

March 9, 2018

TO: District of Columbia Board of Zoning Adjustment

FROM: Lauren Friedman and Thomas Coleman

DATE: March 9, 2018

RE: BZA Case #19683 – Lot 828, Square 762 (“Lot”) – Update requested by BZA

We, Lauren Friedman and Thomas Coleman, own a neighboring property (215 3rd St SE) to the Lot. At the February 21 public hearing on this case, the Board of Zoning Adjustment asked the neighbors in opposition to the application to provide an update to the Board on or before March 9, 2018 on any discussions with the applicant.

Since the February 21 public hearing, we have engaged the applicant on two separate items:

1. Discussions regarding a Construction Management Agreement (“CMA”); and
2. An offer to purchase the Lot

Construction Management Agreement

Per the BZA’s guidance at the February 21 public hearing, soon after the hearing we instructed our attorney, Daniel Koffman (whom we had just engaged), to initiate contact with applicants’ counsel, Meridith Moldenhauer, as soon as practicable after the hearing. On February 23rd, Mr. Koffman emailed Ms. Moldenhauer to set up a phone call between the two attorneys. On February 26th, Ms. Moldenhauer responded to Mr. Koffman’s email and suggested Friday, March 2nd for a phone call. On February 27th, Mr. Koffman agreed to that time. On March 2nd, our understanding is that the two attorneys briefly discussed a potential CMA. Soon thereafter, an attorney from Ms. Moldenhauer’s office forwarded a draft CMA to Mr. Koffman. The draft agreement did not fully address the concerns we previously detailed in our Letter in Opposition or our testimony at the February 21 public hearing. Mr. Koffman will be sending a revised CMA that addresses those concerns within the coming days. We will update the Board on any further developments on any potential CMA at the March 21 public hearing.

Offer to Purchase the Lot

In addition, today we presented the applicant with a letter of intent to purchase the Lot. We believe our offer is fair based on our proposed purchase price exceeding the consideration the applicants in this case paid to the previous owner, especially because such consideration paid by the applicants was paid before such time as the applicants were made aware of the difficulties in building on the lot (see BZA February 21 Public Hearing Transcript pages 340-344). We have given the applicants until March 19th to respond to our offer. We will update the Board on any further developments on this matter at the March 21 public hearing.