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June 10, 2025

BY IZIS

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: Applicant's Opposition to NLC/SVWHCA Motions
Zoning Commission Case No. 23-08(1)
Application of The Wesley Theological Seminary of the United Methodist Church
for a Campus Plan (2025-2035)
4500 Massachusetts Avenue, N.W.
Square 1600, Lots 6 (818 and 819), 7, 8 and 9.

Dear Chairman Hood and Members of the Commission:

The Wesley Theological Seminary ("Wesley") respectfully submits this opposition to NLC/SVWHCA's Motion to Reopen Record and the underlying Motions to continue the public hearing.

The eleventh-hour Motions of NLC/SVWHCA are untimely, disrespectful of the Commission and its Rules, fails to demonstrate any "good cause", and is intended to unnecessarily delay these proceedings to the extreme prejudice of Wesley.

At the conclusion of the May 12, 2025, public hearing, the Commission closed the record except for a schedule of specific permitted filings by Wesley and the other parties to allow the Commission to take Final Action on June 12, 2025. The NLC/SVWHCA could have filed its Motions at any time immediately following the public hearing, but instead waited until June 6 less than a week before the Commission was scheduled to take Final Action with the clear intent to disrupt the orderly conclusion of these proceedings.

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The NLC/SVWHCA Motion fails to comply with the Commission's Rules. Subtitle Z, Sec. 602.6 clearly provides:

Any supplemental material received by the Commission after the close of the record that bears upon the substance of the application or petition shall be returned by the Director and not accepted into the files of the Commission. **However, if the materials are accompanied by a separate request to re-open the record,** the request shall be accepted and presented to the Commission for consideration. **The request must demonstrate good cause and the lack of prejudice to any party.** Such requests may be granted by the presiding officer and, if granted, the supplemental materials shall be entered into the record. (Emphasis added).

Preliminarily, NLC/SVWHCA has not filed the required "separate request", but has instead improperly submitted its request attaching its two specific Motions. (Exhibit 108). NLC/SVWHCA's violation of the rules has undermined the Commission's limited scope for reviewing the motion to reopen the records which has prejudiced Wesley and the other parties.

The NLC/SVWHCA Motion fails to demonstrate any "good cause" to reopen the record and hold further proceedings. Beyond delay and harm to Wesley, NLC/SVWHCA seeks to relitigate a case that has been ongoing since the original Campus Plan (ZC 22-13) in 2022 and the subject of lengthy public hearings on June 13, 2022, September 11, 2023, October 2, 2023 and May 12, 2025.

For more than three years, NLC has had actual knowledge of the applicable Comprehensive Transportation Review ("CTR") (ZC 22-13, Ex. 15A1-3; ZC 23-08, Ex. 24A to Applicant's Consolidated Supplemental Pre-Hearing Submission; ZC 23-08(1), Ex. 26) and the numerous updated filings by the Applicant (Ex. 20A, 80, 96) and by DDOT (Ex. 19, 86). At the June 13, 2022 public hearing, Mr. Zeid, Wesley's transportation expert, testified about the CTR and was subject to questions from the Commission and cross-examination by NLC/SVWHCA. At the same hearing, DDOT testified and was subject to cross-examination. At the September 11, 2023 consolidated public hearing on the current Campus Plan and the subsequently withdrawn PUD, Mr. Zeid again testified about the CTR and was subject to cross-examination. Mr. Zimmerman from DDOT also testified and was subject to cross-examination. DDOT did not testify at the May 12, 2025 public hearing, but had submitted a Supplemental Report (Ex. 86) which confirmed the CTR, its previous reports and testimony, but requested the Applicant simply change the location of the scooter corral and provide three bike racks for the neighborhood playground. Wesley agreed to the requested changes and incorporated them into its hearing presentation. (Ex. 96)

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Under the approved text amendment establishing Subtitle C, Sec. 1006.10 below, the Commission properly deferred Inclusionary Zoning issues to further processing.

Notwithstanding the foregoing, and for good cause shown, the Zoning Commission shall have broad discretion to determine that the off-site IZ requirement described in this provision can be satisfied by alternative means, including increasing the set-aside requirements described herein and/or by requiring Wesley to make a financial contribution, deemed sufficient by the Zoning Commission, to an organization(s) that will facilitate the construction of new affordable housing reserved for households at or below 60% of median family income for rental units or at or below 80% of median family income for ownership units exclusively in Ward 3, **provided that such alternative means is stated as an enforceable condition to the 2022- 2035 Campus Plan further processing to construct university housing on Wesley's campus.** (Emphasis added).

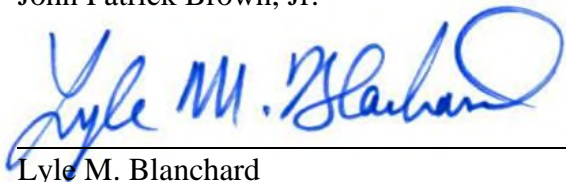
Finally, Wesley in its rebuttal (Ex. 104) accepted and provided minor edits to the revisions to the Draft Conditions requested by ANC 3E. The original Draft Conditions were in the record prior to the public hearing (Ex. 82). NLC/SVWHCA was entitled to respond to the revised and redlined Draft Conditions in its rebuttal, but chose not to provide any comments or objections.

Thank you for your consideration of this information, denial of the NLC/SVWHCA Motions and taking Final Action as scheduled on June 12, 2025.

Very truly yours,
GREENSTEIN DELORME & LUCHS, P.C.



John Patrick Brown, Jr.



Lyle M. Blanchard

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2025, the foregoing Applicant's Opposition to NLC/SVWHCA Motions was delivered via electronic mail to the following:

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