



DEVELOPMENT REPORT ON PROPOSED AND ONGOING DEVELOPMENTS WHOSE LEGALITY KLDA IS QUESTIONING

Karen has a local physical development plan (LPDP) (klda.or.ke/publications) that guides development within the community. We encourage residents to also familiarize themselves with the LPDP as it clearly states where residential and commercial areas should be and how the whole area should grow.

The following is a preliminary report of developments of concern to KLDA members.

Zone 1B- Windy Ridge Kerarapon - Ololua Residents Association

- 1. CYTTON DEVELOPMENT ON MBAGATHI/OLOLUA RIDGE OFF NGONG ROAD:** This is a proposed high density mixed use development in the Ololua Ridge area. The residents objected on physical planning and environmental grounds and contributed Kshs 1,200,000/- towards legal costs to enable KLDA take court proceedings. A public participation meeting was held between Cytonn developers, KLDA and Ololua Residents on 13th October 2015.

KLDA filed NET Appeal No 185 of 2016 in the National Environment Tribunal. Nganga Mbugua and Co Advocates is representing KLDA. KLDA engaged the consultancy services of Mr John Barreh, physical planner and Eng Mike Thomas, water engineer who have both provided technical reports and will give evidence during the hearing. The matter is part heard before the Tribunal.

Zone 2- Mbagathi - Mbagathi Residents Association

- 2. Hotel development on Mbagathi Ridge:** This is a proposal to develop a 3 star hotel comprising approximately 18 residential cottages and a main hotel block with an estimated capacity of 300 or so guests. The developer had acquired a license in 2016 but it would appear that for reasons that are unclear to KLDA, NEMA issued an improvement order requiring the developer to make certain improvements to the proposal.

On a Saturday, 19th November 2016, a stakeholder meeting was held and attended by immediate neighbors and the KLDA secretariat. Those attending objected to the proposal on grounds that:

- The area is zoned for low density residential use only and so the proposal is not in line with the LPDP and will change the character of the area.
- The proposed development involves high density commercial use which will bring about noise, high traffic volumes, increased demand for groundwater, pollution arising from sewage disposal into the ground etc.
- Issuance of NEMA license process.

In early 2017 KLDA learnt that NEMA has lifted its improvement order allowing the development to proceed. KLDA has no information on the reasons why the improvement order was lifted as NEMA has not responded to KLDA's letter of inquiry.

Following the lifting of the improvement order, the immediate neighbors to the development approached KLDA and asked KLDA to take court action against the development.

Zone 3- Bogani- Silanga Road Residents Association

- 3. Petrol station development opposite Karen C Primary School.** This is an ongoing development of a petrol station opposite Karen C Primary School on Langata Road. The objection to the development is based on the fact that it is next to a school and is a low density zone. KLDA made inquiries from NEMA regarding its approval status. The response was verbal that the license has been granted. However KLDA has not been provided with any documents. KLDA also wrote to National Construction Authority (NCA) regarding the license to build but NCA was not aware of the development. At the moment, the petrol station is marked with some X signs to show that it's not approved. KLDA also wrote the Energy Regulatory Authority (ERC). ERC visited the site but has not updated KLDA on any action being taken.

Zone 3- Bogani - Silanga Road Resident Association

- 4. Life In Abundance Ministries on Silanga Road:** This is a development of apartments which is already partly constructed up to the third floor. The development is a training institute-cum-hostel with two massive buildings on a small a piece of land. The developer claims to have a license though there was no public participation to approve the development. KLDA has severally requested for the approved documents but none has been provided. Silanga Road residents called for a meeting with the developer on 5th May 2015. Residents objected to the development based on the design of flats, number of floors but particularly the zoning laws. The development stopped for a while, then resumed construction in 2017 with the addition of a third building. The development is ongoing, almost to completion

Zone 2 Mbagathi Ridge- Mbagathi Ridge Residents Association

- 5. Little Sisters of St. Therese, a Catholic institution on Mbagathi Ridge.** This is a development of residential hostels within the compound belonging to the congregation of sisters. The hostel, which is already partly constructed, seems to be above the permitted

height of ground plus two. Residents objected on the density and height of the building. Both developer and NEMA claim that there is a license for hostels but this has not been provided to KLDA. The physical planning approval which was shown to KLDA seems not to comply with the requirements for approvals but when questioned the developer stated that this is the document they were issued with and any questions regarding its authenticity should be directed to the County Government. The County Government has verbally communicated of its invalidity.

NEMA officials visited the site and the response KLDA got after their visit is that the developer had approvals. Meetings had been held on site with Mbagathi Ridge Residents, who were not consulted when the development began. The Chairman for Mbagathi Ridge Residents Association also wrote a letter to the Little Sisters requesting for approval documents but there was no response.

Zone 2- Mbagathi - Hardy Residents Association

- 6. Mbogani Garden, Koitobos Road, Hardy area:** This is a development of a bar/restaurant that claims to have all licenses but no documents have been provided to KLDA. The premises are used to host parties, weddings etc. Residents have objected based on noise, commercialization of a residential area. On 4th November 2014, there was a near riot from the said venue with thousands of university students that required armed police to put a halt to the proceedings at the venue and dispersed the masses. NEMA and Nairobi County gave approvals to hold the party at the said venue. The venue was closed by the Hardy Police, but it's still operational to date.

Zone 4- Karen Plains Forest Edge - Muiri Lane Residents Association

- 7. Mbandu Stores (orange building), Langata Road opp. Galleria.** This building has already been constructed. It is a 5 floor building contrary to the restriction of height to ground plus one. The developer claims to have all the approvals but KLDA has been unable to get any documents at City hall or from NEMA. The building risks setting a precedent on height of buildings in the area. Efforts to reach the developer have been unfruitful.

Zone 1a- Miotoni –Miotoni Residents Association

- 8. Burhani town houses, Warai Road:** These town houses were developed without adequate consultation but a license was issued. Residents were not consulted and KLDA are concerned about a plan to build a mosque within a residential area. Objections are based on issues of noise that come from a mosque, traffic; parking and the issue of density. They have a NEMA license for the plan to build a mosque but residents have so far managed to halt the construction of the mosque.

Zone 4 Karen Plains Forest Edge - Muiri Lane Residents Association

- 9. Jubilee expansion on Langata Road.** This development is a church project to build offices and associated facilities along Langata Road next to Jubilee Centre. A stop order was obtained at the Environment Tribunal. Objections are based on lack of adequate consultation with members and environmental concerns arising from the number of users of the development, traffic given that Langata Road is already congested in the evenings due to the poor maintenance of the Road. The main issue is the zoning laws being ignored and NEMA granting a license even after being informed of the unprofessional conduct of the environmental consultant. We understand from the person who sought the Stop Order that that the Stop Order was lifted and the development is ongoing currently.

Zone 4- Karen Plains Forest Edge- Karen Plains Residents Association

- 10. Karen Plains Arcade.** This is an existing commercial development at the corner of Plains Road and Karen Road. The developer claims there is a NEMA license and the developer is currently extending the height to 5 floors contrary to the LPDP. The area is low density and residential area. KLDA has lodged its objection. The approval was given to only add an extra entrance to a domestic building. According to the Deputy Director, Development Control, Nairobi City County, the said approval for the development is invalid.

Zone 2- Mbagathi Ridge- Mukoma/Banda Lane Residents Association

- 11. Churches on Mukoma/Kisembe area off Magadi Road,** There is a proposal to build a church on Mukoma Road. The proponents claim to be acquiring necessary approvals yet residents/members have severally opposed them as they are in a low density residential area. The project proponents visited the KLDA office and were informed that they cannot build a church in a residential area. Public Participation is yet to take place between the residents and the developer. The residents already objected to the development of a church in a residential area.

Zone 1a Miotoni -Miotoni Residents Association

- 12. Petrocity on Dagoretti Road.** This is a plan to build a new petrol station along Dagoretti Road near Nyumbani Children's Home. The developer is undertaking public consultation to get a NEMA license. The issues here relate to pollution, sewage disposal and change of use from residential to commercial. The petrol station is objected to based on the fact that it's on a low density residential area. Air pollution is also of concern to Nyumbani Children's Home. The process of acquiring the NEMA license is still ongoing by the developer despite the objections.

Zone 3 Bogani - Kuro/Kongoni/Granti Residents Association

- 13. Apartment Blocks/Flats on Koru Road, Ndalat Road and Rhino Park Road:** For the last 2 weeks, KLDA has been dealing with 3 proposed apartment blocks, located at Koru road and Ndalat Road, off Langata South Road. In one case, a member of KLDA filed a case at the Environment Tribunal but the apartment continues to be built. He has asked

KLDA to enjoin in the case. In the other two cases, construction has started but so far no documents are available to KLDA. A letter was delivered to the developer, who then came to KLDA office. He was asked to produce all the approvals. The developer's lawyer wrote to KLDA requesting for at least 7 days to produce all the approvals. NO approvals have been brought to KLDA to date.

KLDA informed the NCC inspectorate Department, who visited the development on 30th May, 2017. While they were there, a phone call was received by one of the inspectors on site from City Hall ordering them to leave the site. The inspectors left immediately but confirmed the County document as invalid.

The third development, apartments/hostels are at Rhino Park Road, KLDA is still awaiting for approval documents from the developer, though the building has already started.

Zone 1b Windy Ridge Kerarapon - Mutero Muhugu Residents Association

- 14. Kenya Broadcasting Corporation, Kerarapon, Ngong Road:** This is a proposal to build stalls on land belonging to KBC. KLDA has written to NEMA and the Nairobi City County but gets no reply officially based on the KBC land grabbing attempt. KLDA has kept records of communication to both agencies. KLDA has also followed up with new enquiry letters on the same issues. Deadline expires this Wednesday 7 June, 2017.