

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.:

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

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.dcradc.gov/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.



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 |
| 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. | | | | | |
| Discipline | | Review Status | | Status Date | |
| 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 | | | |