



**BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please go to [www.dcoz.dc.gov](http://www.dcoz.dc.gov) > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

**PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.**

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	(Joint) Neighbors for a Livable Community /// Spring Valley-Wesley Heights Citizens Association		
Address:	3700 University Avenue NW		
Phone No(s):	(202) 669-1500	E Mail:	dennis.paul@verizon.net & w_krebs@msn.com
I hereby request to appear and participate as a party in Case No.:	Z.C. Case No. 22-13		
Signature:	<i>Seamus Paul</i> S/William F. Krebs	Date:	05/27/2022
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

Name:			
Address:			
Phone No(s):		E Mail:	

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for:

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1.	How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2.	What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3.	What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4.	What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5.	Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6.	Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

**Party Status Application – Jointly Offered By  
Neighbors For A Livable Community (NLC) and  
Spring Valley – Wesley Heights Citizens Association (SVWHCA)  
Z.C. Case No. 22-13 – Wesley Theological Seminary Campus Plan**

1. Witnesses – the following witnesses may testify:

- Dennis Paul
- Alma Gates
- William Krebs
- Blaine Carter
- Thomas M. Smith

2. Summary of Testimony

Neighbors for a Livable Community (NLC) and the Spring Valley – Wesley Heights Citizens Association (SVWHCA) share common concerns in this case, so are submitting a joint Party Status Request for Z.C. Case No. 22-13.

- The issue before the Zoning Commission is the following: Can the Wesley Theological Seminary (WTS) campus property be used for a 659-bed student apartment building to be built, owned, and managed by a national commercial developer of student apartment buildings to house students – the vast majority of whom are not enrolled or attending classes at WTS? NLC and SVWHCA believe this is not permitted under the current campus plan zoning regulations;
- The 2022 Wesley Theological Seminary (WTS) Campus Plan (Z.C. Case No. 22-13) is a historic, precedent-setting case. Although NLC and SVWHCA have always been supportive of efforts to enhance the financial viability of the WTS at its Spring Valley location, the 2022 Campus Plan proposes commercial uses of the campus that conflict with the DC Zoning Regulations (Subtitle X, Section 101.3(a) and 101.4). How the Commission resolves this case will impact all universities operating in D.C. as well as the neighborhoods that surround those universities;
- The WTS Campus Plan proposes to intensify the use of its campus by constructing a new 659-bed on-campus commercial apartment building to benefit and house students of an educational institution other than WTS (e.g. American University) through a ground lease with Landmark Properties, a commercial developer of off-campus student apartment buildings, which entered into a joint venture with Blackstone Real Estate Investment Trust (Blackstone REIT) in 2021. (Blackstone REIT is a publicly registered non-traded REIT sponsored by private equity giant The Blackstone Group – NYSE:BX.) Landmark will own, operate, and manage the building. WTS’s plan to house hundreds of AU students on its campus does not advance WTS’s stated educational mission “to equip persons for

Christian ministry and leadership in the church and the world, to advance theological scholarship, and to model a prophetic voice in the public square;”

- DC Zoning Regulations on campus planning require an on-campus commercial usage to have a “demonstrated and necessary relationship between the use and the university functions” and that the campus plan “not serve as a process to create general commercial activities or developments unrelated to the education mission of the applicant.” Wesley’s Campus Plan does not meet this standard;
- Although the D.C. Zoning Commission approved modifications to allow WTS to house a decidedly limited number of non-Wesley students in its student dorms (with support at the time from NLC and SVWHCA), the Zoning Commission stressed that the “modifications are minor in scope, limited in duration.” (Z.C. Order No. 05-40B) The proposal now before the Commission to house at least 500 non-Wesley students in an on-campus student apartment owned and operated by a commercial developer of student housing as part of a 99-year ground lease is neither “minor in scope” nor “limited in duration;”
- NLC and SVWHCA will also testify that the WTS Campus Plan proposes to build more on-campus housing despite the fact that WTS is unable to fill existing housing with its own students;
- The proposed plan for the new 659-student apartment building – housing students from 17 years old (AU freshmen) to 23+ (Wesley Masters’ level) – will alter the character of the WTS campus, which was established in 1958 at its current location in Spring Valley to meet the needs of students enrolled in graduate-level divinity programs (and their immediate families); will expand the uses of the campus to include housing for hundreds of non-WTS students; and will increase the intensity of use of the campus. The size and scale of the building has not been determined on the basis of fulfilling the mission of WTS or the educational needs of WTS students, but rather to ensure profits for Landmark and an enhanced revenue stream for WTS generated by students enrolled at another institution;
- WTS does not need to build the new housing for its students as its enrollment continues to decline and the number of students needing housing has led to a significant number of vacant beds in WTS’s existing housing facilities, including a new student residence building built in 2014. WTS’s own numbers suggest that, since 2017, less than half of its current 172-bed-capacity student housing on campus has been occupied by WTS students;
- The proposed location and use of the new student apartment residence building on the WTS Campus for students of American University (AU) is likely to become objectionable for neighboring property because of the number of students, including AU undergraduate students; and

- The proposed location and use of a new student apartment residence building is likely to become objectionable due to additional neighborhood traffic and public safety impacts stemming from the increased intensity of use of the WTS campus for purposes not germane to the mission of WTS. WTS's proposed traffic circulation plan may prove hazardous for pedestrians, bicyclists, and operators of motor vehicles.
3. No expert witnesses are anticipated to testify.
  4. Time requested: Approximately 20-30 minutes.

### **Party Status Criteria**

#### **1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?**

The Wesley Theological Seminary (WTS) Campus Plan, an educational institution located in Spring Valley offering Masters and Doctorate degrees for seminary students, will have a direct impact on Spring Valley residents. Neighbors for a Livable Community (NLC) was established precisely for the purpose of assessing the impact of the campus planning process and campus plans on neighborhoods, including the Spring Valley neighborhood surrounding Wesley Seminary. The uses of new facilities proposed as part of the campus plan are located so they are likely to become objectionable to Spring Valley residents because of traffic, the number of students, and other conditions, including the size and scale of the new facilities being proposed, and environmental impacts. Moreover, the Campus Plan proposes a commercial enterprise unrelated to the mission of the Seminary resulting in an intensification of campus uses that may be incompatible immediately adjacent to a low density residential neighborhood without additional mitigation. If approved, the project will set a precedent affecting neighborhoods where all colleges and universities in the city are located—a matter of particular relevance to the mission of the NLC.

NLC also has been an active player in formal liaison meetings/groups with the Seminary for multiple decades and is a regular participant in the Community Liaison Committee (CLC) established in Z.C. Order No. 05-40 as part of the 2006 WTS Campus Plan.

The Spring Valley-Wesley Heights Citizens Association (SVWHCA) was established as a neighborhood association in 1952 and incorporated in the District of Columbia with the Corporations Division of the DC Department of Consumer and Regulatory Affairs (DCRA). The SVWHCA represents residents of Spring Valley, including those who own properties adjacent to the borders of Wesley Theological Seminary. Members of the SVWHCA also will be directly affected by any adverse impacts of the proposed Campus Plan with respect to vehicular traffic, parking, noise, elevation, environmental, and other impacts. SVWHCA has been recognized as a party in many zoning cases impacting the Spring Valley and Wesley Heights neighborhoods, including all previous Wesley Theological Seminary and AU Campus Plan cases. The Association has continued throughout the years to be involved in a wide range of land use issues

as advocates for neighborhood interests, including historic designation, campus planning, and other zoning issues.

## **2. What legal interest does the person have in the property?**

Neighbors for a Livable Community (NLC), a D.C. non-profit corporation registered with the DC Department of Consumer and Regulatory Affairs (DCRA), was established in 1987 by concerned neighbors of American University (AU) and Wesley Theological Seminary to protect the quiet, long-established neighborhoods surrounding the two institutions, including Spring Valley, American University Park, Fort Gaines, the Palisades, and Wesley Heights. As specified in its Articles of Incorporation, NLC is organized and operated for the promotion of social welfare, particularly (a) to promote the planning and use of the campuses of American University and Wesley Theological Seminary and other campuses within the District of Columbia to be consistent with the stability and serenity of the neighboring residences and residential communities in which they are located; and to promote and preserve the campus of the Wesley Theological Seminary in such a manner that the Seminary is able to serve its function and fulfill its educational mission in a manner which is consistent with the residential communities that surround it in recognition that the campus is located in a residentially zoned area and that it uses land subject to a special exception. NLC has been actively involved in zoning issues in the community, including the Wesley Theological Seminary and AU campus planning process, for decades. The NLC was granted party status for the 1990 AU Campus Plan, the 2001 Campus Plan, the 2012 Campus Plan, and the 2021 Campus Plan proceedings and has participated in numerous zoning cases involving the Wesley Theological Seminary. The organization also participated in zoning cases involving Sibley Hospital expansion.

The NLC's purpose is to provide a broad perspective relating to community concerns regarding objectionable impacts resulting from development and growth in the neighborhoods within the vicinity of universities, non-profit institutions, and commercial properties. The precedent-setting nature of this case is consistent with NLC's mission to focus on campus planning for universities across the city.

The Board of Directors of the NLC met on April 2, 2022 to discuss the Wesley Theological Seminary Campus Plan, as submitted to the Zoning Commission, and voted unanimously to file for party status in opposition to the Plan. With a quorum present at all time, the Board voted unanimously to approve the following motion:

*“The Board of Directors authorizes the filing of a party status application in Z.C. Case No. 22-13, the Wesley Theological Seminary Campus Plan, in opposition on the basis that the plan proposes the use of Wesley property for a commercial use – of which the type and scale – is specifically prohibited by the zoning regulations (Subtitle X, Section 101.3 (a), Section 101.4); conditions in the proposed Plan could lead to opening both pedestrian and vehicular access between AU and Wesley; is likely to create public safety issues tied to transportation flow through the property; exacerbate existing stormwater management issues in the neighborhood; and include the construction of new facilities the size and scale of which are likely to become objectionable to neighboring property.”*

This action was taken consistent with Article IV, Section 4.01 of the NLC Bylaws which states the following:

*“The business and affairs of the Corporation shall be managed under the direction of the Board of Directors. The Board of Directors shall possess, and may exercise, any and all powers granted to the Corporation under the District of Columbia Nonprofit Corporation Act and its Articles of Incorporation.”*

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Established as a neighborhood association in 1952 and incorporated in the District of Columbia with the Corporations Division of the DC Department of Consumer and Regulatory Affairs (DCRA), SVWHCA has continued throughout the years to be involved in a wide range of land use issues as advocates for neighborhood interests, including historic designation, campus planning, and other zoning issues. The association has been an active player in formal liaison meetings/groups with the Seminary over several decades and is a regular participant in the Community Liaison Committee (CLC) established in Z.C. Order No. 05-40 in 2006.

The Board of Directors of the Spring Valley-Wesley Heights Citizens Association voted unanimously on May 26, 2022 to approve a motion to authorize participation in this case as a party in opposition to the 2022 Wesley Theological Seminary Campus Plan (Z.C. Case No. 22-13) and to seek joint party status with Neighbors for a Livable Community (NLC) given that the SVWHCA shares common concerns with NLC in Z.C. Case No. 22-13. The Board is authorized under Article III, Section 3 of its Articles on Incorporation to act on business of the Association when the Association is not in session. Article III, Section 3 reads as follows:

*“It (the Board) shall be authorized to act upon all business of the Association when the Association is not in session and upon urgent matters requiring action prior to any meeting of the Association.”*

The motion approved unanimously by the Board on May 26, 2022 reads as follows:

*“The Board of Directors of the Spring Valley – Wesley Heights Citizens Association authorizes the filing of a party status application in Case No. 22 – 13, the Wesley Theological Seminary Campus Plan, in opposition, on the basis that the plan proposes to use the Wesley property for commercial use- of which the type and scale -is specifically prohibited by the zoning regulations (Subtitle X, Section 101.3 (a), 101.4); conditions in the proposed plan could lead to opening both pedestrian and vehicle access between AU and Wesley; is likely to create public safety issues tied to transportation flow through the property; and exacerbate existing stormwater management issues in the neighborhood and include the construction of new facilities the size and scale of which are likely to be objectionable to the neighboring property. The Board consents to the Association filing and proceeding in this matter jointly with Neighbors for a Livable Community.”*

**3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board?**

The Wesley Theological Seminary property that is the subject of this case is immediately adjacent and borders homes less than 50 feet from the Seminary's property's line. Residents along University Avenue will be particularly impacted because of the proposed new construction along University Avenue. However, the Campus Plan will have impacts on multiple neighborhoods, including residents throughout Spring Valley and American University Park; moreover, traffic and public safety impacts may be experienced by an even wider range of neighborhoods.

**4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?**

If the 2022 WTS Campus Plan is approved in its proposed form, the existing character of the surrounding neighborhoods will deteriorate due to objectionable conditions, including traffic and public safety risks, the visual impact of the proposed structures, increased intensity of use of the WTS campus, and the switch from a graduate community of students to a predominately undergraduate community.

Moreover, stormwater management is a major issue in the area and WTS has not proposed a plan to mitigate the impacts of stormwater flow into the neighborhood which impacts all of Spring Valley, including a neighborhood park recently restored by the DC Department of Parks and Recreation (DPR); but it impacts the neighboring homes most harshly.

Because the plan proposes to commercialize the land use of the campus, the case will serve as a precedent affecting universities across the city and the neighborhoods that surround them.

**5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the commission/Board is approved or denied.**

Approval of the WTS Campus Plan will allow a profit-making company to utilize residentially zoned land owned by an educational institution to develop and operate a commercial student housing facility that will be marketed and occupied by students who are not affiliated with WTS and do not fit the profile of the students attending WTS. The sole purpose of the project is for WTS to create a stream of revenue through a ground-lease arrangement that is targeted to students from an educational institution other than WTS; who will not attend AU classes at WTS; and who do not share the mission of the WTS. New housing proposed in this plan is not needed by WTS as WTS has been unable since 2014 to fill available beds on campus as its enrollment continues to decline steadily. The only reason the new facility might be used by WTS students at all is because the WTS Campus Plan proposes demolishing existing housing facilities rather than following through with renovations that it planned dating back to 2012. The overwhelming majority of students using the new student apartment housing at WTS, which

only offers Masters and Doctorate degrees, will be non-WTS undergraduate students enrolled at American University, a neighboring institution.

The zoning regulations clearly state that there “shall be a demonstrated and necessary relationship between the use and the university functions” (Subtitle X, Section 101.3(a)). Moreover, the regulations state that the campus planning process “shall not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant” (Subtitle X, Section 101.4). Approval of the plan, as presented, would have serious impacts for all neighborhoods in the District of Columbia that border university campuses. So, the outcome of this proceeding will be important – not just for residents of Spring Valley and the other neighbors of WTS – but for residents citywide.

**6. Explain how the person’s interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.**

The NLC’s purpose is to provide a broad perspective relating to community concerns regarding objectionable impacts resulting from development and growth in the neighborhoods within the vicinity of universities, non-profit institutions, and commercial properties. The precedent-setting nature of this case is consistent with NLC’s mission to focus on campus planning for universities across the city.

NLC was formed initially to advance the collective interests of WTS’s neighbors. It has done so for decades and has been recognized as a valued participant in the campus planning process. NLC is able to advance and support the broader issues that affect the entire residential community in which the WTS is located. The NLC plays a distinctive and unique role that facilitates a more meaningful assessment of the campus plan “as a whole” and to apply lessons learned from other campus plan proceedings.

Given the close proximity of the residents of the SVWHCA to the border of the Wesley Theological Seminary campus, the SVWHCA includes many individual homeowners who will be more personally affected than will the general public.

NLC and SVWHCA have been actively involved in WTS and AU’s campus planning process for decades and have participated in WTS’ Neighborhood Liaison Committee (NLC) meetings, Community Liaison Meetings (CLC), and other interactions between WTS and neighboring communities for more than thirty years. During the campus plan process of 1990, the NLC proposed guidelines to the Board of Zoning Adjustment (BZA) relating to Campus Plans. NLC and SVWHCA have testified before the BZA and the Zoning Commission regularly on campus plan issues and even suggested revisions for the 2016 zoning regulations that were adopted by the Commission. NLC and SVWHCA also have been parties in multiple campus plan and other zoning proceedings over the years.



## Certificate of Service

We hereby certify that on May 27, 2022 copies of the attached were delivered via e-mail to the following:

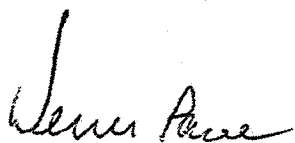
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