

RICHARDSON PLACE NEIGHBORHOOD  
ASSOCIATION,

Appellant,

v.

D.C. DEPARTMENT OF CONSUMER AND  
REGULATORY AFFAIRS,

And

OAKTREE DEVELOPMENT, LLC, d/b/a/  
OTD 410-412 RICHARDSON PLACE LLC,

Applicant.

Case No.:

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**NOTICE OF APPEAL  
&  
STATEMENT PURSUANT TO 11-Y D.C.M.R. § 302.12**

Appellant Richardson Place Neighborhood Association hereby submits notice of appeal and a statement pursuant to 11-Y D.C.M.R. § 302.12 in support of its appeal. A separate memorandum (brief) in support of RPNA’s appeal, along with an appendix of documents, will be submitted via the Board of Zoning Adjustment’s Interactive Zoning Information System (IZIS) and served on all appropriate parties.

**I. Introduction**

*a. Description of Appellant*

Appellant is the Richardson Place Neighborhood Association (“RPNA”), a non-profit citizens’ association comprising owners of approximately 10 homes on or adjacent to Richardson Place, NW. RPNA is incorporated in the District of Columbia as a non-profit entity, and was “established to address issues or concerns related to safety, community, neighborhood

beautification, education, and history, as well as to preserve the unique charm and character of Richardson Place [NW].” Richardson Place Neighborhood Association Bylaws, Art. II. As a non-profit citizens’ association, RPNA is exempt from paying filing fees pursuant to 11-Y D.C.M.R. § 1600.1(a)(3), which provides that the filing fee for an appeal of any zoning decision—here, reflected in two building permits issued by the Department of Consumer and Regulatory Affairs (DCRA)—is waived for any “citizens’ association or association created for civic purposes that is not for profit.”

*b. Summary of Appeal*

The gist of Appellant’s dispute is that although Oaktree has represented in its permit applications that it is intending to build two adjacent “flats” at 410 and 412 Richardson Place NW, Oaktree’s actual intended use is not as a flat, but rather as either an apartment house, rooming house, tenement house. At a minimum, the use intended by Oaktree (and its lessee, a new “co-living” start-up called Common Living, Inc., ([www.common.com](http://www.common.com))) is certainly not as a “flat,” which means that Oaktree has impermissibly constructed a structure occupying 60% of the lot where only 40% is permitted as of right.

**II. Statement Pursuant to 11-Y D.C.M.R. § 302.12**

The below sections, numbered “a” through “k,” correspond with the subsections under 11-Y D.C.M.R. § 302.12

*a. Name of Administrative Official or Agency Whose Decision is Appealed*

Appellant hereby appeals two nearly-identical (and related) alteration-and-repair building permits. The two permits were issued by DCRA in the fall of 2016.

*b. Administrative Decision(s) Appealed*

RPNA appeals 2 decisions:

1. The first permit appealed is B1611469 (issued for 410 Richardson Place NW and based on original permit No. B1214832). **See Attachment 1.**
2. The second permit appealed is B1611470 (issued for 412 Richardson Place NW and based on original permit No. B1002883). **See Attachment 2.**

Both permits were filed by OTD 410-412 RICHARDSON PLACE LLC, which is owned by Oaktree Development, LLC (collectively, “Oaktree”).

*c. The Subject Property and Zone*

The subject property is located at 410 Richardson Place NW (Square 507, Lot 102) and 412 Richardson Place NW (Square 507, Lot 101). The property is located in an R-4 Zone.

*d. Owner and Lessee of the Subject Property*

The subject property is owned by Oaktree Development, LLC, doing business as OTD 410-412 RICHARDSON PLACE LLC. Both entities share the following address:

1400 Key Blvd, Suite 100  
Arlington, VA 22209-1518

Oaktree’s Operating Partner, Peter Stuart, oversees all affairs of the subject property.

Mr. Stuart has represented to Appellant that Oaktree has or will sign a master lease with Common Living, Inc. (Common), for commercial operation of the subject property. Common has the following two addresses:

6 East 43rd St., 18th Fl.  
New York, NY 10017

and

335 Madison Ave 3rd Fl,  
New York, NY 10017-4611

*e. Timeliness of Appeal*

Under BZA rules, appeals must be filed “within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier.” 11-Y D.C.M.R. § 302.2. The appeal is timely under § 302.2 for three separate reasons.

*First*, the basis for RPNA’s appeal is that Oaktree’s proposed use of the subject property as listed on its permit applications—*i.e.*, two, adjacent “two-family flats”—does not reflect the property’s actual, intended use, which is a 24-unit, commercially-operated “co-living” facility that most resembles an apartment or rooming house under the zoning code. But Appellant had no knowledge of Oaktree’s intent to change the property’s use from “flats”—which are permissible as of right in an R-4 zone, see 11 D.C.M.R. § 302.5 (2015)—until October 31, 2016, when RPNA’s President, James Wilson, and his husband Steven Seigel, met with Oaktree’s Operating Partner, Peter Stuart. At that October 31, 2016, meeting, Mr. Stuart informed Mr. Wilson and Mr. Seigel that Oaktree was intending to sublease the entire building constructed at 410 and 412 Richardson Place to a single tenant—Common—who would operate the property as a “co-living” residential facility, with 24 individually leased rooms. See Attachment 3, Declaration of James J. Wilson, ¶¶ 15-21. This was the first knowledge that Appellant had that Oaktree was committed to changing the use from a permissible as-of-right use—*i.e.* “flats”—to something not permissible as of right in an R-4 Zone. Id. at ¶ 17; see 11 D.C.M.R. § 330.5 (2015). For this reason, until October 31, 2016, Appellant had no cause for appealing *any* DCRA permit, because there was no indication from Oaktree that it was intending a use other than one that was permissible “as of right.” Appellant therefore “could not file a good faith appeal until it had some

reason to believe the Zoning Regulations were violated.” Final Order in BZA Appeal No. 17109, at 7 (Nov. 8, 2005). Appellant’s lack of the “necessary information made the filing of a timely appeal impossible” until October 31, 2016. Id.

*Second*, Appellant first gained actual knowledge of the issuance of the two permits on October 31, 2016, during the very same meeting between Mrrs. Wilson, Seigel, and Stuart. During that meeting, Mr. Wilson inquired into the status of the permit applications that are the subject of this appeal. At that time, Mr. Wilson understood DCRA had not yet issued the permits because DCRA’s online permit-tracking website<sup>1</sup> continued to reflect that application numbers B1611469 and B1611470 were “*pending*” but not “*issued*.” See Wilson Decl., ¶¶ 18, 21, 23. Mr. Stuart then noted that the DCRA’s website is often inaccurate, and informed Mr. Wilson that the permits had issued. See id. ¶ 18.

Neither Mr. Wilson nor any other neighbor/member of RPNA reasonably could have known that the two permits had issued before October 31, 2016. The permits were not publicly posted on the building’s construction-permit board (which is, in any event, set back too far from the construction fence-line to be visible). See, e.g., Attachment 4, Declaration of Steven Bible, ¶¶ 3-7. And DCRA’s online-permit-tracking system referenced in the above paragraph, which Mr. Wilson was regularly monitoring from May to October 2016, reflected until November 27, 2016, that the permits had not yet been issued. See Wilson Decl. ¶ 23-27; see id., Exh. 3 (November 27, 2016 “screen shots” of DCRA permitting system entries for 410 and 412 Richardson Place, showing permits “ready for issuance”). On November 28, 2016, the website updated to show the newly-issued permits. See id. ¶ 24. But the permits continue to be missing from the permit board. See Bible Decl., ¶¶ 3-7.

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<sup>1</sup> <https://eservices.dcradc.gov/obpat/default.aspx>

Because appellant neither had actual knowledge of the appealed-from permits nor had reason to believe there was a basis for appeal until October 31, 2016, the appeal is timely.

*Third*, and finally, at a minimum, the appeal is timely as to Permit No. B1611469, which first issued on October 20, 2016.

*f. Appellant's Standing*

Appellant RPNA has standing because its members, all of which reside in the immediate vicinity of the subject property, are persons “aggrieved by” DCRA’s decision to issue a permit. See 11-Y D.C.M.R. § 302.1 (“Any person aggrieved . . . may file a timely zoning appeal with the Board.”); Economides v. D.C. Bd. of Zoning Adjustment, 954 A.2d 427, 434 (D.C. 2008) (neighbor claiming injury relating to permitted use of subject property has standing under predecessor rule to § 302.1); D.C. Appleseed Ctr. v. D.C. Dep’t of Ins., Sec., & Banking, 54 A.3d 1188, 1205 (D.C. 2012) (organization has standing to sue on behalf of its members). The appellant’s members claim that the permit will erroneously allow the subject property to grossly exceed the density that would be otherwise be permissible for a new, as-of-right building, and that the increase in density will have adverse impacts including (a) increasing parking scarcity, (b) increasing traffic and litter; (c) increasing noise; and (d) impermissibly modifying the character of an R-4 zoned neighborhood without seeking a variance, which would have allowed the neighbors to protest the project before the Board of Zoning Adjustment (“BZA”). See, e.g., Wilson Decl. ¶ 28.

*g. Statement of Issues on Appeal*

- (1) Appellant raises four issues on appeal
  - a. Whether DCRA erroneously issued alteration-and-repair building permits to applicant Oaktree Development, LLC, where the applicant indicated the intended use of the property, which covers 60% of the lots, as “two, two-family flats (4 units),” but where the actual intended use of the property, see 11 D.C.M.R. §

199.2(f) (2015), is as single, commercially operated, 24-unit apartment, rooming, or tenement house, whose units are individually leased to occupants.

- b. Even if the proposed project is not an apartment, tenement, or rooming house, whether DCRA properly permitted the project as “flats,” given its intended use as a commercially-operated, 24-unit “co-living” facility, which has no other analogue in the zoning code of 1958.
- c. Whether DCRA’s issuance of the building permits was arbitrary and capricious, given that an R-4 zone “shall not be an apartment house district,” 11 D.C.M.R. § 330.5 (2015), but where D.C. Office of Zoning failed to consider that the property owner had previously sought—and failed to obtain—an apartment-house-like variance for a project that is nearly indistinguishable from the project presently at issue.
- d. Whether applicant’s intended use is otherwise permissible, given that neither Oaktree nor Common has guaranteed that its tenants will not exceed one tenant per room, meaning that even if the property is used as “flats,” the occupancy will invariably exceed the occupancy limit of 6 unrelated persons living together as a “family.”

(2) *Relevant Provisions of Laws or Regulations, include, inter alia:*

- a. D.C. Code § 6-701.12;
- b. D.C. Code § 47-2828(b);
- c. 11-B D.C.M.R. § 100.1 (2016)
- d. 11 D.C.M.R. §§ 199, 330, 403 (2015);
- e. 11-B D.C.M.R. § 100.1(f); 11 D.C.M.R. § 199.2(f)
- f. 14 D.C.M.R. § 200

*h. List of Attachments to be appended to IZIS*

- (1) Memorandum in Support of Appellant Richardson Place Association (Opening Brief)
- (2) Appendix of Supporting Documents, including Declarations
- (3) Certificate of Service

*i. Expert Witnesses*

Appellant does not anticipate calling any expert witnesses to testify on its behalf.

*j. Summary of Potential Witnesses and Anticipated Testimony*

- James J. Wilson, RPNA President, and resident of 415 Richardson Pl. NW, may provide testimony relating to: (a) the timeliness of RPNA’s appeal, including the circumstances under which he gained actual knowledge that the permits had issued, and learned that the

applicant intended to use the subject property as a rooming-house-like property; (b) the injuries deriving from the subject property and its use that will affect Mr. Wilson.

- Steven Seigel, RPNA Member and resident of 415 Richardson Pl. NW, may provide testimony relating to (a) visibility of permits, (b) conversations between Mr. Stuart and Mr. Seigel.
- Katherine McClelland, ANC elect for 5-E-06, resident of Richardson Place NW, and member of RPNA, may be called upon to provide testimony relating to the ANC's position on the subject property. She is also a neighbor and resides on Richardson Place NW.
- Peter Stuart (adverse), Operating Partner of Oaktree Development LLC. To the extent Oaktree disputes Appellant's factual assertions in its appeal, Appellant may call upon Mr. Stuart to provide testimony related to those disputes. It may also call on him for other purposes to provide information relevant to Oaktree's permit applications.
- Chad Hrdina, a neighbor and resident of Richardson Place NW and member of Richardson Place Neighborhood Association.
- Steven Bible, a neighbor and resident of Richardson Place NW and member of Richardson Place Neighborhood Association.
- Wilbur Mondie (potential adverse witness), former owner of the subject property.

*k. List of Public Documents*

Permit Numbers B1611469 and B1611470 are attached to this document as attachments 1 and 2.

Appellant notes that the two permits (Nos. B1611469 and B1611470), as well as the underlying building plans and drawings, are readily available to the public at the DCRA reading room.

Other public documents include the entire BZA file associated with the variance sought by the previous owner of the property, Mr. Mondie, in 2005 and 2006. *See* BZA Case No. 17404.

DATED: Dec. 12, 2016

Respectfully submitted,

/s/ James J. Wilson  
President, Richardson Place  
Neighborhood Association  
[rpna@jamesjwilson.com](mailto:rpna@jamesjwilson.com)



# **Attachment 1**

**Permit No. B1611469**



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862



**B**

**BUILDING PERMIT**

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 10/20/2016

PERMIT NO. **B1611469**

Expiration Date: 10/20/2017

Address of Project: <b>410 RICHARDSON PL NW</b>		Zone:	Ward: <b>5</b>	Square: <b>0507</b>	Suffix:	Lot: <b>0102</b>
Description Of Work: Completion of an existing 2 family flat to include minor reconfiguration of space, finish material changes, building system revisions to accommodate reconfiguration. Refer to original permit B1214832 for applicable building codes, building classification, energy code compliance, fire protection, means of egress, accessibility, fire separation, travel distance and ADA compliance.						
Permission Is Hereby Granted To: <b>Otd 410-412 Richardson Place Llc</b>		Owner Address: <b>1400 KEY BLVD; STE 100 ARLINGTON, VA 22209</b>			PERMIT FEE: <b>\$2,434.58</b>	
Permit Type: <b>Alteration and Repair</b>		Existing Use: <b>Flat (Two Family)</b>		Proposed Use: <b>Flat (Two Family)</b>		Plans: <b>Yes</b>
Agent Name: <b>Roshaun For Dennis Consulting Llc 202 277 9381</b>		Agent Address: <b>1600 Maryland Avenue Ne 20002</b>		Existing Dwell Units: <b>2</b>	Proposed Dwell Units: <b>2</b>	No. of Stories: <b>3</b>
Floor(s) Involved:						
Conditions/ Restrictions:						
<p>This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.</p> <p>All Construction Done According To The Current Building Codes And Zoning Regulations;</p> <p>As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.</p> <p>Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <a href="http://ddoe.dc.gov">http://ddoe.dc.gov</a>, Lead and Healthy Housing.</p>						
Director: Melinda Bolling		Permit Clerk: <b>Robert Simpkins</b>				
<p>TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639</p> <p>FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557</p> <p>TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.</p>						

# **Attachment 2**

**Permit No. B1611470**



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862



**B**

**BUILDING PERMIT**

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: **09/27/2016**

**PERMIT NO. B1611470**

Expiration Date: **09/27/2017**

Address of Project: <b>412 RICHARDSON PL NW</b>	Zone:	Ward: <b>5</b>	Square: <b>0507</b>	Suffix:	Lot: <b>0101</b>
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Description Of Work:  
Completion of an existing 2 family flat to include minor reconfiguration of space, finish material changes, building system revisions to accommodate reconfiguration. Refer to original permit 1002883 for applicable building codes, building classification, energy code compliance, fire protection, means of egress, accessibility, fire separation, travel distance and ADA compliance.

Permission Is Hereby Granted To: <b>Otd 410-412 Richardson Place Llc</b>	Owner Address: <b>1311 DELAWARE AVE SW # 728 WASHINGTON, DC 20024-3930</b>	PERMIT FEE: <b>\$2,434.58</b>
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Permit Type: <b>Alteration and Repair</b>	Existing Use: <b>Flat (Two Family)</b>	Proposed Use: <b>Flat (Two Family)</b>	Plans: <b>Yes</b>
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Agent Name: <b>Roshaun For Dennis Consulting Llc 202 277 9381</b>	Agent Address: <b>1600 Maryland Avenue Ne 20002</b>	Existing Dwell Units: <b>2</b>	Proposed Dwell Units: <b>2</b>	No. of Stories: <b>3</b>	Floor(s) Involved:
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Conditions/ Restrictions:

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.  
All Construction Done According To The Current Building Codes And Zoning Regulations;  
As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

**Lead Paint Abatement**  
Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <http://ddoe.dc.gov>, Lead and Healthy Housing.

Director: <b>Melinda Bolling</b>	Permit Clerk: <b>Emlyn Davies-Cole</b>
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TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639  
FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557  
TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.

# **Attachment 3**

**Declaration of James J. Wilson**

RICHARDSON PLACE NEIGHBORHOOD  
ASSOCIATION,

Appellant,

v.

D.C. DEPARTMENT OF CONSUMER AND  
REGULATORY AFFAIRS,

And

OAKTREE DEVELOPMENT, LLC, d/b/a/  
OTD 410-412 RICHARDSON PLACE LLC,

Applicant.

Case No.:

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**DECLARATION OF JAMES JUSTIN WILSON**

I, James J. Wilson, depose and state as follows:

1. I currently live at 415 Richardson Place NW, where I have lived since July 2014, when I purchased the home.
2. I am a member and President of Richardson Place Neighborhood Association.
3. When I moved into my house in the summer of 2014, the parcel at 410 and 412 Richardson Place NW was an empty foundation with a dug-out basement. There was no structure in place apart from the foundation walls.
4. In late August of 2014, the then-owner of the property, Wilbur Mondie, trucked in 12 prefabricated, shipping-container-shaped housing units and stacked them on top of the existing foundation. It took approximately 2 days to move the prefabricated units from large flat-bed trucks onto the foundation.

A photograph of what the construction process looked like is represented in the following DC Urban Turf article. I have attached a copy of the article as Exhibit 1 to my declaration: [http://dc.urbanturf.com/articles/blog/two\\_modular\\_homes\\_go\\_up\\_on\\_shaw\\_richardson\\_place/8900](http://dc.urbanturf.com/articles/blog/two_modular_homes_go_up_on_shaw_richardson_place/8900)

5. After erecting the structure, Mondie and his construction crew did little more to alter the structure from that point on until he sold the property in April 2016. He did, however, erect a chain-link construction fence around the property that has remained in place throughout the entire construction process.

6. During the time Mr. Mondie owned it, he informed me that the property was intended to be two adjacent (and identical) flats. He represented that the upstairs unit of each address would be an 8-bedroom unit, and that the downstairs unit would be a 3-bedroom unit.
7. In March, 2015, I came across a craigslist advertisement seeking to rent “2 large 8 bedrooms/8 baths houses in shaw” at “410 richardson pl[.]”
8. The units stood unfinished until around April 2016, when I learned that the property had been purchased by Oaktree Development, LLC (“Oaktree”).
9. In May 2016, I reached out to Peter Stuart, a partner at Oaktree, to set up a meeting between the new owner of the property and the neighborhood.
10. Later that month, Peter Stuart attended a meeting at my house, where around 15 neighbors—who either live on Richardson Pl, 4th Street, or R Street NW—attended.
11. At the meeting, we discussed Oaktree’s plans for the property. Peter indicated that they were considering a number of options, but that none of the plans had been solidified.
12. In a subsequent email exchange with me, Mr. Stuart indicated that “We are building what Mr. Mondie had permitted, which ostensibly is two row houses broken up into two Flats each. So total they will be 4 units. We plan on renting them and holding on to them for a long time (we like to buy, renovate, and hold). I think Mr. Mondie had been trying to figure out how to create some kind of rooming house (which I think you referenced with the zoning case in your last email), however the way it's permitted is two, two family flats (4 units). We are making a few design tweaks but are not seeking to change the zoning/use.” I have attached a copy of this email as Exhibit 2 to my declaration.
13. During the May meeting, Mr. Stuart also indicated that he would be submitting revised permits to DCRA to finish the construction. Mr. Stuart promised to share the new drawings for the “design tweaks” he was intending to get permitted before he submitted his permit application to DCRA. Mr. Stuart never did so, despite my asking him about it several times.
14. Construction under Oaktree’s supervision began in earnest in July of 2016, when the contractors began installing the façade and refurbishing the interior.
15. In mid October 2016, I emailed Mr. Stuart to inquire about the status of the modification and repair permits. He agreed to meet with me and my husband, Steven Seigel, on October 31, 2016.
16. At the October 31, 2016, Mr. Stuart represented and or confirmed the following about how he was intending Oaktree would use the property:

- a. That Oaktree intended Common Living, Inc. would be its tenant;
  - b. That Oaktree would sign a master lease with Common, who would operate the property day to day;
  - c. That Common was intending to operate the building as a total of 24 distinct living units, each with a private bathroom, and 4 separate common areas;
  - d. That each of the 24 units would be leased individually;
  - e. That an employee of Common would live on premises in one of the 24 units at all times, acting as a sort of superintendent of the entire property.
17. This was the first time that Oaktree confirmed that it would not be using the building as “flats.”
18. At the October 31, 2016, meeting, either I or my husband inquired about the status of Oaktree’s outstanding modified permit applications, which I understood had not yet been issued by DCRA. Mr. Stuart told me that the permits had already issued. I was surprised at that fact, since I had been tracking the status of permit applications No. B1611469 and B1611470 on an almost weekly basis, and told Mr. Stuart that the DCRA’s online permit tracking database reflected that neither permit had yet issued. Mr. Stuart responded by saying that DCRA’s website is often broken.
19. At the October 31, 2016, meeting, I asked Mr. Stuart if he could send us a copy of the permits.
20. On November 6, I sent an email to Mr. Stuart informing him that “I took a look and the new permits issued in September have not been posted yet.” Although Mr. Stuart responded to my email, he never acknowledged nor responded to that statement.
21. The October 31, 2016, meeting was the first time I had any knowledge that the permits for application numbers B1611469 and B1611470 had issued (according to the representations of Mr. Stuart).
22. Prior to October 31, 2016, although I could tell that certain permits were posted to a bulletin board on the 410/412 Richardson Place construction site, I could not read any of the permits’ contents, as they were placed around five to seven feet inside the construction fence line, making it impossible to read any of the text on the permits. I also saw that there was something that looked like a permit in the window of the first floor of 412 Richardson Place, but I could not read it, as it was even further back than the construction fence line.
23. During the months of September and October 2016, I checked the DCRA’s online-permit-tracking system, <https://eservices.dcradepot.com/obpat/default.aspx>, approximately every week to see whether the system indicated a change in status for application numbers B1611469 and B1611470. On October 31, 2016, the system indicated that neither permit had issued—a state of affairs that continued



until at least November 27, 2016, when I took a screen shot of the permit system, *see* Exhibit 3, to show that DCRA had still yet to indicate publicly that the permits had been issued.

24. On November 28, 2016, the DCRA website was updated to indicate that the permits were no longer “ready for issuance,” but had in fact been issued. But that didn’t last for long.
25. On December 4, 2016, a DCRA building inspector placed a stop work order on 412 Richardson Place. A day or two thereafter, DCRA’s online permitting system was updated again to reflect that the permits for application numbers B1611469 and B1611470 were only “ready for issuance”—not that they had in fact been issued.
26. As of Thursday, December 15, 2016, DCRA’s online permitting system continued to reflect that the permits are only “ready for issuance.”
27. On Friday, December 16, 2016, DCRA’s online permitting system was updated again to reflect that the stop work order had been lifted and that the permits noted above (B1611469 and B1611470) had been issued.
28. As someone who owns a car, and as a resident of Richardson Place NW, I will be aggrieved if the property is allowed to be used as Oaktree and Common intend, because the increase in density to 24 unrelated individuals will mean more foot traffic, noise, and congestion than would otherwise be permitted as of right in this zone, because the large number of individual renters will dramatically and negatively impact the availability of street parking, and because the project changes the character of this low-density neighborhood.

In accordance with D.C. Code § 22-2402, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of December, 2016, at 415 Richardson Pl NW, Washington, DC 20001.



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James J. Wilson



## Permits Status

ApplicationID	Permit Type	Date Filed	Full Address	Agent Name	Phone Number
FS1603404	Fire Suppression Permit	9/6/2016	412 RICHARDSON PL NW		
B1611470	Alteration and Repair Permit	8/3/2016	412 RICHARDSON PL NW	ROSHAUN FOR DENNIS CONSULTING LLC 202 277 9381	202-277-9381

### Description of Work

Completion of an existing 2 family flat to include minor reconfiguration of space, finish material changes, building system revisions to accommodate reconfiguration. Refer to original permit 1002883 for applicable building codes, building classification, energy code compliance, fire protection, means of egress, accessibility, fire separation, travel distance and ADA compliance.

Discipline	Review Status	Status Date
Plan Review Coordinator	Projectdox Accepted	08/04/2016
Plan Review Coordinator	Projectdox Under Review	08/17/2016
DOEE SE-SW Review	DOEE SE-SW Review N/A	08/26/2016
Energy Review	Energy Review Approved	08/26/2016
Green Review	Green Review Approved	08/26/2016
Structural Review	Structural Review Approved	09/12/2016
Zoning Review Pending	Comments Submitted to the Applicant for Correction	09/14/2016
Zoning Review	Zoning Review Approved - WC	09/26/2016
ProjectDox QA	Project Dox QA Approved	09/27/2016
Issue Permit	Permit Issued	09/27/2016
Wall Check Verification	In-Process	

## Permits Status

ApplicationID	Permit Type	Date Filed	Full Address	Agent Name	Phone Number
FS1603403	Fire Suppression Permit	9/6/2016	410 RICHARDSON PL NW		
B1611469	Alteration and Repair Permit	8/3/2016	410 RICHARDSON PL NW	ROSHAUN FOR DENNIS CONSULTING LLC 202 277 9381	202-277-9381
<b>Description of Work</b>					
Completion of an existing 2 family flat to include minor reconfiguration of space, finish material changes, building system revisions to accommodate reconfiguration. Refer to original permit B1214832 for applicable building codes, building classification, energy code compliance, fire protection, means of egress, accessibility, fire separation, travel distance and ADA compliance.					
<b>Discipline</b>		<b>Review Status</b>		<b>Status Date</b>	
Plan Review Coordinator		Projectdox Accepted		08/04/2016	
Plan Review Coordinator		Projectdox Under Review		08/12/2016	
DOEE GAR Review		DOEE GAR Review N/A		08/15/2016	
Electrical Review		Electrical Review Approved		08/15/2016	
Plumbing Review		Plumbing Review N/A		08/15/2016	
Energy Review Pending		Comments Submitted to the Applicant for Correction		08/15/2016	
Fire Review		Fire Review N/A		08/18/2016	
Mechanical Review		Mechanical Review N/A		09/06/2016	
Zoning Review		Zoning Review Approved		09/09/2016	
Zoning Review		Zoning Review Approved		09/09/2016	
DC Water Review		DC Water Review N/A		09/20/2016	
Structural Review Pending		Comments Submitted to the Applicant for Correction		09/27/2016	
Energy Review		NA		10/03/2016	
Structural Review		Structural Review Approved - WC		10/16/2016	
Energy Review		Energy Review Approved		10/19/2016	
ProjectDox QA		Project Dox QA Approved		10/19/2016	
Issue Permit		Permit Issued		10/20/2016	
Wall Check Verification		In-Process			

# **Attachment 4**

## **Declaration of Steven Bible**

RICHARDSON PLACE NEIGHBORHOOD  
ASSOCIATION,

Appellant,

v.

D.C. DEPARTMENT OF CONSUMER AND  
REGULATORY AFFAIRS,

And

OAKTREE DEVELOPMENT, LLC, d/b/a/  
OTD 410-412 RICHARDSON PLACE LLC,

Applicant.

Case No.:

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**DECLARATION OF STEVEN BIBLE**


I, Steven Bible, depose and state as follows:

1. I currently live at 1714 4th St NW Washington DC, where I have lived for 6.5 years. I purchased the property in June of 2010.
2. I am a member of Richardson Place Neighborhood Association.
3. Ever since Oaktree Development purchased the parcel at 410 and 412 Richardson Place, NW, on or about April 2016, it has had a construction fence surrounding the entire property, which has made it impossible to determine whether the property owner has valid permits from the Department of Consumer and Regulatory Affairs for the work that he is doing.
4. Oaktree has used a construction-site permit board to post some of its permits, but the board has always been set back too far from the fenceline to allow individuals to inspect the permits.
5. I noticed one or two permits also posted on the windows of the first floor of the property, but those are also too far back to be visible to the public from behind the construction fence.

6. On December 9, 2016, I witnessed Oaktree's construction team as it removed the construction fence, re-erected the construction permit board with new permits on both the board and the house.
7. The permits that it newly placed on the construction board and house on or about December 9, 2016, include the two permits at issue here on appeal—namely, B1611469 (issued for 410 Richardson Place NW) and B1611470 (issued for 412 Richardson Place NW).
8. I have taken photographs of the permits that I witnessed posted on or about December 9, 2016 and have attached them as Exhibits A through G to this declaration.
9. This is the first notice I have had that DCRA issued new modified building permits for the project at 410/412 Richardson Place NW.

In accordance with D.C. Code § 22-2402, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of December, 2016, at 1714 4th St NW Washington DC.



Steven Bible

# ile ecl. Exhibits A-G

## Exhibit A





# Exhibit B

**B**

**BUILDING PERMIT**

PERMIT NO. 2188888

Item	Cost	Amount	Notes

Project Name: [Blank]  
Address: [Blank]  
City: [Blank]  
County: [Blank]  
Permit Type: [Blank]

Permit Fee: [Blank]  
Permit Term: [Blank]

Signature: [Handwritten Signature]  
Date: [Blank]

# Exhibit C

**d.**

[Illegible text and tables]

Signature: [Handwritten Signature]  
Date: [Blank]

Exhibit D



Exhibit E



Exhibit F



Exhibit G



**CERTIFICATE OF SERVICE**

Pursuant to 11-Y D.C.M.R. §§ 205, 300.11, and 302.15, I hereby certify that on this 16th day of December 2016, I have served the foregoing Notice of Appeal upon the following by electronic mail and/or the Board of Zoning Adjustment's online Interactive Zoning Information System (IZIS).

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Oaktree LLC

Kyrus Lamont Freeman  
Holland & Knight  
800 17th Street N.W.  
Suite 1100  
Washington, DC 20006  
202.862.5978  
Email: [kyrus.freeman@hklaw.com](mailto:kyrus.freeman@hklaw.com)

ANC 5E06

Teri Janine Quinn  
Advisory Neighborhood Commissioner  
Email: [5E06@anc.dc.gov](mailto:5E06@anc.dc.gov)

Dated: December 16, 2016

/s/ James J. Wilson  
415 Richardson Pl. NW  
President  
Richardson Place Neighborhood Association  
Email: [rpna@jamesjwilson.com](mailto:rpna@jamesjwilson.com)