



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



FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 24-09

I, NLC-SVWHCA hereby request the following relief:

- ☐ Accept an untimely filing of _____
☐ To reopen the record to accept Keep the record open for a period of no less than 30 days after hearing.

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

Reopen the Record: Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions). No substantive information is to be included on this form.

(See attached)

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. [D.C. Official Code § 22-2405]

Date:	11/17/2024	Signature:	
Name:	Dennis Paul-NLC/William F. Krebs - SVWHCA		
Address:	3700 University Avenue NW		
Phone No(s):	(202) 669-1500/(202) 368-1815	E-Mail:	NLC.washdc@gmail.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM ~~WILL NOT BE ACCEPTED~~

District of Columbia

CASE NO.24-09

EXHIBIT NO.43

**NEIGHBORS FOR A LIVABLE
COMMUNITY**
Washington, D.C.

**SPRING VALLEY – WESLEY HEIGHTS
CITIZENS ASSOCIATION
WASHINGTON, D.C.**

November 17, 2024

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. 24-09: Request To Keep The Record Open

Dear Chairman Hood and Members of the Commission:

Neighbors for a Livable Community (NLC) and the Spring Valley-Wesley Heights Citizens Association (SVWHCA) submit this letter requesting that the record in the above referenced case be kept open for a period of 30 days following the November 18, 2024 hearing for a period of 30 days. This will enable interested parties and members of the public to comment on new proposals submitted by Wesley Theological Seminary and the Office of Planning (OP) in this case at the 11th hour and other materials and arguments not provided by Wesley as part of its application in this case.

The Zoning Regulations outline application procedures and public notice requirements that are intended to facilitate public engagement and ensure a fair and transparent process. Filings made by Wesley in this case over the last two weeks have significantly disrupted the public's ability to fully engage in this case. Over the last two weeks, Wesley has revised the language of both proposed text amendments; misled the public about the reasoning behind those changes; and has indicated plans to present an argument to advance its case that, in effect, represents a brand new application.

Even ANC 3E noted in its report filed on November 8, 2024, that Wesley's *"last minute switch and late filing have impacted ANC 3E's ability to address Landmark and Wesley's proposal."* (Exhibit 25)

This is particularly significant because Wesley has stressed it has been working closely with ANC 3E since it filed its application in this case. Wesley has not communicated or worked directly in this case with NCL or SVWHCA, which have been active before the Commission in

this Campus Plan case, since that initial Campus Plan application was filed on March 17, 2022 (*Z.C. Case No. 22-13*).

NLC and SVWHCA ask the Commission to consider the timeline for recent filings in this case:

November 4, 2024 (two weeks before an already delayed hearing): Wesley submits a pre-hearing statement (*Exhibit 21*) that includes an alternative IZ text amendment which it suggests is the result of a consensus with ANC 3E and the OP and asks that it be considered for emergency action.

November 6, 2024: Wesley submits a pre-hearing statement supplement (*Exhibit 22*) with a change in the Campus Plan text amendment indicating it was revised at the request of ANC 3E. Then, on November 15, 2024, Wesley submits a power point presentation (*Exhibit 36*) for the November 18 hearing indicating the revision was made at the request of OP.

November 8, 2024 – ANC 3E submits its report in this case (*Exhibit 25*) after a public meeting stating that it does not support the alternative IZ text amendment (contrary to suggestions made by Wesley in its November 4 filing) referenced in Wesley’s pre-hearing statement and states that the *“last minute switch and late filing have impaired ANC 3E’s ability”* to address the alternative IZ proposal.

November 14, 2024 (just two business days before the hearing in this case) – OP submits its final report (*Exhibit 26*) also indicating it does not support Wesley’s alternative IZ text amendment on the basis that the language is “vague” and then offers yet another alternative.

November 15, 2024 – Wesley then submits a power point presentation (*Exhibit 36*) for the November 18 hearing offering a rationale for approval of the text amendments, including the alternatives, that were never included as part of its application. In effect, the public is left having to respond to a brand new application from Wesley just days before the public hearing.

To suggest that the Wesley text amendments are a moving walkway would be an understatement. The Zoning Regulations have been written to ensure that the public, including interested parties like NLC and SVWHCA, have the ability to know definitively what Wesley is proposing, the reasons for its proposal, and the evidence supporting its argument long before a public hearing is held. As the Commission knows, this is the purpose of affording sufficient public notice requirements. Given that the Commission also is obligated to grant “great weight” to the ANCs, the public is entitled also to have time to engage with the relevant ANCs on the specific proposals under consideration. The late filings – almost a bait and switch – do not make any of that possible.

NLC and SVWHCA recognize that this case raises some controversial issues that Wesley, the ANCs, and the neighbors have been working to resolve. This case was filed on May 30, 2024. OP filed its Setdown report on July 15, 2024 stating that the proposed text amendments would get the job done and allow Wesley to “thrive,” but does not say it supports the amendments.

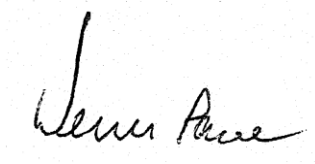
Already, one hearing already was delayed and now the current hearing also now seems premature given the 11th hour filings by the applicant and OP in this case. While there has been

sufficient time for Wesley to resolve what it is proposing, why it is being proposed, and what evidence supports its case, the process continues to evolve.

It is also important to note that Wesley may be working with the ANCs and OP in this case, but it has never reached out to work with NLC and SVWHCA, who were designated as a joint party in the Campus Plan and PUD cases.

NLC and SVWHCA believe the public interest can be served in a transparent process by keeping the record open in this case to allow interested parties and the public an opportunity to comment on the new proposals that have been recently filed in the case record.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Paul", is positioned above the typed name.

Dennis Paul, President
Neighbors for a Livable Community

S/William F. Krebs
DC Bar No. 960534
Interim President and Counsel
Spring Valley-Wesley Heights
Citizens Association
Counsel, Neighbors for a Livable
Community