

November 3, 2022

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street NW, 2nd Floor
Washington, D.C. 20001

RE: Zoning Commission Case No. 22-13 – Wesley Theological Seminary (WTS) Campus Plan: Neighbors for a Livable Community (NLC) – Spring Valley-Wesley Heights Citizens Association (SVWHCA) Reply To WTS October 27th Filing

Dear Chairman Hood and Members of the Commission:

On October 13, 2022, the Zoning Commission directed Wesley Theological Seminary (WTS) in the above referenced case to outline how its 2022-2032 Campus Plan application could “meet the requirements” of *Subtitle X, Section 101.4* which states:

“The Campus Plan process shall not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant.”

In its October 27 response to the Commission, Wesley acknowledged the concerns expressed by the Commission that Wesley’s proposal to enter into a ground lease with Landmark Properties, a commercial developer of luxury student apartment buildings, to build a 659-bed apartment building on the Wesley campus primarily to house American University (AU) students is **not** in compliance with *Subtitle X, Section 101.4*. Wesley has asked the Commission to table any decision in this case in order to submit an amended application for a campus-wide Planned Unit Development (PUD). With its October 27 filing, Wesley now appears to recognize that its proposal for an AU student apartment building on its campus does **not** comply with the existing campus plan zoning regulations.

- Neighbors for a Livable Community (NLC) and the Spring Valley-Wesley Heights Citizens Association (SVWHCA), working together as a joint party in this case, do not object to Wesley’s request to table a decision in this case.
- Although Wesley is proposing to “amend” its campus plan proposal, the PUD application, as briefly outlined by Wesley in its October 27 filing, is, in effect, a new application. Consequently, Wesley should be directed by the Commission to adhere to all the public notice and review obligations for a PUD application, including providing 45-day public notice of its intent to file the amended application with the Commission and engaging on the new proposal with neighbors, both ANCs 3D and 3E, and the appropriate DC government agencies, including the Office of Planning (OP), the Department of Energy and Environment (DOEE), and the Department of Housing and Community Development (DHCD).

Throughout this proceeding, NLC and SVWHCA have focused solely on compliance with the current zoning regulations; and this focus will continue to guide our review of its amended application. Our support for Wesley’s October 27 request to the Commission should not be viewed as support for an

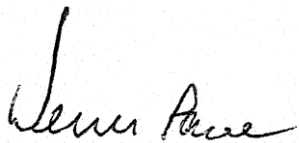
amended application that we have not yet had an opportunity to examine. As the record in this case demonstrates, Wesley and Landmark are seeking to use Wesley's proximity to AU to ask the Commission to tip the scales in favor of Landmark, whose objective in making this deal is to exploit AU's market for on-campus student housing. Despite Wesley's assertion of its "sister institution" relationship with AU, AU administrators are **not** cooperating with Landmark and Wesley on the proposal and have refused even to discuss the Landmark-Wesley proposal (and its related consequences), according to the record in this case. The fundamental issues in this case do not change by dressing up the same Landmark-Wesley deal with a different label; it seems highly questionable that such an amended application can meet the requirements of *Subtitle X, Chapter 3* for Planned Unit Developments.

The Seminary has been our neighbor in Spring Valley for 63 years. That is not the "century or more" that Commissioner Robert Miller referenced during deliberations, but it is still a long time. And contrary to the assertion by Wesley in the applicant's October 27 filing, NLC and SVWHCA have **never** opposed any initiative put forward by Wesley over the last 63 years intended to increase its revenue and sustain its operations at its current site. That includes a plan approved by the Commission in 2006 that authorized Wesley to sell three lots on its campus for private development (*Z.C. Order No. 05-40*), a plan that Wesley abandoned only six years later.

But, NLC and SVWHCA could not support the latest proposal put forward by Wesley that would commercialize its property by offering student housing targeted overwhelmingly to students from an institution other than Wesley. The proposal was described by Wesley officials as "unusual" and a "little bit different" (*Transcript of June 13, 2022 hearing, Pages 204-205*), and by Commissioner Peter May during Commission deliberations on October 13, 2022, as "an end around" the zoning regulations. According to the record in this case, Wesley noted "the reason for this development is not for Wesley to survive" (*Exhibit 3, Page 7*). **Wesley offered only a marketing slogan – "Thrive In Place" – to justify its "unusual" and "different" proposal; but Wesley offered no financial information as part of the case record to document its case.**

As Chairman Hood said during the October 13 deliberations in this case, the public interest is served when the Commission follows its regulations and we commend Chairman Hood's commitment to "proceed with caution" in this case. We look forward to reviewing Wesley's new "amended" application. Thank you for the opportunity to respond.

Sincerely,



Dennis Paul, President
Neighbors for a Livable Community

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Certificate Of Service

We hereby certify that on November 3, 2022, this was delivered via electronic mail to the following:

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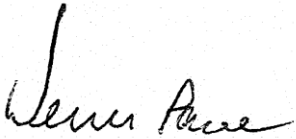
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