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April 13, 2016

BY IZIS AND HAND-DELIVERY

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street N.W.
Second Floor
Washington, D.C. 20001

Re: Request for Modification of Approved Campus Plan Condition
Wesley Theological Seminary of the United Methodist Church
Zoning Commission Case No. 05-40A

Dear Chairman Hood and Members of the Commission:

The Wesley Theological Seminary of the United Methodist Church ("Wesley" or "Seminary") respectfully submits this request for a Modification of Condition No. 5 of Zoning Commission Order No. 05-40A (June 14, 2012), pursuant to 11 DCMR §3129.7. Enclosed is an application fee in the amount of \$1,690.00 (26% of \$6,500.00).

A. Zoning Commission Order No. 05-40A:

The Seminary is an accredited graduate theological school focused on the preparation of church leaders which has operated at its current location since 1958.

In 2012, the Zoning Commission approved a modification of Wesley's original Campus Plan (2006-2015) and further processing to permit construction of a new three-story residence hall with 76 beds and lower level central plant facilities located on the western portion of the Campus along University Avenue. The Amended Campus Plan was approved to December 31, 2025 and provided for student enrollment (headcount) of 715, employees (headcount) of 110, total campus build out of 168,817 square feet of gross floor area, future renovation of existing Straughn Hall for student residences (approximately 70 beds), and future renovation of the Carroll Hall Apartments for student residences (approximately 26 beds) and faculty offices and related facilities. Z.C. Order No. 05-40A, Exhibit A.

Condition No. 5 in Zoning Commission Order No. 05-40A provided: "The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan." This actually reduced the number of student beds from the previously approved 220. The student housing elements of the

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Amended Campus Plan were intended to replace the existing facilities with modern ones that would be attractive to prospective students and allow Wesley to remain competitive with other seminaries, not to increase student enrollment.

The approved new residence hall was completed in 2014 with 76 beds and is occupied by Wesley students. No other additions or new construction has occurred on the Campus. The approved renovations to Straughn Hall (currently 49 beds) or the Carroll Hall Apartments (currently 41 beds) have not yet occurred. The Seminary continues to comply well-within the established number of students (554) and employees (87).

B. Current Campus Plan Conditions:

Although authorized 172 beds, Wesley only maintains 166 beds on Campus, and only 156 beds are currently occupied.

CURRENT STUDENT HOUSING

LOCATION	AVAILABLE BEDS	OCCUPIED BEDS
Straughn Hall	49	45
Carroll Hall	41	40
New Residence Hall	76	71
TOTAL	166	156

After the economic recovery, nationwide seminary enrollment has continued to be weak and in decline. Despite its unique location and programs, Wesley has not been immune from this trend. Lower enrollment has led to a significant reduction in tuition revenue. For the last two years, Wesley made the difficult decision to offer some of the vacant beds in Straughn Hall on an individual basis to only graduate students from American University ("AU") in order to achieve some measure of revenue to offset the loss of tuition until such a time that the old dorms can be renovated or repurposed. These graduate students were carefully screened for compatibility with Wesley's life-style and mission, subject to the Seminary's Code of Conduct, and not allowed to have vehicles or park on the Campus. Currently, these graduate students occupy 45 beds in Straughn Hall. By all accounts, this experiment has been successful. Otherwise vacant beds have been occupied by graduate students at an affordable price and in immediate proximity to the AU Campus. These students have not had to find housing in the surrounding community and their

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presence has been unnoticed by Wesley's neighbors. In hindsight and after consulting land use counsel, Wesley now recognizes that Campus Plan approval should have been sought for the use of Straughn Hall by non-Wesley graduate students.

C. Proposed Temporary Use of Straughn Hall by AU:

Just recently, AU has approached Wesley requesting to lease fifty-five (55) beds in Straughn Hall for the 2016-2017 academic year beginning in fall 2016 to house qualified juniors and seniors. This temporary arrangement would allow AU to provide some of the required student housing under its Campus Plan that will not be available on the East Campus prior to the beginning of the coming academic year. While this proposal will provide much needed financial support to Wesley and its sustainability in its current location, it will also accommodate the unusual short-term housing needs of its fellow institution of higher learning which shares a common origin in the United Methodist faith. In pursuing its lease negotiations with AU, Wesley is committed to incorporating measures that will safeguard the community and the integrity of the Seminary and its spiritual mission. These AU students will be limited to mature juniors and seniors who will be screened by Wesley for compatibility and be subject to its community covenants and discipline, including expulsion. The AU students will also remain subject to AU's code of conduct and be directly supervised by AU Resident Assistants living in Straughn Hall. No parking for the AU students will be provided or allowed on the Wesley Campus. The AU students will be provided security card access through a fence directly to the AU Campus which will minimize pedestrian traffic on Massachusetts Avenue between the two campuses. Wesley will request AU to extend its campus security to the Wesley campus.

Beyond these measures, Wesley has requested input from the ANC 3D and its neighbors on other measures that may be appropriate to this temporary situation.

D. Requested Modification

In order to accommodate the ongoing use of the authorized, but vacant beds on the Wesley Campus, the Seminary requests the following modification (**in Bold**) of Condition No. 5:

The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan. **In the event any of the 49 beds currently in Straughn Hall ("Straughn Beds") are not needed to house Wesley students:**

- a. Applicant may allow the Straughn Beds to be leased and occupied by full-time graduate students from American University; and**



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- b. For the 2016-2017 academic year beginning in the fall 2016, Applicant may lease to American University the Straughn Beds for occupancy by no more than 55 full-time junior and senior AU students, including Resident Assistants.**
- c. No Wesley students shall be denied housing to allow for housing of non-Wesley students.**

Wesley requests a public hearing on this requested modification of its Campus Plan at the earliest possible date. Given the direct relationship between this request and the proposed modification by American University to its Campus Plan (Zoning Commission Case No. 11-07), Wesley requests the Commission to schedule the public hearings on the same evening.

Thank you for your assistance in this matter.

Sincerely,

John Patrick Brown

Kate M. Olson

Enclosures

Electronically and First Class Mail

cc: Mr. Thomas M. Smith, Chair, ANC 3D
Ms. Nan Wells, ANC 3D03
Dr. Jeffrey L. Kraskin, Spring Valley-Wesley Heights Citizens Association
Dennis Paul, President, Neighbors For A Livable Community
Mr. Jonathan Bender, Chair, ANC 3E
Mr. Jonathan McHugh, Vice Chair, ANC 3E05
Ms. Jennifer Steingasser, Office of Planning
Mr. Joel Lawson, Office of Planning
Mr. Stephen Cochran, Office of Planning
Mr. Ryan Westrom, Department of Transportation
Ms. Mary Lehnard



BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA



FORM 151 – APPLICATION FOR ~~MINOR~~ MODIFICATION

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

CASE NO.: 05-40A

Motion for Minor Modification to:

☒ Final Order

☐ Approved Plan

☐ Amount of Relief

☒ Other Condition #5

Address or boundary description of the premises:

Wesley Seminary Campus Plan

4500 Massachusetts Avenue, N.W.

Square No.(s)

1600

Lot No. (s)

6, 7, 8 & 9

ANC

3D/3E

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) should grant your motion, including relevant references to the Zoning Regulations or Map.

See Attached Letter.

CERTIFICATE OF SERVICE

I hereby certify that on this

1

3

day of

April

,

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I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, and the Office of Planning on

the above referenced ZC case via:

☒ Mailed letter

☐ Hand delivery

☒ E-Mail

☐ Other _____

Signature:

Print Name:

John Patrick Brown, Jr.

Firm/Organization:

Greenstein DeLorme & Luchs, P.C.

Address:

1620 L Street, NW, Washington, DC 20036

Phone No.:

(202) 452-1400

E-Mail:

jpb@gdllaw.com, kmo@gdllaw.com

To be notified of hearing and decision: (Applicant or Authorized Agent)

In the event an authorized agent files an application on behalf of the Applicant for the Minor Modification, a letter signed by the Applicant for the Minor Modification authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name:

John Patrick Brown, Jr./Kate M. Olson

Address:

Greenstein DeLorme & Luchs, P.C. - 1620 L Street, NW, Suite 900, Washington, DC 20036

Phone No.:

(202) 452-1400

E-Mail:

jpb@gdllaw.com, kmo@gdllaw.com

FORM 116 – HEARING FEE CALCULATOR – Side 2

MODIFICATION TO AN APPROVED PUD, AIR SPACE DEVELOPMENT, OR ANY OTHER REVIEW OF A SPECIFIC SITE PLAN OR BUILDING PLAN

Pursuant to §3041.6 of DCMR Title 11, if the Commission schedules a public hearing on an application for a modification to an approved planned unit development, air space development, or any other review of a specific site or building plan, prior to the advertisement of the hearing, the applicant shall pay a hearing fee in accordance with the following schedule:

Request for Modification	Fee	Total
Modification to a previously approved case	26% of original hearing fee or \$1,300, whichever is greater	1,690.00
TOTAL		

APPLICATION/ FEE OF PETITION

Pursuant to §3041.4 of DCMR Title 11, in the case of a petition or application combining two (2) or more actions on this form, the fee charged shall be the greatest of all the fees computed separately. Below, please list the total fee for each action requested and enter the fee of the greatest fee calculated.

Type of Petition/Application	Total
Map Amendment	
Text Amendment	
PUD, air space development, or any other review of a specific site plan or building plan	
Modification to an approved PUD, air space development, or any other review of a specific site or building plan	
GREATEST OF CALCULATED FEES	

FEE OF CAMPUS PLAN/FURTHER PROCESSING OF CAMPUS PLAN

Pursuant to §3180 of DCMR Title 11, if the Commission schedules a public hearing on an application for a campus plan or further processing of a campus plan, prior to the advertisement of the hearing, the applicant shall pay a hearing fee in accordance with the following schedule:

Application	Fee	Unit	Total
Processing of a new or revised campus plan for a college or university use	\$6,500		
Review of a specific building or use within an approved campus plan	\$3,250		
TOTAL			

CERTIFICATION

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

Name: **John Patrick Brown, Jr.** Signature:  Date: **4/13/2016**

OFFICIAL USE ONLY: Office of Zoning Determination

Based upon review of the petitioner's/applicant's supplemental filing and the information contained on this form:

- ☐ the calculated fee is accepted as submitted
- ☐ the calculated fee requires adjustment (requires new Form 116 – Hearing Fee Calculator Form)

Signature: _____

Date: _____



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning

441 4th Street, N.W., Ste. 200-S, Washington, D.C. 20001

(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

Exhibit A

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-40A
Z.C. Case No. 05-40A
Wesley Theological Seminary of the United Methodist Church
(Campus Plan and Application for Further Processing)
April 19, 2012**

Application No. 05-40A of Wesley Theological Seminary of the United Methodist Church ("Seminary" or "Applicant"), pursuant to 11 DCMR §§ 3104.1 and 210 of the Zoning Regulations, to establish a new Campus Plan for a 13-year term expiring in 2025 and for special exception approval for the further processing to permit the construction of a new three-story residence hall with 76 beds and lower level central plant facilities located on the western portion of the Campus along University Avenue in the D/R-5-A Zone District at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6, 7, 8 and 9).

HEARING DATE: April 19, 2012

DECISION DATE: April 19, 2012 (Bench Decision)

SUMMARY ORDER

The Applicant filed an application with the Zoning Commission for the District of Columbia (the "Commission") on December 20, 2011 for special exception review and approval to amend and extend the approved Campus Plan (2006-2015) and approve further processing of a new three-story residence hall with 76 beds and lower-level central plant facilities.

Subsequent to the filing of the application, it was suggested by the District of Columbia Office of Planning ("OP"), and agreed to by the Applicant and the Commission, that the application is more appropriately considered as a new Campus Plan, rather than a modification of the existing Campus Plan approved in 2006.

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D. C. Register*, by mail to Advisory Neighborhood Commission ("ANC") 3D, and to owners of property within 200 feet of the site. The Seminary is located within the jurisdiction of ANC 3D and borders ANC 3E. ANC 3D was automatically a party to this case and submitted a letter in support with conditions. ANC 3E also submitted a resolution in

support. Party status in support was granted to the Spring Valley-Wesley Heights Citizens Association and Mary Lehnhard; it was denied to Michel and Mary Marcoux (who did not appear at the hearing). No one opposed the application.

FINDINGS OF FACT

1. The Seminary is an accredited graduate theological school focused on the preparation of church leaders.
2. The proposed new Campus Plan applies to the Seminary's Campus of approximately nine acres located at 4500 Massachusetts Avenue at the intersection of Massachusetts and University Avenues, N.W. (Square 1600, Lots 6, 7, 8 and 9). The campus is located in the D/R-5-A Zone District.
3. The Campus is situated between the campus of American University and the Spring Valley neighborhood. The Seminary was founded in 1882 as a small seminary at the Western Maryland College. Wesley Seminary moved from its Westminster, Maryland location to its current campus in 1958.
4. In 2006, the Commission approved the Seminary's first Campus Plan which called for a combination of renovation, demolition, and new construction. The Commission approved the plan for a period of 10 years, through 2015, by order dated January 16, 2007 (Z.C. Order No. 05-40).
5. A prolonged economic downturn, declining enrollment and changes in theological education forced the Seminary to re-evaluate the Campus Plan. As a result, the Seminary decided not to build: a new library, two new residence halls, an underground parking structure, expansion of the Chapel and a new President's House near University Avenue.
6. Since 2006, the Seminary: a) completed a substantial upgrade and renovation of underground utilities; b) purchased and occupied "Wesley at Mount Vernon Square" which includes student housing, classroom space, and faculty offices in downtown Washington, D.C.; c) renovated the existing Oxnam Chapel (instead of expanding it); and d) completed a substantial renovation of the existing library (instead of demolishing and constructing a new library).
7. The new Campus Plan will maintain the levels of student, faculty, and staff, but substantially reduce the new facilities approved under the original plan. The only proposed addition to the Campus is the new three-story, 76-bed residence hall, which is also the subject of the further processing request. Additionally, the new plan proposes the renovation of two existing residential buildings, an increase in surface parking, and other campus enhancements.

8. The Seminary's new Campus Plan includes the following elements:
- (a) No demolition of existing buildings;
 - (b) Construct a smaller new residence hall ("Residence Hall") (76 beds) with occupancy for the 2013 Fall semester with lower level central plant facilities, including the addition of an elevator on the west or rear side of Straughn Hall to provide an accessible route from the new Residence Hall through the courtyard to the rest of the Campus;
 - (c) Implement a landscaping and tree preservation plan for the new Residence Hall;
 - (d) Renovate Straughn Hall for continued use for student residences (approximately 70 beds);
 - (e) Renovate Carroll Hall Apartments for future use as student residences (approximately 26 beds) and faculty offices and related facilities;
 - (f) Maintain the renovated chapel without expansion;
 - (g) Bring the approximately 25,000 square feet of land area (Lots 7, 8, and 9) at the northwest corner of the existing campus, along University Avenue, back into the campus boundary;
 - (h) Maximize on-campus parking, including addition and designation of new surface parking along the access roads;
 - (i) Establish two-way ingress and right-turn-only egress at the Massachusetts Avenue entrance, subject to further review and approval by the District Department of Transportation ("DDOT");
 - (j) Limit use of University Avenue exit for right-turn-only egress and limited ingress for service, delivery, and emergency vehicles only;
 - (k) Remove the existing stairs along Massachusetts Avenue from the American University down to the Wesley Campus;
 - (l) Continue use of existing President's House for support facilities and storage;
 - (m) Maintain the central core of the Campus;
 - (n) Implement a Transportation Demand Management Plan to reduce and manage traffic and parking; and

- (o) Upgrade and expand the existing playground facilities. The Seminary also remains open to further discussions with ANC 3D and the Spring Valley-Wesley Heights Citizens Association to allow controlled community access to the playground.
- 9. The Applicant provided testimony from Dr. David McAllister-Wilson, President of the Seminary; Michael M. Gick, an architect with Morgan Gick McBeath & Associates, PC; Stephen Karcha, a project manager with Advanced Project Management, Inc.; and Osborne R. George, a transportation consultant with O.R. George & Associates, PC. Based on professional experience and qualifications, Mr. Gick was accepted by the Commission as an expert in architecture; and Mr. George was accepted as an expert in traffic engineering and transportation planning.
- 10. OP testified at the hearing in support of the Application and advocated that the application be more appropriately considered as a new Campus Plan, rather than a modification of the existing Campus Plan approved in 2006. DDOT also testified at the hearing in support of the Application.

Campus Boundaries

- 11. Since the approval of the 2006 Campus Plan, the Seminary subdivided a portion of the existing campus property along University Avenue into three separate residential lots (Lots 7, 8, and 9). At the request of ANC 3D and the Spring Valley community, these three lots are now included within the boundaries of the new Campus Plan.

Student and Employee Population

- 12. The Applicant anticipates maintaining the current enrollment levels of 615 graduate students with the ability to accommodate minor fluctuations in the number of students up to 715 students in the new Campus Plan. Approximately 105 faculty and staff members are currently employed by the Seminary, but the current employee cap of 110 will be maintained.

Campus Parking and Vehicular Traffic

- 13. The Seminary will provide a total of 174 parking spaces, which exceeds the minimum number of spaces required under 11 DCMR § 2101.1. (Exhibit ["Ex."] 29.) The Seminary does not intend to increase the number of spaces. The Seminary will maintain adequate on-campus off-street parking to meet its needs and will monitor its parking practices.
- 14. The current vehicular circulation pattern is a one-way campus road, with campus access only from Massachusetts Avenue and with exit only to University Avenue. Based on intersection and automobile count data, as well as the testing of several circulation

options by the Applicant's Traffic Engineering Consultant, it is proposed under the Campus Plan to change the vehicular circulation pattern to a two-way access from Massachusetts Avenue, with outbound traffic being restricted to right-turn-only movements.

15. University Avenue would remain exit-only, with limited inbound access reserved for service and delivery vehicles that require use of the University Avenue access point. In addition, the vehicles exiting on to University Avenue will be restricted to right-turn-only movements.
16. While the Seminary currently has several Transportation Demand Management ("TDM") measures in place, it will enhance and formalize the program over the life of the Campus Plan through the following measures (Ex. 23):
 - (a) Campus Transportation Coordinator;
 - (b) Course Schedule Adjustments;
 - (c) Transit Subsidies and Incentives;
 - (d) Carpool and Vanpool;
 - (e) Bicycle Usage;
 - (f) Flex Car Parking;
 - (g) Parking Cost Adjustment;
 - (h) Residential Parking Permit ("RPP") Program Exclusion;
 - (i) EV Charging Station; and
 - (j) Monitoring and Feedback.

Student Housing

17. An increase in the number of beds, to house 220 students on campus, was approved under the 2006 Campus Plan. Currently, the Seminary provides housing on campus for 160 of its students and once the new Residence Hall is built and the other residence halls are renovated, there will be a total of 172 beds which, given the number of commuters and students taking on-line courses, adequately meets the needs of the Seminary.

18. The new residential facilities will include basic modern amenities that are not present in the current facilities, including air conditioning, private bathrooms, modern furnishings, and technology resources. The new facilities will also encourage students to gather in common areas within the residential buildings.

Comprehensive Plan

19. The new Campus Plan fulfills many objectives of the Economic Development Element of the District of Columbia Comprehensive Plan. The Seminary is a source of jobs, a consumer of goods and services supplied by local vendors, and a generator of retail sales and service goods for a diverse and widely distributed group of businesses. As a result, the Seminary has a positive impact on the economic health of the District of Columbia. Furthermore, the Campus Plan fulfills major goals of the Comprehensive Plan pertaining to architectural character, building height limitations, physical and symbolic imagery, streetscapes, sidewalks, and urban parks and places. Moreover, consistent with the Campus' inclusion in the institutional land use category of the Comprehensive Plan, the Seminary will continue to develop facilities and programs offering unique opportunities for learning, teaching, and research.

Further Processing of New Residence Hall

20. The new three-story Residence Hall will be located parallel to the existing Straughn Hall with a pedestrian-friendly and landscaped courtyard between the two buildings. It will have a footprint of 7,820 square feet and approximately 29,197 square feet of gross area. In order to provide accessibility from the new Residence Hall to the rest of the Campus, an elevator will be constructed on the west or rear wall of Straughn Hall.
21. The Residence Hall will provide housing for 76 students with both single and double occupant rooms. Substantial space on the first and lower levels will house central plant facilities for the entire Campus, including chillers, pumps, and heat exchangers.
22. The Applicant has worked with the community and ANC to draft a Construction Management plan that will ensure a safe, well-managed workplace that minimizes the impact of the Residence Hall construction on the neighbors. The plan (Ex. 24) establishes the following:
 - (a) Designates Wesley Construction Point of Contact;
 - (b) Monthly meetings with Neighbors;
 - (c) Liaison Committee;

- (d) Notice of Construction timetable/critical events;
- (e) Ensure compliance with D.C. Law;
- (f) Limited work hours: Monday-Saturday, 7:00 a.m. – 5:00 p.m.;
- (g) On-street parking for construction personnel prohibited;
- (h) Contractor must provide parking on-site/off-site;
- (i) Construction traffic enters and leaves from Massachusetts Avenue;
- (j) Limited University Avenue access for construction crane and University Avenue waterline;
- (k) No on-street truck idling;
- (l) Construction vehicles prohibited from other Spring Valley roadways;
- (m) Contractor responsible for construction-related street repairs;
- (n) Temporary mesh construction fencing/screening;
- (o) Maintain site cleanliness;
- (p) Dust mitigation;
- (q) Security badges for authorized workers; and
- (r) Worker code of conduct.

Office of Planning Report

- 23. By report dated April 9, 2012, OP recommended approval of the application with all aspects of the plan except for the requested six-year extension. (Ex. 27.) OP recommended that the application be considered a new Campus Plan approved for a term expiring in 2025 rather than a modification of the existing Campus Plan approved in 2006. OP also requested documentation of the Seminary's compliance with the off-street parking requirements in 11 DCMR 2101.1.
- 24. By letter dated April 18, 2012, the Seminary responded to OP with regard to both the reason for the time extension requested and that the Applicant complies with the off-street parking requirements. (Ex. 29.)

Department of Transportation Report

25. By report dated April 9, 2012, DDOT recommended approval of the application and encouraged the Commission to include in its decision order that the Applicant follow an agreed upon transportation performance monitoring plan, including a neighborhood parking survey, to ensure a continuous and appropriate response to the proposed reductions in trips. (Ex. 25.)

Advisory Neighborhood Commission

26. By letter dated April 5, 2012, ANC 3D indicated that the Seminary's application was considered at two properly noticed public meetings on January 11, 2012 and April 4, 2012. A quorum was present at both meetings. At the April 4, 2012 meeting, ANC 3D passed a resolution by a vote of 5-0, with 2 abstentions, supporting the proposed Campus Plan with conditions outlined in the agreement reached by the Seminary, the Spring Valley-Wesley Heights Citizens Association, and Neighbors for a Livable Community. (Ex. 24.) The Applicant has agreed to these conditions.
27. By resolution, ANC 3E indicated its approval by voting 5-0 in favor of the Seminary's application at its meeting on April 12, 2012, which was properly noticed with a quorum present. (Ex. 28.)

CONCLUSIONS OF LAW

The Applicant is seeking a special exception, pursuant to §§ 210 and 3104 of the Zoning Regulations, for approval of a new Campus Plan for a 13-year term expiring in 2025 and for special exception approval for the further processing to permit the construction of a new three-story residence hall with 76 beds and lower-level central plant facilities. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purposes and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. (D.C. Official Code § 6-641.07(g)(2) (2001), 11 DCMR § 3104.1.)

The Zoning Regulations specify that use as a university in a residential zone shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. (11 DCMR § 210.1.) Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 210 and 3104 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect

the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission notes and gives great weight to OP's recommendation that the application satisfies the requirements of §§ 210 and 3104. The Commission notes, and gives great weight to, the recommendations of ANC 3D and ANC 3E to establish a new Campus Plan and support the construction of new residential hall.

DECISION

The Commission concurs with OP and concludes it is reasonable to consider this a new Campus Plan, rather than a modification of the existing Campus Plan approved in 2006. It is, therefore, **ORDERED** that the application for approval of a new Campus Plan and further processing be **GRANTED SUBJECT** to the following **CONDITIONS**:

1. Approval of the Campus Plan shall be valid until December 31, 2025.
2. Student enrollment (headcount) over the life of the Campus Plan shall not exceed 715 students.
3. The number of employees (headcount) over the life of the Campus Plan shall not exceed 110 employees.
4. The total build out of the campus facilities shall not exceed 168,817 square feet of gross floor area during the term of the Campus Plan.
5. The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan.
6. The Applicant shall implement, over the life of the Campus Plan, a Transportation Demand Management Plan, contained in Exhibit 23, to reduce and manage traffic and parking.
7. Continued use of the existing President's House shall be permitted for use as support facilities, storage space, and "swing space" for the duration of the Campus Plan.
8. The new Residential Hall shall be developed in accordance with the plans contained in Exhibit 23, including the Landscaping Plan and Straughn Hall elevator addition.
9. The Applicant shall have minor flexibility with the design of the new Residence Hall, including but not limited to: a) make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments and trim, or any other minor changes; and b) to vary the final selection and location of landscaping materials, in consultation with the Landscaping Liaison Committee from the Spring Valley Community.

10. The Applicant will comply with the Conditions of approval set out by ANC 3D, including the Construction Management Plan developed with the community (Exhibit 24) and more fully described below:

Wesley Seminary Campus Boundaries:

- A. Land along University Avenue that was subdivided into three separate lots (Lots 7, 8, and 9) and deleted from the campus plan boundaries in February, 2006 will be reincorporated into the new Campus Plan boundaries; remain as an open space buffer with the neighborhood for the life of this plan; and not be disturbed, except for landscaping;
- B. The Seminary shall maintain an open space of a minimum of 170 feet (excluding the stairwell projections on the west or University Avenue side of the new Residence Hall) between any new structures and University Avenue that are proposed to be built through the end of the term of the Campus Plan;

Parking and Vehicular Traffic:

- C. The current vehicular one-way exit-only traffic pattern from the Seminary to University Avenue will be maintained. Vehicles also will be able to enter and leave the Seminary through the Massachusetts Avenue exit;
- D. The Applicant agrees to do its best efforts to prevent use of the University Avenue driveway by service vehicles to access the campus;
- E. The Applicant shall limit all vehicles using the University Avenue exit from accessing University Avenue except by a right-turn movement;
- F. The Applicant shall require all students, staff, faculty, and visitors to park on campus or at metered and other public and unrestricted parking spaces within the area;
- G. The Applicant will monitor its parking demand over the term of the Campus Plan and provide semi-annual reports to the ANC, the Spring Valley-Wesley Heights Citizens Association, and Neighbors For A Livable Community;
- H. The Applicant shall maintain a minimum of 150 parking spaces on campus throughout the term of this Campus Plan and make all best efforts to discourage students, faculty, and staff from parking on neighborhood streets;
- I. The Seminary agrees to take any other necessary steps to address parking shortages, including, the possibility of altering class schedules, as outlined in the Transportation Demand Management ("TDM") Plan;

- J. The Seminary shall fully implement and comply with the TDM Plan submitted into the record. The TDM Plan shall mandate that no new trips be generated beyond 53 morning peak hour trips and 71 afternoon peak hour trips. It shall also require that a traffic monitoring survey be performed annually during the first two years following approval of the new Campus Plan and then every other year for the duration of the term of the Campus Plan. Within 60 days of each traffic monitoring survey required, Wesley Seminary shall provide to DDOT, ANC 3D, the Spring Valley-Wesley Heights Citizens Association, and Neighbors For A Livable Community a report indicating its compliance with the TDM Plan. Compliance with the TDM Plan will be measured by whether the Seminary maintains a morning peak hour trip generation of no greater than 53 trips and an afternoon peak hour trip generation of no greater than 71 trips. If the Seminary exceeds either of the trip caps for two consecutive reporting periods, additional TDM measures shall be initiated;

Construction Management:

- K. All construction vehicles shall access the campus through the Massachusetts Avenue entrance and all vehicles will be required to turn right only on to University Avenue during construction when leaving the Seminary via the University Avenue. If exceptional conditions mandate use of University Avenue by construction vehicles (e.g. construction crane) to access the construction site, the only access will be from the existing exit to University Avenue; no new access to the construction site would be created from University Avenue;
- L. The Seminary will develop a construction management plan that addresses construction worker and construction vehicle parking at locations other than neighborhood streets; minimizes on-street truck idling; and ensures compliance with on-site environmental regulations for maintaining the construction site (See addendum to Ex. 24.);
- M. The Applicant will establish a neighborhood construction management committee to discuss ongoing issues during the construction phase of the project and address remediation issues tied to any damage to neighbors' property during construction;

Landscaping:

- N. The Seminary will establish a neighborhood liaison group to review and make all best efforts to achieve consensus on a final landscaping plan prepared by the Seminary's professional landscape architect to create an effective and aesthetically pleasing interface between the new building and residents' homes.

Environmental Issues:

- O. Prior to filing a permit application with the D.C. Department of Consumer and Regulatory Affairs ("DCRA") for ground clearance, excavation, or other construction that could require investigation and/or remedial work at or around the campus by the U.S. Army Corps of Engineers because of its prior use as Camp Leach as part of the American University Experiment Station Formerly Used Defense Site (FUDS), the Seminary shall provide notification to the District Department of the Environment ("DDOE"), the U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency ("EPA"), Region 3, that Wesley Seminary intends to undertake such activities. The Seminary will report on the outcomes of its interactions with the DDOE, USACE, and EPA on this issue to the Spring Valley-Wesley Heights Citizens Association, ANC 3D, and Neighbors For A Livable Community and cooperate fully with the DDOE, USACE, and EPA as required;
- P. Prior to filing a permit application with the DCRA for ground clearance, excavation, or other construction, the Seminary shall develop a stormwater management plan and submit the plan to the DDOE for review and report the outcome of that review to ANC 3D, the Spring Valley-Wesley Heights Citizens Association, and Neighbors For A Livable Community;
- Q. The Applicant shall work directly with residents, including ANC 3D, the Spring Valley-Wesley Heights Citizens Association, and Neighbors For A Livable Community to provide information to ensure that the construction will not have unanticipated stormwater impacts on residents' property and address any impacts should they occur;

Other Issues:

- R. The Seminary shall ensure that all funding sources are in place prior to beginning construction so that there is no disruption in construction due to a lack of financial resources;
- S. The Seminary agrees not to build its playground on the land between the site of the proposed new Residence Hall and University Avenue. The Seminary will remain open to further discussions with ANC 3D and the Spring Valley-Wesley Heights Citizens Association to develop a system of controlled community access for the playground to avoid parking and noise impacts on the University Avenue side of the campus associated with potential community use of the playground;
- T. The Seminary shall establish a neighborhood liaison committee that meets twice annually and is limited to participation by representatives of ANC 3D, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable

Community and individual residents of Spring Valley living within 200 feet of the Seminary's property line at University Avenue;

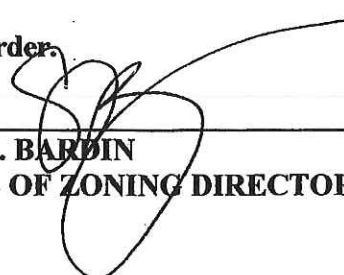
- U. The Applicant will remove the Massachusetts Avenue stairs leading from the American University campus at the time that construction begins on the new Residence Hall;
- V. No other changes to the external facades of Straughn Hall or Carroll Hall will be made without first consulting with ANC 3D, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable Community and residents within 200 feet of the campus boundary at University Avenue and, if necessary, obtaining the approval of the Zoning Commission;
- W. Pursuant to 11 DCMR § 3130, the portion of this Order granting approval of a new residence hall shall not be valid for more than two years after it becomes effective unless, within such two-year period, the Applicant files plans for the proposed structure with the Department of Consumer and Regulatory Affairs for the purposes of securing a building permit; and
- X. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

VOTE: 4-0-1 (Michael G. Turnbull, Marcie I. Cohen, Anthony J. Hood, and Peter G. May to approve; Konrad W. Schlater, not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY:


SARA A. BARBIN
OFFICE OF ZONING DIRECTOR

FINAL DATE OF ORDER: June 14, 2012

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 05-40A

As Secretary to the Commission, I hereby certify that on JUN 14 2012 copies of this Z.C. Order No. 05-40A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|--|
| 1. <i>D.C. Register</i> | 7. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. John P. Brown, Esq.
Kate Olson, Esq.
Greenstein DeLorme & Luchs
1620 L Street, N.W. Ste. 900
Washington, D.C. 20036-5605 | 8. Councilmember Mary M. Cheh |
| 3. ANC 3D
P.O. Box 40846
Washington, D.C. 20016 | 9. DDOT (Martin Parker) |
| 4. Commissioner Tom Smith
ANC/SMD 3D02
4601 Tilden Street, N.W.
Washington, D.C. 20016 | 10. Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, D.C. 20024 |
| 5. ANC 3E
c/o Lisner-Louise-Dickson-Hurt Home
5425 Western Avenue, N.W.
Washington, D.C. 20015 | 11. Office of the Attorney General (Alan Bergstein) |
| 6. Commissioner Sam Serebin
ANC/SMD 3E06
4300 Van Ness Street, N.W.
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c/o Jeffrey Kraskin
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| | 13. Mary Lehnard
4601 Rodman Street, N.W.
Washington, D.C. 20016 |

ATTESTED BY:


Sharon S. Schellin

Secretary to the Zoning Commission
Office of Zoning

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