

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING  
CASE NO. 24-09

+ + + + +

MONDAY

NOVEMBER 18, 2024

+ + + + +

The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT E. MILLER, Vice Chair  
GWEN WRIGHT, Commissioner  
TAMMY STIDHAM, Commissioner  
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist  
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire  
DENNIS LIU, Esquire

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## ALSO PRESENT:

JOEL LAWSON, Office of Planning  
PAT BROWN, ESQUIRE, Greenstein, DeLorme & Luchs, P.C.  
BRANDICE ELLIOTT, Expert Witness  
CYNTHIA GIORDANO, ESQUIRE  
TUCKER SNIPES, Landmark Properties, Inc.  
DAVID MCALLISTER-WILSON, President, Wesley Theological  
Seminary  
CHUCK ELKINS, ANC 3D  
JONATHAN BENDER, ANC 3E  
WILLIAM CLARKSON, Spring Valley Neighborhood Association  
TRICIA DUNCAN, ANC 3D  
ROBERT SCHOLTZ  
JOSIE SCHOLTZ  
DR. JEFFREY KRASKIN  
MARY BUCKLES  
BLAINE CARTER  
ALMA GATES  
THOMAS SMITH  
NANCY MACWOOD

The transcript constitutes the minutes from the  
Regular Public Hearing held on November 18, 2024.

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(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Wright, Commissioner Stidham, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as Mr. Paul Young, who will be handling all of our virtual operations. I will ask all others to introduce themselves at the appropriate time. And let me not forget our Office of Zoning legal counsel, Ms. Lovick and Mr. Liu. Others will introduce themselves at the appropriate time.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing and only those who have signed up to participate or testify will be unmute at the appropriate time.

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5 All persons planning to testify either in favor or in  
6 opposition or undeclared must sign up in advance and will be  
7 called by name. If you wish to file written testimony or  
8 additional supporting documents during the hearing, then please  
9 be prepared to describe and request it at the time of your  
10 testimony.

11 The subject of this evening's hearing is Zoning  
12 Commission Case Number 24-09. This is the Wesley Theological  
13 Seminary of the United Methodist Church. This is a text amendment  
14 to Subtitle C-1001.6(c) or 1006 and Subtitle X-101, Square 1600,  
15 Lots 007, 008 -- let me go back and do that again -- 0007, 0008,  
16 0009, 0818, 0819. And, again, today's date is November the 18th,  
17 2024.

18 The hearing will be conducted in accordance with the  
19 provisions of 11-Z DCMR, Chapter 5, as follows: Preliminary  
20 matters; presentation, in this case, by the Petitioner, which has  
21 up to 60 minutes; report of other government agencies -- sorry  
22 about that -- report of -- report of the ANC; testimony of  
23 organizations and individuals, each having five and three  
24 minutes, respectively. Organizations will have five minutes;  
25 individuals will have three. And we'll hear in the order from

1 those in support, opposition, or undeclared. While the  
2 Commission reserves the right to change the time limits for  
3 presentations, if necessary, it intends to adhere to the time  
4 limits as strictly as possible and at no time shall be ceded. At  
5 this time, the Commission will consider any preliminary matters.  
6 Does the staff have any preliminary matters?

7 MS. SCHELLIN: Yes, sir, just very briefly. The Office  
8 of Planning asked for a waiver at Exhibit 28 -- let me see --  
9 Exhibit 28, page one. They asked for a waiver to submit its  
10 hearing report less than ten days prior to the hearing. I just  
11 want to make sure the Commission's okay with that. You can do  
12 that by consensus, if you're okay with it.

13 CHAIRPERSON HOOD: All right. Any objections to the  
14 waiver?

15 (No response.)

16 CHAIRPERSON HOOD: Okay. No objections.

17 MS. SCHELLIN: There have been -- even though there are  
18 no parties in a rule-making case, there have been several requests  
19 in submissions asking for postponement of this hearing.

20 CHAIRPERSON HOOD: I'm going to address that. I'm  
21 going to address that.

22 MS. SCHELLIN: Okay.

23 CHAIRPERSON HOOD: Anything else other than that?

24 MS. SCHELLIN: Other than that, you have the report  
25 from the ANC in the record, ANC 3D at Exhibit 23 and ANC 3E at

1 Exhibit 25, and, again, the OP report at Exhibit 28. So I think  
2 this case is ready for the Commission to move forward, and that's  
3 all the preliminary matters I believe that I have. If I've missed  
4 any, I'm sure that Mr. Liu will pipe in. Thank you.

5 CHAIRPERSON HOOD: Okay. I want to explain. I want  
6 to thank all of our legal counsel to make sure that we're legally  
7 sufficient to move forward. We've gotten -- some in opposition  
8 or arguing that the revised text needs to be renoticed and the  
9 hearing rescheduled. However, the original hearing date was  
10 already postponed once to allow Wesley time to work on the  
11 proposed language with the community. In addition, when the  
12 Commission will take proposed action, there will be 30 -- another  
13 30-day comment period for any input or proposed language to be  
14 considered and incorporated into the final text, if we move that  
15 way. The notice requirements for this public hearing have been  
16 satisfied. The Commission sees -- I think there's no benefit in  
17 further delaying this hearing, since the hearing was already  
18 postponed once to allow more time to work with the community.  
19 The goal of this hearing is actually to hear from the community  
20 and the Petitioner, those in support and opposition, to reach  
21 some understanding of what language would be most appropriate,  
22 and I will recommend that we continue to move forward, and there's  
23 going to be ample time, and there has been ample time, to comment  
24 on whether people think new submissions have been given. There  
25 will be another time to be able to comment on whatever you think

1 | this new -- but this has been going on for a while, and we've  
2 | pushed this down the road to give ample time, and it's been  
3 | postponed previously. I'm going to recommend that we move  
4 | forward. And I would also caution those who are going to be  
5 | testifying, if you go there, you're wasting your three to five  
6 | minutes, 'cause we already (indiscernible) so stick to the issues  
7 | of why you -- and help us come up with a better text or better  
8 | idea of what you think we should deal with, as opposed to re-  
9 | arguing the renoticing issue, which we have checked with our  
10 | legal counsel and told it's legally sufficient for us to move  
11 | forward. Any objections from any of my colleagues?

12 | (No response.)

13 | CHAIRPERSON HOOD: Okay. All right. Ms. Schellin, can  
14 | we bring everybody up?

15 | MS. SCHELLIN: Yes, sir, we can. Mr. Young, do you  
16 | have the players to bring up? Pat Brown. Mr. Brown, do you want  
17 | to tell us who else you want to bring up with you? Do you need  
18 | Mr. -- Ms. Giordano, or who else do you need? Pat Brown.

19 | CHAIRPERSON HOOD: While we have a moment, Ms.  
20 | Schellin, could you let everybody know we didn't run you away?  
21 | You're still working here.

22 | MS. SCHELLIN: No, you did not. I was actually on a  
23 | cruise for a while, then I was sick, and I -- unfortunately, over  
24 | the weekend, I lost an aunt and her funeral is on Thursday, so I  
25 | will probably miss Thursday's hearing too.



1 CHAIRPERSON HOOD: Okay. Well our condolences to you  
2 and your family.

3 MS. SCHELLIN: Thank you. Thank you.

4 MR. BROWN: Chairman Hood, can you hear me?

5 CHAIRPERSON HOOD: Yes, I can.

6 MR. BROWN: Okay. Brandice Elliott is on our team.  
7 I'd also like to have Ms. Giordano -- Cynthia Giordano and Tucker  
8 Snipes available. I don't expect to have them participate, but  
9 just in case.

10 CHAIRPERSON HOOD: Okay. And whenever you're ready,  
11 you all may begin.

12 MR. BROWN: What I'd like to do is introduce Reverend  
13 David McAllister-Wilson, the President of Wesley. And also, Mr.  
14 Young, if you could, on our PowerPoint -- I don't want to refer  
15 to it too much, but if you could pull up slide number three of  
16 our PowerPoint, and then I'll turn it over to Reverend McAllister-  
17 Wilson.

18 MS. SCHELLIN: Mr. Brown, how much time did you need?  
19 I don't believe I got that from you today.

20 MR. BROWN: We had indicated 30 minutes. I think we  
21 can do better than that. We want to remain pretty focused on  
22 this, given the scope of what's involved here.

23 MS. SCHELLIN: Okay. Thank you. Mr. Young, can you  
24 put 30 minutes on the clock? Thank you.

25 REVEREND MC-ALLISTER-WILSON: Good afternoon, and I

1 want to thank the Commissioners for their patience in this long  
2 process. We've been before the Zoning Commission for three-and-  
3 a-half years and have been working on this project with our  
4 neighbors for five years and longer, so we're grateful for the  
5 Commission's patience and their expressed desire for Wesley to  
6 thrive in place, and for the work of ANC 3D and then 3E, who have  
7 worked to shape our approach. We are grateful to the Office of  
8 Planning for their support. And I also recognize that even those  
9 in opposition affirm they want Wesley to remain.

10 I want to step back and look at what we are proposing.  
11 Almost all the concerns that are raised are procedural and  
12 bureaucratic and regulatory, not concerns about the plan, itself,  
13 which is an example I think of thoughtful urban planning. It  
14 moves students out of the neighborhood and off the road to a  
15 piece of property which has been an educational institution since  
16 bare ground. It respects the concerns of neighbors for traffic  
17 and parking. It fits into the look and feel of an academic  
18 hilltop and protects and increases the green space around our  
19 campus. It includes measures to insure supervision of the  
20 occupants to respect the community, including the Seminary  
21 community itself. It commits to the principals of inclusionary  
22 zoning with a creative approach.

23 Wesley has said and have held that we support IZ in  
24 this project from the start. And, finally, it provides tax  
25 revenue from this property for the first time. For us, it's

1 | important that it allows us to continue to serve the Washington  
2 | community. And I urge you to consider the alternative. If we  
3 | cannot thrive in place, we will need to leave. Some have  
4 | suggested this is not necessary. I'm the longest-serving  
5 | President -- Seminary President in North America and I report to  
6 | a very savvy Board, and I can assure you this is our best  
7 | judgment.

8 |           We provide church leaders of a variety of denominations  
9 | and nonprofits in DC and the surrounding area. We also contribute  
10 | greatly to racial equity in the city, particularly in Ward 3. We  
11 | are a majority minority student body and faculty. This is  
12 | particularly important at a time when these values will be  
13 | assaulted from the incoming administration. Some have expressed  
14 | concern that this establishes a precedent. We don't think it  
15 | does, and we are grounded in proper procedure. So do we not live  
16 | in unprecedented times, as institutions in our city are being  
17 | threatened? I conclude simply by saying we have invested much  
18 | in this approach, because we believe in our mission in this city  
19 | and for this world, and I urge your approval of these proposals.  
20 | Thank you.

21 |           MR. BROWN: All right. And we can -- for the time  
22 | being, we can take down these slides. By the way, the  
23 | significance of this is Wesley's role in the community. This is  
24 | I think the third movie night in September where, on the famous  
25 | sledding hill, a movie was presented for the community and had

1 the highest turnout ever and food trucks and all kinds of other  
2 events.

3           With that, Mr. Chairman, Patrick Brown from Greenstein,  
4 DeLorme and Luchs. I'm glad to be back. Commissioner Wright,  
5 welcome. Look forward to working with you on this and perhaps  
6 other matters. I would -- and I don't want to go into a lot of  
7 detail, but the text amendment is not something that we thought  
8 of out of thin air. The text amendment that we have before you  
9 arose out of the process that we've been in for several years.  
10 And I think it arose from the thoughts and deliberations and  
11 considerations led by the Commission, itself, but certainly by  
12 all the participants, and we proceeded along those lines. You  
13 set it down for a hearing. We've worked with the ANCs and others,  
14 the Office of Planning, and come to a point where I think we have  
15 a good finished product that really adds some detail and  
16 specificity that will serve the process well.

17           The text amendment -- and the role of the text  
18 amendment is not self-executing. The text amendment is the first  
19 of a two-stage process which would allow the Commission to  
20 complete the Campus Plan process and impose an approval, subject  
21 to the very detailed conditions that will be necessary. We don't  
22 want to litigate tonight the Campus Plan, other than to recognize  
23 that it's the underlying event, and the text amendment will allow  
24 the Campus Plan process to move forward as a result of this  
25 process. What we've done in the text amendment is site specific

1 and purpose specific with a mind to making sure that there's no  
2 precedent. The text amendment, as originally drafted and  
3 certainly in more detail now, apply only to Wesley, only to a  
4 part of their campus, and subject, most importantly, to the two-  
5 stage process with the Zoning Commission review and approval of  
6 the Campus Plan that is critical.

7 One of the things -- and I want to dispel a couple of  
8 points before we actually talk about the language. One, it is  
9 certain that Wesley and I don't believe the Office of Planning  
10 have conceded that the proposed dormitory is a commercial use.  
11 It's a dormitory. It's housing. If you were to build this  
12 building off the campus, it would still be a dormitory and it  
13 would still be residential and still not be a commercial use.

14 In the context of Campus Plans, commercial uses are  
15 things like retail and service facilities. A nearby campus, once  
16 upon a time, had a McDonalds on it; it has a Subway shop; it has  
17 all kinds of restaurant and eating establishments; it had some  
18 mailboxes. Those are the commercial uses that the zoning  
19 regulations seek to regulate, not a dorm housing students.

20 Having said that, the text amendment I think provides  
21 a mechanism to resolve that issue very narrowly in this context  
22 and only this context. On the IZ, while it's been labeled an IZ  
23 exemption, that's a little bit, if not entirely a misnomer. I  
24 believe that IZ was never intended to apply to a college  
25 dormitory, but the language is unclear, and what we're presenting

1 allows IZ to be withdrawn from this particular property, in the  
2 context of the language that requires it to be provided offsite  
3 and subject to all of the requirements.

4           We had offered a private student-only IZ program --  
5 affordable housing program, and there were questions raised about  
6 that. That's what led us to the point where we are right now.  
7 And, certainly, our neighbors at ANC 3D have been the strongest  
8 proponent to Wesley's commitment to provide an offsite IZ in Ward  
9 3, where IZ has been slow and hard to accomplish.

10           If I could, Mr. Young, if you could pull up slide eight.  
11 And you'll see here -- and I know -- I don't want to necessarily  
12 focus in on the wording, itself, other than the progression from  
13 the original to a version that we submitted and, ultimately, that  
14 evolved with input from -- well, our original alternative arose  
15 from ANC 3E input. It was further revised by OP and their  
16 alternate, which we're generally in acceptance and in  
17 acknowledgement with. It's important because it puts on Wesley  
18 the obligation to provide the Ward 3 offsite IZ, subject to the  
19 established requirements for IZ, so that there's no different  
20 requirements for Wesley offsite than it would be onsite, as far  
21 as the requirements.

22           The one concern or question we have is that we had  
23 attempted originally to maintain, in the second alternative,  
24 flexibility of how that offsite IZ was achieved to allow  
25 flexibility, subject always to the Zoning Commission approval of

1 the amount and nature of the IZ. I think the language has some  
2 flexibility built into it, but I'd express that question for the  
3 Commission about whether they think some additional flexibility  
4 would be warranted.

5 If I could, Mr. Young, to slide ten. And you see at  
6 the bottom is the original 101.5 language. There was an interim  
7 revision at the request of ANC 3E, but OP has come back, which I  
8 think is a meaningful revision, changing the word "dormitory" to  
9 "university housing" and clarifying the use by Wesley and use  
10 restrictions in the Campus Plan. And I think those all are  
11 improvements and achieve the original purpose of the text  
12 amendment in a more clarified way. The same is true for the IZ  
13 language. I think we started from one point and have gotten to  
14 a more specific clarified position.

15 With that, one last point. In recent filings, a great  
16 deal of concern has been raised that this is somehow spot zoning.  
17 It is not spot zoning. It's certainly within the Commission's  
18 authority to make a text amendment based on reasonable  
19 circumstances, which, as you all know, was the thinking of the  
20 Commission itself. My colleague, Brandice Elliott, who we'd like  
21 to see once again as an expert witness, will testify about the  
22 compliance with the Campus Plan and the racial equity equation,  
23 but, in the context we are here, this is not spot zoning. With  
24 that, you've heard enough from me. I'll answer any questions or  
25 turn it over to Brandice Elliott.

1 MS. SCHELLIN: I'm sorry. Chairman Hood, we did -- I  
2 did not present her as an expert witness. I know that she's been  
3 accepted before. We'd just ask the Commission to accept Ms.  
4 Elliott as an expert in this case please.

5 CHAIRPERSON HOOD: Okay. Any objections? We've done  
6 it previously.

7 (No response.)

8 CHAIRPERSON HOOD: Okay. We will continue that status.  
9 And, Ms. Elliott, you may begin. Thank you, Ms. Schellin.

10 MS. ELLIOTT: Good evening, Chair Hood and members of  
11 the Commission. Welcome, specifically, Commissioner Wright. I'm  
12 very excited that we have a full Commission now. I am going to  
13 go ahead and pick up where Mr. Brown left off, so, Mr. Young, if  
14 you wouldn't mind advancing to the next slide please.

15 You know, there's been a lot of conversation about what  
16 a commercial activity is, what a dormitory is, and so I just want  
17 to clarify what the zoning regulations actually say about  
18 dormitories. It is a permitted use. It is an example of a use  
19 given in the residential use category. You can see the definition  
20 there. But alongside single dwelling units and multiple dwelling  
21 units, dormitories are right there too, and they are permitted  
22 as a residential use.

23 They're also listed as an example under the education,  
24 college/university use category. So not only are they identified  
25 as a residential use; they're also an education,



1 college/university use. So that's twice within Subtitle B under  
2 the use categories where this is addressed. Additionally, the  
3 Zoning Administrator issued a determination quite a while ago at  
4 this point noting that student -- a student residence project  
5 which includes units featuring private baths and kitchens and  
6 offering occupancy to non-Wesley Theological Seminary students  
7 can be considered a dormitory use. And so that also filters  
8 within the residential and educational, college/university use  
9 categories. If you want to take a look at that -- at that ruling,  
10 it is submitted in Case 23-08, and it's Exhibit 24A.

11 Now, also on that -- on that note, the Zoning  
12 Administrator is given specific authority in Subtitle A, Section  
13 201.4, to determine the category or categories for use, based on  
14 consistency, or Subtitle B, Chapter 2. And so it is well within  
15 the Zoning Administrator's authority to determine what the  
16 correct use category is here, which he did. Also, Mr. Brown has  
17 already addressed commercial activity, so I don't want to dwell  
18 on that too long, but I will add that at the end of the day a  
19 future dormitory provides housing. Housing is not considered a  
20 commercial activity. And if Landmark were to build this same  
21 building in a different property that's not affiliated with a  
22 campus, it would still be a residential use.

23 Next slide please. So now we're going to go ahead and  
24 go to the Comprehensive Plan Review. I'm going to try to make  
25 this as expeditious as possible, but, obviously, I'm here to

1 answer questions along the way, if you need to -- if you need me  
2 to as well. So the standard of review for a text amendment is  
3 that it shall not be inconsistent with the Comprehensive Plan and  
4 other adopted policies. And the Zoning Commission is well aware  
5 that its responsibility here is to balance the comprehensive  
6 policies to determine if the proposed text amendment is  
7 inconsistent with the Comprehensive Plan.

8           You all have developed a racial equity tool. We have  
9 reviewed the text amendment using that tool and follow that format  
10 in the subsequent slides here. When we take a look at the  
11 Comprehensive Plan, specifically, and, of course, the Mayor's  
12 Housing Equity Report, it's sort of tangential. It is adjacent.  
13 It is -- it is part of the review, although not specific to the  
14 dormitory. It has more of an impact on the residential area  
15 surrounding the dormitory -- the potential dormitory.

16           Next slide please. All right. Now, the first step in  
17 reviewing the Comprehensive Plan is taking a look at the  
18 Generalized Policy Map and the Future Land Use Map. In this  
19 case, Wesley is located in an institutional land use -- I'm  
20 sorry -- institutional category in the Generalized Policy Map,  
21 that this category anticipates that universities and colleges  
22 will be located within these designations, and it does also expect  
23 that infill will occur consistent with the Campus Plan.

24           Next slide please. So the Future Land Use Map also  
25 similarly has an institutional land use designation. Again, it

1 should be occupied by colleges and universities, which is the  
2 case here, which would continue to be the case should a dormitory  
3 be constructed in the future.

4           Next slide please. So now we're going to go ahead and  
5 go through these four parts of the racial equity tool. And so  
6 if we could go ahead go to the next slide please, we can talk  
7 about some of the Comprehensive Plan elements that were reviewed.  
8 In our submissions, we identified several policies within the  
9 Comprehensive Plan that would be advanced by the proposed text  
10 amendment, which would result in the dormitory.

11           We identified several of the Rock Creek West area  
12 elements, but also the more general land use, transportation,  
13 housing, and educational facilities. Our statement does not  
14 include environmental protection policies, but I have added them  
15 here. And just to clarify, we believe these policies would be  
16 advanced by the proposed text amendment, because it would result  
17 in a dormitory that employs urban heat island mitigation, because  
18 there's going to be a retention of trees, potentially some  
19 additional trees and some sustainable landscaping incorporated  
20 in the site. There are also going to be some stormwater runoff  
21 strategies employed into the site as well, like bioretention and  
22 green roofs. So that is why those particular policies are in  
23 here.

24           Next slide please. And I just want to take a moment  
25 to address a few policies that came up in the -- in some of the

1 letters that were provided in the record. Neighbors for a Livable  
2 Community and Spring Valley Wesley Heights Citizens Association  
3 identified a few that we didn't advance with this proposed text  
4 amendment, and so I wanted to go through these and just clarify  
5 why or why we don't advance them.

6           The first one for Urban Mixed-Use Neighborhoods, this  
7 particular policy encourages new mixed-use neighborhoods,  
8 combining high-density residential, office, retail, cultural, and  
9 open spaces in specific neighborhoods, and these neighborhoods  
10 are high-density ones. We're looking at Mount Vernon Triangle,  
11 NoMa downtown, and Pennsylvania Avenue. This particular policy  
12 does not apply to this area. It's more of a high-density area,  
13 and so, for that reason, it doesn't -- it's not applicable.

14           The second policy there, Variety of Neighborhoods,  
15 basically states that redevelopment should preserve neighborhood  
16 character while accommodating population growth, affordability,  
17 racial equity, and opportunity. The dormitory provides -- the  
18 text amendment would allow a dormitory that would provide housing  
19 for the racially diverse student body at Wesley, and it will  
20 minimize the need for students to seek housing in nearby  
21 residential areas, potentially freeing up affordable housing  
22 options for other students. And so that is -- that is where we  
23 are with that particular policy. We do believe it is advanced  
24 with the proposed text amendment. And then Nonconforming  
25 Institutional Uses. We're -- I believe we're pretty clear here

1 that we're not introducing any nonconforming uses to the site.

2           Next slide please. And then Nonconforming Commercial  
3 and Industrial Uses. We're also fairly certain that we're not  
4 introducing any nonconforming commercial or industrial uses to  
5 the site as well. The final policy is concerning balancing  
6 University growth and neighborhood needs. And, you know, this  
7 is -- this project exemplifies balanced approach. It allows for  
8 campus growth and reduces pressure on the local rental market by  
9 potentially freeing up some housing for non-student residents.  
10 It supports Wesley's mission while remaining mindful of the  
11 neighborhood character. And like other universities, it would  
12 not provide IZ on campus, but unlike other universities, it would  
13 provide IZ in the Ward 3 community, promoting neighborhood  
14 stability. So, you know, in our -- in our review of the policies,  
15 that one would be advanced as well.

16           Can we go to the next slide please? So part two is  
17 where we talk about community engagement, and that begins with  
18 an analysis of class discrimination in the community and some of  
19 the lasting harms that it -- that it has created. You know,  
20 going way back to the 1930s, the Federal Housing Administration  
21 graded areas of the District for loan approvals by using rates  
22 as a criteria, and that essentially made Rock Creek West  
23 unattainable for Black people or people of color. The Planning  
24 Area also has a history of displacement of Black communities.  
25 There's Reno City and the George Pointer settlement as examples

1 here. Rock Creek Park, in part, was conceived as a barrier to  
2 Black settlement to the west, so the Black residents settled, you  
3 know, in further areas, like, to the east or to the south instead.

4 In 1940, the racial covenants served to confine the  
5 vast majority of DC's Black population to older housing near the  
6 city center, near the waterfront employment area, and also it  
7 further removed sections in Northeast and Southeast DC. So as a  
8 result of these policies, Rock Creek West actually continues to  
9 be a majority white area, making up 77.2 percent of its  
10 population.

11 So if we could go to the next slide please. I don't  
12 have a whole lot on community engagement here, 'cause we do have  
13 some people who are able to talk to more specifics as to how the  
14 outreach has occurred. There has been a substantial number of  
15 meetings since this whole process began. The applicant continues  
16 to meet with the ANCs to discuss the provision of affordable  
17 housing in Ward 3 and to work through some of the text amendment  
18 language, at least up to this point.

19 Next slide please. Part three is concerning  
20 disaggregated data. And the Office of Planning provides this  
21 information, as required by the racial equity tool, and I just  
22 wanted to pull a few points that they made from their report to  
23 emphasize that in this case they found that there would be no  
24 adverse racial equity impacts from the text amendment. Wesley,  
25 itself, promotes racial equity through its mission. It produces

1 graduates who work in fields that serve diverse communities, and  
2 it also includes leaders in non-profit organizations across the  
3 District. Wesley also provides training for community engagement  
4 and organizes internships with District churches, promoting real  
5 time support for racial and social justice initiatives.

6           Approximately 34 percent of Wesley's students and  
7 significant portions of faculty and staff are Black, which  
8 contributes to the diversity in the area, but that isn't where  
9 it ends. The campus also has a significant Asian and Hispanic  
10 or Latino population. Women make up over half of the student  
11 population. Almost half of the student population are an ethnic  
12 minority, and 38 denominations are represented on this campus,  
13 so there is a lot of diversity here that doesn't necessarily get  
14 acknowledged, when we talk about text amendments.

15           Next slide please. So this is the last part of the  
16 racial equity tool, and this is where we evaluate the zoning  
17 actions through the racial equity lens. How will it actually  
18 advance racial equity? Well, in terms of direct displacement,  
19 there would be none. This -- the text amendment would allow for  
20 the future development of the dormitory that would replace  
21 existing dorms on the campus, and it would not be in the same  
22 location, so there would be no displacement. It also -- in  
23 offering on-campus housing, it reduces travel costs for students,  
24 and it makes living arrangements more affordable, so this  
25 actually ends up being a more affordable scenario for students

1 going to this campus. It also allows students to develop a sense  
2 of community and encourages academic engagement, having all of  
3 the students in one location near all the resources at the  
4 University. We do not believe there would be any indirect  
5 displacement caused by the text amendment leading to a dormitory.

6 The -- as we've indicated, in terms of housing, the  
7 dormitory would accommodate -- it would offer 659 beds, so it  
8 would accommodate more students, potentially freeing up some of  
9 those rental units, you know, adjacent to the campus in the  
10 neighborhood for non-student residents.

11 In terms of physical improvements that would advance  
12 racial equity, the text amendment would allow the construction  
13 of the dormitory or the advancement of the Campus Plan with some  
14 of those conditions that have already been worked out with the  
15 community; you know, sidewalk improvements, landscaping, some of  
16 those environmental features that we talked about, like  
17 stormwater retention and bioretention facilities, but also  
18 illegal building. It would also provide some streetscape  
19 improvements that would provide -- or that would enhance access  
20 to the University.

21 And then if we move on to access to opportunity, this  
22 would advance racial equity by providing additional opportunities  
23 that are related to proximity to transportation. It's only a  
24 half-mile from the Tenleytown-AU Metro Station and other public  
25 transit. There are bus lines in Massachusetts Avenue. There



1 are, you know, restaurants and retail stores, some along  
2 Massachusetts Avenue, but also not far from the campus on  
3 Wisconsin Avenue. Having that access to transportation actually  
4 increases employment opportunities throughout the District, and  
5 it also supports some of those other career-training  
6 opportunities that the University provides in religious and  
7 social services. And it also allows access to some of these --  
8 you know, to open space and to natural areas, like Rock Creek  
9 Park, which are important for health as well.

10           So the community -- or the applicant has worked with  
11 the community to identify, you know, some elements of the project  
12 that could be changed. We discussed some of those during the  
13 PUD process, like, you know, setbacks on the top floor, maybe  
14 some reorienting to improve privacy for neighboring properties.  
15 In the case of the text amendment, the applicant has worked  
16 closely with the Office of Planning and the ANCs to develop this  
17 text. It has been through a few rounds, but it hasn't been  
18 without effort to identify the best way, you know, to go through  
19 that process and to provide affordable housing.

20           Next slide please. So part of the evaluation process  
21 requires identifying the inconsistencies in the Comprehensive  
22 Plan. We have identified a few, but we've identified a lot more  
23 that would be advanced by the text amendment that includes some  
24 of those others that we've already discussed, like the FLUM and  
25 the Generalized Policy Map, but also some of those Comprehensive

1 Plan policies related to, specifically, Rock Creek West, land  
2 use, transportation, environmental protection, and educational  
3 facilities.

4 Next slide please. So that is the end of my  
5 presentation. We believe that the text amendment is not  
6 inconsistent with the Comprehensive Plan, as reviewed through the  
7 racial equity lens. Any other potential inconsistencies we  
8 believe would be far outweighed by those that we've identified  
9 on the previous slides. I'm going to go ahead and pass this back  
10 to Mr. Brown, but I'm happy to address any questions that you  
11 have when it's time for that. Thank you very much.

12 MR. BROWN: Chairman Hood, at this point, that's our  
13 basic presentation. I'd like to reserve a few moments for  
14 closing, but I would open it up to Commissioner questions.

15 CHAIRPERSON HOOD: Okay. Thank you, Mr. Brown.  
16 Generally, in rulemakings we don't have closings, but I will --  
17 I've always been fair across the Board. We will make -- we will  
18 see what's needed at that point. Okay. Let me open it up for  
19 any questions or comments. Let me thank you all for your  
20 presentation. Let's see, Vice Chair Miller, you have any  
21 questions or comments?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman and thank  
23 you to Wesley's representatives, Pat Brown and the President of  
24 the University and Brandice Elliott for your presentation and all  
25 the work that's gone into this application and the community

1 engagement that's been held with ANC 3D and ANC 3E, the affected  
2 Advisory Neighborhood Commissions and other citizens. I don't  
3 want to -- I'm not going to ask -- I only have one question really  
4 to ask, Mr. Chairman, 'cause I want to hear from -- we'll listen  
5 to -- get to the public testimony from those ANCs and the Citizens  
6 Associations, Spring Valley Wesley Heights and Neighbors for a  
7 Livable Community and Spring Valley Neighborhood Association and  
8 the ANCs and others who are interested in this case, who have  
9 been for some time, so I'm not going to take up a lot of time.

10           The -- this is basically the -- this has been a long  
11 process. I appreciate Wesley attempting to -- this is basically  
12 the third iteration of a proposal to accomplish the objective of  
13 having a dormitory on Wesley's campus, which is adjacent --  
14 immediately adjacent to AU's campus, and that dormitory would  
15 primarily serve AU's -- American University's needs, so it's a  
16 unique situation. I see it as a unique situation. And Wesley  
17 obviously needs the revenue stream from that dormitory to -- from  
18 Landmark's development of that dormitory in order to meet its  
19 needs to thrive -- to stay and thrive at that location, according  
20 to their own testimony. I know that's disputed by others. But  
21 the question I have is regarding the inclusionary zoning offsite.  
22 If you could just -- Mr. Brown or whoever, you had a slide in  
23 your PowerPoint on the inclusionary zoning. Maybe if you could  
24 pull that up or if you could just explain, what is the -- the  
25 Office of Planning, as you've mentioned, has recommended

1 alternative -- recently alternative language on the inclusionary  
2 zoning offsite, which I understand from your testimony tonight  
3 you are in agreement with. If you can just confirm that you are  
4 in agreement with the Office of Planning's alternative language  
5 on inclusionary zoning, and then this -- and I'll ask the Office  
6 of Planning and others when we get to them. What do you -- what  
7 is the amount of inclusionary zoning that would be provided under  
8 that alternative language that requires offsite affordable  
9 housing in Ward 3 to be developed in conjunction with this  
10 project? Can you say what the amount is and what the status is  
11 of actually identifying that affordable housing?

12 MR. BROWN: One, Vice Chair Miller, we are in agreement  
13 with the OP language, but we need to recognize that that language  
14 says will provide or shall provide inclusionary zoning, subject  
15 to the established requirements. Wesley is not -- Wesley is not  
16 in the business of building affordable housing, so we'll need the  
17 ability to work with somebody who does build affordable housing.  
18 We've -- and the way the OP language is written, we're subject  
19 to the established requirements, eight or ten percent minimum IZ,  
20 depending on the type of construction. And for our building we  
21 can figure out the number of square feet that quantifies to, and  
22 then quantify that --

23 VICE CHAIR MILLER: What is that -- what is that amount  
24 of square feet?

25 MR. BROWN: It's about -- it's about 23,000 square

1 feet, but I don't have the number in front of me --

2 VICE CHAIR MILLER: Say that again.

3 MR. BROWN: -- but it's about 23,000 square feet, based  
4 on the current calculations for the building at ten percent.  
5 We're only required -- given the type of construction proposed  
6 for this building, it only required eight percent, but that's  
7 about ten percent of the residential area of the new dorm. And  
8 then -- and the Campus Plan process will lay all that out in  
9 final detail and how we propose to meet those requirements.  
10 Currently, our estimate is in excess of ten percent IZ; we'd have  
11 a dollars-and-cents value of about eight million dollars. That's  
12 based on our calculations, and we'll have to present that at the  
13 Campus Plan stage.

14 We're working with -- we're working with ANC 3E. We're  
15 also working with LISC, the local affordable housing operation.  
16 We're also working with individual housing providers, Somerset  
17 Development, looking for -- and other developers, looking for a  
18 home for these IZ units. We don't have an answer to that now,  
19 but the obligation and the burden on us is to establish that in  
20 the Campus Plan process. I will say that one of the difficulties  
21 is marrying up our offer of IZ support with either existing  
22 projects or the timing with future projects, and those are --  
23 those have been stumbling blocks that we're continuing to work  
24 on. As a general matter, somebody who's already got a project  
25 with IZ is not in a position to add more IZ at this stage, and

1 projects that we would very much like to participate in need the  
2 support now, not at the conclusion of the Campus Plan process.  
3 So we're working through all those issues and we'll put together  
4 a full proposal in the context of the Campus Plan.

5 VICE CHAIR MILLER: But you don't anticipate having  
6 a -- even a sketch of a proposal before you would want us to take  
7 action on this text amendment?

8 MR. BROWN: We could provide a sketch, but I'm not so  
9 sure it would -- it certainly wouldn't meet the standard set  
10 forth in the text, itself, nor would it be really a finished  
11 product. We could certainly do that, with the understanding,  
12 Vice Chair Miller, that that would be a concept that may evolve  
13 in the process.

14 VICE CHAIR MILLER: Okay. I'll explore this further  
15 with the Office of Planning and others, but in terms of just a  
16 concept -- interesting word -- concept of a plan sounds  
17 familiar -- would you -- are you open to exceeding the set-aside  
18 requirements -- the minimum set-aside requirements, as has been  
19 suggested by I think at least -- if not -- and I'm not sure if  
20 that's -- I think ANC 3E has been the strongest proponent of  
21 that, but also the Washington Interfaith Network of Ward 3  
22 Congregations. And I need to take this opportunity, Mr. Chairman,  
23 to say that I have reviewed all the public testimony that's been  
24 submitted so far, including those that I mentioned and the one I  
25 specifically just mentioned, the Washington Interfaith Network

1 of Ward Congregations. I should disclose that I am a member of  
2 one of the five congregations that make up that working group  
3 of -- that WIN working group that submitted testimony. I have  
4 not participated in any way with their work or discussions about  
5 this proposal or any proposal, so I make that disclosure, and if  
6 any of my colleagues have a concern or if any of the persons  
7 testifying have a concern, they can express that during their  
8 time.

9 CHAIRPERSON HOOD: Vice Chair, let's do this right now.  
10 Anybody has any problems, the Petitioner or any of my colleagues?  
11 We all -- we don't just do zoning. We all live in the city. We  
12 all do other things. And that happens from time to time, but as  
13 Vice Chair Miller just mentioned, a lot of times we have to take  
14 a step back, because we know our roles here. Let's just get that  
15 off the table right now. Any issues?

16 (No response.)

17 CHAIRPERSON HOOD: All right. Vice Chair, no, you're  
18 going to have to stay with this. Thank you. You can keep going.

19 VICE CHAIR MILLER: Okay. We'll see if anybody else  
20 has issues with it too. But -- so WIN -- that working group did  
21 suggest that 15 percent should be the minimum, given the amount  
22 of relief and extraordinary relief that's being provided in this  
23 extraordinary situation -- that would be provided in this  
24 extraordinary situation. Are you open to that concept?

25 MR. BROWN: Well, the number we've floated and that's

1 in the record and has been a part of discussions, we expect to  
2 exceed even the 10 percent level. Our building, given its  
3 construction type, would be an eight percent requirement, so we  
4 expect to exceed the minimum. I'm not in a position to agree to  
5 15 percent. The extraordinary relief I think we could have a  
6 dispute or a discussion about. This is not a PUD; we're not  
7 getting any additional density; we're not getting any IZ bonus  
8 that typically an IZ project would have, but having said that,  
9 we've already committed to exceeding even the 10 percent level.

10 VICE CHAIR MILLER: Okay. Thank you for that response.  
11 Mr. Chairman, I have no further questions at this time. I'm sure  
12 I will have some after I hear from the public -- from the Office  
13 of Planning and the public testimony, so I turn it back to you,  
14 Mr. Chairman. Thank you very much for your responses and thank  
15 you for the presentation, Mr. Brown. Mr. Chairman, I turn it  
16 back to you. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
18 Wright, can I come at you now -- can I come at you next?

19 COMMISSIONER WRIGHT: Yes. I only have one question  
20 at the moment. I have a number of thoughts that I want to ponder  
21 a little bit more, but one direct question that I have is how  
22 will you memorialize that all the tenants of this new building  
23 will be students, whether at Wesley or AU? How will that be  
24 committed?

25 MR. BROWN: Only students who are enrolled at one of



1 the two schools will be eligible to enter into a lease, and those  
2 students will only be -- in the unlikely event that a student--

3 COMMISSIONER WRIGHT: But how are you committing to  
4 that in a public way? I understand you're saying that today in  
5 2024. How are you committing to that in perpetuity?

6 MR. BROWN: Well, that would be -- it was in a set of  
7 draft conditions to the Campus Plan, and we would certainly  
8 continue that in the conditions in the Campus Plan Order, among  
9 a whole host of other things of critical importance. I know for  
10 ANC 3D, the continued maintenance of the green open space are  
11 areas that they wanted to see continued basically perpetually,  
12 so those are all things that would be in the conditions.

13 COMMISSIONER WRIGHT: That would be in the Campus Plan  
14 conditions. My other question, 'cause I know it was mentioned  
15 in one of the letters or testimony that has been submitted  
16 already, what are you doing about pedestrian connections between  
17 the two campuses? Are you going to be able, since there will be  
18 residents of both -- if this is approved, there would be residents  
19 who would be going both to Wesley and to American University,  
20 would you facilitate pedestrian connections between the two  
21 properties?

22 MR. BROWN: Well, currently, there's a fence between  
23 the two properties with a limited-access gate. It would not --  
24 as a condition of American University, we would very much like  
25 to see ease of access for these residents of this dorm on the

1 Wesley campus through that gate or some similar gate and would  
2 encourage that, but that's not -- we can't do that unilaterally.  
3 I think that's one of the issues that -- or recent discussions  
4 with American University would allow to occur. I don't want to  
5 speak for American University, but that's certainly something  
6 that -- that's clearly something that we'd like to pursue. It  
7 makes sense.

8 COMMISSIONER WRIGHT: Yeah. I think that that would  
9 be really important. And, in fact, one of the things that I'm  
10 interested in, although I don't know how deeply to delve into  
11 this, is the actual arrangements that you have between yourselves  
12 and American University. I almost wondered why they weren't co-  
13 applicants of the zoning text amendment, And I think that would  
14 actually make even for a stronger case. But I think it's  
15 important in future discussions, as this continues, for us to  
16 really understand the relationship between Wesley and American  
17 University for this project, because, again, if it's really  
18 intended to be a dormitory or a residential building for both  
19 universities, it needs to be, you know, discussed in that way at  
20 every instance. So I think those are my only comments or  
21 questions at the moment.

22 REVEREND MCALLISTER-WILSON: Let me respond briefly to  
23 say that the connection between the two institutions is historic.  
24 We're both institutions related to United Methodist Church, we  
25 share some joint degree programs, and always had a good

1 relationship with AU. It's only with the arrival of the new  
2 President a few months ago that AU has been willing to talk with  
3 us about these matters. And I'm very much looking forward to  
4 President Alger and his team working with us to address all of  
5 this, because there's a lot of deep connections between these  
6 institutions, and that is true at the student level, but also the  
7 administrators and faculty and staff as well.

8 COMMISSIONER WRIGHT: Thank you. I don't have anything  
9 else at the moment.

10 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
11 Imamura, any questions or comments?

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No  
13 real questions, just maybe a comment or two. I think picking up  
14 on Commissioner Wright's comment, this is something that the  
15 Commission has asked for the past couple of years now. I know  
16 that we've been at this for a while. Mr. Brown and Dr.  
17 McAllister-Wilson, I'm as eager as you are to reach a resolution  
18 on this. And, Ms. Elliott, thank you for your explanation as  
19 well tonight. I don't have any questions. I'm interested to  
20 hear what the public -- the public testimony, but I was pleased  
21 to see that there was a letter finally in the record from AU,  
22 again, two years ongoing, so it's trending in a better direction,  
23 so -- but to Commissioner's Wright point, I'd like to see a little  
24 bit more work there, but that's all that I have to share. Thank  
25 you, Mr. Chairman.

1 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
2 Stidham, any questions or comments?

3 COMMISSIONER STIDHAM: No questions or comments. I  
4 also am very eager to hear from the public, so that's it.

5 CHAIRPERSON HOOD: Okay. I will tell you, Mr. Brown  
6 and Mr. Wilson -- President McAllister-Wilson, I really  
7 appreciate hearing Ms. Elliott's submission or her oral  
8 presentation to us this evening. It helped me understand and  
9 get -- try to get there better. I know there's some things that  
10 we need to kind of fine tune and was glad to see that we -- as  
11 my colleague, Commissioner Imamura, and others have mentioned,  
12 was glad to see that we finally got some kind of spark from  
13 American University. And I appreciate the analysis that Ms.  
14 Elliott gave us. I think -- I think it's -- it definitely helped  
15 me. But let me ask this, Mr. President. You have mentioned --  
16 you say something to us every time, and it sticks with me for  
17 sure -- you have to take other -- I always -- you always make  
18 sure that you give me the last sentence of, "If not, we have to  
19 look somewhere else." You know nobody wants -- I believe even  
20 the residents -- nobody wants you all to leave, I mean, so I want  
21 to say that publicly. I think -- I even think the people who  
22 may be in opposition of how we're getting there -- nobody, I  
23 think, wants that. Do you get that feeling? Do you feel like  
24 people want you to leave? I'm just curious.

25 REVEREND MCALLISTER-WILSON: No, you're quite right.

1 Everyone we've spoken with, all of the -- all of the opposition,  
2 both as groups and individuals, have expressed the desire that  
3 we thrive in place. This was a remarkable opportunity 60-plus  
4 years ago for this institution to be on this property and remain  
5 so. And everyone we've talked with, especially us, want to thrive  
6 in place.

7 CHAIRPERSON HOOD: Okay. I'm glad to hear you say it.  
8 But I want to say this for those coming, and I'm not sure what's  
9 going to be said -- I agree with my colleagues, let me hear  
10 what -- but I think this -- as we mentioned, this has been around  
11 for a while. We've set it back. We've been tossing and turning,  
12 trying to figure out a way, and I think we've come a lot closer  
13 to making this a reality, as opposed to where we were when we  
14 first started.

15 I would like to hear -- 'cause one of the questions I  
16 do want to ask the opposition is -- and I'm saying this so they  
17 can get ready for it, but one of the questions I know that I want  
18 to ask is, what other alternative do you have? We've done -- we  
19 have moved and pushed back -- what other alternative do you have  
20 to make sure that Wesley's able to stay in the city, which I've  
21 heard everybody say -- and I will take it back if somebody says  
22 we didn't say that, and I'm speaking to those in opposition --  
23 what other alternatives -- and I know some of the alternatives  
24 you gave us, but it doesn't fit our requirements -- so what other  
25 things, other than this text amendment and if we move forward

1 with some of the tightening up, which my colleagues have already  
2 mentioned -- what other alternative -- because if we keep this  
3 any longer, then Wesley will be coming -- you know, they're going  
4 to be around for a long time.

5           And here's the other thing, I want to say this, and I'm  
6 not lecturing; I'm just saying it. What I've learned being on  
7 this Commission and what I've heard all over the city, and I'm  
8 not minimizing any ANCs -- at the last hearing we had a couple  
9 of weeks ago, one of the ANC Commissioners caught me in the street  
10 and said, "Anthony, do not minimize ANC's positions." I said,  
11 "You know I don't do that." She said, "Well, it sounded that  
12 way." So sometimes we get chastised even when we're in the street.  
13 And this is a good friend of mine. But I think that -- through  
14 this all, I think that the issue is to come up with a win-win,  
15 especially so a campus can thrive, because what I've learned to  
16 come accustomed to -- and I'm saying this to those in opposition,  
17 and I know you all are probably going to blast me -- what I've  
18 learned to understand, everything does not stay the same; things  
19 do change. We have to try to make things work, try to make things  
20 fit, and try to figure it out, so we can do that together, so  
21 anyway -- all right. Anything else? And that was just my soap  
22 box going off on the corner. All right. Anybody else have any  
23 follow-up questions or comments?

24           (No response.)

25           CHAIRPERSON HOOD: All right. Ms. Schellin, do we have

1 any other government agencies? I don't think so.

2 MS. SCHELLIN: I do not believe we have anyone here,  
3 but let me double-check. Let's see, I can't remember -- I know  
4 we didn't have any who signed up ahead of time, so --

5 CHAIRPERSON HOOD: Well, let's --

6 MS. SCHELLIN: -- I'm going to say no.

7 CHAIRPERSON HOOD: And I'm sure they'll contact us if  
8 we've messed up, so --

9 MS. SCHELLIN: That is correct.

10 CHAIRPERSON HOOD: Okay. So let's go to any ANCs. And  
11 this ANC issue is citywide I believe, even though I think it's  
12 only --

13 MS. SCHELLIN: No, it was only specific.

14 CHAIRPERSON HOOD: It was specific? Okay. Normally,  
15 a text amendment is to everybody, so I figured everybody --

16 MS. SCHELLIN: Well, yeah, but this was for a specific  
17 area only --

18 CHAIRPERSON HOOD: Okay. All right.

19 MS. SCHELLIN: -- and regarded this university, but  
20 -- so ANC 3E and 3D.

21 CHAIRPERSON HOOD: 3E and 3D. Let's bring them up.

22 MS. SCHELLIN: Yes. And the representatives -- let me  
23 see. I'm sorry. Let me find out who the representatives are  
24 for these. I believe it's Mr. Elkins and Mr. Bender, but I want  
25 to make sure. Mr. Brown, is that correct, Mr. Elkins and Mr.

1 Bender, or do I have --

2 MR. BROWN: It could be the Chair, Tricia Duncan, from  
3 ANC 3D.

4 MS. SCHELLIN: Oh, I'm sorry.

5 CHAIRPERSON HOOD: And Mr. Elkins -- bring them all up.  
6 Bring everybody up. Bring them all up, if they're here.

7 MR. BROWN: And Mr. Bender from 3E.

8 MS. SCHELLIN: I don't see Ms. Duncan, unless I've --

9 CHAIRPERSON HOOD: I think Mr. Elkins -- Commissioner  
10 Elkins is speaking for -- the way I read the submission was he's  
11 speaking for 3D.

12 MS. SCHELLIN: Yeah, that's what I thought too, yeah,  
13 and he's on.

14 CHAIRPERSON HOOD: If Duncan is here, bring her up to.  
15 Bring everybody.

16 MS. SCHELLIN: She's not.

17 CHAIRPERSON HOOD: Okay. All right. So what we'll do  
18 is --

19 MS. SCHELLIN: And I don't see Mr. Bender, unless  
20 they've already brought him up.

21 CHAIRPERSON HOOD: No, Mr. Bender's here.

22 MS. SCHELLIN: Mr. Bender's up. Okay. Good. I think  
23 that's it.

24 CHAIRPERSON HOOD: Okay. I done been in trouble once  
25 already



1 MS. SCHELLIN: I'm sure Mr. Elkins or Mr. Bender will  
2 let us know if we've missed anyone, but I think that's it.

3 CHAIRPERSON HOOD: Okay. I don't want to get in anymore  
4 trouble with ANCs, so I don't --

5 MS. SCHELLIN: Right. I think that's it for the ANCs.

6 CHAIRPERSON HOOD: All right. Mr. -- Commissioner  
7 Bender, do you want to go first? I think -- the majority of it  
8 is in your area, correct, or am I --

9 ANC COMMISSIONER BENDER: Well, it's -- all of Wesley  
10 Theological Seminary is in our area, but a lot of the private  
11 residences are in 3D.

12 CHAIRPERSON HOOD: So who would like to go first, either  
13 Commissioner Bender or Commissioner Elkins; which one of y'all  
14 would like to go? I'm going to leave that up to you all to make  
15 that decision.

16 ANC COMMISSIONER BENDER: I'm happy to go first, but  
17 I'm also happy to wait.

18 CHAIRPERSON HOOD: All right. Since you're happy, go  
19 right ahead, Commissioner Bender.

20 ANC COMMISSIONER BENDER: Okay. And, Mr. Commissioner,  
21 I need about 20 minutes. Is that okay?

22 CHAIRPERSON HOOD: I don't think we have a limit for  
23 Commissioners.

24 MS. SCHELLIN: We do. It's -- on rule-makings, it's  
25 only five minutes for ANCs, three minutes for SMDs, three minutes

1 for individuals.

2 CHAIRPERSON HOOD: Oh, okay.

3 MS. LOVICK: That is correct.

4 MS. SCHELLIN: Rule-making it's just five minutes.  
5 There are no parties. ANCs get five minutes.

6 MS. LOVICK: Sorry. Excuse me.

7 CHAIRPERSON HOOD: Ms. Lovick.

8 MS. LOVICK: Hi. I'm just wondering, shouldn't OP --  
9 I just wanted to ask, because --

10 MS. SCHELLIN: Yes, OP needs to go if they didn't. I  
11 thought they went.

12 MS. LOVICK: No.

13 CHAIRPERSON HOOD: No, no, they didn't. Okay. You  
14 know, we don't do a whole lot of rule-making, so you're right.  
15 Commissioners, let's keep them up. Let's go to the Office of  
16 Planning. Thank you, Ms. Lovick.

17 MR. LAWSON: There we go. Good evening, Mr. Chair and  
18 members of the Commission and members of the ANC. Nice to see  
19 you all. My name's Joel Lawson. I'm with the DC Office of  
20 Planning and I am filling in tonight for Maxine Brown-Roberts on  
21 this case. I'm going to keep this very short, because I know  
22 that you're looking forward to hearing from the community.

23 In response to discussions with and filings by the  
24 applicant, other District staff, ANCs, community individuals, in  
25 our most recent report at Exhibit 28 (indiscernible) recommended

1 language for Subtitle X, Campus Plan Regulations, Section 101.5,  
2 as well as Subtitle C, Chapter 10 --

3 MS. LOVICK: Wait. Sorry. I'm having trouble hearing  
4 you. Apologies for interjecting, but is there -- is there an  
5 issue with your audio? Or maybe it's just me.

6 VICE CHAIR MILLER: Audio was going in and out for me  
7 too.

8 MS. LOVICK: Okay. Sorry. I just need to be able to  
9 hear it. I can't hear. I apologize.

10 MR. LAWSON: All right. Is this better? I'll try to  
11 speak up.

12 CHAIRPERSON HOOD: Sometimes -- let me just say this.  
13 I allowed it to go for a few minutes. I was having the same  
14 problem. Sometimes it works itself out, but, Mr. Lawson, if you  
15 could try again.

16 MR. LAWSON: I'm sorry. Is this better?

17 CHAIRPERSON HOOD: Yeah. If you sit closer to your  
18 mic.

19 MR. LAWSON: Sounds great. I will do that. So, as I  
20 was saying, the we proposed two sections to -- for text amendments  
21 in the regulations and we have discussed the changes with the  
22 applicant. The applicant has already discussed those as part of  
23 their presentation. These text amendments are intended to  
24 address a need by Wesley to provide this income-generating use,  
25 which will be for student housing for Wesley and AU students, to

1 allow them to stay at the site, to continue their mission within  
2 the District, and OP is trying to balance that with protecting  
3 the integrity of the zoning regulations and processes. The  
4 proposed language is intended to apply only to this unique site  
5 and this unique situation, as the applicant stated. Should this  
6 text amendment proceed forward, the proposed University housing  
7 development would still require further processing review before  
8 this Commission. On balance, the proposal is not inconsistent  
9 with the Comprehensive Plan, including when viewed through a  
10 racial equity lens, detailed in the OP reports at Exhibits 10 and  
11 28 and in the applicant's filings.

12           There is certainly some opposition that continues to  
13 various aspects of this proposal. There is also support in the  
14 community. OP appreciates the input and comments from both  
15 proponents and opponents of this case, as well as the applicant's  
16 willingness to discuss this (indiscernible). We'd request  
17 flexibility to continue to work with (indiscernible) staff on any  
18 final language that may be considered by the Commission. And,  
19 with that, thank you.

20           CHAIRPERSON HOOD: Okay. Thank you, Mr. Lawson. Let's  
21 see if my colleagues have any questions of the Office of Planning.  
22 Vice Chair Miller.

23           VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
24 you, Mr. Lawson, for the Office of Planning's report in -- the  
25 most recent report on this case and all of the work that your

1 office has done in the past and to date. Let me ask you about  
2 the inclusionary zoning and the alternative language that your  
3 office has proposed and Wesley has accepted. Can you just briefly  
4 summarize what the -- what requirements -- what the IZ  
5 requirement would be under that provision?

6 MR. LAWSON: Oh, I agree with the applicant's  
7 assessment. It would be the basic IZ requirement. It's not an  
8 unusual requirement. It's not something unspecific, in terms of  
9 the -- in terms of inclusionary zoning, so depending on the  
10 construction type, it would be eight or ten percent of the  
11 requirement. The provisions have built in some assurances. It  
12 builds in some flexibility that's normally available to an  
13 applicant, as part of the -- as a part of a BZA request for IZ  
14 offsite flexibility. It would also provide some certainty, and  
15 that's what the text amendment is intended to do, but it's  
16 essentially a requirement that would be required otherwise.

17 VICE CHAIR MILLER: Has the -- thank you, Mr. Lawson  
18 for that response. The existing -- the current provision of the  
19 regulations for - offsite IZ, there is a -- there is a current  
20 provision for -- that allows for offsite provision of  
21 inclusionary zoning, correct?

22 MR. LAWSON: Correct.

23 VICE CHAIR MILLER: And how -- I think I was involved  
24 in one BZA case where that was applied. Is there more than one?  
25 Has it been applied very often?

1                   MR. LAWSON:       It's being applied very, very  
2 infrequently. It's not normally something that we specifically  
3 encourage applicants to do. IZ is intended to provide affordable  
4 housing, you know, on individual properties to spread affordable  
5 housing throughout all parts of the city. In this case, the IZ  
6 use would obviously be targeted to the neighborhood. I don't  
7 actually remember a BZA case where this was dealt with. There  
8 were one and maybe two Zoning Commission cases --

9                   VICE CHAIR MILLER:   It might have been a Zoning  
10 Commissioner -- I was remembering a Habitat for Humanity case.

11                  MR. LAWSON:   Yes, that was a Zoning Commission case  
12 from four or five years ago -- at least four or five years ago.  
13 Yeah, so it's not something that we've seen very often and  
14 obviously something that you've not seen very often either.

15                  VICE CHAIR MILLER:   And more specific requirements  
16 associated with that, such as the concept of increasing the  
17 minimum set-aside beyond the minimum eight to ten percent -- ten  
18 percent you said would apply in this case -- that could be  
19 memorialized in the Campus Plan condition?

20                  MR. LAWSON:   I'm not sure -- if the Commission decides  
21 to proceed forward with that, I'm not sure, honestly, the best  
22 way that that would happen, whether it would happen through the  
23 text amendment or whether it would happen through the Campus Plan  
24 further processing or maybe a little bit of both. If the  
25 Commission decides to go down a route like that and the applicant

1 is amenable to that, then that is language we'd have to work out  
2 with the applicant, who is not OP. We'd have to work that out  
3 with the applicant and probably (indiscernible) staff.

4 VICE CHAIR MILLER: Thank you for that response. That's  
5 it, Mr. Chairman, for my -- for now. Thank you very much.

6 CHAIRPERSON HOOD: Thank you. Commissioner Wright, any  
7 questions of the Office of Planning.

8 COMMISSIONER WRIGHT: I just wonder -- obviously,  
9 somewhere in the city we've approved new dormitory buildings in  
10 the past, and probably in the recent past. How did we deal with  
11 IZ in those -- in those instances?

12 MR. LAWSON: That's a great question. And, first of  
13 all, because I haven't had a chance to, I'd like to welcome  
14 Commissioner Wright to the Commission. It's nice to see you. I  
15 don't think I've had an opportunity to since you started. A  
16 dormitory is typically not subject to IZ at all. In fact, the  
17 zoning regulations specifically exempt dormitories from  
18 inclusionary zoning. What's different about this case is that  
19 it is a dormitory that would include students from two  
20 universities. Most dormitories obviously do not (indiscernible)  
21 so typically IZ would not apply.

22 COMMISSIONER WRIGHT: Great. So, basically, if this  
23 was a dormitory just for American University or just for Wesley,  
24 there would be no question that IZ would not be required, but  
25 because it's being used by both schools and there's a -- again,

1 I think a strong need for more inclusionary zoning in Ward 3 and  
2 there seems to be a commitment from Wesley to that concept, they  
3 are looking at doing inclusionary zoning at a level that is  
4 commensurate with a non-dormitory type of residential building;  
5 is that correct?

6 MR. LAWSON: That is basically correct, yes. If it  
7 was -- if it was a dormitory on a university campus and part of  
8 that campus's Campus Plan, then it would not be subject to IZ.  
9 So, for example, a dormitory for AU not on the AU campus would  
10 have different requirements altogether. And that's what's kind  
11 of tripping people up here, in that it's a dormitory for two  
12 universities, but I very much agree with your assessment that it  
13 is providing a considerable amount of new housing in an area  
14 where there is a need for new housing, and it will -- we agree  
15 with applicant that it has the potential to free up housing  
16 throughout the neighborhood, through the Ward 3 area, that would  
17 be then available to other people. And it's been a long time  
18 since I was a student, but, certainly, when I was a student, I  
19 was definitely looking for lower-rent housing when I was not  
20 living on campus, and so I -- we agree with the applicant; it's  
21 definitely has the potential to free up lower-cost housing  
22 throughout Ward 3 that would otherwise and currently potentially  
23 (indiscernible) --

24 COMMISSIONER WRIGHT: Okay. Thank you so much for  
25 explaining some of that to me. Thanks.



1 MR. LAWSON: Thank you.

2 CHAIRPERSON HOOD: And Commissioner Imamura, any  
3 questions?

4 COMMISSIONER IMAMURA: No questions; just one comment,  
5 that I'm incredibly impressed by the remarkable memory of Vice  
6 Chair Miller and Mr. Lawson for a case that happened four years  
7 ago with the hundred other cases that's probably happened in  
8 between since then. So, otherwise, no additional comments or  
9 questions. I do want to thank Mr. Lawson and the Office of OP  
10 for the additional work to finesse and fine tune the language  
11 that you always do with these kinds of cases. And I think  
12 something that struck me, Mr. Lawson, was your -- the language  
13 that you used to protect the integrity of the zoning regulations,  
14 so I thought that was important. I just want to underscore Mr.  
15 Lawson's remarks about that. So thank you, Mr. Lawson. And,  
16 Mr. Chairman, I don't have any other questions.

17 CHAIRPERSON HOOD: Thank you. Commissioner Stidham,  
18 any questions of the Office of Planning?

19 COMMISSIONER STIDHAM: No questions at this time; just  
20 thank you, Mr. Lawson, for your time this evening.

21 CHAIRPERSON HOOD: Okay. And, Mr. Lawson, I join the  
22 choruses. Thank you as well. We appreciate all the work that  
23 OP and you all have done on this as well. I don't have any  
24 questions. All right. Let's go to Commissioner Bender.  
25 Commissioner Bender, I'm going to have to stick to the

1 regulations, which each person gets five minutes, as Ms. Schellin  
2 has stated. We have read your submission. I would just hit the  
3 highlights. We get what you're saying about the Landmark and  
4 Ward 3. We get all that, so I would just say hit the highlights,  
5 so we can stay within the required time.

6 COMMISSIONER BENDER: All right. I thank you, Mr.  
7 Chair and fellow Commissioners. I will say we spent a lot of  
8 time on this and it was based on the rules that don't say anything  
9 specifically about the ANC. I'll do my best. I'm here to present  
10 the testimony of 3E. I think I'm supposed to state my address.  
11 It's 4411 Fessenden Street, Northwest, Washington, DC 20016.

12 We are concerned here, Mr. Chair, as we've been from  
13 the beginning, with affordable housing. We believe that this is  
14 something that requires extraordinary relief and we think that  
15 affordable housing should be commensurate. This is a project  
16 that couldn't be done by a PUD, much less as a matter of right,  
17 because DC law doesn't permit it. If it did, Landmark wouldn't  
18 be here. Landmark now asks you to amend the DC Zoning Code just  
19 for them and Wesley, but their petition proposed to exempt them  
20 entirely from the IZ requirement that would attach to their  
21 project if it was a matter of right. They appear to have moved  
22 on from that, which we're -- which we appreciate.

23 OP's supplemental report said -- and I quote, "The  
24 clearest impact of the proposed text amendment when viewed  
25 through a racial equity lens is the relative lack of any impact."

1 That's page 12. On page 11, they say, begin quote, "When viewed  
2 through a racial equity lens, it's not envisioned or expected  
3 that the additional housing on campus for students would have any  
4 impact on the cost of housing in Rock Creek West area." OP does  
5 allow that it's possible that a few rental housings for non-  
6 students might be freed up. We agree with this.

7           The primary relevant market for Landmark is likely  
8 composed of its building and dorms on AU's campus. AU has stated  
9 to us directly and in their letter for this matter that they're  
10 spending millions of dollars to increase the appeal of their own  
11 dorms. And so it's kind of hard to see what Landmark's luxury  
12 dorm is going to offer that AU isn't trying to provide. AU also  
13 said that they have no wait list for campus housing, they have  
14 no need for this project, and they're moving to a two-year on-  
15 campus housing requirement for undergraduates that they told me  
16 they can accommodate entirely in their existing on-campus  
17 housing, so AU doesn't need this project. It's not a dorm for  
18 AU. It's a commercial apartment building that will compete with  
19 AU.

20           Meanwhile, Ward 3 desperately needs affordable housing  
21 for DC residents. We have the least amount of dedicated  
22 affordable housing in the city. The Mayor set a goal of about  
23 2,000 new affordable units in Rock Creek West, and we've only  
24 achieved about ten percent of that. If there's anything that  
25 would justify changing the Zoning Code to allow Landmark to build

1 | this apartment building, it's the provision of a substantial  
2 | amount of dedicated affordable housing. We're not aware of any  
3 | text amendment that has ever exempted a Petitioner from IZ  
4 | requirements or any text amendment for an individual applicant  
5 | that has ever provided anything near this kind of -- this scope  
6 | of relief.

7 |           Our big concern -- number one concern here is Landmark  
8 | keeps saying they want to spend this eight million dollars. We've  
9 | worked with a developer, who doesn't want to be identified, who  
10 | looked at numbers and said that the eight million dollars is  
11 | about half of eight percent IZ, based on their calculations.  
12 | It's absolutely essential that Landmark have to produce either  
13 | actual substitute IZ or -- well, that's what they have to do. I  
14 | mean, this notion that they're just going to give someone eight  
15 | million dollars, which they've fixated on, is -- should not be  
16 | acceptable.

17 |           And in terms of where that eight million dollars comes  
18 | from, we were told at a public meeting that it's based on the  
19 | savings from eliminating 95 parking spaces that they did at our  
20 | request. We've introduced Landmark to a couple of developers in  
21 | our neighborhood. So far, they say that they have not been able  
22 | to do -- to work to get actual IZ done, but they've also said  
23 | more than once that what they're trying to do is get the minimum  
24 | IZ -- offsite IZ done with eight million dollars. And the  
25 | possibility certainly exists that the eight million dollars is

1 | just not enough. You know, there's concerns that -- there are  
2 | concerns that --

3 | MS. SCHELLIN: Time.

4 | COMMISSIONER BENDER: I'm sorry.

5 | CHAIRPERSON HOOD: Commissioner Bender, just give me  
6 | your closing thought. Your time is up.

7 | COMMISSIONER BENDER: My closing thought is that more  
8 | work needs to be done on the -- more work needs to be done on  
9 | the text amendments. Hopefully, we can provide something in a  
10 | post-trial submission. I don't think right now that it's --  
11 | certainly right now that the Zoning Commission would not be  
12 | permitted to order more than the bare minimum of offsite IZ, as  
13 | it currently stands, and so to the extent that that's something  
14 | that you want to do, and we hope you will, some more work is  
15 | necessary on that. Thanks, Mr. Chair and Commissioners, and I'm  
16 | happy to take any questions you have.

17 | CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
18 | Bender, I do want to point this out though, before we go on. As  
19 | you know, this is a rule-making case, and typically in rule-  
20 | making there are no parties. In contested cases -- in a contested  
21 | case, ANCs are automatic parties, but out of respect for the  
22 | ANCs, what we do in a rule-making, we call on the ANCs first,  
23 | even though there are no parties. So that's why you had the same  
24 | time limit as five and three minutes as for the regular general  
25 | public, but in a contested case it's different, so I just wanted

1 to make sure I explain that. All right. Let's see if my  
2 colleagues -- and thank you for your presentation. Let's see if  
3 my colleagues have any questions. Vice Chair Miller.

4 VICE CHAIR MILLER: You want to go to Commissioner  
5 Elkins first or you want to do 3E -- just 3E?

6 CHAIRPERSON HOOD: I don't want to mix them up -- mix  
7 up the comment sections, because I don't know about you, Vice  
8 Chair, but all that that Commissioner Bender said, I want to make  
9 sure I focus on him. I want to give everybody the attention  
10 needed, so let's go to Commissioner Bender first.

11 VICE CHAIR MILLER: Okay. Thank you. I think that's  
12 perfect. Thank you, Commissioner -- thank you, Chairperson  
13 Bender. You're a chairperson, right, of 3E?

14 COMMISSIONER BENDER: Yeah.

15 VICE CHAIR MILLER: Thank you, Chair Bender, for  
16 your -- all your work on this case from its various iterations  
17 up to now. I appreciate your comments, and they've given me a  
18 lot of food for thought, and I will continue thinking about them  
19 as we go along. I think what I've -- and, you know, you've  
20 focused on that the eight million wouldn't cover the basic  
21 minimum, based on your own conversations with the developer. The  
22 reference to the requirements -- the reference in the provision  
23 that's being offered now to the requirements for that amount, as  
24 I understand it, would be tied to the square footage of the  
25 dormitory to be built at Wesley, so if they said it was -- that

1 | ten percent comes out to about 23,000, so whatever it costs to  
2 | produce 23,000 square feet of -- if that's the right number --  
3 | of affordable housing in Ward 3, would be the -- would be the  
4 | dollar amount. I don't think the requirement -- or the  
5 | enforceability of the requirements would get into the dollar  
6 | amount, so it would be tied to the square footage, whether it's  
7 | 23,000 or 46,000 or whatever. So I just wanted to make that  
8 | comment, and I look forward to whatever additional text amendment  
9 | language your ANC thinks would perfect that provision or, not  
10 | perfect, help make it more perfect maybe, just to use a phrase  
11 | like that -- better improved -- and I look forward to your advice  
12 | or comments on that in the future. That's it, Mr. Chairman.  
13 | Thank you. Mr. Bender, if you have a comment on that, yeah.

14 |           COMMISSIONER BENDER: Well, yeah, just briefly. Thank  
15 | you very much, Vice Chair Miller. The issue is, I think that  
16 | the way that the current language reads, you are correct. I do  
17 | notice though that during their testimony, Mr. Brown talked about  
18 | how much -- continued to talk about how much IZ he thought eight  
19 | million dollars was worth, and he mentioned LISC and Summit  
20 | (phonetic) Development, both good groups who we like. They don't  
21 | do IZ though, right; they do regular affordable housing. And  
22 | Landmark has continuously asked to -- or said that what they want  
23 | to do is to spend eight million dollars on a project like that,  
24 | and that will be the equivalent of -- now they're saying it's ten  
25 | percent IZ. My comment is only, we should not go in that

1 direction. That's -- that puts us in the position of trying to  
2 compare apples to oranges, which is -- I don't know how we could  
3 really do that. So to the -- yes, I think the language that OP  
4 has, at least -- unless it's badly interpreted, would, in fact,  
5 require genuine offsite IZ. And like I just said, I feel like  
6 the Petitioner is still sort of trying to nudge us away from  
7 that.

8 VICE CHAIR MILLER: Thank you. Thank you, Mr. Chairman.

9 CHAIRPERSON HOOD: And Commissioner Wright, you have  
10 questions or comments?

11 COMMISSIONER WRIGHT: Not offhand, other than I  
12 recognize the difficulty in figuring out a formula to calculate  
13 how much dollars -- how many dollars are associated with  
14 affordability. We worked on that a lot when I was the Planning  
15 Director in Montgomery County, and we tried to come up with some  
16 formulas. I would just suggest that as we move forward on this,  
17 you know, maybe we can look at either offsite IZ that's been  
18 required in other parts of the city for other kinds of projects  
19 or things that have been done in nearby jurisdictions with offsite  
20 affordable housing to try to come up with a rational way to  
21 calculate a formula that is a fair formula and that achieves the  
22 goal of actually getting the offsite IZ, which is incredibly  
23 important -- incredibly important to do. So I don't have answer,  
24 but I'm just maybe suggesting -- maybe it's to Office of Planning  
25 staff or to our legal staff -- that we should look around for



1 other examples from nearby jurisdictions or from what's happened  
2 in DC in the past to see if we can come up with some models for  
3 what the right formula would be.

4 VOICE: I agree.

5 CHAIRPERSON HOOD: Okay. I think that's good. So I  
6 think to the applicant -- I look to the Petitioners, to the Office  
7 of Planning, and to the Commission and everyone, I think  
8 Commissioner Wright has given all of us some homework, so I  
9 appreciate that, and I actually agree with her as well.  
10 Commissioner Imamura, any questions or comments?

11 COMMISSIONER IMAMURA: Mr. Chairman, yes. Chair  
12 Bender, thank you for your presentation this evening, as well as  
13 your commitment to affordable housing. It's certainly laudable  
14 and commendable and shared particularly in your Ward. So I think  
15 what you're championing is important, especially since your  
16 particular Ward is only, I think you said, about ten percent of  
17 the affordable housing goal set by the Mayor. I'm curious. You  
18 know, we are at any extraordinary circumstance here. They are  
19 asking for some extraordinary relief. You commented that Wesley  
20 has moved a little closer to the position of ANC 3E. What I'm  
21 unclear about is where is the goalpost. So how can we get to  
22 yes, or what is it that would bring ANC 3E to a yes? What is  
23 that definitive benchmark for that post?

24 ANC COMMISSIONER BENDER: Well, I mean, if we were  
25 looking to a particular amount of IZ, if we got that granular in

1 terms of what ANC is looking for, I think we would join the  
2 Washington Interfaith Network and say that 15 percent here at the  
3 normal IZ distribution. That obviously could be varied if, for  
4 instance, we were doing some of the housing at 50 percent and/or  
5 30 percent MFI, which was something that Landmark and Wesley were  
6 offering with their so-called student IZ.

7 In terms of a text amendment -- well, as Joel Lawson  
8 said, you know, there are -- in terms of giving you the ability  
9 to order that, there are sort of two ways and you could combine  
10 them, which is either you could decide on something now, what the  
11 proffer would be, if you will, what the amount that'll be required  
12 and build that into the text, conditioned upon, you know, that  
13 they'll -- this relief is conditioned upon a certain amount. The  
14 text amendment could give you the authority in the Campus Planning  
15 process to decide on what amount is relevant, you know, or a  
16 little of both, which is -- I'd have to give some thought to how  
17 that would work. So that's what we want to see in a text  
18 amendment, at a minimum, is that you have the authority to do  
19 this. Ideally, it would be that you decide on what's -- what  
20 the amount is going to be and, ideally, if that's what you're  
21 asking, it would be in the vicinity of --

22 COMMISSIONER IMAMURA: So, I guess, is the  
23 expectation -- is your expectation -- because, again, you  
24 mentioned that they have moved a little closer in your direction.  
25 Is the expectation for them to move the entire way?

1           ANC COMMISSIONER BENDER: The entire way to 15 percent?

2           COMMISSIONER IMAMURA: (Nods head affirmatively.)

3           ANC COMMISSIONER BENDER: Well, I didn't -- it's not  
4 like we didn't -- we didn't make an offer expecting to like split  
5 the middle -- split the difference. I mean, it's not an  
6 expectation, but I think -- again, I want to make sure I answer  
7 your --

8           COMMISSIONER IMAMURA: Is it reasonable to assume that  
9 maybe you won't reach the entire goal, all the way to 15, but  
10 there's some reasonable number there that's a little closer in  
11 that direction?

12          ANC COMMISSIONER BENDER: More is better --

13          COMMISSIONER IMAMURA: Sure.

14          ANC COMMISSIONER BENDER: -- Mr. Commissioner. I mean,  
15 I certainly -- yeah. I mean, to the extent that this is a  
16 negotiation between Wesley, Landmark, and ANC 3E, yeah, but --

17          COMMISSIONER IMAMURA: Okay. It's fair to assume that  
18 in a compromise, you know, nobody gets everything that they want,  
19 right? Compromises are built on a lose-lose proposition, right?  
20 So I just wanted to put that out there and see, you know, where's  
21 that goal post for ANC 3E, so that way we're clear on the  
22 Commission and everybody else publicly is also clear on what that  
23 goal post is. So, all right, thank you, Chair Bender. Mr.  
24 Chairman, those are all the questions that I have.

25          CHAIRPERSON HOOD: Okay. Thank you. Commissioner

1 Stidham, any questions or comments?

2 COMMISSIONER STIDHAM: Just really a clarification on  
3 Commissioner Imamura's question to the ANC Commissioner related  
4 to the rate. So I think I missed the part of the MFI. Did I  
5 hear you say 50 percent -- 50 to 80 percent of MFI for the 15  
6 percent?

7 ANC COMMISSIONER BENDER: Well, I think the ask would  
8 be 15 percent at I think it's normally 60 percent MFI, but I also  
9 wanted to make clear that, for instance, if they offered 12  
10 percent with a significant amount at 50 and 30 percent MFI, that  
11 certainly could work for us as well, and, in fact, I think it  
12 might be preferable, because we have very little housing in that  
13 range, particularly 30 percent.

14 COMMISSIONER STIDHAM: Okay. Thank you. Other than  
15 that, Chairman, I don't have any additional questions.

16 CHAIRPERSON HOOD: Okay. Thank you. Chair Bender, I  
17 was glad to hear you say that, because I'm always down to 30 to  
18 50 percent as well, so let's see where we go with this. But let  
19 me ask you this. Didn't you all -- I'm trying to remember --  
20 didn't ANC 3E tell us or push us towards a text amendment? Did  
21 I have that right or did I --

22 ANC COMMISSIONER BENDER: Yeah. I mean, we -- what we  
23 had suggested was that the way to do this was a citywide text  
24 amendment; that is, if we wanted to -- we, as a city, want to  
25 allow dorms to serve two institutions, that's something that

1 | should be taken up in a citywide text amendment. You chose to  
2 | do just an individual property text amendment, and we're not  
3 | opposed to that. I don't think it's as -- from a public policy  
4 | perspective, as good a way to do it, but we're -- yeah, we're  
5 | not -- we're not -- we're not opposed in any way to this simply  
6 | because it's a single property text amendment. And we did mention  
7 | text amendments, because our sense was that was the only legal  
8 | way that this could be done.

9 |           CHAIRPERSON HOOD: Okay. And when I look at your --  
10 | and let me just say, I could tell you put a lot of time in it,  
11 | so I see why you need the 20 minutes. You put a lot of time into  
12 | your document -- into your resolution. When I look at your  
13 | resolution, under the "Be it resolved", you did kind of opine on  
14 | number one. But has this been -- and I'm sure it has -- has this  
15 | been discussed counsel for Wesley? Have you all discussed like  
16 | those -- I want to call them conditions, but they're not -- the  
17 | three I guess --

18 |           ANC COMMISSIONER BENDER: Uh-huh.

19 |           CHAIRPERSON HOOD: -- proposals that 3E would like to  
20 | see? Has these three things been presented to Wesley or to their  
21 | counsel?

22 |           ANC COMMISSIONER BENDER: I believe they have. Would  
23 | you give me just one sec? I've got all these Word documents here  
24 | and --

25 |           CHAIRPERSON HOOD: Page 11, where you have your --

1           ANC COMMISSIONER BENDER:  -- and so I just actually  
2 want to look at the language.  Let's see -- I mean, yes -- as a  
3 general matter, yes, that we -- absolutely, that we'd like to see  
4 a text amendment that essentially is enforceable and that  
5 provides more than -- you know, provides IZ commensurate to the  
6 relief sought, and yes.

7           CHAIRPERSON HOOD:  Okay.  I think you've answered my  
8 question, so thank you and we appreciate all the work that ANC  
9 3E has done, so thank you on that.  All right.  Hold tight.  We  
10 may have to come back to you.  I don't think so.  Commissioner  
11 Elkins -- are you the Chair, Commissioner Elkins?

12          ANC CHAIRMAN EMERITUS ELKINS:  No, I'm not.  I'm  
13 emeritus.  We have term limits on 3D, so I can't be Chair.

14          CHAIRPERSON HOOD:  Okay.

15          MR. ELKINS:  But I appreciate the honor of being  
16 emeritus.  Thank you.

17          CHAIRPERSON HOOD:  Okay.

18          ANC CHAIRMAN EMERITUS ELKINS:  I am speaking on behalf  
19 of all of ANC 3D.  You will find our letter in the record, and I  
20 would like to summarize it.  In our view, this is just a common  
21 sense proposition that the Zoning Commission should authorize the  
22 building of this dormitory by way of the text amendments and  
23 here's why.

24                 First, we detail our letter -- in our letter the reason  
25 we conclude that the proposed building does not pose any

1 objectional impact on the neighborhood. Secondly, American  
2 University has 5,000 graduate and undergraduate students for whom  
3 it cannot provide housing on its campus, and yet it has invited  
4 them to come to the District to study at AU, but live off campus.  
5 These students take up housing that would otherwise be occupied  
6 by DC residents, including teachers, police officers, and others.  
7 A Wesley dorm would help.

8 Thirdly, while the two campuses, Wesley and American,  
9 are institutionally separate, for the neighborhood, from a land  
10 use perspective, it is one large property in the middle of our  
11 neighborhood. Therefore, a common dormitory makes a lot of sense.  
12 We know of only four people who live close to the Seminary who  
13 want -- who do want Wesley to stay, but who object to the  
14 building. Two are a couple who live directly across from the  
15 Seminary and will be able to see the new building, and two live  
16 nearby, but out of site of the building and are on the Board of  
17 Directors of Neighbors for a Livable Community. What do these  
18 four neighbors say about the proposed building? And here's our  
19 quick reply, all of which are addressed in more detail in our  
20 letter. First, they say that we will have more students on the  
21 public sidewalks. This is true, but it's hard to find the use  
22 of public sidewalks as objectionable. Secondly, they say they  
23 will be able to see the building. But if all buildings on  
24 campuses had to be located out of sight of the neighborhood, most  
25 of our universities would have to pack up and leave the District.

1 | Thirdly, they say the proposed building would add too much density  
2 | to the neighborhood. This is not a proposal to build a mansion  
3 | right in the middle of a neighborhood of small houses. In short,  
4 | density, in and of itself, is not in our view objectionable. It  
5 | sometimes is, but not in this case.

6 |         Fourth, they say the building will hurt American  
7 | University. Our answer is, that's not what American University  
8 | says in its statement to the Commission. Fifthly, they argue  
9 | that Wesley will never leave, so it's okay for neighbors to try  
10 | to prevent Wesley from constructing this building. Our answer  
11 | is, this is pure conjecture, which we address in more detail in  
12 | our letter. Sixth, they also argue that American University or  
13 | other academic institutions will come to Wesley's rescue. Our  
14 | answer is, there's no factual basis for these assertions.  
15 | Seventh, they say that ANC 3D proposes that Wesley move downtown.  
16 | This is simply a mischaracterization of our letter.

17 |         One of the witnesses in opposition implies in his  
18 | statement that ANC 3D Commissioners may be simply expressing our  
19 | personal opinions about the project, rather than those of  
20 | neighborhood residents. This is really a silly argument. Here  
21 | are the facts. ANC 3D held many open discussions about the Wesley  
22 | project. In 2023, we had three discussions, including a special  
23 | meeting with a two-and-a-half hour discussion, and then we passed  
24 | resolutions at three additional monthly meetings. In 2024, we  
25 | discussed and passed resolutions at five separate monthly



1 meetings. Contrast this with how the two organizations in  
2 opposition have determined that they are not expressing their  
3 personal opinions. You can ask them how many public meetings  
4 they held to learn neighbors' views. I think the answer will be  
5 the same as usual, zero.

6 On the basis of ANC 3D's multiple public meetings with  
7 neighbors, we can confidently say that we believe we understand  
8 and agree with our constituents in Spring Valley, mainly everyone  
9 wants Wesley to stay, even including the opponents in this hearing  
10 today, and most neighbors either find the proposed building to  
11 be okay or simply don't care one way or the other. The two  
12 organizations in opposition have brought forth numerous legal  
13 objections to the approval of these text amendments. They have  
14 expressed great worry about the zoning regulations and any  
15 precedent their approval might set. Certainly, any legal issues  
16 brought forward need to be seriously considered by this  
17 Commission, but, to paraphrase from Shakespeare's Hamlet, me  
18 thinks thou doth protest too much.

19 Finally, on affordable housing, the underlying zoning  
20 here is RA-1, so if Wesley sold the property to a developer, we  
21 would have single-family homes by right, likely large and  
22 multimillion dollars, and very few affordable actions --  
23 affordable options for anyone. So we're concerned that the  
24 Commission give Wesley the flexibility to work out the affordable  
25 housing issue in the context of the Campus Plan and not restrict

1 the flexibility in any way in designing the program at this point  
2 in time by amending the text amendments. And although I don't  
3 know what a good procedure would be here, I offer -- I venture  
4 to offer that perhaps the Commission could make its final  
5 decisions on both these text amendments and the completed Campus  
6 Plan on the same day in the future, so that they can be  
7 appropriately coordinated once Wesley has worked out what they're  
8 going to do on affordable housing. So we do urge your Commission  
9 to move as quickly as possible. We shouldn't let the clock run out  
10 on this important decision for Wesley. And, Mr. Chairman, I  
11 would ask permission to submit this oral history in writing to  
12 the record after this hearing. Thank you.

13 CHAIRPERSON HOOD: Okay. Yeah. I do know that we have  
14 an additional comment period. Thank you, Chairman -- I think you  
15 said Chairman Emeritus -- I think that's what you said, but thank  
16 you. But let me just say, that's why we wanted -- when I looked  
17 through the record, I saw that ANC 3E had some issues and I saw  
18 where you all -- that's why I wanted to take them separately, so  
19 I just wanted to say that's why I didn't take them together.  
20 Okay. Vice Chair Miller.

21 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
22 you, Chuck Elkins, for presenting ANC 3D's testimony and all of  
23 the work and community engagement that ANC 3D has done with your  
24 constituents with -- on this -- on this case and many other issues  
25 in the neighborhood. I appreciate the thoughtfulness of the

1 testimony that you've provided today and previously in the  
2 previous iterations of this -- of this case. And I think the  
3 suggestion of taking final action on the Campus Plan and the text  
4 amendment, if that's possible, might be something worth  
5 considering at least, if that is possible, so -- to insure that  
6 they're -- they obviously are tied together. One facilitates the  
7 other and one limits the other, so they are in tandem to -- it  
8 would be useful if we could do that final action at the same  
9 time, but there may be a sequence that needs to be -- to occur.  
10 I don't know. So thank you -- just thank you for all of ANC 3D's  
11 work. We -- I certainly appreciate it. Thank you, Mr. Chairman.

12 CHAIRPERSON HOOD: Thank you. Commissioner Wright, any  
13 questions or comments?

14 COMMISSIONER WRIGHT: No. Thank you for your very  
15 concise testimony. It was very helpful.

16 CHAIRPERSON HOOD: Commissioner Imamura, any questions  
17 or comments?

18 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Just  
19 maybe a comment or two. One, I remain convinced, Commissioner  
20 Elkins, that you ought to do voiceovers and narrations for  
21 documentaries. About your testimony tonight, I do appreciate the  
22 fact that you remind everybody that it is RA-1 and what a future  
23 without Wesley might look like, particularly for the open space  
24 and how that might impact the neighborhood character, so I  
25 appreciate that aspect of your testimony tonight. So, yeah,

1 | thank you for the work that you do on behalf of your community  
2 | and your ANC and for coming tonight to share your testimony with  
3 | us. And, Mr. Chairman, that's all that I have.

4 |           CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
5 | Stidham, any questions or comments?

6 |           COMMISSIONER STIDHAM: No questions or comments; just  
7 | thank you for your perspective. Greatly appreciated.

8 |           CHAIRPERSON HOOD: And, Chairman Emeritus, thank you  
9 | as well, as well as Commissioner -- Chair Bender. We thank you  
10 | both -- both ANCs for your perspectives and your comments, and  
11 | we'll see how we move forward, so thank you both. All right.  
12 | Ms. Schelling, let's call -- let's just call five up. I don't  
13 | think we need to do --

14 |           MS. SCHELLIN: Okay. We'll start with -

15 |           CHAIRPERSON HOOD: Yeah, let's just call five.

16 |           MS. SCHELLIN: All right. Let me get to the list.  
17 | Okay. Starting with proponents, we have William Clarkson,  
18 | representing Spring Valley Neighborhood Association. So he has  
19 | five minutes. Skip her. Then we have -- I'm sorry. That might  
20 | be our only -- let's see, Steven Carta (phonetic) was part of the  
21 | proponent -- I mean, the Petitioner, and I believe -- yeah, and  
22 | Tucker Snipes. So that's the only person in support.

23 |           CHAIRPERSON HOOD: Okay. I was going to ask you to  
24 | keep up with the time, but I think I can keep up with this time.

25 |           MS. SCHELLIN: Yes.

1 CHAIRPERSON HOOD: Okay. I'm just -- Mr. Clarkson, you  
2 may begin.

3 MR. CLARKSON: Can you all hear me?

4 CHAIRPERSON HOOD: Yes, we can.

5 MR. CLARKSON: Great. Thanks. I'll try to be as brief  
6 as possible. Chairman Hood and Commissioners, my name is William  
7 Clarkson, and I'm Co-President of Spring Valley Neighborhood  
8 Association, SVNA. SVNA has been an active member on the  
9 Seminary's Community Liaison Committee. It has participated as  
10 a party in support of the previous cases regarding this proposed  
11 project. We really appreciate the opportunity to take part in  
12 this important proceeding.

13 SVNA supports the proposed text amendments. We believe  
14 it is the best path forward for Wesley, as it seeks to remain on  
15 its campus in Spring Valley. As the Office of Planning hearing  
16 report states, the proposed text amendments, in conjunction with  
17 its Campus Plan, would not be consistent with the Comprehensive  
18 Plan maps and City of Rock Creek West area elements, including  
19 when evaluated through the requirements of the Zoning  
20 Commission's racial equity tool, and would allow the University  
21 to, quote, "thrive in place". Simply put, the Seminary has been  
22 a great neighbor and a valued part of our community.

23 Throughout this multiyear process, Wesley has continued  
24 to make a concerted good faith effort to proactively engage with  
25 community stakeholders and to address concerns about potential

1 objectionable impacts raised by neighbors, neighbors who actually  
2 reside in the affected nearby neighborhoods. I want to be clear  
3 on that point. With respect to objectionable -- potential  
4 objectionable impacts, our elected ANC 3D representatives,  
5 particularly Chairperson Tricia Duncan, who represents 3D-01,  
6 Spring Valley, and Chairman Emeritus Chuck Elkins, deserve a  
7 great deal of credit for going to extraordinary lengths to try  
8 and discern whether individual neighbors had any legitimate  
9 concerns about potential objectionable impacts to this project  
10 and, if so, what those specific concerns are.

11           While some residents might consider it objectionable  
12 for a new building to even partly be visible in the neighborhood  
13 or object to additional students walking on public sidewalks in  
14 front of their homes, please know that these concerns by no means  
15 reflect the majority view in our community. Frankly, many of our  
16 neighbors probably haven't spent much time analyzing the  
17 potential citywide legal and regulatory implications of the  
18 proposed text amendments. They are, however, very concerned  
19 about potential impacts on our community, including what could  
20 happen if Wesley is forced to close and sell the campus property.

21           While the ultimate goal of Wesley's opponents might be  
22 to preserve the neighborhood in amber, the sale of the campus  
23 property could lead to far more development, no affordable  
24 housing, and the loss of most of the property's publicly-  
25 accessible green space. Many of us are here today because we

1 | deeply care about our community and recognize the importance of  
2 | participating in good faith in a transparent manner. Moving  
3 | forward, we look forward to continuing to work with Wesley, our  
4 | elected ANC 3D and 3E representatives, American University, and  
5 | other stakeholders who are genuinely focused on finding a  
6 | solution to keep Wesley in place.

7 |           One final point, and this was raised earlier, but we  
8 | totally agree with the importance of engaging with -- Wesley and  
9 | AU engaging substantively on these issues. We've been advocating  
10 | that for a while. Commissioner Elkins, he's on -- I know he has  
11 | been advocating that, as have others that you'll hear from or  
12 | have heard from tonight. Our organization, SVNA, serves with  
13 | others on the American University Neighborhood Partnership, and  
14 | if there's an opportunity to help facilitate further engagement  
15 | between AU and Wesley through the Partnership, we would  
16 | definitely like to explore that possibility, if appropriate of  
17 | course. And, again, thank you so much for our time and for all  
18 | your work and other's work, the Office of Planning, on this multi-  
19 | year process through different iterations and cases. Thank you.

20 |           CHAIRPERSON HOOD: Okay. Thank you. Let's see if we  
21 | have any questions or comments for you. Vice Chair Miller.

22 |           VICE CHAIR MILLER: Thank you, Mr. Chairman. No  
23 | questions, but thank you, Mr. Clarkson for all of your  
24 | participation -- your organization, Spring Valley Neighborhood  
25 | Association's community engagement and active work on this case

1 and other issues in your -- in the neighborhood and the  
2 thoughtfulness that you bring to this hearing today. We really  
3 appreciate it. Thank you.

4 MR. CLARKSON: Thank you.

5 CHAIRPERSON HOOD: Commissioner Wright, any questions  
6 or comments?

7 COMMISSIONER WRIGHT: No questions. Thank you so much  
8 for your testimony. It was very helpful.

9 CHAIRPERSON HOOD: Commissioner Imamura, any questions  
10 or comments?

11 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I just  
12 align myself with Vice Chair Miller's comments, Mr. Clarkson, and  
13 would just add continued engagement over, as you've said, this  
14 multiyear process, so -- and I think Wesley continues to hear  
15 from multiple parties the need for additional conversations  
16 between Wesley and AU, so it sounds like they're moving in that  
17 direction, but more is better. So thank you, Mr. Clarkson, for  
18 your testimony tonight.

19 MR. CLARKSON: Thank you.

20 CHAIRPERSON HOOD: All right. And Commissioner  
21 Stidham, any questions or comments?

22 COMMISSIONER STIDHAM: No questions or comments, but  
23 thank you for your testimony.

24 MR. CLARKSON: Thank you.

25 CHAIRPERSON HOOD: I, too, join the choruses. Thank



1 | you, Mr. Clarkson, for all your work. It's not -- as the Vice  
2 | Chair mentioned, not just in this case, but all the time, so we  
3 | appreciate you coming down and providing testimony. Thank you.

4 | MR. CLARKSON: Thank you.

5 | CHAIRPERSON HOOD: All right. Ms. Schellin, I think  
6 | now we're going to opponents. I think we have more than one, so  
7 | I'm going to need you to help me keep the time.

8 | MS. SCHELLIN: You still want five at a time?

9 | CHAIRPERSON HOOD: Let's do four.

10 | MS. SCHELLIN: Okay.

11 | CHAIRPERSON HOOD: There's quite a bit of screen  
12 | filling up, so let's do four.

13 | MS. SCHELLIN: Okay. We have Robert Scholz, Josie  
14 | Scholz, Jeffrey Kraskin, and the fourth one would be Mary Buckles  
15 | with Spring Valley Wesley Heights Citizens Association. That's  
16 | four.

17 | CHAIRPERSON HOOD: Okay. Thank you. I'm going to go  
18 | by the names I see on my screen. Let's go with Josie Scholz  
19 | first.

20 | MS. SCHOLZ: I'm unmuted. Can you hear me?

21 | CHAIRPERSON HOOD: Yes, we can hear you. You may begin.

22 | MS. SCHOLZ: Okay. Hi. I'm Josie Scholz. I've lived  
23 | for 40-plus years across from Wesley. I opposed their Campus  
24 | Plan and PUD in '22 and '23, and I also opposed these new text  
25 | amendments. Our neighborhood associations, NLC, and SVWHCA,

1 argued from the first that the Campus Plan and PUD violated zoning  
2 regs, and now that Wesley and the Zoning Commission agree that  
3 they do, they want the Zoning Commission to amend their regs,  
4 creating a pot (sic) zoning -- a spot zoning carve-out so that  
5 they alone, among DC academic campuses, can significantly  
6 monetize their campus property. I strongly agree with these  
7 neighborhood associations and with ANC 3E that the text  
8 amendments don't fit ZC rules.

9 Wesley, a good neighbor, wants to thrive in place. I  
10 wish they could do so, other than by building a supersized luxury  
11 residence with swimming pool to target AU students for their  
12 rent. In Wesley's fall issue of Calling, Wesley's President  
13 states that Wesley is planning to build a new school student  
14 residence hall, which not only will make Wesley one of the finest  
15 physical campuses in the country, but it will also produce a  
16 significant financial resource from the AU students who will  
17 occupy most of the building.

18 Landmark, Wesley -- Landmark, the developer, Wesley,  
19 and Landmark's investors are the winners in this, but there will  
20 be losers. Number one, AU, with the current -- as of today's  
21 post, a current 60-million-dollar shortfall, having their  
22 students and their poached by their sister Methodist institution  
23 next door; Number two, AU students enrolled for an academic year  
24 paying market-rate rent for 12 months while harming their  
25 institution's finances; number three, Wesley grad students being

1 | in the minority on their own campus; number four, the Zoning  
2 | Commission asked to subvert its rules for one institution; number  
3 | five, neighbors living across from a building covering 72 percent  
4 | of the built campus and at eight stories, more than two times  
5 | taller than the rest of the campus buildings and violating  
6 | residential zoning height.

7 |           The building will bring around 500 more residents to  
8 | University Avenue, a quiet corner of Spring Valley. I just want  
9 | to say, talking about them on sidewalks, we don't even have  
10 | sidewalks in the streets, and neighbors across from the  
11 | building -- we already said that -- but even if Wesley and  
12 | Landmark -- even Wesley and Landmark might be losers when AU, as  
13 | they said in their recent filing, begins to require undergrads  
14 | to live on campus for two years, reducing the number of students  
15 | Landmark can draw on to fill its rooms. Landmark usually builds  
16 | near university campuses with 10,000 students. AU's juniors and  
17 | seniors are less than that.

18 |           If Wesley wants to sell its campus, the 99-year  
19 | lease -- ground lease might limit their options. In neighborhood  
20 | meetings, Wesley made some adaptations to neighbors' concerns,  
21 | but the height, the mass, the occupant number really never  
22 | changed, because the three principals, in order to gain their  
23 | financial benefit --

24 |           MS. SCHELLIN: Time.

25 |           MS. SCHOLZ: -- it must be large enough to make the

1 profit they seek.

2 CHAIRPERSON HOOD: Thank you. Ms. Scholz, do you have  
3 a closing though?

4 MS. SCHOLZ: Thank you very much.

5 CHAIRPERSON HOOD: Thank you. Can I send this -- my  
6 testimony in or no?

7 CHAIRPERSON HOOD: We have your -- do we have -- I  
8 didn't see -- I know I have your husband's, but, yes, you can.

9 MS. SCHOLZ: Okay. Thank you.

10 CHAIRPERSON HOOD: There's a comment period, right, Ms.  
11 Schellin? I don't want to break -- I don't want to break --

12 MS. SCHELLIN: If she wants to submit what she said  
13 this evening, if she could do that by tomorrow noon.

14 MS. SCHOLZ: Okay. Thank you.

15 CHAIRPERSON HOOD: Okay. Can you do that tomorrow?  
16 Can you do it by tomorrow at noon?

17 MS. SCHOLZ: Okay. Thank you.

18 CHAIRPERSON HOOD: Okay. All right. Let me go to Mr.  
19 Scholtz -- Mr. Bob Scholz.

20 MR. SCHOLZ: Hi, everyone. My name is Bob Scholz. I'm  
21 a retired licensed civil engineer, having worked in real estate  
22 development and construction. Josie and I live at 3900 University  
23 Avenue, across from Wesley's exit road onto University Avenue.  
24 We oppose these text amendments and support the opposition. I  
25 disagree with ANC 3D's recent letter stating, "While the new

1 building will still be visible to a few homes, this visual impact  
2 compares very favorably to that of campus buildings on the nearby  
3 American University and George Washington Mount Vernon campuses."  
4 This is a specious and misleading representation.

5           The proposed eight-story building is perhaps 50 yards  
6 from University Avenue, and its ground floor would be placed atop  
7 a 50-foot hill above University Avenue, making it, from our point  
8 of view and that of our neighbors, a 13-story building. The  
9 zoning is RA-1, land to be low to moderate density development.  
10 The Wesley -- and Wesley has refused to consider reducing the  
11 size of the building, as suggested by a previous ANC 3D Chair.

12           The tall AU buildings are further from University  
13 Avenue and are significantly less objectionable. Additional  
14 foreseeable impacts are parking, traffic, and any rowdy behavior  
15 of 500-plus AU undergraduates on our side of the AU security  
16 fence, part of the reason that the AU security fence was installed  
17 20 years or so ago. Following the zoning laws and rules is in  
18 the best interest of the entire community. There are many  
19 uncertainties that could lead to unintended consequences during  
20 the 99-year lease of the proposed -- of this proposal.

21           The Zoning Commission has already approved in AU's  
22 Campus Plan a 500-bed dormitory that will complete (sic) --  
23 compete with the project under consideration. During this long  
24 process between the neighbors of Wesley, the split in the United  
25 Methodist Church has partially healed. Wesley has been a good

1 neighbor, and I hope that differences between the two Methodist  
2 factions continues to improve, creating an increasingly larger  
3 pool of donors to support Wesley as it is now developed, so that  
4 in the future --

5 MS. SCHELLIN: Time.

6 MR. SCHOLTZ: -- it cannot only survive, but also  
7 thrive, as Wesley defines "thrive". In summary, I oppose Wesley's  
8 text amendments and humbly ask Commissioners, as good stewards  
9 of the regulations, to deny these two text amendments and bring  
10 this long process to an end.

11 CHAIRPERSON HOOD: Thank you.

12 MR. SCHOLTZ: May I submit my adjusted written  
13 testimony?

14 CHAIRPERSON HOOD: Yeah, it was adjusted, 'cause we  
15 have your -- yeah, you can do submit your adjustment. Can you  
16 do it by 12 noon tomorrow?

17 MR. SCHOLTZ: I will do it by 12 noon tomorrow.

18 CHAIRPERSON HOOD: All right. Thank you. Hold tight.  
19 We may have some questions for you. Let's go to Mr. Jeffrey  
20 Kraskin.

21 DR. KRASKIN: Good evening, Chairman Hood and  
22 Commissioners.

23 CHAIRPERSON HOOD: Good evening.

24 DR. KRASKIN: My name is Jeff -- Dr. Jeffrey Kraskin.  
25 I'm a fourth-generation Washingtonian, and I lived in Spring

1 Valley for over 62 years. I submitted my written testimony into  
2 the record of this case, but today, since my time is short, I'll  
3 elaborate on some of that I submitted.

4 Throughout my adult life, I served the District of  
5 Columbia in both elected and appointed positions. Additionally,  
6 I served in numerous capacities in Spring Valley and Wesley  
7 Heights communities in Ward 3. When I was an ANC Commissioner  
8 and officer of SVWHCA, I saw numerous issues associated with the  
9 Seminary. These included the ringing of the Bell Tower to the  
10 creation of the now-referred new dorm.

11 I recall the construction of the Bell Tower and the  
12 1961 placement of the John Wesley riding the horse statue. There  
13 was a time as a young child that I was concerned he might ride  
14 into my bedroom, since he was aimed at my window. While I thrived  
15 as a child and an adult only 140 feet away from the Seminary, I  
16 always considered the Seminary as a friend to the community.  
17 Today the issue before you is a consideration of text amendments  
18 as a means to circumvent existing zoning regulations associated  
19 not only with campus plans, but inclusionary zoning regulations,  
20 and impacting various other areas of land use regulations and  
21 definitions.

22 During the other Seminary cases, there have been  
23 moments when the Seminary has been addressed as if it were a  
24 church. The Seminary is not a church. It is an educational  
25 institution, no different than any other institution in DC. The

1 Wesley Seminary is a graduate school program, not an  
2 undergraduate school. Yes, it has a chapel, but that's a working  
3 laboratory for the school. Most hospitals have chapels, but that  
4 does not make them a church. The word "seminary" mean simply a  
5 school for training of priests, ministers, rabbis, et cetera.

6 Further, there's a misinterpretation of the word  
7 "thrive", which has been going on and on. To thrive is to grow,  
8 develop, and flourish. Yeah, thrive; it's a wonderful marketing  
9 term. I can certainly give credit to Seminary President David  
10 McAllister-Wilson, who has numerous times stated that the  
11 Seminary is financially stable. While some may applaud the  
12 Seminary's leadership for attempting to monetize the Seminary  
13 property, the method chosen is and continues to not be within the  
14 existing zoning regulations, as related to residential property  
15 utilized for educational purposes.

16 Again, I want to amend (sic) -- commend -- I want to  
17 commend ANC 3D for suggesting that the Seminary purchase a  
18 building in a DC commercial zone and retrofit it, creating a  
19 multi-use building for both educational and residential purposes,  
20 if that had to happen. And as mentioned already, today's  
21 Washington Post Metro front page regarding AU and its 60-million-  
22 dollar deficit plays a critical part of this discussion.

23 In reality, the Landmark deal would be great for AU on  
24 AU's land to build the already-approved residences for 500  
25 students. Landmark would be building on AU, for AU, and would



1 occupy no more build-out than approved. I urge the Commission  
2 to end this ongoing search to circumvent regulations, reject  
3 these text amendments, direct the Seminary to return with a viable  
4 Campus Plan in accordance with all current regulations. Thank  
5 you for your attention.

6 CHAIRPERSON HOOD: Thank you. Next we'll go to, I  
7 think, Mary Buckles. Forgive me if I'm mispronouncing your name.

8 MS. BUCKLES: Can you hear me?

9 CHAIRPERSON HOOD: Yes, we can now, yes.

10 MS. BUCKLES: My name is Mary Buckles. I live at 4652  
11 Upton Street. I am a Spring Valley resident and I'm testifying  
12 as a member of the Board of Directors of the Spring Valley Wesley  
13 Heights Citizens Association. We strongly oppose the proposed  
14 text amendments that are the subject of this case. In partnership  
15 with Neighbors for a Livable Community, we submitted a detailed  
16 statement to the Commission outlining the nine reasons for our  
17 opposition. I refer you to that statement.

18 The spot zoning requested by Wesley would give  
19 unprecedented special access to Landmark for the developer's  
20 commercial use of Wesley's land that isn't permitted under the  
21 Campus Plan and inclusionary zoning, and it is inconsistent with  
22 the property's underlying RA-1 zoning. In this case, Wesley  
23 repeats the same arguments with the same faulty and discredited  
24 reasoning that it offered the Commission in two separate but  
25 related cases. Wesley's still telling you its Landmark project

1 is not commercial activity, but asks you to exempt the project  
2 from the commercial guardrails through the text amendment to the  
3 Campus Plan rules. If the Landmark project is not commercial  
4 activity, as Wesley argues, why is Wesley speaking (sic) --  
5 seeking an exemption from the commercial activity rules?

6           The Commission already has the authority to determine  
7 if Wesley's proposal meets the Campus Plan standards. What is  
8 before the Commission is whether the rules should be changed to  
9 permit a commercial activity solely on Wesley's campus that is  
10 not permitted under the Campus Plan, IZ, and PUD rules. We do  
11 not believe the proposed text amendment is justified, for all the  
12 reasons cited in our pre-hearing statement.

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

21           Wesley justifies the amendments by continuing to rely  
22 on this vague assertion to thrive. At the same time, Wesley has  
23 asserted that its survival is not at risk and that it is  
24 financially secure. As it has done in the past, Wesley has upped  
25 the ante by threatening to relocate from the current site, but

1 they've offered no substantive evidence to justify the  
2 extraordinary relief being sought. This case is distinguished  
3 by the applicant's failure to provide any evidence of a financial  
4 hardship or, in the words of the zoning regs, that the applicant  
5 is being denied economically viable use of its land. Wesley also  
6 argues this is not spot zoning, because no adverse use impacts  
7 have been identified.

8 Wesley should revisit the record in the two previous  
9 related cases in which we clearly state the Landmark building is,  
10 quote, "likely to become objectionable to neighboring  
11 properties", close quote, due to height, density, and scale,  
12 increased public safety risks, stormwater impacts, and  
13 transformation of Wesley from a graduate-level campus for the  
14 ministry to an undergraduate annex for AU, in which AU students  
15 would outnumber Wesley students by three to one, just to name a  
16 few of the adverse impacts that we've raised. Wesley's own  
17 application in this case warns the project could lead to, quote,  
18 "future development of the property", close quote, that would  
19 include, quote, "additional residential and retail density,  
20 resulting in increased traffic that could be a burden on  
21 neighbors", close quote.

22 In 2021, the Commission approved two new dorms on the  
23 AU campus adjacent to the proposed Landmark building. The  
24 Commission should consider the objectionable impacts associated  
25 with the totality of housing so many students immediately

1 adjacent to the University Avenue neighbors. As mentioned by  
2 some others, the Washington Post reported just yesterday that AU  
3 has a 60-million-dollar budget shortfall, which it attributes to  
4 undergraduate enrolling (sic) -- enrollment falling below budget  
5 targets.

6 In trying to bolster Wesley's revenue stream, the  
7 Commission approval of these text amendments may come at the  
8 expense of AU's housing revenue for students. At least AU, faced  
9 with the prospect of cutting programs, is being transparent about  
10 its budget roles. The Commission's role is to regulate land use,  
11 not take extraordinary measures to bolster Wesley's revenue  
12 stream or to create an economic windfall for a private developer  
13 like Landmark. Rewriting of rules for a single applicant should  
14 not be an option, when the applicant's proposal deviates so  
15 egregiously from the zoning standards.

16 After this three-year circuitous route of review,  
17 debate, and deliberation on the Landmark project, a decision by  
18 the Commission to approve flawed text amendments, based on a  
19 legally insufficient and defective application, will shake public  
20 confidence in the integrity of the District zoning process.  
21 SVWHCA urges the Commission to reject these text amendments.  
22 Thank you very much.

23 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin, did  
24 we bring one other person up or -- I saw a name I didn't  
25 recognize.

1 MS. SCHELLIN: I thought that -- let's see, just to  
2 make sure, we should have had --

3 CHAIRPERSON HOOD: Tucker Snipes?

4 VOICE: Blaine.

5 MS. SCHELLIN: No, Mr. and Mrs. Scholz, and then we had  
6 Ms. Buckles and Blaine Carter.

7 CHAIRPERSON HOOD: And we had Dr. Kraskin, so we need  
8 to get --

9 MS. SCHELLIN: I'm sorry. No, that -- you just had the  
10 four, yeah. Blaine Carter will be next. Yeah, you just wanted  
11 four. I'm sorry.

12 CHAIRPERSON HOOD: Yeah, just four.

13 MS. SCHELLIN: So that was it.

14 CHAIRPERSON HOOD: Okay. We're good. All right. Let's  
15 see if we have any questions of that panel. Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
17 you, Bob and Josie Scholz and Dr. Jeffrey Kraskin and Mary Buckles  
18 on behalf of the Spring Valley Wesley Heights Citizens  
19 Association, all of you, for your testimony this evening and for  
20 your pre-hearing statements and all of your work in the community  
21 and on this case and in other -- on other issues. I appreciate  
22 your comments. I don't have any questions at this time, Mr.  
23 Chairman. Thank you.

24 CHAIRPERSON HOOD: Thank you. Commissioner Wright, any  
25 questions or comments?

1                   COMMISSIONER WRIGHT: No questions at this time. I  
2 guess -- and maybe some of my other colleagues can help me out  
3 with this, but, correct me if I'm wrong, doing the zoning text  
4 amendment does not sort of comment on the design of the building;  
5 is that correct? The design of the building would come up during  
6 the Campus Plan discussion?

7                   CHAIRPERSON HOOD: You're correct. The text does  
8 not -- we don't do design in the text.

9                   COMMISSIONER WRIGHT: Right. So really what's before  
10 us right now is deciding, you know, if building another dormitory  
11 at this location is appropriate and what to do with the IZ issue  
12 that we discussed previously. I think that whoever had suggested  
13 the idea of doing -- if we could do the Campus Plan and the zoning  
14 text amendment at the same time had a good idea, because I realize  
15 that a lot of people's feelings about the zoning text amendment  
16 are related to how they might feel about issues that will be  
17 decided in the Campus Plan, but, just from a technical  
18 perspective, they are two separate sets of issues. Is that  
19 correct?

20                  CHAIRPERSON HOOD: That's correct.

21                  COMMISSIONER WRIGHT: Okay. Thanks. I just wanted  
22 to make sure -- again, as the new Commissioner, I wanted to make  
23 sure I was understanding things correctly.

24                  CHAIRPERSON HOOD: And I'm sure if I misspoke, I'm sure  
25 I'll be corrected. I always am. But I will tell you,

1 Commissioner Wright, you can only use "new" one time. I'm just  
2 joking.

3 MS. SCHELLIN: They're also two different processes.  
4 So with the text -- with what you're hearing tonight, it's a two  
5 vote and the Campus Plan is a one vote, so you cannot proceed  
6 with the Campus Plan until you decide this case first. So you  
7 need to take final action, move forward with this case before you  
8 can move forward with the Campus Plan case, if that makes sense.

9 COMMISSIONER WRIGHT: Yes. Thank you very much for  
10 that clarification. I appreciate it.

11 CHAIRPERSON HOOD: Okay. All right. Thank you, Sharon,  
12 for helping us.

13 MS. SCHELLIN: Right. So we need to get the order  
14 published and then we can move forward.

15 CHAIRPERSON HOOD: Well, let me say it like this, if  
16 we go --

17 MS. SCHELLIN: Or final action rather.

18 CHAIRPERSON HOOD: But let me just say this, so the  
19 public won't say, "Oh, they already decided". No, we have not  
20 decided how we're going to move with this yet, so I want to put  
21 that out there.

22 MS. SCHELLIN: And that's exactly why this case has to  
23 happen first. And until that is done, we cannot schedule the  
24 other case until at least you take final action.

25 CHAIRPERSON HOOD: Let me -- Sharon, let me just say

1 this. This case may happen; it may not happen. I don't know.  
2 I don't want to put any preconceived notions out there that the  
3 Commission has already made their minds up. The five of us will  
4 make our minds up, we will deliberate, and we will discuss it.  
5 So thank you for that clarification.

6 MS. SCHELLIN: I just wanted to make sure that they  
7 understood why staff was not scheduling. Until you guys do what  
8 you want to do, staff can't move forward with anything on the  
9 other case.

10 CHAIRPERSON HOOD: Okay. Okay. I got you.

11 MS. SCHELLIN: Yeah, because typically we would just  
12 schedule a Campus Plan case, and I can't do that until you guys  
13 decide what you're going to do on this case. That's all I was  
14 saying --

15 CHAIRPERSON HOOD: Okay. All right.

16 MS. SCHELLING -- trying to say. Maybe I didn't put  
17 that out there clearly.

18 CHAIRPERSON HOOD: Okay. Yeah. Good, good. I don't  
19 want anybody to think that we've already -- we're going to do  
20 this and we're going to move on, but I understand it once you  
21 clarified it, so thank you. All right. Commissioner Imamura,  
22 any questions or comments of this panel?

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
24 think it's important that Commissioner Wright brought up that  
25 question, just as a reminder for everybody, that these are two



1 separate but, yes, interrelated issues, but two separate issues,  
2 nonetheless, that need to be evaluated -- decided. I do  
3 appreciate and look forward always to hearing the opposition.  
4 You bring an important voice to the conversation, and it's -- it  
5 helps us reach a more balanced outcome, as Chairman Hood often  
6 says.

7           And I would say, Dr. Kraskin, I think what I heard you  
8 say was that there was some level of concern, and forgive me if  
9 I don't get this quite right, but that even Landmark may decide  
10 to do something similar on AU's campus. And I would posit to  
11 say that I'm guessing that any university within the District of  
12 Columbia may reach out to Wesley, if they had such an idea, and  
13 given that this has been such an incredible challenge to overcome  
14 over the past couple years.

15           So certainly to Chairman Hood's comment that a decision  
16 has not been made; we've still been at this for quite some time  
17 to find the appropriate solution for this, but I would guess that  
18 perhaps any other university would probably -- after watching  
19 this play out, might think otherwise, given the challenges that  
20 Wesley's gone through to this stage. So that's all that I have.  
21 Thank you, Mr. Chairman. Nothing further.

22           DR. KRASKIN: Mr. Chairman, may I just correct any  
23 misinterpretation of what I said?

24           CHAIRPERSON HOOD: Did somebody misinterpret?

25           DR. KRASKIN: Well, I just want to make sure that was

1 just -- since my name was mentioned, my comment regarding --

2 CHAIRPERSON HOOD: Go right ahead. Go right ahead.

3 DR. KRASKIN: My comment regarding AU and Landmark was  
4 simply AU would not have to have any of these text amendments.  
5 That's all.

6 CHAIRPERSON HOOD: Okay. All right. Thank you.  
7 Commissioner Stidham, any questions or comments of this panel?

8 COMMISSIONER STIDHAM: No, not at this time, but thank  
9 you for your testimony everyone.

10 CHAIRPERSON HOOD: Okay. I, too, want to thank everyone  
11 for their testimony and we hear you loud and clear and have heard  
12 you loud and clear. All right. We can take everybody down. Ms.  
13 Schellin, can we put -- bring four more residents up or four more  
14 people who may be in opposition? Do we have four more?

15 MS. SCHELLIN: We have exactly four.

16 CHAIRPERSON HOOD: Oh.

17 MS. SCHELLIN: So this will be the last panel, and this  
18 is the end of the testimony for this evening --

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: -- as there are no other people signed  
21 up, so I will call them now. Blaine Carter gets five minutes  
22 with Neighbors for a Livable Community. And then we have Alma  
23 Gates, Thomas Smith, and last but not least, Nancy MacWood. She  
24 gets five minutes also with the Committee of 100. That's it.

25 CHAIRPERSON HOOD: Okay. Let's go to Blaine Carter

1 first, and in that order. You may begin.

2 MR. CARTER: Good evening. And I'm right at five  
3 minutes, so I'll be concluding just as it is. My name is Blaine  
4 Carter, and I live at 3718 University Avenue in Spring Valley,  
5 and serve as a Board member for the Neighbors for a Livable  
6 Community, NLC, and work in the commercial real estate industry.  
7 I have for 40 years.

8 NLC opposes the text amendments that are the subject  
9 of this case. Wesley says the relief provided by these text  
10 amendments is needed because Landmark's project is unique. There  
11 is nothing unique about the project which would warrant such  
12 serious breach of the zoning regulations, including the Subtitle  
13 B use definitions, one of the several zoning issues not addressed  
14 by the text amendment. The Commission is being asked to change  
15 the zoning rules so that the Wesley land can be used for  
16 Landmark's commercial speculation. Landmark is seeking to  
17 exploit the zoning process to operate for-profit-making business  
18 not permitted on a college campus. The Landmark process is a  
19 commercial activity not permitted under the Campus Plan rules.

20 In July '22, then Zoning Commissioner Peter May said  
21 it best, quote, "It would be a commercial operation within the  
22 campus." This action would clearly set a precedent for them."  
23 That is in the transcript, July 14th, 2020, pages 22 and 23.  
24 During deliberations in October '22, he added, quote, "It's a  
25 sort of workaround and in-around to get around the regulation's

1 limitations within the zoning regulations when it comes to Campus  
2 Plans, but also a way around the zoning regulations that would  
3 normally apply for an apartment building of that size." That's  
4 in the transcript of October 13th, '22. The new Landmark  
5 operation will constitute 72 percent of the developed space on  
6 the Campus Plan -- on the campus -- Wesley's campus. Wesley  
7 students will play the de minimis role in this building. This  
8 building may enhance Wesley revenue, but it will be a bonanza for  
9 Landmark.

10           Housing AU students is not part of Wesley's mission.  
11 As Commissioner May said, "Wesley's sole objective in housing AU  
12 students is to provide income. Contrary to assertions made by  
13 Wesley, the Landmark development does not comply with the  
14 residential uses permitted under Subtitle B use definitions,  
15 because AU students are not enrolled at Wesley. OP's report last  
16 week said the purpose of the Campus Plan text amendment is to  
17 clarify the Landmark project is not a commercial use. This  
18 contradicts OP's own setdown report, which said, quote, "Wesley  
19 has conceded that the ground lease is a private developer to  
20 construct and operate a dormitory which would include non-Wesley  
21 students is considered a commercial use and would not meet the  
22 requirements of Subtitle X, Section 101.3(b).

23           We would also add it does not comply with Subtitle X,  
24 Section 101.4, which clearly states, "The Campus Plan process  
25 shall not serve as a process to create general commercial

1 activities or developments unrelated to the educational mission  
2 of the applicant." A commercial (sic) is a commercial activity.  
3 No language can change that. You can call a horse a cow, but  
4 you're in for a surprise if you try and get milk out of it. If  
5 the Landmark project is not a commercial activity, then the  
6 proposed text amendment is unnecessary. The Commission could  
7 have made that determination two years ago in ZC Case Number 22-  
8 13. Commissioner May's comments are illustrative of why the  
9 Commission did not make that determination.

10 Landmark is seeking to leverage the District's Campus  
11 Plan rules with Wesley's help to compete directly with AU's  
12 student housing program. A recent filing by Wesley clearly states  
13 that AU is not partnering with Wesley or Landmark and it is  
14 focused on its own housing program, including changing its  
15 housing policies to require students to live on campus for two  
16 years. The 2-16 Campus Plan regulations were crafted very  
17 carefully and skillfully with extensive legal analysis and  
18 community input. If the Commission is determined to change its  
19 rules, you should be expected to assess whether all colleges and  
20 universities in the District of Columbia need more flexible use  
21 of their land to allow commercial uses not permitted in the 2016  
22 zoning regs.

23 The Wesley and OP alternative text amendments have  
24 turned this hearing upside down. Wesley's initial text amendment  
25 would exempt Landmark from providing an IZ. This is unacceptable,

1 but the public has had no time to examine or assess the  
2 alternative. The zoning regulations include timelines for public  
3 notice and review for a reason. Throwing alternative text  
4 amendments into the pot at the 11th hour does not make for a  
5 transparent or fair process.

6           Zoning regulations should be predictable. Spot zoning  
7 like the proposed -- like those proposed in these text amendments  
8 is anything but predictable. Approval of these regulations will  
9 undermine both the Campus Plan and IZ and serve as a precedent  
10 in any case in which an applicant offers vague assertions of  
11 financial need. NLC calls on the Commission to reject these text  
12 amendments. Thank you.

13           CHAIRPERSON HOOD: Okay. Thank you. Hold tight. We  
14 may have some questions for you. Ms. Gates.

15           MS. GATES: Chairman Hood, would it be all right if Tom  
16 Smith went next?

17           CHAIRPERSON HOOD: Okay. Tom Smith.

18           MR. SMITH: Thanks, Alma. My name is Tom Smith. I  
19 served ten years on ANC 3D, six as Chair, representing Wesley  
20 Seminary and Wesley's neighbors. In that capacity, I worked  
21 successfully from 2010 to 2012 to bridge disagreements between  
22 neighbors and Wesley on construction of what is known as the new  
23 residence hall along University Avenue. Wesley claimed new  
24 housing for its students would secure its future at the site.  
25 Wesley announced its intent to partner with a student housing

1 developer in 2016 during my ANC tenure. This time Wesley said  
2 housing AU students on its campus would secure its future. All  
3 we've heard tonight from Wesley is a rehash of the arguments and  
4 assertions made over the last three years without the benefit of  
5 any evidence. Ms. Elliott's interpretation of Subtitle B rules  
6 does not hold up to scrutiny, as previous hearings in this matter  
7 have demonstrated.

8           Neighbors' concerns about commercial encroachment are  
9 not theoretical. During my ANC tenure in 2011, AU proposed the  
10 development of a commercial business zone on its east campus,  
11 adjacent to Wesley Heights and Westover Place. After strong  
12 opposition, AU withdrew the proposal. That experience prompted  
13 ANC 3D and neighborhood groups to advocate for tighter limits on  
14 commercial uses on a college campus as part of the 2016 zoning  
15 regulations rewrite. The 2016 regulations were carefully crafted  
16 to protect the neighborhood from commercial uses on college  
17 campuses like the proposed new Landmark building.

18           The relief being sought by Wesley through the text  
19 amendments is extraordinary. In the absence of any evidence in  
20 the record to justify the relief, what is it that makes Wesley  
21 so special that this issue is still before the Commission after  
22 nearly three years of hearings and deliberations? Is it Wesley's  
23 threat to leave the property, one that it has made on previous  
24 occasions over the last 20 years?

25           The Zoning Commission should not engage in spot zoning

1 simply to enable an educational institution to monetize the value  
2 of its property when its scheme is so blatantly contrary to the  
3 city's rules. The burden is on Wesley to demonstrate that  
4 compliance with the rules will result in an economic hardship.  
5 Wesley has not done that. Is it fear that the property might be  
6 purchased for a new housing development? Nothing stays the same,  
7 as Chairman Hood said earlier.

8           Housing in Ward 3, including affordable housing, is a  
9 District priority. The Landmark project should be reviewed  
10 within the context of the zoning regulations, not speculation on  
11 how the property might be used in the future if it is sold. These  
12 text amendments, which are inextricably linked with the Campus  
13 Plan case, are not being offered to correct an inequity or error  
14 in the zoning regulations; they are being proposed to undo what  
15 neighbors fought for, to limit the scope of commercial activity  
16 on residentially-zoned land available for university education  
17 use. They are being proposed to secure more cash for Wesley and  
18 to help a national student housing developer (indiscernible) --  
19 DC market.

20           MS. SCHELLIN: (Indiscernible) strong word.

21           CHAIRPERSON HOOD: One second. Ms. Schellin, can you  
22 mute yourself, unless you were telling me he was --

23           MS. SCHELLIN: Sorry. I'm reading. Sorry.

24           CHAIRPERSON HOOD: All right.

25           MR. SMITH: Contrary to OP's reasoning, everything you



1 do is a precedent. If you can't approve this project under the  
2 Campus Plan rules, the PUD rules, the IZ rules, with all the  
3 zoning mechanisms for seeking relief in those rules in place,  
4 then you should be wary of spot zoning text amendments and their  
5 unintended or unanticipated consequences. Thank you very much.

6 CHAIRPERSON HOOD: Okay. Thank you. Hold tight. We  
7 may have some questions. Ms. Gates, can I come to you now or  
8 you want to go to somebody else?

9 MS. GATES: No, thank you. I will go.

10 CHAIRPERSON HOOD: Okay. All right. We'll come to  
11 you.

12 MS. GATES: I am Alma Gates, a Board member of Neighbors  
13 for a Livable Community and a 12-year former ANC 3D Commissioner.  
14 NLC has done a thorough job reviewing the zoning issues in this  
15 submission at Exhibit 27, but there remain unresolved issues in  
16 this case. Wesley has chosen thrive as its theme for its long  
17 overdue Campus Plan. At the same time Wesley is proposing to  
18 thrive, it is threatening to vacate its campus if its plan is  
19 not approved.

20 ANC 3D should be commended for its suggested  
21 sustainable solution that Wesley move their operation downtown,  
22 buy a building, and use it for academic, administrative, and  
23 housing needs. Monetizing Wesley's campus is at the core of its  
24 plan, to lease a significant portion of its open space to Landmark  
25 Properties to build and manage a 659-bed commercial student

1 apartment building targeted at American University students. A  
2 November 8th letter from AU to the Commission sets the record  
3 straight on discussions with Wesley. It states, "We have shared  
4 that AU remains focused on fulfilling our educational mission and  
5 future vision, as detailed in our 2021 Campus Plan, which includes  
6 maximizing on-campus housing for our students. We are looking  
7 to create a vibrant, high-quality on-campus experience for our  
8 students that promotes access to academic opportunities,  
9 community-building, student retention, progress to graduation."

10 Wesley has proposed two text amendments to the zoning  
11 regulations which equate to spot zoning. However, Wesley's  
12 proposed plan and text amendments are significantly weakened by  
13 AU's statement regarding housing its students on its campus. At  
14 this point, the amendments may be unnecessary. A special  
15 exception might be a better solution than a carve-out for the few  
16 AU students who opt to live in the Landmark student apartments.  
17 Once the regulations are changed for Wesley, any DC institution  
18 is free to follow precedent and apply for a carve-out. The intent  
19 of the zoning regulations would become pointless.

20 The Zoning Commission is left with little to consider  
21 in its deliberations. AU has finally made its position clear and  
22 in so doing squashed the necessity of Wesley's proposed  
23 commercial student apartment building. Without the apartment  
24 building, there's no need for the text amendments or the  
25 unresolved IZ requirements; and without the text amendments, the

1 existing zoning regulations prohibit Wesley's plan to house  
2 students other than its own. However, Wesley would remain without  
3 a Campus Plan.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms. Gates. Ms.  
5 Schellin, I think the last person I have is Commissioner MacWood,  
6 right?

7 MS SCHELLIN: Yes.

8 CHAIRPERSON HOOD: Is that it, Commissioner MacWood?  
9 Okay. Commissioner. You're still a Commissioner, right, Ms.  
10 MacWood?

11 MS. MACWOOD: No, Mr. Chairman. I haven't been a  
12 Commissioner for two years.

13 CHAIRPERSON HOOD: Oh, it shows I'm not -- keeping up  
14 on stuff. Anyway, go right ahead.

15 MS. MACWOOD: Good evening. My name is Nancy MacWood.  
16 I'm the Vice Chair of the Committee of 100, and I'm testifying  
17 on its behalf. The proposed text amendments would exempt the  
18 proposed apartment building on the Wesley campus from two zoning  
19 regulations; the prohibition on other than incidental use of  
20 campus property for commercial purposes and the requirement that  
21 the proposed apartment project comply with DC's exclusionary  
22 zoning requirements.

23 These two fundamental zoning regulations are at the  
24 heart of the Campus Plan and affordable housing requirements set  
25 forth in the zoning regulations. Any proposal to exempt Wesley

1 from these central requirements should be subject to strict  
2 scrutiny and a clear -- and clear a high hurdle. The proposed  
3 text amendments, which are in the nature of spot zoning, do not  
4 pass this hurdle, as they would undermine the integrity of the  
5 zoning process generally and the Campus Plan and IZ rules in  
6 particular. They should be rejected.

7           The central element of Wesley's proposed Campus Plan  
8 is a proposal to construct a nine-story 659-bed luxury apartment  
9 building on the Wesley campus. Landmark Properties, a for-profit  
10 developer, will own the building, manage rental of the units, and  
11 derive commercial profit from the venture. Approximately 570 of  
12 the 659 residents of the apartment building will not be Wesley  
13 students. If approved, the proposed apartment building -- these  
14 text amendments, if approved, the proposed apartment building  
15 will occupy approximately 72 percent of the gross floor area of  
16 Wesley's campus and will be the dominant use of Wesley's land.

17           In order to protect adjacent residential neighborhoods,  
18 DC's regulations embrace the principle of establishing land use  
19 compatibility between college campuses and surrounding  
20 neighborhoods. This restriction is reinforced by the paramount  
21 land use element of the Comprehensive Plan, which states that the  
22 District and, by implication, the Commission should prevent the  
23 encroachment of inappropriate commercial uses into residential  
24 areas.

25           It's hard not to find that these text amendments are

1 designed to create a substantial commercial use only for the  
2 benefit of Wesley and Landmark, at least until other institutions  
3 come knocking on your door if this is approved. DC's regulations  
4 also require residential developments with more than ten units  
5 to reduce an affordable housing set-aside. The exemption for  
6 housing developed by or on behalf of a local college or university  
7 exclusively for its students, faculty, or staff is inapplicable  
8 here. Consequently, Wesley has proposed alternative exemptions  
9 which involve a financial contribution for offsite IZ. There is  
10 simply no basis in DC law which would allow Wesley to buy its  
11 way out of its exclusionary zoning obligation.

12           Committee 100 is aware that the Office of Planning, in  
13 an 11th-hour filing, has offered a third alternative proposal on  
14 IZ. Under that alternative, Wesley would be obligated to provide  
15 the base level of offsite IZ, eight or ten percent. Since Wesley  
16 is requesting extraordinary -- an extraordinary exemption, and  
17 extraordinary is the right word, the IZ commitment should be much  
18 higher, as many testifiers have indicated tonight. Since we know  
19 nothing about what offsite projects might be funded under any of  
20 the alternatives, including the Office of Planning's or the terms  
21 thereof, all three of the alternatives should be rejected as  
22 being too vague.

23           An applicant before the Zoning Commission should not  
24 simply seek exemptions through the text amendment process  
25 whenever the zoning rules provide a roadblock to the applicant's

1 plans. The petitions here undermine the very integrity of the  
2 zoning process and should be rejected. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin, I  
4 think that's it, right -- all we have, right?

5 MS. SCHELLIN: Yes, that is correct.

6 CHAIRPERSON HOOD: Okay. All right. Let's see if we  
7 have any questions or comments, but let me just say this. I'm  
8 hearing a lot of comments about spot zoning, and I will tell my  
9 colleagues, I do want to talk to our legal counsel, not  
10 necessarily about spot zoning. I'm sure that -- I have every bit  
11 of confidence in the -- our legal counsel, and if that was spot  
12 zoning, unless they're going to tell me later, I'm sure they  
13 would have mentioned it to me. There's some other questions I'm  
14 sure I have, but I wanted to put on the record, if this was spot  
15 zoning, I think we would have known it by now, and I'm not sure  
16 if this falls under spot zoning. So I do know that we have great  
17 legal counsel. They work very hard, they do their research, and  
18 I'm sure if that was it, I would've known that by now. So I'll  
19 just put that out there like that, but we'll see. Let me open  
20 it up to any questions or comments. Vice Chair Miller.

21 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
22 you, Nancy MacWood on behalf of Committee 100, and Blaine Carter  
23 on behalf of Neighbors for a Livable City, and Tom Smith and Alma  
24 Gates for your longstanding involvement in the neighborhood and  
25 all of your work over the years and on this case. I don't

1 really -- I don't have any questions. I think I would just make  
2 this comment, that we appreciate the -- as others have said, the  
3 opposition testimony. I think it has reshaped the proposal, at  
4 least twice, and including the most recent alternative text  
5 amendment that was -- that language that's been provided that  
6 does require the general offsite requirement provisions of the  
7 existing zoning regulations to apply in this case. So I think  
8 it has been helpful. I appreciate all your work. I will consider  
9 the comments. I read the pre-hearing statements, and I appreciate  
10 all the work that's been done. Thank you, Mr. Chairman.

11 CHAIRPERSON HOOD: Thank you. Commissioner Wright, any  
12 questions or comments of this panel?

13 COMMISSIONER WRIGHT: Just a couple of comments. Well,  
14 first of all, thank you to everyone who has testified. It really  
15 has given a lot of food for thought. One of the things that I  
16 am wrestling with and thinking about, based on all of the  
17 testimony, is when does a university housing building become a  
18 commercial development? And everyone agrees this is a building  
19 that will be housing students. It will not be rented to people  
20 who are not students. And so the question is, when does that  
21 become, you know, a commercial enterprise?

22 A lot of schools are struggling with figuring out how  
23 to build housing and are partnering with private developers.  
24 This is happening in many places, including -- it happened at my  
25 own -- my own child's school, and they're trying to figure out

1 | how to provide housing with their diminished financial  
2 | capabilities, and a lot of them are looking at ways to do this  
3 | when you can then partner with a private developer. Does that  
4 | automatically make the building a commercial development or is  
5 | it still a dormitory? And that's -- it's sort of the key question  
6 | that I think we have to wrestle with.

7 |           I also think, again, the geography of this particular  
8 | project is somewhat unique. I was trying to think of other  
9 | campuses around Washington, DC that are so close to each other,  
10 | that are, you know, absolutely adjacent to each other, such that  
11 | a dormitory on one property could be used by both institutions.  
12 | And, you know, again, I need to wrap my head around that a little  
13 | bit more and see if there is another place like that in the  
14 | District. I'm not sure whether there is or not. I need to think  
15 | about that a little bit more, 'cause I think that, you know, what  
16 | a lot of the folks who are objecting to this are bringing up is  
17 | the idea that this is a commercial project. And what I understand  
18 | the text amendment to be is just to clarify that this -- that  
19 | that portion of the text amendment was to clarify that this isn't  
20 | a commercial project, again, 'cause it is somewhat unique. But  
21 | I think we're going to see more and more of these joint projects  
22 | between private institutions and private developers to try to  
23 | create resources for those -- for those private institutions,  
24 | 'cause, honestly, no one can afford to do it on their own anymore.  
25 | They need to come up with creative and different solutions.



1           So, again, there's a lot to ponder here, and, you know,  
2 the testimony that has been presented is very, very helpful.  
3 It's helping me to frame the issues in my mind, and I look forward  
4 to having some additional discussions on this eventually,  
5 hopefully in the near future, moving towards some resolution one  
6 way or the other.

7           CHAIRPERSON HOOD: Commissioner Wright, that was a very  
8 good segue to our discussion, and when we start we're going to  
9 pick it right up from there, 'cause that's, I think, a very good  
10 way for us to start our deliberations. Okay. So thank you.  
11 Commissioner Imamura, any questions or comments of this panel?

12           COMMISSIONER IMAMURA: No, Mr. Chairman. Thank you all  
13 for your participation tonight in the public process.

14           CHAIRPERSON HOOD: And Commissioner Stidham, any  
15 questions or comments?

16           COMMISSIONER STIDHAM: No, none for me, but thank you  
17 for your testimony this evening.

18           CHAIRPERSON HOOD: I, too, want to join in the choruses  
19 I've been seeing all night, particularly this panel and other  
20 panels as well, but this panel I've seen for a while and you all  
21 have been very involved with this process. And even though the  
22 outcome sometimes may not always be what we like to see it, you  
23 all have stuck to it, and you have definitely made a difference.  
24 Even though we may sometimes -- all of us come from different  
25 sides, again, as I've always said, we come out with a better

1 outcome, so thank you all for your testimony and also for staying  
2 with us and helping us -- helping this evolve. I think the Vice  
3 Chair mentioned how this has evolved to -- even to this point  
4 because of the community, and I appreciate it. Let's continue  
5 to work together and try to see where we -- where we land and if  
6 we can answer some of those questions in which Commissioner Wright  
7 was talking about, some of the things that we need to deliberate  
8 and grapple upon. I think we will get some kind of resolve at  
9 some point, so thank you. Ms. Schellin, we will not be taking --  
10 I don't think -- I will not be taking -- we will not -- let me  
11 just say I think I can speak for everybody. We have some  
12 different things that we need to look at. I do want to talk to  
13 counsel about some of the things that have come up and make sure  
14 that we are legally on good footing. So can we come up with some  
15 dates? Can you not do it -- I know it can't be done before next  
16 week.

17 MS. SCHELLIN: No, our only meeting before the end of  
18 the year is going to be December 19th, and I think that gives,  
19 with the holidays -- I don't recall everything that was asked  
20 for, but I'm sure the Petitioner heard you loud and clear, so  
21 anything that you asked the Petitioner for, if they could provide  
22 that by -- in a week, the 21st. Mr. Brown, will that work for  
23 you? Mr. Brown?

24 CHAIRPERSON HOOD: While we're waiting on Mr. Brown, I  
25 also would like to ask, Ms. Schellin, if you could work with our

1 counsel. I think we're going to need a little more time than  
2 our regular time for our closed meeting, so if you all could work  
3 that out when we get close to that one.

4 MS. SCHELLIN: Yes, we will.

5 CHAIRPERSON HOOD: Appreciate it.

6 MS. SCHELLIN: Sure.

7 MR. BROWN: Ms. Schellin, I'm sorry. I was muted and  
8 didn't quite hear you. What was your schedule?

9 MS. SCHELLIN: I'm asking if you could provide the  
10 additional information the Commission asked you for in a week.

11 MR. BROWN: A week from today?

12 MS. SCHELLIN: Yes, next Thursday. That would be the --  
13 I'm sorry, let me look at that again. That would be the -- today  
14 is the 18th -- that would be the 25th.

15 MR. BROWN: By three p.m.?

16 MS. SCHELLIN: Yes. And then if you want the Office  
17 of Planning to follow up with anything in response to what the  
18 Petitioner provides, they could provide their response by  
19 December 2nd, and that will allow our legal counsel to take in  
20 everything, and then we can put this on for 12/19 for  
21 consideration of proposed action. And then the record is closed  
22 at this time, other than the two people, Mr. and Mrs. Scholz  
23 asked to submit their -- and I believe Mr. Elkins asked to submit  
24 the history that he had, and if they could do that by noon  
25 tomorrow. That's it.

1 CHAIRPERSON HOOD: Same page?

2 MR. BROWN: Okay. And then -- and then the Commission  
3 will tell us what we need to submit?

4 MS. SCHELLIN: No. You were taking notes, so if you  
5 didn't take -- I mean, if you didn't take the notes this evening,  
6 the hearing will be on the Web for you to listen to.

7 MR. BROWN: Well, that's fine. I mean, I've been taking  
8 lots of notes, but I had the sense that Chairman had a to-do list  
9 for us. If he doesn't, we'll figure it out.

10 CHAIRPERSON HOOD: It was three hours ago probably --

11 MS. SCHELLIN: Yes.

12 CHAIRPERSON HOOD: -- but let me just say this. I'm  
13 not sure. I would take -- you would take what Ms. Schellin said  
14 under advisement. Go back and look at the hearing. Don't do it  
15 late at night though, but go back and look at the hearing and  
16 see if we asked -- let me ask this. Did any of us ask for  
17 anything?

18 MS. LOVICK: Well, that's why I just came up, because  
19 I've been listening very attentively and I didn't hear it, and  
20 so I want to know --

21 COMMISSIONER WRIGHT: Well, I think I had asked for a  
22 couple of things.

23 MS. SCHELLIN: Commissioner Miller asked for something.

24 MS. LOVICK: Oh, okay.

25 CHAIRPERSON HOOD: Let's do this. Mr. Brown, we're

1 going to do you a favor. Let's -- can you all remember what you  
2 asked for? I know it was maybe two or three years ago, but,  
3 Commissioner Wright, could you mention what you mentioned -- what  
4 you asked for?

5 COMMISSIONER WRIGHT: Right. So what I remember asking  
6 for was, specifically, an analysis of what other jurisdictions  
7 do about offsite affordable housing, offsite IZ. And, again, I  
8 think I mentioned that, you know, in my experience there has been  
9 calculations about how much should be assigned for each offsite  
10 unit, and we've had a lot -- I know we had a lot of those  
11 discussions in Montgomery County, so I would direct that you --  
12 someone, whether it's the applicant or Office of Planning, needs  
13 to talk to the Planning Department in their -- in Montgomery  
14 County about their housing analyses, 'cause they have done work  
15 on what the value is of offsite, but I don't want to limit you  
16 to only Montgomery County. I think there have been additional  
17 discussions in other nearby jurisdictions about this same topic.  
18 And I just think that it would be helpful, again, so we aren't  
19 reinventing the wheel, to understand what other jurisdictions do  
20 about offsite affordable housing. And I would suggest you talk  
21 to probably Arlington, Alexandria, Montgomery County, all of whom  
22 have pretty progressive affordable housing programs, and that  
23 you, you know, take a look at what they do and how that relates  
24 to what you, as an applicant, are currently proposing.

25 You know, the other thing that, again, I was sort of

1 | interested in is, you know, do we have -- I mentioned at the end,  
2 | do we have other examples, either in the District of Columbia or  
3 | nearby jurisdictions, where private educational institutions have  
4 | been partnering with private developers in order to get a --  
5 | student housing built. And if we have done that, you know, how  
6 | has that been handled? I'm just sort of looking for precedents  
7 | around the region.

8 |           And, you know, I think that we should also take a look  
9 | at how we can tie in appropriate IZ requirements. I think, you  
10 | know, what I heard from a number of people is, "Can you do more  
11 | than 10 percent?", and I think that's something that, you know,  
12 | we probably need you to respond to and to think about; you know,  
13 | is that going to be possible, or if you can do a higher percentage  
14 | with a range of, you know, 30, 50, 60, 80 percent, whatever the  
15 | right mix is. I think I was hearing from folks that they wanted  
16 | a little more information about a different affordable housing  
17 | or IZ mix. Those were the things I heard, but, you know, I'd  
18 | ask my colleagues if I missed anything. I probably did. Are  
19 | there other things that should be discussed?

20 |           CHAIRPERSON HOOD: Thank you. Vice Chair Miller, I think  
21 | you also asked for something, but before you go there -- excuse  
22 | me -- and before you go there and before I forget, let me seize  
23 | the moment. Some of the analysis that Commissioner Wright is  
24 | asking for, the Office of Planning I think also needs to weigh  
25 | in. I don't want to take it off of the applicant as well, but

1 the Office of Planning I believe needs to weigh in on the first  
2 part of what you mentioned about the analysis and other  
3 jurisdictions. I think they have to weigh in as well. Okay.  
4 Vice Chair.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
6 you, Commissioner Wright. I think you've covered important  
7 requests for information, and that would be useful for us to  
8 have, including the request I guess that I was making of the  
9 Petitioner and ANC 3E, specifically. I guess I posed the question  
10 to them, but I would also include the Office of Planning, and if  
11 they have any -- if they have any suggestions for additional or  
12 different text amendment language that would increase the minimum  
13 set-aside for the -- would increase the amount -- the minimum  
14 amount of affordable housing required offsite in the -- pursuant  
15 to this text amendment. So if there's language that would work  
16 in conjunction with the -- in consult -- well, if there's  
17 language that they have to offer for our consideration, either  
18 the Petitioner or ANC 3E, who I had the conversation with, or  
19 the Office of Planning -- if they have -- if they have suggestions  
20 on that point, I would appreciate it.

21 CHAIRPERSON HOOD: Okay. As long as everything's not  
22 a substantial change, I don't think we need other -- and I'm  
23 going to look at Ms. Lovick and other legal counsel, and the  
24 things that we asked for -- and I'm just going to -- I'm going  
25 to ask our legal counsel to tell us legally what -- I want to

1 just make sure we stay focused. Some of the things may not be  
2 in the realm of what we really need, but we're going to get it  
3 all in, everything we've asked for what we want -- each  
4 Commissioner has asked for what they want -- to help us get to a  
5 better decision-making, but we want to make sure we stay relevant  
6 and also make sure that we stay legally tight is kind of where I  
7 am. Any questions or comments from any of my colleagues?

8 (No response.)

9 CHAIRPERSON HOOD: Okay. Ms. Schellin, does anybody  
10 have any questions about what's been asked for?

11 MS. SCHELLIN: I'm just going to say, I think based off  
12 what Ms. Wright -- Commissioner Wright is asking for, there -- I  
13 don't think the Commissioner (sic) can get what -- or the  
14 Petitioner is going to be able to get what she's asking for.  
15 Typically, that's something OP does, but she's asking the  
16 Petitioner for that, so they're going to need a lot more time to  
17 get what she's asking for I think.

18 CHAIRPERSON HOOD: Okay.

19 MS. SCHELLIN: She wants them to analyze other  
20 jurisdictions. There's just no way they can do that in a week.  
21 I don't see that happening.

22 CHAIRPERSON HOOD: Okay.

23 COMMISSIONER WRIGHT: To be clear, I'm not asking for  
24 them to analyze other jurisdictions. I'm asking them to get  
25 information about what other jurisdictions do. And, I mean,



1 maybe that is something that OP can work on, maybe the Petitioner  
2 and OP both need to work on it, but I'm not looking for an  
3 analysis. I'm just looking for, you know, maybe three phone  
4 calls, one to Montgomery County, one to Alexandria, and one to  
5 Arlington to ask, "What do you do?".

6 MS. SCHELLIN: Okay. So just a couple lines then,  
7 nothing major, just what they actually do. Okay. So, Mr. Brown,  
8 do you think you can do that in a week?

9 MR. BROWN: We will certainly try. What -- let me ask  
10 you a question. If we -- and if it's OP and us working on this,  
11 if we pushed off the initial filing for a week more, does that  
12 still leave enough time for OP to respond a week later, before  
13 the --

14 MS. SCHELLIN: The problem is it cuts into our legal  
15 staff's time to evaluate and to be able to give the Commission  
16 the legal advice they need, so that's our problem. It has nothing  
17 to do with OP.

18 CHAIRPERSON HOOD: Well, let me just say this. If what  
19 my colleagues asked for, if it takes time to get it, I want us  
20 to get it. If we have to go -- deal with this in January, we  
21 will deal with it in January. I just want to make sure we have  
22 what we need.

23 MS. SCHELLIN: Right.

24 MR. BROWN: Well, why don't we stick with the current  
25 schedule and that -- deadlines are good.

1 MS. SCHELLIN: Okay. Thank you. And the record is  
2 closed. I want to clarify one thing. Commissioner Miller, I  
3 thought I heard you say you wanted a submission from an ANC. I  
4 didn't have anything down coming from any ANC.

5 VICE CHAIR MILLER: I had a conversation -- I had a  
6 dialogue with ANC 3E. I said if they had -- as a follow-up to  
7 their testimony which said they wanted an increased amount, if  
8 they had text amendment language -- I don't know if it works or  
9 not; we'd have to consult with our legal counsel, of course --  
10 but if they had language that they wanted to offer, I was giving  
11 them an opportunity to offer it.

12 MS. SCHELLIN: Okay. And not work through OP?

13 VICE CHAIR MILLER: (Shrugs shoulders and shakes head.)

14 MS. SCHELLIN: Okay. I'm just trying to figure out,  
15 since we're trying to close the record to everyone, but if you're  
16 going to allow them to submit something else, I'm just trying to  
17 find out if the Commission is looking for revised text again.  
18 That's all I'm trying to figure out.

19 VICE CHAIR MILLER: I guess I was asking for that, but  
20 I don't want to -- I don't want to complicate things. I mean --

21 MS. SCHELLIN: No. If that's what you're asking for.  
22 Is the rest of the Commission looking for that revised text too?

23 VICE CHAIR MILLER: I don't know if my colleagues want  
24 that or not? You know, it's something I want.

25 MS. SCHELLIN: Yeah. So Commissioner Miller wants the

1 revised text from --

2 VICE CHAIR MILLER: If they have revised text.

3 MS. SCHELLIN: If they have revised text.

4 CHAIRPERSON HOOD: So let me ask --

5 MS. SCHELLIN: So they would submit that by noon  
6 tomorrow then is what you're saying?

7 CHAIRPERSON HOOD: Hold on a second. Let me ask Ms.  
8 Lovick something, and we'll get to that. Now, revised text, Ms.  
9 Lovick, does that mean we have to have a revised hearing?

10 MS. LOVICK: (Shakes head no.)

11 CHAIRPERSON HOOD: Okay. I see you shaking your head  
12 no. You're on mute.

13 MS. LOVICK: No, no, we wouldn't have to. I mean, if  
14 Commissioner Miller wants for ANC 3E to basically memorialize  
15 what it is that they want the minimum IZ set-aside requirement  
16 to be, based on the testimony that they provided, he can make  
17 that request.

18 CHAIRPERSON HOOD: Okay. Yeah, okay.

19 MS. SCHELLIN: Okay. And that's not revised text;  
20 that's just his follow-up to his testimony.

21 VICE CHAIR MILLER: That's correct.

22 MS. LOVICK: Well, it would be revised -- it would be  
23 a proposal saying --

24 MS. SCHELLIN: Oh, okay. Got you.

25 MS. LOVICK: -- he would be presumably changing the

1 set-aside requirement that is included in the OP proposed text  
2 to something that would be a higher minimum. And so it sounds  
3 like that's what Commissioner Miller wants. He wants to know  
4 exactly what ANC 3E envisions, and then he also wants to know  
5 exactly what OP would envision as -- I mean, is that correct,  
6 Commissioner Miller, what OP would envision as presumably a  
7 higher minimum set-aside?

8 VICE CHAIR MILLER: They had a suggestion for a  
9 higher -- I think I do know the amounts, based on their testimony,  
10 but if they had additional language which clarified what the  
11 additional minimum set-aside should be in the text amendment, I'd  
12 be interested in seeing that. We can work on it. If we don't  
13 get it, we'll decide amongst ourselves what we want and work with  
14 you to make it legally sufficient.

15 MS. SCHELLIN: Okay. So you want them to submit that  
16 by next Monday or if he already had it, he'd submit it by noon  
17 tomorrow. I was just trying to figure out which deadline he had.  
18 I couldn't tell if he already had it, but it sounds like he may  
19 not have it yet, so we'll give him till noon -- I mean, till  
20 three o'clock Monday, the 25th, the same as the Petitioner, the  
21 25th. And if the Petitioner wants to --

22 VICE CHAIR MILLER: That sounds reasonable to me.

23 MS. SCHELLIN: Yeah. And then if the Petitioner wants  
24 to respond to it, he can do that on the same date as OP submits  
25 theirs, which I believe was the 3rd, so that takes care of that.

1 And I think that was it. Nobody else was submitting anything,  
2 other than I did get an e-mail from Tom Smith asking if -- 'cause  
3 they forgot to ask -- Ms. Buckles Mr. Smith, and the other person  
4 that wanted to submit their written testimony was Mary Buckles  
5 on behalf of Spring Valley, Tom Smith, and Blaine Carter, and,  
6 of course, Dr. Kraskin. I believe he had already asked. So if  
7 I have permission to put in those testimonies, they've already  
8 sent them to me.

9 CHAIRPERSON HOOD: So, Ms. Schellin, so they have  
10 something additional from what we already have?

11 MS. SCHELLIN: No. It was their written testimony.  
12 They didn't have -- they didn't make the 24-hour deadline --

13 CHAIRPERSON HOOD: Oh.

14 MS. SCHELLIN: -- so I just forgot to ask on the record,  
15 so I'm just asking you after the fact.

16 CHAIRPERSON HOOD: Yeah, that's fine, that's fine.

17 MS. SCHELLIN: So they don't have to request to reopen  
18 the record to submit their oral -- their written testimony they  
19 gave this evening.

20 CHAIRPERSON HOOD: Okay. That's fine. I still don't  
21 understand that, because it's already in the record, but anyway.

22 MS. SCHELLIN: No, they sent it to me asking if it  
23 could be accepted, so I'm asking you if I can accept their written  
24 testimony they gave this evening into the record, 'cause they did  
25 not ask.

1 CHAIRPERSON HOOD: Okay. Yeah, it can be accepted into  
2 the record.

3 MS. SCHELLIN: Okay. Thank you.

4 CHAIRPERSON HOOD: I don't want to complicate it more.  
5 I just don't understand. Maybe it's getting late. Anyway, so,  
6 all right, anything else?

7 MS. SCHELLIN: No, sir.

8 CHAIRPERSON HOOD: Did somebody say something? Mr.  
9 Brown, did you say something?

10 MR. BROWN: No, I did not. I did not.

11 CHAIRPERSON HOOD: Okay. So the Zoning Commission will  
12 meet again November the 21st, Zoning Commission Case Number 16-  
13 18G, Georgetown University. And for those that may not be on  
14 that particular night, let me wish you all a happy holiday with  
15 you and your family and a safe one, and for those who will join  
16 us on the 21st, we'll probably say the same thing, so thanks  
17 everyone for their participation in this hearing tonight. Follow  
18 the office if you want to see what our progress is, as we make a  
19 decision. With that, this hearing is adjourned. Goodnight,  
20 everyone, and thank you.

21 (Whereupon, the above-entitled matter went off the  
22 record at 7:15 p.m.)  
23  
24  
25

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing on ZC Case No. 24-09

Before: DC Zoning Commission

Date: 11-18-24

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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Deborah B. Gauthier