenience that P & C offers. We look forward to going there in the mornings to buy coffee and pastries, and can count on a friendly greeting from the shopkeeper, and to seeing our neighbors. It would be difficult to assign a figure to the value we place on what Charles and John have done to add to the quality of life in our neighborhood, suffice it to say their efforts enhance it exponentially, and we are grateful for their hard work and the products of it.

>

> Needless to say, we are very distressed to learn that Surroundings and P & C market are in jeopardy of being closed due to an inadvertent error on the part of the DCRA re: Charles and Johns Certificate of Occupancy. I want to express our unqualified support of their efforts to correct the inadvertent error on the Certificate of Occupancy, and to avoid an unnecessary hearing currently scheduled by the Board of Zoning Adjustment for March.

>

> Respectfully yours,

>

> Pauline Robison

> **1018 East Capitol Street, NE (Apt 1)**

> Washington, DC 20003

From: Carol Akiyama [<mailto:akiyamac@his.com>]

Sent: Tuesday, January 20, 2015 11:38 PM

To: Steve Hagedorn; Allen, Charles (Council)

Cc: surroundings@comcast.net

Subject: Surroundings

Mr. Hagedorn and Mr. Allen:

Charles Hudman and John Kuykendall of Surroundings not only improved the quality of life in our neighborhood, they probably raised all our property values as well. Why would anyone appeal their Certificate of Occupancy?

*Before Surroundings came, that corner was a complete eyesore, a blight on the neighborhood.

*When they moved here, the entire corner was transformed into a thing of beauty: gorgeous plantings, decorative items, friendly faces, and employees willing and able help to anyone in need.

*The seasonal changes were breathtaking, always in good taste, and so in keeping with the character of this part of Capitol Hill.
*We were all proud of what they had achieved for themselves and for us all.

The recent dismantling of the once-beautiful area leaves us with questions and no answers. We don't know or understand why Marie Birnbaum is appealing the Surroundings Certificate of Occupancy.

Commercial establishments all over DC, including the restaurant Ninnella on the east side of Lincoln Park, use public spaces for commercial purposes. Why not Surroundings?

We want Surroundings to be able to correct an inadvertent error on the Certificate of Occupancy so that an unnecessary hearing can be avoided and they can once again enhance the quality of life in our neighborhood.

Respectfully,
Nobuo and Carol Akiyama
1018 East Capitol Street NE

From: "Alan Perkins" <alan.prkns@gmail.com>
To: callen@dccouncil.us
Cc: "Barbara Bonessa" <blbonessa@gmail.com>, "Surroundings" <surroundings@comcast.net>, laura@charlesallenward6.com
Sent: Thursday, January 22, 2015 1:23:31 PM
Subject: Regarding 1023 East Capitol Street

Dear Charles,

We are writing to let you know that we support our neighbors at 1023 East Capitol in their efforts to correct a DCRA administrative error in their Certificate of Occupancy.

Charles Hudman and John Kuykendall have not only been great neighbors, but have made significant improvements of their property. As long-time residents of the Hill (since 1986) and Lincoln Park (since 2001), we remember only too well how rundown and unsavory the property was before Charles and John took possession. Today it is not only home to two vibrant and successful businesses, it is lovingly and attractively landscaped and maintained.

Please do whatever you can to help Charles and John.

Thanks,

Barbara Bonessa
Alan Perkins
1100 East Capitol

From: Lisa Friedman [lisa.f.friedman@gmail.com]
Sent: Monday, January 19, 2015 11:08 PM
To: Allen, Charles (Council)
Cc: surroundings@comcast.net
Subject: In support of 1023 East Capitol Street SE

Dear Councilman Allen,

My name is Lisa Friedman. My husband, Atilla Suzer, and I live at **1013 East Capitol Street SE**. We are writing in strong support of Charles Hudman and John Kuykendall in their effort to correct an inadvertent error on the Certificate of Occupancy of their absolutely wonderful local business, Surroundings.

When my husband and I purchased our home in 2007, 1023 East Capitol Street was a complete eyesore. The front yard was dilapidated, the paint on the house itself was peeling and the store that occupied the basement unit was filthy. Charles and John not only created a thriving business in that space, but improved the entire block by creating a beautiful, blooming green area that the entire neighborhood enjoys. In renovating their home and developing Surroundings, Charles and John went above and beyond the call of good neighbors -- asking us, for example, if we had any objection to the house color they had chosen or the placement of a fountain.

I can't even express what joy this home-based business has brought to our neighborhood. Surroundings, for those of us who live in the Lincoln Park area, is more than just a flower shop. It's a neighborhood gathering spot, made so both by the personal warmth of Charles, John and their goofy golden retriever Oscar, and the inviting physical atmosphere they created. The tasteful gazebo in front of Surroundings blends in perfectly on a street sports everything from beautiful front-yard gardens (many of which were designed by Charles Hudman himself) to the city's best and biggest Halloween displays to a giant cast-iron sculpture of a moose (1011 East Capitol).

We are aware that one neighbor has lodged complaints about the space, which has set in motion the upcoming hearing. I feel it is important to let you know that the complainant, Marie Birnbaum, has spent the past several years making accusations against every new arrival on the block.

Some examples: When a young couple moved in to 1009 East Capitol with their aging dog, Mrs. Birnbaum's welcome note to them was a letter in their mailbox informing them she intends to lodge a noise complaint because the dog barked. When another couple moved in to 1011 East Capitol and began construction, Mrs. Birnbaum within days called the city to complain that illegal work was being done. This despite the fact that their construction is completely legally with permits posted in the window that are visible to everyone -- including Mrs. Birnbaum. Shortly after my husband and I moved into our home, a racoon somehow died on our roof. Mrs. Birnbaum told us that she assumed we had put it there (!!) and had called the District to report us.

There is no doubt in my mind this "problem" with 1023 East Capitol Street exists solely in Mrs. Birnbaum mind. And apparently she's got time on her hands, as she has spent the past year seeking zoning inspections on the property. Her effort seems to have paid off -- she found a loophole in an inadvertent error made by DCRA, which incorrectly listed the business as being on the "first floor" rather than "basement."

It would be a terrible outcome for the entire neighborhood if, on the basis of the complaint of a single neighbor, this DCRA error could be exploited to force Charles and John to undo the beautiful space they have created. We urge you do do what you can to help Charles and John resolve this issue by opposing Mrs. Birnbaum's appeal.

Finally, as small business owners ourselves (my husband owns Bacio Pizzeria in Bloomingdale), we know how important it is for a local business to be a great neighbor. Charles and John have been exemplary in every way. We are so grateful that they moved onto our block. Every neighborhood should be so lucky to have businesses owners like Charles and John who consistently operate with care and thoughtfulness for the local community.

Thank you so much for your consideration of this important local matter.

Sincerely,

Lisa Friedman & Atilla Suzer
Homeowners, **1013 East Capitol Street SE**
Washington DC, 20003

From: "Ely Ratner" <ely.ratner@gmail.com>
To: callen@dccouncil.us
Cc: "Charles Hudman" <surroundings@comcast.net>
Sent: Wednesday, January 21, 2015 11:27:25 AM
Subject: DCRA error

Charles,

Congratulations on your new position.

I wanted to write you to express my strongest support for Charles Hudman and John Kuykendall in their recent case regarding an inadvertent error on their Certificate of Occupancy. I hope this matter can be rectified promptly.

We have been living at **1011 North Carolina Ave SE** for nearly five years and consider P&C Market and Surroundings to be an integral part of the neighborhood. We have benefited greatly not only from their wonderful businesses, but also from the care and beautification they have brought to the neighborhood. They are among the big reasons that Lincoln Park is truly a special place to live.

I hope you are able to give this matter your full attention.

Regards,
Ely Ratner (+ wife Jen, 3-year old son Ian, and 2-day old son Finn).

On Monday, January 19, 2015, Tom Grahame
<tgrahame@mindspring.com<<mailto:tgrahame@mindspring.com>>> wrote:

Charles, Steve, we just now found out that our neighbors, Charles Hudman and John Kuykendall – owners of Surroundings, which is at the corner of 11th and North Carolina Ave., SE – are subject to an inadvertent error by DCRA, which in turn makes possible an appeal of their occupancy permit to go forward.

Charles and John have been exceptional neighbors to all of us nearby. The corner noted above now has various greenery in tubs, making the corner far more attractive than it used to be. Everything about their location is better, now that they have replaced the prior market with uses that neighbors value more. They are excellent for all of us in their choice of businesses, in how they conduct their business, and in how they make the neighborhood more attractive.

As we understand it, if DCRA had written the permit as requested and approved a couple of years ago, meaning that the permit should read that the store is in the basement of their dwelling, not the first floor – then there would be no basis for appeal. But because of this error, BZA has scheduled a hearing for the appeal by a neighbor. This seems to us to be a waste of taxpayer money, and of Charles and John's time. If DCRA can admit its error and fix the problem, then there should be no need for a hearing. Although it seems unlikely that DCRA has not made an error, if they in fact gave the permit, it would seem very wrong to now change the permit, after all the investment that Charles and John have made on the basis of that permit.

Thus I am writing both of you to enlist your help. Please do everything you can to get DCRA to fix the problem, so that the city doesn't waste money on an unnecessary hearing, and so that Charles and John can go back to doing what they do so well – being excellent neighbors.

Thank you very much,

Thomas Grahame
Jan Kern

1008 North Carolina Ave., SE
Washington, DC

From: "Thomas Chapman" <chapman_tom@yahoo.com>
To: Steve6b05@anc6b.org, callen@dccouncil.us
Sent: Thursday, January 22, 2015 9:24:12 AM
Subject: Complaint Regarding Surroundings Flower Shop

To: Steve Hegedorn, ANC 6b Member
Charles Allen, DC Council Member, Ward 6

Gentlemen:

I am writing in support of the Surroundings Flower Shop at the corner of North Carolina Ave. and 11th St. SE with address 1023 East Capitol St. SE. The proprietor, Charles

Hudman, seems to be a victim a clerical error and subject to unfortunate technical regulations.

Mr. Hudman has made a significant contribution to our neighborhood by refurbishing his residence that also houses the flower shop facing 11th St. and P&C Market in the basement. The building and the retail space were upgraded from their previous condition by Mr. Hudman, and the shops have become a focal point for community service, convenience and enjoyment. The plants and flowers add beauty to the short block across from Lincoln Park.

I hope that the City can be flexible correcting any earlier clerical errors and in supporting a local business that is valued by a large number of their neighbors.

Please let me know if you would like more input regarding our experience with the shops and our views on the current situation.

Thank you for your consideration.

Sincerely yours,

Thomas W. Chapman, Ph.D.
1000 North Carolina Ave., SE
Washington, DC 20003

From: Donna Breslin <donna_breslin@yahoo.com>
To: "Steve6b05@anc6b.org" <Steve6b05@anc6b.org>; "callen@dccouncil.us" <callen@dccouncil.us>
Sent: Wednesday, January 21, 2015 1:40 PM
Subject: Surroundings 1023 E Capitol St SE

I fully support **Surroundings** business in my neighborhood. I do not understand why my neighbor, Ms. Marie Birnbaum has a problem with it. She does not speak for me. Her activities border on harassment, in my opinion.

Surroundings is a good neighbor and an asset to our block and the environment. I patronize the store and have used their services and expertise. Along with P&C Market, the corner has become a beautiful spot rather than the eye-sore it was 7 years ago.

I hope we can save the city time and money by avoiding a hearing about the C of O for this site. Let them continue doing business, creating jobs and beauty, without unwarranted hassles.

Please let me know if you need any more information or testimony.

Thank you,

Donna Breslin

1000 N Carolina Ave SE
Washington, DC 20003

From: Jane Angarola [<mailto:jangarola@chds.org>]
Sent: Thursday, January 22, 2015 4:39 PM
To: Steve6b05@anc6b.org; Chris Ward; Allen, Charles (Council)
Cc: surroundings@comcast.net
Subject: Surroundings and BZA Appeal No. 18948

Dear Sirs,

I am writing this letter in strong support of Surroundings and P&C Market and the efforts of Charles Hudman and John Kuykendall to have DCRA correct and update the C of O for Surroundings; and in strong opposition to the appeal filed by Ms. Birnbaum.

I have lived on the Hill since 1985 - including 27 years in close proximity to the wonderful and thriving business run by Charles Hudman. I have lived around the corner from Surroundings and P&C Market at 1012 Massachusetts Avenue, NE since 1993, and have raised three children on the Hill. The old Lincoln Park market that existed for years was an eyesore and a health hazard, and added nothing positive to the neighborhood. Surroundings and P&C Market are thriving and have transformed the neighborhood, as a business and as involved and caring neighbors.

Small businesses face so many obstacles to success. It would be a **tremendous** loss to the neighborhood if unnecessary and unanticipated permitting and other regulations forced Surroundings either to scale back on the many and beautiful improvements they have brought to their corner, or to shut down completely.

I urge you to do all you can to cancel the upcoming hearing - a hearing based on one person's objection to a clerical error in Surroundings' C of O that Charles and John are working with DCRA to correct.

I am happy to speak with you and share the hundreds of ways I've witnessed and experienced the positive benefits of having Surroundings and Charles and John as my dear neighbors.

Best regards,

Jane Angarola
1012 Massachusetts Avenue, NE
Washington, DC 20002

From: Julie Dana [julie.christine.dana@gmail.com]
Sent: Tuesday, January 20, 2015 12:19 PM
To: Allen, Charles (Council); Tom Conroy
Subject: Support for Surroundings

Dear Charles,

I am writing to request your assistance in opposing the appeal for Certificate of Occupancy filed by Marie Birnbaum regarding 1023 East Capitol St. SE, on the grounds that the complaint is a disservice to small business owners who are positively contributing to the neighborhood. My major objections to the hearing are as follows:

1. The owners of Surroundings are making every effort to correct the administrative error which creates the opening for the complaint and the request for a hearing. The administrative process of having DCRA correct the paperwork it completed in error should be allowed to run its course before public resources and time are spent on a hearing.

2. The issue does not warrant a hearing since it is founded on the complaint of one resident, whose voice does not represent the majority opinion of the neighbors and community. Ms. Birnbaum has chosen to live in an urban environment, on a block with mixed use properties. If she is unhappy with proximity to a retail establishment she can move to suburbia.

3. The garden that has been built in front of P&C market is a beautiful space, so much so that I repeatedly see people stopping to take photographs of it. I cannot imagine a retail property that does a better job of blending in with the residential properties around it.

4. Small businesses like Surroundings garden center and P&C market are critical to the community. We are happy customers of both and we appreciate the fact that Charles is not only a local business owner, but a friendly neighbor as well. Surroundings support of local fund-raising events such as the Literary Feast, and others, provide further evidence of the fact that this is the type of business that exemplifies the best of Capitol Hill.

In short, I would very much encourage you to support Surroundings efforts to rectify this situation in an efficient way.

Julie Dana, **1001 Massachusetts Ave. NE**

On Jan 20, 2015, at 12:21 PM, Tom Conroy <etomconjr@yahoo.com> wrote:

Dear Steve and Charles,

I am writing to request your assistance in opposing the appeal for Certificate of Occupancy filed by Marie Birnbaum regarding 1023 East Capitol St. SE, on the grounds that the complaint is a disservice to small business owners who are positively contributing to the neighborhood. My major objections to the hearing are as follows:

1. The owners of Surroundings are making every effort to correct the administrative error which creates the opening for the complaint and the request for a hearing. The administrative process of having DCRA correct the paperwork it completed in error should be allowed to run its course before public resources and time are spent on a hearing.

2. The issue does not warrant a hearing since it is founded on the complaint of one resident, whose voice does not represent the majority opinion of the neighbors and community. Ms. Birnbaum has chosen to live in an urban environment, on a block with mixed use properties. If she is unhappy with proximity to a retail establishment she can move to suburbia.

3. The garden that has been built in front of P&C market is a beautiful space, so much so that I repeatedly see people stopping to take photographs of it. I can not imagine a retail property that does a better job of blending in with the residential properties around it.

4. Small businesses like Surroundings garden center and P&C market are critical to the community. We are happy customers of both and we appreciate the fact that Charles is not only a local business owner, but a friendly neighbor as well. Surroundings support of local fund-raising events such as the Literary Feast, and others, provide further evidence of the fact that this is the type of business that exemplifies the best of Capitol Hill.

In short, I would very much encourage you to support Surroundings efforts to rectify this situation in an efficient way.

Tom Conroy
1001 Massachusetts Ave. NE
[203-981-4291](tel:203-981-4291)

On Jan 22, 2015, at 11:43 AM, Aaron Cooper <acoops95@outlook.com> wrote:

Mr. Hagedorn and Mr. Allen,

My family and I live at 111 11th Street, SE. We have lived at that address since early 2008, before Surroundings and P&C Market were established in the neighborhood.

We want to express how much we appreciate all the work Surroundings has done to improve the cohesiveness of the community and beautify the area. We fully support their efforts to correct the Certificate of Occupancy without the need for a hearing.

Surroundings has significantly improved the neighborhood and we urge you to work to avoid any additional costs or proceedings that may detract from what they have done.

Thanks for your consideration,

Aaron and Cristina Cooper
111 11th street, SE

From: fingerprintgal@gmail.com [fingerprintgal@gmail.com] On Behalf Of Laura A. Hutchins
[lahutchins@comcast.net]
Sent: Monday, January 19, 2015 5:00 PM
To: Steve6b05@anc6b.org; Allen, Charles (Council)
Cc: surroundings@comcast.net.net
Subject: I support Surroundings!

Dear Mr. Hagedorn and Mr. Allen,

I have been a resident of the Lincoln Park neighborhood since 2002. I remember when the old Lincoln Park Market was present in this location. I personally found the previous owner/operator passed out drunk in the store and I

witnessed him walking in the middle of street intoxicated and almost getting hit by numerous cars.

I was overjoyed when Charles and John purchased the property and the eventual opening of P&C Market and Surroundings. Our neighborhood now has a great food market to go to, somewhere to buy flowers for loved ones, and I also have hired Surroundings to put a beautiful pergola in my backyard. When I shop at P&C I am welcomed in the store with enthusiasm. When I walk past Surroundings I am greeted with genuine care and the wonderful smells of fresh cut flowers, new plantings, and herbs. And when I walk past their corner I am always admiring their beautiful landscaping and adorable dog.

That corner has gone from an eyesore to visual astonishment. Lincoln Park continues to be a neighborhood that people want to live in because of neighbors like Charles and John and their devotion to making their corner more beautiful each day!

Thank you for your time.
Sincerely,

Laura A. Hutchins
115 11th St NE

January 24, 2015 Via Email

Re: Board of Zoning Adjustment Request for Park Concepts, LLC, c/o John Kuykendall and Charles Hudman; BZA Appeal No. 18948

Dear Council Member Allen and Commissioner Hagedorn,

We have recently learned that our neighbors, John Kuykendall and Charles Hudman, who own Park Concepts, LLC (dba Surroundings Flowers) have an upcoming public hearing on March 17, 2015 regarding the Certificate of Occupancy for a flower shop and grocery store for the basement level of their home—apparently there was an error on the original C of O, stating the shops are on the first floor of their home, when in fact, the shops are located on the basement level.

John and Charles also beautified the corner surrounding their home with container plants, including precious evergreens and aromatic herbs and colorful and unusual flowers. Their home and the two shops have animated the corner of East Capitol Street, SE, 11th Street SE, and North Carolina Street, SE in a positive way. Not only is this corner now beautiful, it is a place for neighbors to shop, visit, and enjoy the beautiful plants. They have made this space an inviting place and have excluded no one by placing flowers along this swath of brick. They keep this corner clean as well and it is well lit and has a very safe atmosphere.

When we purchased our home in 2002 just one block away, there was a shabby corner market with dusty shelves and a disgruntled clerk, who apparently hated children. Now there is a clean market and cheerful flower shop that appears to be doing a thriving business. These shops, like our neighbors, John and Charles, have been good for our neighborhood. It would be so depressing for us to see the plants removed and the tree boxes return to patches of dirt.

What a waste of everyone's time to have to have a hearing to remedy what seems to be a possible clerical error. It would be such an efficient decision to review this vis-a-vis other means to spare the Board some time.

The decision here seems rather obvious, and we hope you will see this situation in the broader light of what is best for our overall community. While we do not know everything about the nature of this dispute, our own personal experiences with John and Charles have demonstrated that they have typically been accommodating of, and responsive to, any suggestions and requests we may raise. We therefore hope you will not allow others to apparently rely on technicalities to potentially penalize John and Charles, who in our opinion, since arriving at 1023 East Capitol Street SE, have been nothing but highly positive influences on our street and neighborhood.

Please do not hesitate to contact us if we can answer any questions or provide further information.
Best regards--

Greg and Melissa Smith **913 East Capitol St SE**

January 23, 2015

Dear Mr. Allen,

This letter is in support of Surroundings/Park Concepts/ Charles Hudman and John Kuykendall, located at 1023 East Capitol St, SE, on Lincoln Park.

I have lived at 1203 East Capitol St., SE, also on Lincoln Park, for nearly 30 years, and I have never seen that property look nicer. As a matter of fact, it has always looked ugly, mean and unkempt (and unsafe – the bodega at that location was always being robbed) UNTIL Mssrs. Hudman and Kuykendall moved in. The area is well manicured and neat, and Messrs. Hudman and Kuykendall's businesses have brought some elegance and warmth to the Park and its surroundings, including some public space adjacent to their property.

I understand that there is a zoning hearing in March, and would like to add this letter in support of Messrs. Hudman and Kuykendall's efforts to correct an apparent error on their Certificate of Occupancy. They should be allowed to carry on without interruption!

Sincerely,
Diana Quinn
1203 East Capitol St., SE
Washington, D.C. 20003

From: John Tsapogas [yannitsapogas@comcast.net]
Sent: Saturday, January 24, 2015 1:54 PM
To: Steve6b05@anc6b.org; Allen, Charles (Council)
Cc: surroundings@comcast.net
Subject: 1023 East Capitol St., SE

RE:BZA Appeal No. 18948

It has come to our attention that Ms. Marie E. Birnbaum, a resident at 1015 East Capitol St. has filed an appeal on the issuance of a Certificate of Occupancy which allows a retail grocery and a flower shop to operate on the ground level floor of 1023 East Capitol St. Washington, D.C.

We live at 114 12th St. NE for over 12 years and have lived within a one block radius of Lincoln Park for over 20 years (since 1993). We have chosen to live on Capitol Hill because of the friendliness of the residents and the architectural beauty of the neighborhood. Before the arrival of Charles Hudman and John Kuykendall to 1023 East Capitol St. the building that they currently occupy was truly a dilapidated eye sore and had fallen into partial ruin from years of neglect and disrepair.

In 2008 Charles and John acquired the property and immediately began a huge effort to transform it into a charming and attractive place. We regularly walk passed the property on our way to Eastern Market and have never missed the opportunity to thank them for what they have done to beautify the corner of 11th and East Capitol Streets. All of this was done carefully without allowing the requirements of running the 2 businesses from visually interfering with the aesthetic sensibilities of the neighborhood. This is why we are somewhat confused by the actions of Ms. Birnbaum because they are not in character with what we have been accustomed to by residents of Capitol Hill who are supportive of individuals and businesses that maintain the beauty and historical features of their Capitol Hill properties.

We would like to unequivocally state that we support Charles and John and would like you to join us in making sure that this clerical error is resolved as expeditiously as possible. If this is a clerical error why are we spending such valuable time and energy on the part of city agencies, lawyers, and property owners in addressing frivolous and unnecessary appeals? The clerical error should be fixed by the organization that made it (DCRA) and after that the appeal should be dismissed as inaccurate. The mistake on the part of a city agency and the actions of one disgruntled individual should not be allowed to ruin the lives of individuals who have been such a positive force in our neighborhood. All it takes is some leadership. I hate to see valuable tax dollars being wasted by this. By supporting us in this effort to expeditiously resolve this mistake you will be acting in concert with what we believe is the sentiment and consensus of Capitol Hill residents.

Thank you and we look forward to your support.

Astri S. Kleivdal
John Tsapogas
114 12th St. NE
Washington, DC

From: Margaret Vining <mlsvining@gmail.com<<mailto:mlsvining@gmail.com>>>

Date: Thu, Jan 22, 2015 at 7:39 PM

Subject: Surroundings, 1023 East Capitol St., SE

To: Steve6b05@anc6b.org<<mailto:Steve6b05@anc6b.org>>, callen@dccouncil.us<<mailto:callen@dccouncil.us>>

Cc: surroundings@comcast.net<<mailto:surroundings@comcast.net>>

Dear Mr. Hagedorn and Mr. Allen,

As a neighbor of Charles Hudman, John Kuykendall, Surroundings, and P&C Market, I am puzzled and distressed about the inexplicable malice and harassment to which they are being subjected, am totally mystified by such vindictiveness. Before Charles and John brought Park Concepts, LLC to the corner of our beautiful park, the site was home to a run-down boarding house and market purveying beer, cigarettes, and junk food. The surrounding public space housed an ice vending machine and dumpsters.

It has been a joy to watch Charles, John, Surroundings, and P&C Market bring refinement and extraordinary products that are unavailable in one location elsewhere - and within a short walk! They have become a valued part of the Lincoln Park neighborhood not only for the high quality services and products they provide but also for their beautifying, professional and friendly presence.

The L'Enfant plan for our city (and the Lincoln Park area) calls for integrating small local businesses into neighborhoods. This is evidenced by the numerous corner markets, dry cleaners, and small businesses around us. None are as attractive and delightful as the Surroundings Corner. I will protest mightily and vocally any and all attempts to deprive us of this wonderful enterprise that is most suitable for my neighborhood.

It is incumbent upon us to correct the clerical errors that are a threat to our neighborhood.

Yours respectfully,
Margaret Simmons Vining

150 12th St. NE

Washington, DC 20002

202.633.3924 <tel:202.633.3924>

From: "Barbara Meierhoefer" <bmeierhoefer@me.com>

To: SteveB605@anc6b.org, callen@dccouncil.us

Cc: "Charles Hudman" <surroundings@comcast.net>

Sent: Friday, January 23, 2015 10:17:22 PM

Subject: Surroundings and PC Market: BZA Appeal No. 18948

I support Charles Hudman & John Kuykendall in their effort to avoid a hearing in the inadvertent error on the Certificate of Occupancy for their property at 1023 East Capitol St, SE. In the unhappy event this unnecessary hearing proceeds, I would be happy to testify on their behalf. (Contact information below.)

I walk by Surroundings each day when I go from Lincoln Park to the Union Station area for work. The block that Charles and John have renovated is a lovely and welcome addition to the neighborhood. Always brings a smile to my face . . . a little bit of garden to reflect the changing seasons. I buy my Christmas tree from them every year—and they deliver and help set it up, a great way to start the holiday season for us 60-somethings who have begun to creak a bit.

I know nothing about the complaining neighbor. But that in itself says something as I can most certainly testify that Charles and John are the best of neighbors. They have

sponsored neighborhood pot-luck dinners, given away Christmas trees to needy families, and helped place "found" (and find "lost") neighborhood pets.

Perhaps you could focus instead on designing a zoning law under which neighborhood residents could request that folks who want to harm the ascetics and harmony of their neighborhood be paid fair value for their property, but required to move somewhere else more suited to a sour disposition?

Barbara Meierhoefer
115 Kentucky Avenue SE
Washington, DC 20003
bmeierhoefer@me.com

From: EmailBitesSGE@aol.com [EmailBitesSGE@aol.com]
Sent: Friday, January 23, 2015 12:04 PM
To: Allen, Charles (Council); steve6B05@anc6b.org
Cc: surroundings@comcast.net
Subject: Surroundings: a slice of nature on Lincoln Park

To Mr. Steve Hagedorn and Mr. Charles Allen-
I am a resident of the Lincoln Park neighborhood of SE DC. I live at **124 13th Street SE**.
My husband and I purchased our home in September 2013. One of the deciding factors in the purchase of our home was the surrounding area.....which includes Surroundings and all the homes and businesses around Lincoln Park.

My husband and I have lived in the suburbs for over 30 years. But, we have also lived in uptown Dallas, TX and lower Manhattan. We enjoy the feel of Washington, DC. It's a blend of both suburb and city. Our neighborhood is just that. We are avid walkers and have spent many hours walking the streets that surround our home.

When we approach Lincoln Park, we almost always go out of our way to walk by Surroundings and the beautiful display of greenery, the fountain (which changes with the weather) and flowers. We anticipate the coming of spring and the beautiful blooms that will brighten the corner.

Surroundings and the market are a part of our neighborhood. They represent the reason I want to live here. I support small businesses whenever possible. I enjoy the fact that Charles, John and Oscar (their sweet dog) are making our corner a friendly, bountiful place of beauty. I cannot imagine disliking any part of their "Surroundings". I fully support their venture as it is.

Sincerely-

Suzanne G. Evans
Lincoln Park resident

From: "Christopher Britt" <cjsteuartba@gmail.com>
To: Steve6b05@anc6b.org, callen@dccouncil.us
Cc: surroundings@comcast.net
Sent: Thursday, January 22, 2015 12:45:45 PM
Subject: Letter of support for Surroundings Flowers
Dear Mr. Allen and Mr. Hagedorn,

We celebrate the use that Surroundings Flowers makes of the public space around 1023 East Capitol Street, which is located just off Lincoln Park, on the southeastern corner with 11th Street. We have been living on the Hill for seventeen years and remember that this corner used to be an eyesore. The front and back yards were perennially unkempt, the exterior of the house was a testament to slum-lording neglect, and the "mom and pop" store that was located in the basement floor of the building carried only heavily processed, prepackaged, overly salty or exceedingly sweet junk food, beer, and cigarettes. Thanks to the significant investment of money, time, and care that Charles Hudman and John Kuykendall have made, the front and back yards of the house now are beautifully landscaped and gardened, the building is expertly maintained, and we neighbors have access to both a market that serves quality foods and a flower shop that brightens our lives.

As you both know, Capitol Hill is like a village in the middle of the city. It is this village-like community that has raised our son and rewarded us with many lasting friendships, including Charles, John, and their golden retriever Oscar. Unfortunately, this village is also home to one neighbor who objects to the use that Surroundings makes of the public space around 1023 East Capitol St.

Marie Birnbaum, who resides at 1015 East Capitol, has recently filed an appeal with DCRA (BZA Appeal No. 18948), which challenges the C of O issued to Charles and John allowing retail use of the first floor. This appeal is specious. It is based on nothing more than a clerical error, which can and should be corrected clerically, without requiring the public hearing of the Board of Zoning Adjustment that is now scheduled for March 17, 2015. In her appeal, she objects to the fact that the most recent C of O issued by DCRA for 1023 East Capitol permits the use of the "first floor" for retail purposes. This reference to the "first floor" is nothing but an inadvertent clerical error. When, in October 2014, DCRA issued an updated C of O, specifying that the space in question could be used for a "Grocery Store/Flower Shop," the agency incorrectly listed "first floor" rather than "basement" as the floor to which the C of O pertained.

Surely, to require that a public hearing of the BZA be held in order to rectify this error qualifies as an abuse of the sovereign powers of the citizens of the city of Washington, DC. Our elected and appointed public officials should not have to dedicate their time to such petty and un-neighborly concerns. And yet, out of solidarity with Charles and John and for the public good of the neighborhood, I find myself unhappily needing to ask you to intervene on their behalf. The appeal filed by Marie Birnbaum constitutes an affront to the spirit of neighborly love that animates life on the Hill. It is small-minded, mischievous, and down right nasty. A letter or phone call from you to the proper authorities at DCRA could stop this nonsense at once.

Sincerely,

Marina Salcedo and Christopher Britt Arredondo
1314 East Capitol Street, NE
Washington, DC 20003

From: linda meixner [linmeixner@yahoo.com]
> Sent: Tuesday, January 20, 2015 3:24 PM
> To: Allen, Charles (Council); Charles Hudman
> Subject: Zoning Adjustment Hearing for Surroundings
>
> Dear Mr. Allen,
> I wanted to write in support of Charles Hudman, John Kuykendall and their property on 1023 East Capitol Street SE in their effort to correct the Certificate of Occupancy error that is in contention right now. Their property is such a gift to the neighborhood ... it adds both beauty and a sense of community that makes living in our Lincoln Park neighborhood so special. It is very difficult to understand why ANYONE would question their value to the neighborhood - I'm totally in the dark as to what possibly they could be doing that would have a negative effect on our Lincoln Park area. The P & C Market is wonderful and Surroundings is such an asset to us all. Their corner with its beautifully lit gazebo and marvelous seasonal plantings is a gift to us all.
>
> I am totally in support of their effort to correct this zoning error ... people are people and typos occur. To make a costly and time consuming process is simply wrong.
>
> Linda Meixner
> **1317 E. Capitol Street, SE**
> Washington, DC 20003

Memorandum

From: John Cross and Benjamin Diamond, **136 Tennessee Ave, NE**, (202-543-3240)

To: Charles Allen (Citycouncilmember Ward 6),

Elissa Silverman (Citycouncilmember at large),

Steve Hagedorn (ANC commissioner 6B-06),

Lindsey Parker (Deputy Chief of Staff to Mayor Bowser)

Re: "**Surroundings**" at 11th and East Capitol Street SE, and Board of Zoning Adjustment Appeal No. 18948

Date: January 21, 2015

We are writing this in support of the building at 1023 East Capitol Street, SE, which houses Surroundings Flowers and P&C Market, as well as two apartment units above. Charles Hudman and his husband John Kuykendall bought the property seven years ago.

They continued to have a retail store in the basement, an updated deli, replacing a shabby hole in the wall where the owner carried a visible pistol as he went about his business. They also opened a delightful florist shop in the same space using some of the surrounding sidewalk and tree boxes for plantings which provided an interesting and pleasant diversion to the concrete and asphalt of the street scene. As constant passers-by we note they never intruded on the movement of pedestrians.

Mrs. Marie E. Birnbaum, a neighbor, believed this was not legal and called the city, whose inspectors were forced to ask Mr. Hudman to remove these plantings on the sidewalk. Since then she has begun what can best be described as a vendetta against Surroundings, pushing them even to the point of removing their plantings that beautify the neighborhood.

At present she is using an obvious mistake by DCRA, when they reissued the Certificate of Occupancy (C of O) for the property that noted the store would be on the first floor and not in the basement, to aggravate the situation. A previous CofO had placed the store correctly in the basement. (The first floor is raised significantly above street level to the extent that anyone seeing the property would realize the first floor is not a suitable site for a store.) It is our understanding that the C of O has been corrected. But...

Mr. Hudman had no chance to ask for a correction from DCRA before the Board of Zoning Appeals moved on Mrs. Birnbaum's appeal, so quickly it is questionable how they did it—getting her note on December 20 and calling for the hearing no more than two days later.

Ben and I have constantly enjoyed passing Surroundings, loving the mixed-use aspect of the property and ask that you seek a quick amendment to the CofO correcting the obvious mistake and recommending to the BofZA that they call off this hearing caused by the harassing neighbor.

The city believes in supporting small business, as we well know, and hope that the your support will be there for Msrs. Hudman and Kuykendall. Would you contact the BofZA urging them to cancel this unnecessary and time-wasting hearing?

We can be reached at home at 202-543-3240 if you need us. Thanks for your help in advance.

From: Mark [markrichardgrace@gmail.com]
Sent: Friday, January 23, 2015 11:56 AM
To: Steve6b05@ancb.org; Allen, Charles (Council); surroundings@comcast.net
Subject: Support of business establishment "Surroundings"

Dear Councilman Allen and Commissioner Hagedorn,

My name Mark Grace and I am a resident of **1336 North Carolina Ave. N.E..**

This email is serves as support of Surroundings Florist shop in its effort to correct the inadvertent error on its C of O and avoidance of what I feel would be an unnecessary hearing.

Surroundings Florist as both a business and homeowner at 1023 East Capitol Street Southeast has been beneficial to the neighborhood. They have added a lively, appealing aesthetic to the neighborhood enriching the daily life of those who live on or near Lincoln Park as well as for tourists who visit

Eastern Market and Capitol Hill. Their efforts at creating a needed, welcoming neighborhood business (where the owners live!) and beautifying an otherwise bleak space should be replicated rather than punished.

I ask that you intervene in this matter, showing support for Surroundings, a positive contributing, civic-minded business and resident of Ward 6, working to resolve it with DCRA officials.

Sincerely,
Mark Grace

From: "Mary Donovan" <marydonovan50@gmail.com>
To: Steve6b05@anc6b.ord
Sent: Saturday, January 24, 2015 10:58:03 AM
Subject: Surroundings

Dear Mr Hagedorn,

I am writing to you over an issue of great concern to me.

I am very upset at the restrictions I have seen placed on Surroundings Flower (1023 East Capital Street) over the last months. I love to stroll past Surroundings every morning and evening on my walks. Even with the changes they were faced to make, I still find it one of the most beautiful spaces we have on Capitol Hill. I have lived on Capitol Hill for 36 years and I remember all too well the store and area between East Capital and North Carolina on 11th street. It was certainly unremarkable and not attractive in any way.

Since Charles and John bought the property and opened Surroundings he has spent countless hours each day outside improving the space with his constantly changing seasonal displays. When the bench that I used to sit on to look at the fountain and plants disappeared, I was concerned. It was then that I found out that **one person** on East Capitol Street had been able to force Charles to make changes that, in my opinion, decrease the beauty and utilization of the space for the rest of us.

I want you to know that I support Charles and John in their efforts to beautify our neighborhood. I hope you will take this into consideration when dealing with the one disgruntled neighbor.

I would be happy to meet with you or testify or do anything that you think will lend support to Charles and John in this most unfortunate dispute.

Sincerely,
Mary Donovan
mdonovan50@aol.com
1367 Massachusetts Ave. SE

From: "Ann Richards" <arichardsdc@yahoo.com>
To: callan@dccouncil.us, steve6b05@anc6b.org
Cc: "Charles Hudman" <surroundings@comcast.net>
Sent: Saturday, January 24, 2015 5:17:49 PM
Subject: 1023 East Capitol St. SE

Dear sirs:

1. I support Charles Hudman and John Kuykendall in their effort to correct the inadvertent error on the C of O and avoid an unnecessary hearing.
2. Their efforts since purchasing this property to beautify it (home and surrounding spaces) and make it welcoming are extraordinary.
3. I was made aware of this issue by owners across East Capitol from 1023 EC (Carol and Nabu Akiyama at 1020 EC NE) and they are urging others not aware of this inadvertent error to support Charles & John.
4. Anyone who has walked around our neighborhood knows how the corner of 11th and East Capitol St SE has been transformed from a third rate corner store with nothing else to say about the space to a corner that is a destination with Surroundings' flowers and plants and P & C Market's wonderful assortment of wines, cheeses and other goodies.
5. Please relay to anyone who needs to hear it that neighbors and friends of Charles and John support them in their efforts to avoid a hearing.

Regards,
Ann Richards
104 5th Street NE

From: Sharon Raimo [SRaimo@stcoletta.org]
Sent: Tuesday, January 20, 2015 11:13 AM
To: Allen, Charles (Council); Steve6b05@anc6b.org
Cc: Surroundings Florist (surroundings@comcast.net)
Subject: Surroundings and the P&C Market C of O

Dear Charles and Steve, I am writing to express my full support for Surrounding and P&C Market in their effort to have an error corrected on their Certificate of Occupancy and avoid a hearing. My husband and I have lived on the Hill for 40 years and in all that time there has always been a market of some type in the basement of 1023 East Capitol St. (The DCRA obviously made a typo when they put first floor instead of basement.) For a long time, 30 years, this space was occupied by Sam's, a bodega which used the space outside of the store, where the flower shop is now, to store extra junk and have ice chests. Not very pretty for that corner of the Park. Then it briefly became a quasi-gourmet market. When Park Concepts purchased the property the whole look of the place changed. They leased to P&C market which is now a place to get the best cheese and wine within walking distance of our home. The flower shop is lovely and what they have done with the yard is nothing short of amazing. Mrs. Birnbaum has already made their lives a misery by having them remove some lovely planters which she said were on public space. They also had to remove a bench. The bench was wonderful and it was great to see neighborhood families sitting on it as the children ate ice

cream from the market. Mr. Hudman and Mr. Kuykendall occupy 1023 and so their efforts to beautify this corner are very personal for them. They are wonderful neighbors and friends and the space is a joy to see in all seasons. Please don't let one mean spirited person make trouble for them. Thank you.

Sharon B. Raimo
Chief Executive Officer
St. Coletta of Greater Washington, Inc.
1901 Independence Ave., SE
Washington, DC 20003
202-350-8680

CERTIFICATE OF SERVICE BY E-MAIL

CERTIFICATE OF SERVICE I, John Kuykendall, do hereby certify that on January 24, 2015, a true and exact copy of the foregoing Joint Letter of Opposition was served by electronic mail, addressed as follows:

Rabbiah A Sabbakhan, Director
DC Department of Consumer and Regulatory Affairs
1100 4th Street SW
Washington DC 20024
rabbiah.sabbakhan@dc.gov

James Rudisill, Permit Clerk
DC Department of Consumer and Regulatory Affairs
1100 4th Street SW
Washington DC 20024
dcra@dc.gov

Marie E. Birnbaum
1015 East Capitol St. SE
Washington, DC 20003
mariebirnbaum@verizon.net

Matthew Le Grant, Zoning Administrator
DCRA
1100 4th St SW - Room 3100
Washington, DC 20024
matthew.legrant@dc.gov

Stephen Varga, AICP, LEED Green Assoc.
Senior Zoning Specialist
Office of Zoning
DC Board of Zoning Adjustment
441 4th Street, NW, Suite 200/210-S
Washington, DC 20001
dcoz@dc.gov

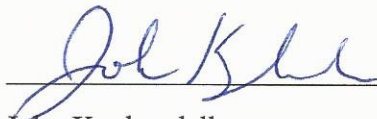
Ward 6 Councilmember Charles Allen
John A. Wilson Building, Suite 406
1350 Pennsylvania Avenue, NW
Washington, DC 20004
CAllen@DCCOUNCIL.US

Kristen Oldenburg, Chair, ANC6B
423 12th Street, SE
Washington, DC 20003
Kirsten6b04@anc6b.org

Stephen Hagedorn, ANC6B Single Member District Representative
246 9th St SE
Washington DC 20003
Steve6b05@anc6b.org

Phil Toomajian, Chair, ANC6A
631 10th St. NE
Washington DC 20002
philANC6A@gmail.com

Chris Ward
141 11th Street, NE
Washington, DC 20002
cward6a03@gmail.com

A handwritten signature in blue ink, appearing to read "John Kuykendall", written over a horizontal line.

John Kuykendall
1023 East Capitol St SE
Washington, DC 20003
surroundings@comcast.net