

ANC 3E PROPOSED TEXT AMENDMENTS IN ZC 24-09

At the Zoning Commission's ("ZC") invitation, ANC 3E hereby submits for consideration two alternative amended versions of OP's proposed new Subtitle C Sec. 1006.10.¹ Either amended version would permit the ZC to require more IZ than that required for an ordinary matter of right project. ANC 3E's proposed changes are underlined on the next page.

The first version, "A," permits the ZC to specify in the text amendment the amount of Inclusionary Zoning ("IZ") to be provided beyond the matter of right requirement.

The second version, "B," permits the ZC to determine the amount of IZ to be provided beyond the matter of right requirement during further processing for the campus plan.

Both paragraphs include "notwithstanding" disclaimers at the beginning to prevent disputes over asserted conflicts with other existing language.

Both paragraphs also substitute OP's proposed language for Subtitle X, Sec. 101.5, *ie*, "university housing. . .",² for "dormitory." This substitution promotes consistency and prevents subsequent applicants from claiming that use of "dormitory" in the text amounts to a (new) Zoning Code definition of the term.

Finally, ANC 3E suggests specific numbers in the first paragraph of Version A for the size of the IZ set-aside and the MFI levels of inclusionary units. Naturally, the ZC may substitute other numbers. Likewise, the ZC could eliminate the MFI level language entirely if it wants the default MFI distribution to apply.

Landmark and Wesley have stated that an 8% set-aside level would apply to their project if it were matter of right. Were the ZC to use the numbers ANC 3E suggests in Version A, the text would thus require 12.5% IZ at the modified MFI level. If, instead, the ZC wanted Landmark and Wesley to supply (about) 15% IZ at default MFI levels, it could change the multiplier in Version A from 1.5 to 1.9 and eliminate the custom MFI language.

ANC 3E respectfully asks the ZC to utilize the approach set forth in Version A to resolve at the outset the fundamental question of what level of IZ will be required for the extraordinary relief sought by Landmark and Wesley.

¹ "OP Hearing Report ZC 24-09," at 2 [submitted as Exhibit 28].

² *Id.*

A) Zoning Commission sets offsite IZ levels in text amendment

1006.10

Notwithstanding anything else in this Subtitle or Subtitle X, Wesley Theological Seminary shall provide off-site IZ located in Ward 3 as an enforceable condition to its 2022-2032 Campus Plan further processing to construct university housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819~~a dormitory~~, provided that the requirements of Subtitle C, §§ 1006.1 - 1006.3(a)-(g), may be waived by the Zoning Commission for the off-site IZ. Depending on construction type, the off-site IZ provided shall be no less than Subtitle C, §1003.1 or §1003.2 requirements, as applicable, multiplied by a factor of 1.5, and subject to the requirements of Subtitle C, §§ 1006.5 -1006.9. Ten percent (10%) of the off-site inclusionary units set aside shall be reserved for households earning equal to or less than thirty percent (30%) of the MFI, sixty percent (60%) of the off-site inclusionary units set aside shall be reserved for households earning equal to or less than fifty percent (50%) of the MFI, and thirty percent (30%) of the of the off-site inclusionary units shall be set aside for households earning equal to or less than sixty percent (60%) of the MFI.

B) Zoning Commission sets offsite IZ levels during further processing

1006.10

Notwithstanding anything else in this Subtitle or Subtitle X, Wesley Theological Seminary shall provide off-site IZ located in Ward 3 as an enforceable condition to its 2022-2032 Campus Plan further processing ~~to construct~~ university housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 ~~a dormitory~~, provided that the requirements of Subtitle C, §§ 1006.1 - 1006.3(a)-(g), may be waived by the Zoning Commission for the off-site IZ. ~~Depending on construction type, t~~The off-site IZ provided shall be of an amount to be determined by the Zoning Commission during further processing but~~be~~ no less than Subtitle C, §1003.1 or §1003.2 requirements, as applicable, and subject to the requirements of Subtitle C, §§ 1006.5 -1006.9.~~.-~~The Zoning Commission may further specify the MFI of the inclusionary zoning units herein required.

ANC 3E³

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by Jonathan Bender
Chairperson

³ On November 6, 2024, ANC 3E authorized the undersigned as well as Commissioners Quinn and Ghosh to represent it in all proceedings in this matter. See Exhibit 25.