

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

Oral Testimony Of Mary Buckles Member, Board of Directors Zoning Commission Case No. 24-09: Wesley Theological Seminary Text Amendments November 18, 2024

My name is Mary Buckles. I am a Spring Valley resident and testifying as a member of the Board of Directors of the Spring Valley-Wesley Heights Citizens Association (SVWHCA). We strongly oppose the proposed text amendments that are the subject of this case. In partnership with Neighbors for a Livable Community (NLC), we submitted a detailed statement to the Commission outlining the nine reasons for our opposition. I refer you to that statement (*Exhibit 27*).

The spot zoning requested by Wesley would give unprecedented special access to Landmark for the developer's commercial use of Wesley's land that is not permitted under the Campus Plan and Inclusionary Zoning (IZ) rules and is inconsistent with the property's underlying RA-1 Zoning.

In this case, Wesley repeats the same arguments – with the same faulty and discredited reasoning -- that it offered the Commission in two separate, but related, cases. Wesley is still telling you its Landmark project is not a commercial activity, but asks you to exempt the project from the commercial guardrails through a text amendment to the Campus Plan rules. If the Landmark project is not a commercial activity, as Wesley argues, why is Wesley seeking an exemption from the commercial activity rules? The Commission already has the authority to

determine if Wesley's proposal meets the Campus Plan standards; thus, Wesley's rationale for a Campus Plan text amendment is illogical.

What is before the Commission is whether the rules should be changed to permit a commercial activity solely on Wesley's Campus that is not permitted under the Campus Plan, IZ, and PUD rules. We do not believe the proposed text amendment is justified for all the reasons cited in our pre-hearing statement.

Wesley and Landmark continue to cherry pick the rules for a zoning solution they hope will lead to the commercial project's approval; but the real problem is that the Landmark project is unambiguously at odds with multiple provisions of the zoning rules. Even if the proposed text amendments are approved, the Landmark project still would not comply with the zoning regulations. It seems the zoning issues raised by the Landmark project increase with each new application filed by Wesley.

Wesley justifies the text amendments by continuing to rely on a vague assertion that the Landmark project is necessary "to thrive." At the same time, Wesley has asserted that its survival is not at risk and that it is financially secure. As it has done in the past, Wesley ups the ante in this case by threatening to relocate from its current site. Yet, Wesley has offered no substantive evidence to justify the extraordinary relief being sought. This case is distinguished by the applicant's failure to provide any evidence of a financial hardship or, in the words of the zoning regulations, that the applicant is being denied economically viable use of its land.

Wesley also argues this is not spot zoning because no adverse land use impacts have been identified. Wesley should revisit the record in the two previous related cases in which we clearly state the Landmark building is "likely to become objectionable to neighboring property" due to height, density, and scale; increased public safety risks; stormwater impacts; and the

transformation of Wesley from a graduate-level campus for the ministry to an undergraduate annex for AU in which AU students would outnumber Wesley students by 3 to 1 – just to name a few of the objectionable impacts we have raised. Wesley’s own application in this case warned the project could lead to “future development of the property” that would include “additional residential and retail density resulting in increased traffic that could be a burden on neighbors.”

The Commission approved two new dorms on the AU Campus in 2021 adjacent to the Landmark building. The Commission should consider the objectionable impacts associated with the totality of housing so many students immediately adjacent to University Avenue neighbors.

The Washington Post reported just yesterday that AU has a \$60 million budget shortfall which it attributes to undergraduate enrollment falling below budget targets. In trying to bolster Wesley’s revenue stream, Commission approval of these text amendments may come at the expense of AU’s student housing revenue. At least AU – faced with the prospect of cutting programs – is being transparent about its budget woes.

The Commission’s role is to regulate land use, not to take extraordinary measures to bolster Wesley’s revenue stream or to create an economic windfall for a private developer, like Landmark. Rewriting the rules for a single applicant should not be an option when the applicant’s proposal deviates so egregiously from the zoning standards.

After this three-year circuitous route of review, debate, and deliberation on the Landmark project, a decision by the Commission to approve flawed text amendments – based on a legally insufficient and defective application -- will shake public confidence in the integrity of the District’s zoning process.

SVWHCA urges the Commission to reject these text amendments. Thank you.