

NEIGHBORS FOR A LIVABLE COMMUNITY

Spring Valley – Wesley Heights Citizens Association

December 15, 2025

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

RE: Zoning Commission Case No. 23-08A – Wesley Theological Seminary Campus Plan Further Processing, New University Housing: Reply to Applicant’s Post Hearing Submission

Dear Chairman Hood and Members of the Commission:

Neighbors for a Livable Community (NLC) and the Spring Valley-Wesley Heights Citizens Association (SVWHCA), a joint party in the above-referenced case, appreciate this opportunity to reply to Wesley Theological Seminary’s December 8, 2025, post hearing submission. Wesley’s submission included both rebuttal and additional information on its Inclusionary Zoning (IZ) proposal.

Enhanced Security Plan

At its November 24, 2025, public hearing in this case, the Zoning Commission encouraged Wesley and the parties to continue discussions about Wesley’s proposed security plan. As a result of continuing discussions between Wesley and NLC-SVWHCA on the security plan, we are pleased to report that Wesley has agreed to enhance its proposed security plan. NLC-SVWHCA strongly supports this enhanced security plan now proposed by Wesley.

As Wesley reported in its December 8 post hearing filing, as a result of a productive meeting on December 3, 2025, and long-standing discussions, Wesley and NLC-SVWHCA entered into a December 5, 2025, Campus Plan Security agreement. Wesley has requested that the Commission incorporate the enhanced Campus Security Plan as a condition to its approval of this application and NLC-SVWHCA supports that request. The plan includes three significant enhancements to the current Campus Security Plan:

- The addition of a 6-foot-high black metal ornamental security fence with pedestrian gates at the playground and University Avenue driveway. As Wesley noted in its filing, the security fence will provide additional safeguards for the campus from potential external and internal threats with minimal visibility and without impacting the use and enjoyment of the neighborhood

playground or the Green Open Space. The fence would be similar in design, height and purpose to the existing American University (AU) fence along University Avenue.

- The addition of a security camera for the neighborhood playground.
- After the occupancy of the new university housing, Wesley has agreed to conduct an Annual Campus Security Review Meeting with the community to include representatives of at least ANC 3D, ANC 3E, NLC-SVWHCA, SVNA, the Community Liaison Committee (CLC), and other neighbors.

If the Commission approves Wesley's Further Processing application, NLC-SVWHCA encourages the Commission to accept Wesley's enhanced security plan and include it as a condition of approval along with the construction management plan that Wesley also negotiated with the neighborhood in this case.

Other Objections

NLC-SVWHCA notes that Wesley's December 8 post hearing filing does not rebut other objections raised by NLC-SVWHCA at the November 24 hearing. Specifically, the post hearing filing does not address objections that (1) the application does not comply with *Subtitle X, Section 101.4* because the proposed project (e.g. housing American University students on Wesley's campus) is "unrelated to the educational mission of the applicant;" and (2) the application does not comply with *Subtitle X, Section 101.2* because the project is likely to create objectional conditions for neighboring property due to the number of students and noise.

Inclusionary Zoning

The Commission may find it helpful to consider Wesley's latest IZ proposal in this case with some historic context. When Wesley first proposed this project to the Commission in 2022, NLC-SVWHCA pointed out that Wesley was required to meet IZ obligations, as outlined in the Zoning Regulations. Wesley said initially that the IZ rules did not apply in this case; but the Commission concurred that the project was subject to IZ obligations. NLC-SVWHCA claimed no special expertise in IZ at the time; but we were able to read the rules.

After withdrawing its application, Wesley then applied for a PUD and promoted a student IZ program as a public amenity. The case record indicates that the District Department of Housing and Community Development (DHCD) agreed to work with Wesley on the student IZ initiative. Subsequently, Wesley withdrew the student IZ proposal and then proposed working with LISC on a new off-site IZ initiative. This plan was withdrawn by Wesley just last month in favor of a new proposal involving DHCD.

At the November 24 public hearing, the Commission asked Wesley and ANC 3E to submit post hearing filings to "show their math" with a goal of adding clarity to Wesley's Inclusionary Zoning (IZ) proposal. The post hearing filings on IZ in this case seem to raise more questions than provide answers. Wesley proposes to raise its IZ contribution from \$8 million to \$10 million, according to its latest plan, which Wesley claims represents a 13.7 percent level of IZ. Wesley's filing indicates that its IZ proposal is based on "net" square footage, but Wesley does not show how it calculated the net square footage.

An alternative analysis from ANC 3E's expert witness cites statute to state that IZ should be based on gross square footage, and that the \$10 million contribution would represent a 10 percent IZ contribution, the bare minimum under the IZ rules.

In its post hearing filing, Wesley states the \$10 million figure is "a lot of money, especially for Wesley which has a current fiscal year budget of only \$15 million." This statement is troubling because it ignores the incredible and extraordinary relief that has been granted by the Commission in this case that will result in a financial windfall for Landmark Properties and, perhaps, also to Wesley. Still, it is unclear who is writing the IZ check with Landmark indicating that it will be covered as part of project costs. Landmark is building the new building; will own the new building; manage the building; and reap the revenue from the building.

Landmark Properties will gain access for the next 99 years to the AU student market as a consequence of this project without having to absorb the cost of purchasing land in one of the most expensive neighborhoods in the city. By relating the IZ contribution solely to its operating budget, Wesley downplays and obscures the significant role played by Landmark in this project. This is why NLC-SVWHCA encouraged the Commission to consider Landmark a co-applicant in this case.

The Commission's decision on IZ should not be based on the size of Wesley's budget; but focused on the enormous windfall that will result from the extraordinary relief that has been granted to Wesley from which Landmark will benefit.

Although NLC-SVWHCA does not claim expertise in IZ or affordable housing policy, several groups with such expertise have testified in this case, including the Committee of 100; the Washington Interfaith Network; Ward 3 Housing Justice; and the NW Opportunity Partners Community Development Corporation. The Commission may want to consider inviting these affordable housing advocates who submitted testimony in this case to comment on the post hearing filings. In this way, the Commission could further tap into these advocates' experiences and expertise on IZ and affordable housing policy in the District of Columbia.

Our position throughout this case has been that Wesley and Landmark should make an IZ contribution commensurate with the extraordinary relief it has received. Our position is unchanged.

In its post hearing filing, Wesley also noted that its new IZ proposal was put together hastily after learning on November 7 from the District Department of Housing and Community Development (DHCD) of its interest in establishing a new Rock Creek West Affordable Housing Fund. DHCD's plan has given rise to concerns that another text amendment may be required to implement the plan.

By approving Wesley's IZ plan, the Zoning Commission would be taking the unusual step of establishing a new affordable housing program in the District (e.g. the Rock Creek West Affordable Housing Fund) and then approving and managing funding for that program. The unique role envisioned for the ZC as part of this plan is further demonstrated by DHCD's plan to provide the Commission with annual reports on the Fund's operations.

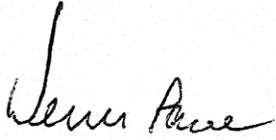
This puts the Commission in an unprecedented oversight role of this Fund, which may or may not be limited to the IZ contribution made by Wesley/Landmark in this case. This seems as if the

Commission may be venturing into a policy making and oversight role usually reserved for the DC Council. We trust that the Commission will move cautiously in this regard and seek advice from the appropriate legal officers within the District government before taking final action in this case.

We appreciate the time that the Commission has taken over the last four years to consider and review what has been a difficult and precedent-setting case.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Paul".

Dennis Paul, President
Neighbors for A Livable Community

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Certificate of Service

We hereby certify that on December 15, 2025, copies of the attached were delivered via e-mail to the following:

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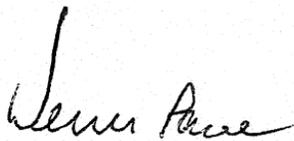
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