

October 22, 2015

District of Columbia
Office of Zoning
Suite 200S
441 4th Street N W
Washington, DC 20001

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Subject Written Testimony Submitted for the Record in Opposition to BZA Application No 19101 of
Darryl) O A Sulekoiki for "Kensington Place" Eckington's Newest Urban Living Community"

On August 15, 2015, I received a letter dated August 11, 2015 addressed "To Whom It May Concern" which explained the named applicant seeks zoning relief to construct multi-family units in a neighborhood legally zoned for single-family housing

The application and events in this matter appears deception because the letter received on August 15 were well developed beyond the illegal construction posted in Exhibit 5D dated 07/30/2015 Also, the developer's statement explaining his series of mistakes and errors is problematic and then it is inexplicable how the developer's many mistakes was allowed to unlawfully re-zone the neighborhood It is concluded the August 11 letter is not a notice for a zoning adjustment or to re-zone accordingly the development known as the Kensington Place has already illegally re-zoned the neighborhood weeks before the scheduled November 10 hearing (see enclosures)

For those of us required to respond, especially in opposition to the development, we have been burden and caused to get involve, this has been a costly effort, a waste of time, money and resources especially since the illegal development seems fully completed without due process before the November 10 As best known, "no response" is akin to agreeing to the application In other words, it suggests an agreement (approval and in support) to this chaos What has been learned, it is apparent the initial intent of the development was authorized to proceed by city officials The associated log of exhibits does not show any instructions to the applicant to "cease and desist" The issued permits in-effect gave notice to the applicant as an authority to-proceed Equally confounding is the responsible (elected, appointed and hired) officials who failed in their due diligence to apply the established laws, rules and procedures in this case Not one official noticed the illegally construction of Kensington Place? There is the general mantra, "they do as they please" or better still, it is more expedite to do the illegal and worry about the consequences, if any, at another time

The illegally constructed of Kensington Place is in no way architecturally styled or designed with the existing neighborhood of single-family homes it is not of the same fit and form The Kensington Place is constructed on the even side of 3rd Street N E and takes up most of the city block, it towers the neighborhood's existing single-family homes An enclosed copied flier suggests the condominium units are investment properties which implies transitory residents and the potential for less stability in what is considered a stable neighborhood where many residents have lived in the neighborhood for decades and even generations

As a reminder, the city should exercise its requirement that the developer set-aside a certain percentage of Kensington Place units for those financially qualifying families

Somewhere in the referenced application it was written, the Eckington neighborhood is "already" congested While the city issued parking permit is posted, the designated parking spaces does not appear to accommodate the number of potential residents for Kensington Place Even still, the residents of "Kensington Place" are not prevented from obtaining the zone "residential parking" permits It is well known, Washington, D C is very aggressive in parking enforcement, as a result of this imposed congestion, the city needs accommodate the

residents of Eckington affected by this illegally constructed condominium and allow all day parking on both sides of Rhode Island Avenue in Eckington. The rush hour parking restrictions should be removed which will still provide two lanes for traffic. A similar action took place on 13th Street, N W in the Cardoza area, a change which reduced traffic to one lane in each direction. For Eckington, it is advised that the city established a dual Zone 5 parking permit and add a Zone 5 EC specifically for all day residential parking (in the city there are areas with two zones parking permits). The dual parking permit will alleviate the imposed congestion based on this subject application.

In preparation of this written testimony, on Thursday, October 15, I stopped by the Kensington Place to picture what has been detailed herein. On 3rd Street, N E there is one remaining single-family home on the even side of the street. Following are more concerns with Kingston Place.

Throughout the city, the U S Postal Service has removed most street drop-off “mailboxes” in residential areas, as pictured with the enclosed, the residents of “Kensington Place” are set-up with secured mail pick-up services by the U S Postal Service. Is this exclusively service only for Kensington Place residents, or, can others drop-off and use the secured (out services) mailbox too?

Let me preface, Wednesday is the scheduled day for refuse pick-up in the neighborhood. It happened that Monday, October 12 was “Columbus Day” holiday. In these situations, a holiday moves the refuse services up a day, so, the refuse was picked-up Thursday, October 15. The late afternoon, early evening walk around the illegal construction, at the rear of Kensington Place showed bay-style parking and a placement of the “supercan” and “recycle” bins. At that time there were two white men within the bay area in conversation with each other and adjusting the bins from the alley. It would seem these men are already living at Kensington Place. To further the occupancy issue, it was noticed, “Kensington Place” already have their “supercan and recycle bins delivered” which usually indicates and takes place after the residents have moved-in. What is shown on the sidewalk, and, there were many at the rear in the bay area. It is highly suspected that units are occupied before the scheduled hearing next month. At the front, a post reads “under contract,” only the developer can provide the details of the occupancy before the scheduled hearing.

At the front, while taking the pictures, there were people in one of the street level units who saw us, they apparently called this guy. This guy, a man with a Caribbean-sounding accent drove up to us, he was driving a red truck. He stopped and felt the need to ask “what were we doing”? I replied this is a public street, he replied, “this is my brother’s property.” While he was seated in the red truck with the driver’s door opened, “Mr. Brother’s man” was in a loud conversation with someone on a mobile phone, he stated, they (meaning us) are taking pictures.

It is unclear what upset this man’s brother. But, the \$1.4M would not normally purchase the land in the city or a sidewalk. In the city, we are taxed on the use of land, but, the sidewalks are deemed public property. He does not have the right to stop and question anyone, and, it is hoped this message is conveyed to the developer. When returning to the car, there was also a black car with tinted windows parked behind us which seemed associated with the chaos. It is the developer who has illegally encroached in the neighborhood, it is the developer who has illegally encroached and constructed in an area expressly setup legally zoned single-family neighborhood.

More importantly on this matter, “Mr. Brother’s man” would certainly not be called and he would probably not have questioned a white person. Does this illegally re-zoning for the Kensington Place suggest “Blacks are no longer welcomed” anywhere in Eckington and not allowed as pedestrians on the right side of 3rd street?

In closing, in the recent past there does not appear to be any new Black homeowners in this neighborhood, and, the Washington Post article dated February 5, 2015 published the reasons. As has been shown throughout, gentrification has not been kind to Black people nationwide and locally (in Washington, D C). The details the parameters established for gentrification. The article is not necessary for anyone to know gentrification not only excludes mostly Black people it also targets many Black people. Regarding the subject application, unfortunately city officials failed in their due diligence to protect the legally established zoned area when they facilitated in the gentrification process and advantaged the developer. Exhibit 5D questions the development against the zoning laws, but, the enclosed pictures shows how complicit the responsible city officials enabled in the project when permits were issued to proceed in the completion in the illegal construction of the Kensington Place, and further, it appears to be occupied with residents, weeks before the November scheduled hearing. There might be redundancy and repetition within this testimony which is necessary until seriousness is understood regarding the illegality of this application.

As written in the "Frequently Asked Questions", #5 lists the current procedures call for twenty copies of a written testimony. This is a needless expense especially since the Kensington is already illegally constructed and occupied by residents. In lieu of attending the hearing which is seemingly unnecessary and questionable hearing the developer has re-zoned the area. This is an injustice which lacked due process as required by law. In opposition to this confusion, this three-page written testimony and accompanying seven-page colored enclosures is submitted for the record.

Sincerely,

/s/

Robin Olebara
2103 Second Street, N E
Washington, D C 20002

Enclosures Original Statement and Enclosures and 20 Additional Sets

Copied Colored Exhibit 5D Statement of the Applicant dated 07/30/2015 (1 Page),
Copied Posted Permits (Electrical, Plumbing and Parking) (1 Page),
Exterior colored pictures taken Thursday, October 15, 2015 (3 Pages),
Copied colored "2-page", flier, "Kensington Place Eckington's Newest Urban Living Community" (1 Page),
and, the,
Copied Washington Post article mentioned herein (1 Page)

Exhibit 5D Statement of the Applicant dated 07/30/2015



[illegible]



GOVERNMENT OF DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION
1100 4TH STREET SW / 2ND FLOOR, Washington, DC 20004

PUBLIC SPACE OCCUPANCY/PARKING PERMIT

d.

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Event No. Location Permittee/Eventual To Event Date No. Master Fee No. Operator No. Public Occupancy Fee No.</td> <td style="width: 50%;">2122 9RD STREET NW, 2222 9RD ST NEET IN Edlington Street LLC 300412109 58166-0 718 42270</td> </tr> </table>	Event No. Location Permittee/Eventual To Event Date No. Master Fee No. Operator No. Public Occupancy Fee No.	2122 9RD STREET NW, 2222 9RD ST NEET IN Edlington Street LLC 300412109 58166-0 718 42270	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Permit No. / PS-042828-02 Event Permit Event Fee No. Event Fee Amount Master Fee Amount Operator Fee Amount Public Occupancy Fee Amount</td> <td style="width: 50%;">PS-042828-02 PS-042828-02 \$0.00 \$0.00 \$14,000.00 (Master) \$0.00 \$0.00</td> </tr> </table>	Permit No. / PS-042828-02 Event Permit Event Fee No. Event Fee Amount Master Fee Amount Operator Fee Amount Public Occupancy Fee Amount	PS-042828-02 PS-042828-02 \$0.00 \$0.00 \$14,000.00 (Master) \$0.00 \$0.00
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Permittee(s) is/are granted to the entity named above to perform the work described herein at the address shown above in strict accordance with all conditions stated on all pages of this permit as well as on the applicable submittals:

Event: Construction Staging Area	Number of Street Poles	End Time: 5:00 PM
Event Description: 0	Start Time: 7:00 AM	End Time: 5:00 PM
Master Numbers (if applicable)		

Location/Description:
S&E end Street at E132 and Side of 2122 for Construction Parking and Construction Staging areas.

Conditions:

- "Temporary Van Parking" and "Reserved Parking" signs must be posted no less than 72 hours in front of the event area and 24 hours in advance prior to occupancy. Signs must be immediately removed upon completion of work.
- All workers and equipment must comply with all traffic regulations and statutes. Violators may result in revocation of this permit.
- If crews, utility or technical divisions are involved, approved Traffic Control Plan (TCP) is a part of this permit and must be on site at all times and visible from public space.
- Must not block any Metro Transit bus stop or Metro entrances without the permission of WMATA and DODT.
- Must not block fire hydrants or any important utility enclosures (e.g. manholes, water valves, fire hydrants, traffic signal box, etc.)
- Must not occupy Loading Zones or any important utility enclosures (e.g. manholes, water valves, fire hydrants, traffic signal box, etc.)
- No parking of vehicles with loads unless permission is granted and noted on TCP by DODT.
- Only registered commercial vehicles directly needed for construction are permitted to be parked in the area defined by this Permit when applicable.
- "Traffic Incident is responsible for all damage to public space as a result of work done under this permit.
- Permittee is responsible for obtaining any additional permits required by statute or regulation including DCM, WMATA, F&M, MPOC, DODT and DORA permits.
- Prior to event, utility and technical divisions Permittee must immediately notify F&M, MPOC and DODT.
- This permit is transferable only within public space periods for an event.
- This permit is non-transferable at any times at the discretion of F&M, MPOC and/or DODT.
- This permit must be on site at all times and visible from public space.
- Personnel who occupy an unauthorized sign or signpost an authorized sign is subject to a fine of \$300 per day.
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[illegible]

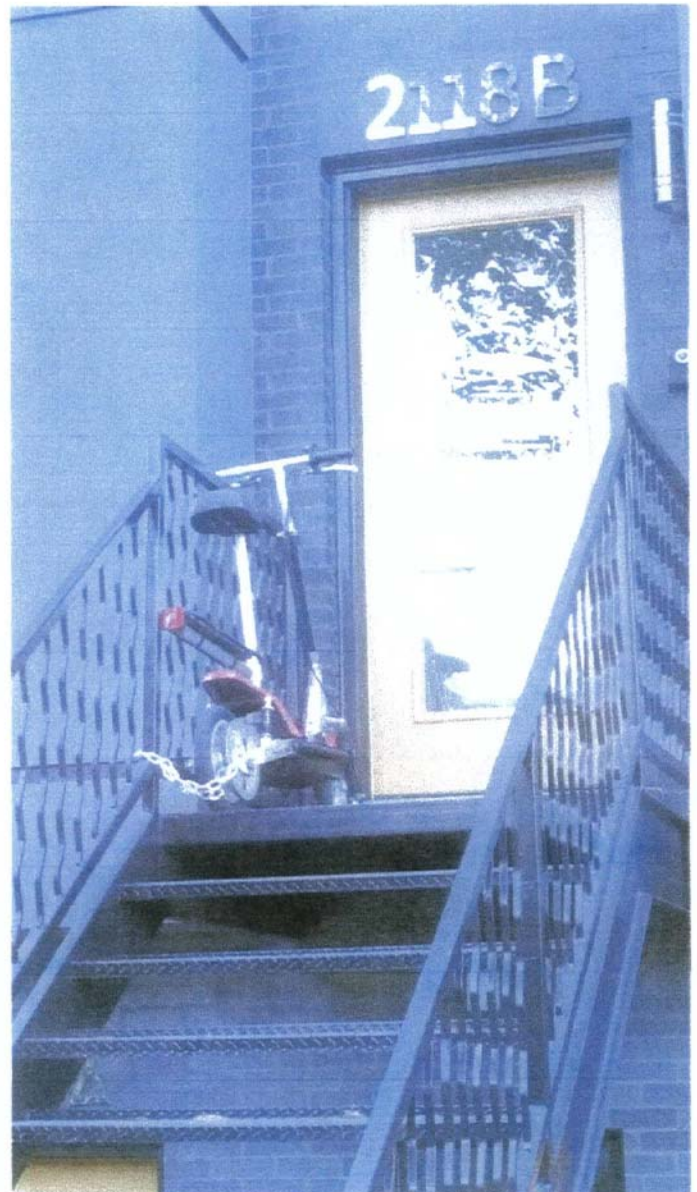
Exterior pictures taken Thursday, October 15, 2015



Exterior pictures taken Thursday, October 15, 2015



Exterior pictures taken Thursday, October 15, 2015



Copied "2-page, take one" flier; titled; "Kensington Place Eckington's Newest Urban Living Community"

JBR Group Real Estate News

Summer 2015





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Washington Post article dated February 5, 2015

Titled; “Portland is the only city gentrifying faster than D C report says” which further details The Eckington neighborhood (copied article shown below)

The Washington Post

Local

Portland is the only city gentrifying faster than D.C., report says

By Perry Stein February 5 (2015)

If the fact that 14th Street NW now has a cocktail bar paying ode to the street's prostitution past wasn't evidence enough, Governing magazine has compiled interesting stats and maps showing that gentrification is in fact occurring in D C , and it's happening more rapidly than most other cities in the country

Gentrification — a controversial, buzzy and politically wrought term — is used to describe the process of a neighborhood becoming wealthier and all the signifiers that come with that shift. (The pros and cons of D C gentrification have been discussed at length on this Web site)

In its February issue, Governing magazine used Census data to determine which neighborhoods are gentrifying in D C — and in the 50 largest cities across the country — and which neighborhoods could gentrify, but haven't yet

For the purposes of the report, Governing said a Census tract was eligible to gentrify if its median household income and median home value were both in the bottom 40th percentile of all tracts within a metro area. Then, to see if that area gentrified, Governing adjusted the home values for inflation, calculated the percentage of adults with college degrees and then determined if those increases were now in the top one-third percentile for both barometers when compared to other tracts in the area. The magazine used 2000 Census data and 2009-2013 data from the American Community Survey.

So, according to Governing, how many D C neighborhoods gentrified since 2000? A lot.

- Total number of Census tracts in D C : 179
- Not eligible to gentrify : 75
- Gentrified : 54
- Did not gentrify : 50
- Percentage of eligible tracts that gentrified : **51.9 percent**

Portland, Ore , was the only city in the country to have a higher percentage of eligible Census tracts gentrify than D C ., with 58.1 percent of its eligible tracts gentrifying. Minneapolis, Seattle and Atlanta rounded out the top five and were not far behind D C .

By comparison, between 1990 and 2000, only 4.9 percent of D C 's then-eligible tracts gentrified.

Here's an example of just how drastically some of these D C neighborhoods changed. Census tract 87.01 — which covers much of Eckington between North Capitol Street NE and 2nd Street NE bound by Rhode Island and Florida avenues NE — had a median home value of \$414,100 in 2013. That represents a 158 percent increase, after inflation, from the median home value in 2000. In 2000, only 20.6 percent of adults in that portion of Eckington had a college degree. In 2013, 38.1 percent did.

(Related: How many millennials live in each D C neighborhood?)

Columbia Heights, NoMa, Navy Yard and Petworth, now considered some of the trendier neighborhoods in D C , are examples of some of the other areas that have gentrified. (And, yes, if you live in D C , you don't need a map to tell you the dozens of other neighborhoods that have gentrified.)

The District's rapid gentrification is largely spurred by an influx of young, relatively wealthy, new residents. Between 2009 to 2012, the Washington region saw a bump of about 12,583 millennials each year — more than any other metropolitan area.

Unsurprisingly, all but five of the neighborhoods that gentrified were west of the Anacostia River, though the vast majority of those Ward 7 and 8 neighborhoods east of the river could be gentrified, according to Governing magazine's measurements.

It's worth taking a look at these interesting interactive maps of D C on Governing's Web site to see which neighborhoods have gentrified — and which are likely to be next.