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DISTRICT OF COLUMBIA
2014 JUL 22 AM 11:00

To: Lloyd Jordan, Chairman
DC Board of Zoning Adjustments

From: George and Antoinette Brenkert

Date: July 21, 2014

Re: Case Numbers 18765 and 18784 pertaining to 3915 & 3919 Fulton St., NW
Washington, DC

Position: Conditional withdrawal of opposition to proposed condos, subject to
letter of commitment and final color agreement.

Attachments: Chronology since last BZA meeting
Prudhomme's letter of commitment of June 23, 2014

At its meeting on June 24, the BZA requested that Mr Prudhomme meet with a group of the neighbors to arrive at a better design that would have less of a negative impact on the surrounding neighborhood. A chronology of events between June 24 and July 21 appears at the end.

We have previously opposed these two condos. We still think that they are incompatible with the neighborhood.

However, if this proposal is not approved, Mr. Prudhomme has vowed to exercise what he has called his "nuclear option" and build structures with 7 or 8 living units – the implication is that there will be more bedrooms, more occupants having more cars, the likelihood that these will turn into rentals, and minimal landscaping. How serious he is about this option, we do not know.

To allay our concerns about the project, Mr. Prudhomme wrote a letter of commitment on June 23, contingent on approval by the BZA, that he would a) sell all units as condos; b) reduce the number of bedrooms per living unit from 3 to 2; c) write a condo regime that would require 50% of the owners to agree to the renting of any unit; d) replace all trees cut down on a one-for-one basis, and kind for kind, with 10 to 12 foot trees; e) open his financial records to the ANC to demonstrate he had the financial resources to complete this project.

Since the BZA meeting, a small group of us (who has undertaken to speak on behalf of the neighbors) has met with Mr. Prudhomme. We and the neighbors have proceeded on the basis that he would honor this commitment letter. We met with the Prudhomme on July 2 and July 15, and agreed on six items involving overhanging cornices, trim elements on the building, a slight alteration of the main door (muntins installed), a coloring to the walkway compatible with the building, and horizontal bands on the front accent panels. The color was to be left up to the architect but the group gave several comments to help guide this choice.

On this basis we are prepared to withdraw our objections to this project IF the BZA will make the terms of this letter of commitment part of their approval of the project.

If the BZA will not, or cannot make these terms that Mr. Prudhomme has previously agreed to part of the project, then we would remain opposed to the project.

During our discussions with Mr. Prudhomme, he has been quite upset with our group. He has threatened us with his “nuclear option” (his words) to build 7 or 8 living units in each building and withdraw his letter of commitment. He has tried to impose on our group conditions to meet with him that led even the chair of our ANC to intervene and request that he meet with us without such conditions. For example, one of the conditions Mr. Prudhomme sought to require of us in order to meet with him was we provide him with signed statements or email statements from all the (38) neighbors who have joined on an email list we have, indicating that we may speak on their behalf -- and this was after we had been doing so for about eight weeks. We refused as unreasonable, but we offered all of our neighbors the opportunity to have direct connect with Mr. Prudhomme by email. Only one out of 38 took this route – all the others did not. In speaking with neighbors individually and by emails, we have been told by the neighbors to continue our efforts as we had been doing.

Mr. Prudhomme only provided the neighbors with his final design plan on Monday, July 21 at 2:30 pm. We had repeatedly asked him for such a design during the preceding week. He claimed that his architect was too busy to prepare a sketch or rendering the neighbors could consider (even though he allowed his architect to go on vacation during the first half of the month!). Further, he would not tell us (after our July 15 meeting) when we might get such a design – instead we were simply told that we would get it as soon as possible.

In effect, he decided that the neighbor’s input was no longer important for his purposes and they could be shut out of the process. As he said in an email on July 18 (in response to previous emails from George Brenkert urgently requesting a rendering we could show our neighbors): “Feedback from the neighbors on these final plans is not necessary, beacuse [sic] we have reached an understanding with the neighbors as regards design through your group.”

Mr. Prudhomme refers in this statement to the results of a meeting on July 15 with 6 neighbors who had been the coordinating group for the 38 neighbors for the past 8 weeks. We could and did tell our neighbors what was part of the understanding, but those items make little sense until they see the design that incorporated them. But this was not possible until late in the day on July 21. It then turned out that the “final design” did not fulfill all the terms of his agreement with the neighbors with regard to the color scheme. Late last night Mr. Prudhomme agreed to revisit the color scheme with the neighbors – but for obvious reasons this has not yet taken place.

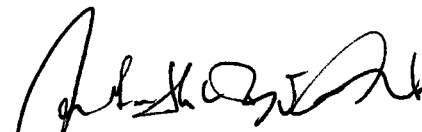
Despite the preceding, we will conditionally withdraw our opposition to a decision by the BZA approving this project, only if the BZA writes into its decision the terms of the letter of commitment that Mr. Prudhomme himself authored and signed (see attached) and that he work further with the neighbors to agree on a final color.

I would acknowledge that in our discussions, primarily by email, a few emails were sent by a small minority of our group that Mr. Prudhomme found offensive. Because of this and his anger regarding the delay the BZA imposed, he has said he would copy all our emails and provide them to the BZA. We don't have problems with that. You will see a few inappropriate emails from our side, but you will also see (if he sends a complete set of emails) demands from Mr. Prudhomme's side that made our relations with him difficult. His refusal at the end to provide us, in a timely manner, with his final design sketch was just the last example of the obstacles the neighbors have faced in working with Mr. Prudhomme. This action has effectively excluded the neighbors from information that is vital for them to make a final decision in this official process. Because of this we have not been able to survey our neighbors' response to his "final design" he provided us – which because of the color issue is not the actual "final design."

Respectfully submitted,



George G. Brenkert



Antoinette L. Brenkert

Chronology

June 23 to July 21

June 23 The ANC splits its vote on approving this project.
Mr. Prudhomme writes a letter of commitment, going forward, regarding the condos.

June 24 The BZA postpones voting on Prudhomme's proposal asking him and the neighbors to try to arrive at some agreement on a better design.

June 27-30. A group of 8 of us met to discuss ideas to share with Prudhomme

July 2 A group of three of us met with Prudhomme to share those ideas: a) general ideas about the exterior; b) more particular responses to his earlier designs; and c) photos of buildings having details we thought might be helpful to modifications of the exterior.

Architect vacation: Sometime between the first part of July Mr. Prudhomme's architect goes on vacation for a week. This delays further design work on the project, in spite of the fact that we have been told time is short and things need to be done quickly.

July 2-10 The neighbors receive no new designs or ideas back from Prudhomme

July 10 (Thursday) An ANC meeting to bring the ANC up-to-date We receive a new sketch of the condo buildings. Then on July 11 we receive two additional slightly different sketches

July 12 - 15. The neighbors considered the new sketches and came up with some minor modifications for a meeting with Mr. Prudhomme on the following Tuesday (July 15). In agreeing to the meeting we asked that the architect be part of this meeting to clarify details of the drawings.

July 12 Mr Prudhomme responds to our emails by charging us with being demanding and wanting to control the process. He demands, as a condition of meeting, that everyone who signed a petition to the BZA (there were 26 neighbors who did so) opposing his project meet with him.

I (George Brenkert) responded that have had 38 neighbors part of this process for sometime and some of them had not been able to sign the petition. I suggested that if he really wanted the views of everyone we should have all 38 there – OR if he wanted a productive meeting only the small group of 6 to 8 of us who have been speaking for the neighbors should show up.

I also offered to poll our neighbors on his sketches. 25 out 30 responding say that we should seek final modifications so as to bring this process to an end. 5 respond that we should push for more significant changes, even if this involves the "nuclear option" taking place.

July 12- 14 Various emails exchanged with new demands from Prudhomme about who should attend and regarding the architect. Finally, Prudhomme agrees to meet with six of us and to invite his architect to join us. As part of trying to get a meeting with a few people rather than 26 or 38, I had appealed to the chairperson of our ANC regarding Prudhomme's unreasonable demands. The chairperson agreed to urge Prudhomme to meet with us.

July 15 Six of us meet with Prudhomme and the architect for an hour. We agree on six points:

However, at this meeting Prudhomme indicated that he had to check with his lawyer about the letter of commitment. He seemed to be no longer willing to say that he stands by his letter of commitment – even though we acknowledge it is valid only if the BZA approves the project.

July 15-July 20 We do not receive any updated sketches to show the neighbors, in effect excluding them from the knowledge they would require to participate in this process—one that the BZA set up.

July 21, 2:30 pm. We receive the “final sketches” of the condos – but the color scheme does not match the two color scheme that the neighbors and Prudhomme had agreed to. In addition, it now includes a green front accent panel that we have never seen before. After consulting with the group of 8, I ask Prudhomme to make some changes in the color scheme. Previously, Mr. Prudhomme has said that he did not care about the colors. So we are asking that he make some final changes.

To George Brenkert
Delivered by email

June 23rd 2014

Dear George,

Following the ANC 3B meeting tonight, I would like to confirm that should the projects I have presented to the ANC committee at 3915 and 3919 Fulton St NW be approved by BZA tomorrow I commit to the following

- 1- That the buildings to be built at the above addresses will be divided into condominiums and will not be kept as apartment buildings designed for rental.
- 2- That the initial Condominium Association Agreement will be written with a rule that requires the approval of 50% of the owners before a unit can be rented
- 3- That each unit will only contain 2 bedrooms
- 4- That trees to be replaced on the sites will be at least 10 – 12 ft high
- 5- That I will provide proof of funds to the ANC before construction begins after permits have been obtained.

The above commitments will only apply if the BZA approves our project and not if our application for a special exception is denied

I hope that the above will allay your concerns and those you represent, and that it will encourage you to support our application so that I do not have to resort to the option of doing a by right condo development of 8 units on each site.

Sincerely,

A handwritten signature in black ink, appearing to read 'Guy Prudhomme', with a stylized flourish extending from the end.

Guy Prudhomme
Trustee