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January 20, 2015

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street NW, Suite 210 South
Washington DC 20001

Re: Application of WBG Wheeler Road, LLC
 Zoning Commission Case No. 13-18
 Response to ANC Supplemental Filing

Dear Chairman Hood and Members of the Commission:

We are in receipt of ANC 8D's January 12, 2015 supplemental filing in the above-referenced case, which we must point out remains deficient pursuant to the Zoning Commission's rules -- there is no mention of a quorum present, and does not indicate that the meeting referred to by Chairman Anthony Muhammad was duly noticed. More troubling, however, are the number of inaccuracies contained within the letter. We will discuss these, and the status of community outreach, below.

First, the Applicant and its counsel strongly objects to the patently false quotation by Chairman Muhammad in describing his communication with the Applicant since the Zoning Commission last met. Chairman Muhammad indeed sent an e-mail to counsel asking for potential meeting dates to further discuss his proposed CBA. The e-mail, attached at **Exhibit A**, was received by counsel at approximately 9pm last Friday evening. Chairman Muhammad disingenuously identified meeting dates for Thursday and Friday that had already past as of the date and time of the email he sent. Counsel was unable to communicate with her client over the weekend, and therefore was preparing a response to Chairman Muhammad on Monday, January 12, when she received Chairman Muhammad's filing. At no time did counsel or the Applicant state to Chairman Muhammad or any other community member that "Zoning is going to approve our project, so we don't Have [sic] to meet with you any more!" as quoted by Chairman Muhammad. This is a complete fabrication, misleading the Zoning Commission about both the Applicant's intent and community outreach in this case, and is completely inconsistent with the work done to educate and respond to the community regarding this Project.

Chairman Muhammad's further accusations that the Applicant and its counsel did not do appropriate due diligence and/or did not appropriately notify all property owners within 200 feet of the Property is also false. Exhibit 2E in the record is the list of all property owners provided by the Office of Tax and Revenue within a 200 foot radius of the subject Property. (as described in Chairman Muhammad's filing). The District of Columbia Court of Appeals has consistently stated that "due process requires notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. Constructive notice by means such as posting or publication in a newspaper may be valid where the identity or location of interested parties is unknown and difficult to determine. But notice by mail or other means as certain to ensure actual notice is a minimum constitutional precondition to a proceeding which will adversely affect the liberty or property interests of any party if its name and address are reasonably ascertainable. The "other means" that meet this standard include notice to persons who reasonably can be relied upon to inform the interested parties." *Quincy Park Condo. Owners' Ass'n v. D.C. Bd. Of Zoning Adjustment*, 4 A3d 1283. The Applicant did everything reasonable under the circumstances to obtain an appropriate list of property owners, provided that list to the Office of Zoning, and the Office of Zoning mailed the appropriate notices to those owners. It should also be noted that the applicant submitted a list that included a number of properties outside of the 200' radius due to the important nature of this case—it is not reasonable under any circumstance to argue that the Applicant did not meet its obligations of notice.

Moreover, the Applicant in this case has engaged in a substantial amount of community outreach. As depicted on the attached chart, the Applicant has met with the ANC, individual community members, individual SMD members, and held numerous events in the community at which the Project has been discussed and vetted by the community. See attached at **Exhibit B**.

The Applicant submits that it has met its burden in this case, and urges the Zoning Commission to act on January 26, 2014 with approval of Final Action. The community and ANC have had more than ample opportunity to give meaningful input into this process, both directly to the Applicant, to the Office of Planning, and to the Zoning Commission itself. Both the Applicant and the Zoning Commission have extended every opportunity to ensure that the community's voice was heard. Given the repeated delays provided to ensure community input, no further delay in deciding this matter would be appropriate and failure to take Final Action on January 26, 2014 would be fatal to this 100% affordable Project, including some affordability at or below 30% AMI.

We urge to you approve this case and look forward to your decision as scheduled.

Sincerely yours,
GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

By: _____

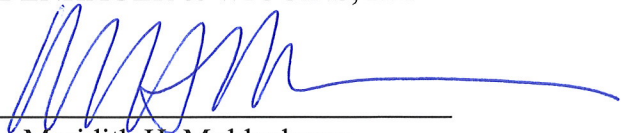

Meridith H. Moldenhauer

Exhibit A

From: Anthony Muhammad [<mailto:anthonymuhammad@yahoo.com>]

Sent: Friday, January 09, 2015 5:44 PM

To: Meridith Moldenhauer; wmgrath@wbgworldwide.com kjones@wbgworldwide.com

Cc: Christopher HAWTHORNE anc; Steven A. Slaughter 8E; Ms. Mcbroom; Marvin Lee; Anthony Dailey

Subject: CBA

Wheeler Road Project:

Happy New Year, we pray you are getting all the blessings you have earned.

We are available to meet to discuss the CBA before we write zoning our report, on Thursday, Friday, or Saturday at 430pm, if you have the time

Thank you

Chairman Anthony Muhammad, ANC 8E

1310 Southern Ave. SE S.047

202-359-3517, NOISPRM

Exhibit B

DATE	EVENT
OCT 2012	Washington Business Group present Wheeler Renaissance Project concept to Community / ANC 1 st time
APR / MAY 2013	Received Letter of Project Support – Councilman Barry
APR / MAY 2013	Received Letter of project Support – Congress Heights Main Streets
APR / MAY 2013	Requested Letter of Project Support – Chairman Mohammad / ANC
DEC 2013	WBG HOLIDAY PARTY – Commissioner Mohammad invited / attended along with additional people: Ms. Isha Lee (Lead the Way Foundation) and her spouse. WBG provides overview of Wheeler Renaissance Project to Ms. Isha and Marvin Lee
JAN 2014	As requested by Chairman Mohammad, WBG starts discussions with Chairman Mohammad (on behalf of the ACCORD) about the project's Community Benefits Agreement (CBA).
JAN 2014	WBG revised CBA and provided counter offer Sent revised document back to Chairman Mohammad for review and approval
FEB 2014	WBG counter offer not accepted by Chairman Mohammed
FEB 2014	WBG requests that Chairman Mohammad place WBG on the ANC monthly calendar to present Wheeler Renaissance to the Community
MAR 2014	WBG re-organizes previous CBA counter offer outlines the Projects Community Benefits – no additional financial support provided. Chairman Mohammad again not open to any discussion surrounding a CBA that does not include significant direct financial support to the Lead the Way Foundation
MAR 2014	Chairman Mohammed contacts WBG to open negotiations with new offer Chairman Mohammad – requests WBG to provide a check for \$5,000.00 made out to the Lead the Way Foundation. WBG to revise the CBA and it would be signed at check turnover
APR 2014	WBG and our Consultants reaches out to all ANC 8e Commissioners through email • Provided power point project presentation for Wheeler Renaissance Project • Requesting to set up a time / place for a presentation
APR 2014	WBG continues in trying to schedule all the Commissioners to come to our office and see the power point presentation for the Wheeler Renaissance
APR 2014	WBG requests that Chairman Mohammad add WBG to monthly Meeting Agenda for May to make a presentation to the Community for the Wheeler Renaissance Project
APR 2014	Mail notification completed. WBG picks up and hangs signs as required in (2) conspicuous locations on property.

DATE	EVENT
MAY 2014	Chairman Mohammad contacts WBG regarding the CBA negotiations
MAY 2014	WBG requests to be placed on ANC Monthly Meeting Agenda to make a presentation to the Community for the Wheeler Renaissance Project WBG attends meeting, not allowed to present but provides all ANC Commissioners bound, printed copies of power point presentation for the Wheeler Renaissance
MAY 2014	WBG looking towards the projects' future in making a difference by hiring local businesses and creating jobs through local business
JUN 2014	WBG requests to be placed on the Monthly Meeting Agenda to make presentation to the Community Chairman Mohammad did not respond
JUN 2014	WBG sets up (2) two consecutive evening meetings – inviting all Ward 8 businesses to attend and allow WBG to outline their vision in combining efforts to secure project work.
JUN 2014	Chairman Mohammad sets up CBA meeting with WBG at local library
JUN 2014	WBG meets with Wanda Lockridge (Wm. O. Lockridge Foundation) to discuss their role in the CBA as part of the ACCORD
JUN 2014	WBG meets with Sandra Seegars (WECADV) to discuss her groups role in the CBA As part of the ACCORD
JUN 2014	WBG reaches out to the Community of High Point within the ANC 8e who were also looking for support and help through the CBA High Point's needs are ones that revolve around maintenance and repairs for their community - trash removal / overgrown vegetation / pot holes / fencing / street lighting – all involves private property
JUN 2014	WBG starts putting together another CBA version. Submits to Chairman Mohammad and hears nothing back.
JULY 2014	WBG is placed on agenda at monthly ANC 8e Community. WBG presents overall project benefits to the Community.
JULY 2014	Commissioner Armstead contacts WBG about setting up a meeting to discuss the Wheeler Renaissance Project WBG meets with Commissioner Armstead – Wheeler Renaissance completely encompasses her single member district. WBG walks Commissioner Armstead through the overall project / benefits to the community / provides copy of the Chairman Mohammad CBA and WBG reasons for why we are reluctant to sign the document
JULY 2014	WBG requests to be added to the Community Meeting Agenda for August
JULY 2014	Commissioner Armstead asks WBG to set up another meeting, so Commissioner Crawford could hear the project presentation WBG presents the Wheeler Renaissance and provide copies of CBA (all versions)
JULY 2014	WBG starts compiling list of Ward 8 CBE's / Local Businesses – 1 st pass list totals over 147 businesses WBG works with Community partners to start vetting the list for capabilities / bonding / size to determine if targeted help is necessary in helping businesses grow.

DATE	EVENT
AUG 2014	WBG presents project power point at ANC monthly community meeting to an audience of 20 people. WBG provides project flyer to all present Answers all project questions of the community / commissioners
AUG 2014	WBG Sets up additional meeting with Commissioners Armstead / Crawford / Hawthorne Dailey to further elaborate on the project and work through the proposed WBG CBA
AUG 2014	WBG revised CBA reflecting additional input from Commissioner Armstead Document takes in account the entire community / all commissioners, a proposal that meets the intent of the CBA. Still a few other items to be included.
AUG 2014	WBG meets with Commissioners Armstead and Crawford Additional Suggestions were provided – WBG revises CBA to reflect additional input
AUG 2014	WBG meets per request with Commissioner Hawthorne – in order to discuss the CBA Commissioner Hawthorne clear about wanting to make sure that WBG is working with DOES to help get people employed and offers jobs to residents Commissioner Hawthorne wants a meeting set up with DOES to enable a dialogue and partnership
AUG 2014	WBG and Commissioner Armstead meet to plan steps in moving forward with helping community
AUG 2014	WBG requests opportunity to give a PSA (Public Service Announcement) about Career Fair from Chairman Mohammad
SEPT 2014	WBG attends the beginning of Monthly Community Meeting in order to hand out flyers about the Career Fair / Community Presentation and answer any Community questions prior to the start of the meeting WBG brought extra event flyers to the ANC Commissioners for Community distribution Events Flyers placed by Community member in Giant / IHOP / Safeway / Library within Ward 8e Commissioner Armstead SMD has flyers handed out
SEPT 2014	WBG with the help of Commissioner Armstead schedules a meeting with DOES to discuss way that we could partner in order to help the Community with employment DOES (Mr. Todd Beazer) is presented the project / shown the questionnaire / provided a flyer Next step was for WBG to contact DOES (Mr. Todd Beazer) in order to set up a meeting with a employment staff member at the American Job Center to see how we could work as a team and get people into the system quickly and employed

DATE	EVENT
SEPT 2014	WBG presents power point of Wheeler Project to Community at Wheeler Road location and provides overview project handout 20-25 people showed up to hear more about the project and our efforts with the Career Fair. WBG responded to Community questions and concerns – allowed for open dialogue and the desire for future discussions regarding what new retail the Community thought would best serve their interests.
SEPT 2014	WBG holds its' 1st Career Fair over 100 people attend. WBG uses this opportunity to further explain to the community the project and how we intend to help people prior to construction. 1. We would like to help people 're-tool' resumes 2. Understand Community workforce for the future construction jobs 3. Trying to work with DOES in streamlining a way to get people's resumes and qualifications into the system to aid in finding employment
SEPT 2014	WBG follows up with DOES (Mr. Todd Beazer) to provide news for how the Career Fair went and the date for the next event in October to see if they would be interested in attending
SEPT 2014	WBG meets with Commissioner Armstead request is made to print additional 200 of event flyer so her SMD can be notified for the future events.
SEPT 2014	WBG works with community members who attended Career Fair about help 're-tool' resumes
OCT 2014	WBG attends ANC Monthly Community Meeting
OCT 2014	WBG has been meeting with commercial tenants on a regular basis since Dec 2013 – explaining the project, where the tenant fits in, and to gain a understanding from them if they would want to move into the new space.
OCT 2014	WBG hosts 2 nd Career Fair – close 100 people attend. WBG takes the opportunity to explain the Wheeler Renaissance project. Explains the positive impact to the Community.
OCT 2014	WBG finishes up 4 resumes / cover letters from the career fair and has been asked to help with writing a set of KSA's helping a resident go from a part-time federal job to full time with submission of application. WBG is asked by 4 residents if they could be used as an employment reference
OCT 2014	WBG continues efforts in 're-tooling' resumes WBG is asked by resident to help in writing KSA's for DC Housing Positions. WBG meets with candidate to go over how responses should be written. 1st pass completed and sent to candidate for input prior to finishing up the responses
OCT 2014	WBG in conjunction with Commissioner Armstead arranges for another Community presentation for the Wheeler Renaissance
OCT 24 2014	Per request of Zoning Commission – WBG reaches out by email to entire ANC Commission in order to set up a meeting to review / answer any further reservations the Community has regarding the project.
OCT 28 2014	WBG makes arrangement to have the OIC out at the next Community Career Fair on November 19 th to overview some new training programs and potentially accept applications for the programs.

DATE	EVENT
OCT 31 2014	WBG receives a text message for Chairman Mohammad about setting up a meeting Nov 1 st at 12 – at the RISE Community Center.
NOV 1 2014	WBG held a Wheeler Renaissance Community Presentation @ Wheeler Road location from 12-4pm Handed out community overview flyers
NOV 3 2014	WBG Attorney attends meeting with Chairman Mohammad
NOV 3 2014	WBG representative attends monthly ANC meeting - WBG or Wheeler Renaissance was not mentioned or discussed by Chairman Mohammad or the ANC
NOV 6 2014	WBG reaches out to DC Water Works – Satellite Job Center – to be put on the list of receiving current job opportunities – to try and match up some of the resumes with job openings
NOV 2014	WBG meets with ANC and Marion Barry representative Charles Lindsay
NOV 2014	WBG meets with SMD Commissioner, revising WBG's CBA from 4 to 5 years and increasing monetary contribution 35% in value
NOV 2014	WBG continues resume development program
DEC 2014	WBG meets with ANC, presents revised CBA for discussion, no discussion of CBA permitted by Anthony Muhammad
DEC 2014	WBG received donation request for help in sponsoring homeless Christmas Dinner located in ANC 8E and provided monetary donation to nonprofit Builders of Hope DC
DEC 15 & 23 2014	Donated use of Johnny's sub store front to ME2 mentoring and development group, which promotes youth development
DEC 30 2014	Donated use of Johnny's sub store to SMD Armstead to hold a meeting with the Community and DC Housing Authority
JAN 9 2015	Submitted RFP response to Greenbuild for a \$10,000 grant to enable building a play area in a low-income neighborhood in coordination with SMD Armstead