Community First at Benning Metro

55 - 46th Street, NE Washington, DC 20019 (202) 388-6661

Mr. Geoffrey Griffis, Chair
DC Board of Zoning Adjustment (BZA)
441 Fourth Street, NW Suite 210
Washington, DC 20001

November 30, 2005

RECEIVED
D.C. OFFICE OF ZONING
2005 DEC -6 PM 4:25

Re: Fabrication of Documents by Co-Developer at Benning Metro
BZA Application No. 17304

Dear Mr. Griffis:

Community First at Benning Metro is a committee of residents living in the vicinity of the Benning Road Metrorail Station. At the core of the committee are those Party status holders as designated by the BZA in BZA Application No. 17304.
This letter serves to lodge a formal complaint to BZA regarding the tactics employed by the developers in the above-captioned matter.

On November 12, 2005, the Executive Director of Marshall Heights Community Development Organization (MHCDO) distributed and caused to be distributed copies of the enclosed statement labeled "A." This flyer is referenced in our complaints described in the enclosed letter dated November 26, 2005.

Our complaint would focus your attention on the document labeled "B." It is held out as the statement issued on November 12, 2005. Not only is it apparent that document "B" is not the statement issued on November 12, 2005, but document "B" contains inexpertly altered language in each of its paragraphs. A cursory read of both documents will reveal the alterations.

The multiple emendations themselves contradict the declaration in the introduction to document "B" that "On November 12, 2005, MHCDO issued the following public statement on the proposed project at the Benning Metrorail station." Document "B" is clearly not the statement issued on November 12, 2005. We would nevertheless, draw your attention to two important features of document "B." On its first page, in paragraph five (5), the following language can be found ". . . MHCDO withdrew its involvement in the project this summer." The paragraph continues on page two (2) to read, "We did so before the known formation of Community First and the vitriolic attacks recently launched by its public spokespersons."
In the statement actually issued on November 12, 2005, the language encountered in paragraph six (6) reads ". . . MHCDO withdrew its involvement in this project this summer" and continues, "We did so before the known formation of Community First and certainly before the recent arrival of Sam Jordan, the public spokesperson for Community First." This language is overtly altered in

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17304
EXHIBIT NO. 87

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Board of Zoning Adjustment
District of Columbia
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document "B" which was distributed electronically on or after November 15, 2005.

Our complaint goes to the responsibility the Applicants in BZA Application No. 17304 have to the communities served by Benning Metro. Easily discerned manipulation of language in document "B" leaves no doubt that it is not the statement issued on November 12, 2005 or that it is not identical to document "A" which was indeed issued on November 12, 2005. The electronic tracking notes on document "B" indicate that it was distributed by facsimile (fax) and "e-mail." Residents who might be reached by fax and e-mail differ in many respects from those residents who can best be reached by telephone or word-of-mouth. As a result, we have no estimate of the breadth of the distribution of document "A" or "B."

Community First at Benning Metro is alarmed that MHCDO would deceive the communities at Benning Metro in this manner. In what other ways has MHCDO discharged its duties to inform with such self-serving motivation. In the accompanying letter dated November 26, 2005, we react to MHCDO's repeated claim that even if the BZA approves the project, Council Member Gray will "halt the alley closing." With document "B," however, the Applicant co-developer has demonstrated a regrettable contempt for the communities need to be provided accurate, not manipulated information.

Relief Sought

The Applicant cannot be rewarded with a grant of its request for exceptions in Application No. 17304 if perjured declarations in altered language documents have even the slightest role in its community contact and communications program. We ask that the BZA dismiss the Application forthwith and impose appropriate sanction(s) against the Applicant for the above-described objectionable practices.

Sincerely,

Samuel Jordan,
Convener - Community First at Benning Metro

Document "A"

Housing / Economic Development / Employment / Education / Health & Human Services

MHCDO **Marshall Heights Community Development Organization, Inc.**

Helping to grow Ward 7 into the District of Columbia's most welcoming, prospering, livable community for everyone.

Public Statement

FOR IMMEDIATE RELEASE
November 12, 2005

Contact: Carrie Thornhill
(202) 396-1201 x111

MHCDO Somewhat Agrees with Community First

Marshall Heights Community Development Organization (MHCDO) agrees with Community First that the Benning Metro site is not adequate to support the proposed office building that would have served as a field office for the Court Service and Offender Supervision Agency (CSOSA).

Carrie Thornhill, MHCDO CEO and Richard Hamilton, MHCDO board chair told representatives of Community First face to face on Friday, October 7th that the project was dead from their perspective. We informed the group that we are not the lead developer, we had put no money in this project, and we have no authority to decide if the BZA application gets withdrawn or not.

Yes, over the last couple of years, MHCDO has been an active supporter of this project. We were supporters then because we have been believers and supporters of transit oriented development for 27 years as has been a broad swath of Ward 7 residents. MHCDO was a supporter because Marvin Jawer, a long time business associate, asked us to do so and was willing to invest his money on the proposed project when no one else to date had chosen to do so. We supported the proposal because it would have been the first new commercial office facility to be built in Ward 7 in nearly 40 years. We supported the project because Paul Quander, a Ward 7 resident, and CSOSA have a critically important people rebuilding mission and would bring a workforce with disposable income to support our local retail

enterprises. We believed the project would have created much-needed meeting space for community use and would have enhanced security by complimenting the resources of MPD 6D. We still believe in these principles.

And though MHCDO put up no money into this project, yes, if the project had been realized, MHCDO would have stood to gain a stream of funding that would have been plowed into the charitable and educational activities Ward 7 has come to enjoy and benefit for 27 years. We have been and remain guided by high standards of ethics, performance and accountability. We stand on 27 years of a successful and proven track record of performance in housing, economic development and human development.

After learning in the spring 2005 that neighbors in close proximity to the proposed site had not been sufficiently engaged into the community dialogue about the benefits and affects of the project, after re-examining the suitability of the site from the affected neighbors perspective, and observing the growing sentiment against the project including that of our esteemed Ward 7 Councilman Vincent Gray, MHCDO withdrew its involvement in this project this summer. We did so before the known formation of Community First and certainly before the recent arrival of Sam Jordan, the public spokesperson for Community First.

MHCDO trusts that the fine families, young adults and retirees of the affected community are not associated with the lies, misrepresentations and slandering of the facts and circumstances in this case.

Given MHCDO's known changed position on this project, some residents wonder what the motivation for the escalating and slanderous attacks against MHCDO is when representatives of Community First know MHCDO has no project or legal authority to withdraw the project. To some, the motivation suggests political posturing rather than authentic civil discourse directed toward stopping the project and preserving the affected community.

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Document "B"

From: Amy Cody
To: Amy Cody
Date: 11/15/2005 2:45:01 PM
Subject: Public Statement on Proposed Benning Metro Project

MHCDO NEWS: -- November 15, 2005

Public Statement on Proposed Benning Metro Project: MHCDO Somewhat Agrees with Community First

On November 12, 2005, MHCDO issued the following public statement on the proposed project at the Benning Metrorail station.

For Immediate Release
Contact: Carrie L. Thornhill, (202) 396-1201 x111

Washington, DC – The Marshall Heights Community Development Organization (MHCDO) agrees with project opponent Community First that the Benning Metro site is not adequate to support the proposed office building that would have served as a field office for the Court Services and Offender Supervision Agency (CSOSA).

Carrie Thornhill, MHCDO President and CEO, and Richard Hamilton, MHCDO Chairman, told representatives of Community First on Friday, October 7th that the project was dead from MHCDO's perspective. At the meeting requested by Community First, Thornhill and Hamilton informed the group that MHCDO is not the lead developer, has put no money in the project, and has no authority to decide whether to withdraw the DC Board of Zoning Adjustment application.

Yes, over the last couple of years, MHCDO has been an active supporter of this project. We backed it for several reasons, including our longstanding belief in transit-oriented development, which we share with a broad swath of Ward 7 residents. MHCDO was a supporter because Marvin Jewer, a long time business associate, was willing to invest his money where no one else to date had chosen to do so. We supported the proposal because it would have created the first new commercial office facility to be built in Ward 7 in nearly 40 years. We supported it because Paul Quander, a Ward 7 resident, and CSOSA have a critically important people rebuilding mission and would bring a workforce with disposable income to support our local retail enterprises. We believed the project would have created much-needed meeting space for community use and would have enhanced security by complimenting the resources of the DC Metropolitan Police Department's 6th District. We still believe in these principles.

And though MHCDO put no money into this project, yes, if the project had been realized, MHCDO would have stood to gain a stream of funding that would have been plowed into the charitable and educational activities Ward 7 has come to enjoy and benefit from for 27 years. We have been and remain guided by high standards of ethics, performance and accountability, and we stand firmly on a successful track record of performance in housing, economic development and human development.

After learning in the spring of 2005 that neighbors in close proximity to the proposed site had not been sufficiently engaged in the community dialogue about the benefits and affects of the project, after re-examining the suitability of the site from the affected neighbors perspective and observing the growing sentiment against the project, including that of our esteemed Ward 7 Councilman Vincent Gray, MHCDO withdrew its involvement in the project

this summer. We did so before the known formation of Community First and the vitriolic attacks recently launched by its public spokespersons.

MHCDO trusts that the fine families, young adults and retirees of the affected community are not associated with the lies, misrepresentations and slandering of the facts and circumstances in this case.

Given MHCDO's known changed position on this project, some residents wonder what the motivation for the escalating and slanderous attacks against MHCDO is when representatives of Community First know MHCDO has no project or legal authority to withdraw the BZA application. To some, the motivation suggests political posturing rather than authentic civil discourse directed toward stopping the project and preserving the affected community. We can disagree without being disagreeable. We must remain on the same team helping to grow Ward 7 into the District of Columbia's most welcoming, prospering, livable community for everyone.

<<Public Statement on Benning Metro Project.doc>> <<public_statement_111205.pdf>>

MHCDO News is an e-news bulletin of the Marshall Heights Community Development Organization, a community-based nonprofit that undertakes community development activities in the Ward 7 area of Washington, DC. To learn about MHCDO's work, please visit our Web site at www.mhcdo.org. // To add or remove your name from the **MHCDO News** list, send a message to info@mhcdo.org.