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GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning



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MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin 
Secretary to the Zoning Commission

Date: January 17, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on January 26, 2007:

1. Z.C. Order No. 05-40 (Case No. 05-40)

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 05-40

EXHIBIT NO. 20

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ZONING COMMISSION

District of Columbia

CASE NO. 05-40

EXHIBIT NO. 20

ZONING COMMISSION ORDER NO. 05-40
Z.C. Case No. 05-40
(Wesley Theological Seminary of the United Methodist Church-Campus Plan)
February 23, 2006

This Decision and Order arises out of an application by Wesley Theological Seminary of the United Methodist Church ("Seminary" or "Applicant") for special exception approval pursuant to 11 DCMR § 3104.1 and in accordance with § 210 of the Zoning Regulations, for the establishment of a Campus Plan for a period of 10 years, through the year 2015, for property located in the R-5-A Zone District, within the Diplomatic Overlay, for premises at 4500 Massachusetts Avenue, N W (Square 1600, and Lot 6)

HEARING DATE: February 23, 2006

DECISION DATE: February 23, 2006

SUMMARY ORDER

The Applicant filed an application with the Zoning Commission for the District of Columbia (the "Commission") on December 5, 2005, for review and approval of the Wesley Theological Seminary of the United Methodist Church Campus Plan for Years 2006-2015 ("Campus Plan")

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

Advisory Neighborhood Commission ("ANC") 3D was automatically party to this case and submitted a letter dated February 6, 2006 into the record. The Office of Planning ("OP") participated in this proceeding. In addition, the Commission heard testimony from several witnesses who testified in support of the Seminary's proposal. 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 Campus Plan applies to the Seminary's Campus of approximately nine (9) acres located at 4500 Massachusetts Avenue at the intersection of Massachusetts and University Avenues, N W. 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 No substantial new construction has occurred on the campus since its establishment in 1958. As such, this is the Seminary's first campus plan.
5. The proposed Campus Plan characterizes on-campus land uses in the following categories: (a) "Academic/Administrative" – classrooms, library, faculty offices, administrative offices, auxiliary services, and related support functions, (b) "Chapel" – assembly and/or chapel facilities, (c) "Open Space" – informal (perimeter landscape) and formal (courtyard/special landscaping) open space, (d) "Residential" – housing for students and other residents, both temporary and longer term, including recreational facilities, student activity facilities, and auxiliary services, and (e) "Support" – parking, auxiliary services, and limited support functions.
- 6 The proposed Campus Plan includes the following elements:
 - (a) Maintain the central core of the campus,
 - (b) Demolish and replace the two existing dormitories, increasing on-campus student beds from 160 to 220,
 - (c) Construct a new underground parking facility and increase overall parking from 115 spaces to 200 spaces,
 - (d) Renovate the existing library for use as a campus center and faculty offices,
 - (e) Construction of a new library,
 - (f) Increase classroom capacity,
 - (g) Renovate and expand the existing chapel;
 - (h) Build a new President's house near University Avenue,
 - (i) Exclude approximately 25,000 square feet of land at the northwest corner of the existing campus, along University Avenue, from the Campus Plan,
 - (j) Create substantial new Open Space in the central core of the campus and pedestrian network,
 - (k) Improve campus ingress and egress,
 - (l) Modify the current one-way south-to-north (Massachusetts Avenue to University Avenue) circulation system into a two-way circulation system with an entrance

and exit on both streets, and with the University Avenue entrance/exit being relocated slightly to the north of the existing entrance in order to align with Sedgwick Street on the other side of University Avenue, making University Avenue the principal loading entrance and Massachusetts Avenue the principal entrance to parking areas,

- (m) Implement a Transportation Demand Management Plan to reduce and manage traffic and parking, and
 - (n) Upgrade maintenance, support, dining, and utility facilities.
- 7 The proposed plan identified approximately 72,500 square feet of new development by 2015, including 30,000 square feet of gross floor area of Residential space, 30,000 square feet of gross floor area of Academic/Administrative space, 5,000 square feet of gross floor area of Chapel space, and 7,500 square feet of gross floor area of Support space. With the elimination of existing surface parking, an additional 23,000 square feet of Open Space will be created
- 8 Construction of the proposed additional area will result in a floor area ratio ("FAR") of 0.59 for the campus, well within the permitted ceiling of 0.9 FAR for the R-5-A zone. The campus currently has approximately 138,000 square feet of building area and an overall density of 0.36 FAR.

Campus Boundaries

- 9 Minor changes in the existing campus boundaries are proposed in the Campus Plan. The Seminary has filed to subdivide a portion of the existing campus property along University Avenue into three separate residential lots. These lots will be outside the boundaries of the proposed Campus Plan and, therefore, not before the Commission. However, the Applicant shares the ANC and community interest in the future development of these lots that is appropriate and consistent with the character of the existing neighborhood and will work with the ANC and community to take appropriate steps to achieve this common objective.

Advisory Neighborhood Commission 3D

- 10 At its duly noticed meeting on February 1, 2006, ANC 3D passed a resolution by a vote of 7-0-0 supporting the proposed Campus Plan. By letter dated February 6, 2006, ANC 3D expressed concern for: a) the R-5-A zoning of the three off-campus lots (each approximately 8,000 square feet), which allows for more density than is allowed for the residential lots located immediately across University Avenue, which are zoned R-1-B, b) the ongoing investigation by the U.S. Army Corps of Engineers ("U.S. Army") of World War I activities at the American University Experiment Station Formerly Used Defense Site ("FUDS"), and c) limiting the growth in the number of students, faculty, and staff. The ANC recommended the conditions that a) the three off-campus lots meet the

zoning requirements of the surrounding neighborhood and be subject to covenants agreed to by the neighbors with respect to future development of the lots, b) ample parking be provided to meet the requirements of 11 DCMR § 2101 1, and c) population caps for students, faculty, and staff be imposed to permit growth of ten percent (10%) over current levels.

- 11 The Applicant has and will continue to cooperate with the U.S. Army FUDS investigation and will coordinate all construction activities with the U.S. Army as required.

Student Population

- 12 The Applicant anticipates maintaining the current enrollment levels of 650 graduate students with the ability to accommodate minor fluctuations in the number of students up to 715 students in the proposed Campus Plan. Approximately one hundred faculty and staff members are employed by the Seminary. The school seeks to increase this number to 110 with such increase being proportional to continue to support the student population.
- 13 The proposed ten percent (10%) growth rate in the number of students, faculty, and staff will not cause any objectionable impacts on neighboring properties.

Campus Parking & Vehicular Traffic

- 14 The Seminary plans to construct a new underground parking facility and increase overall parking on the campus from 115 spaces to 200 spaces, which exceeds the minimum number of spaces required under 11 DCMR § 2101 1. The Seminary will maintain adequate off-street parking to meet its needs and will monitor its parking practices and facilities in light of developments within the campus and community.
- 15 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 engineer, it is proposed under the Campus Plan to change the vehicular circulation pattern to a two-way access from both Massachusetts Avenue and University Avenue. This will allow better site access, especially access to and from the new underground parking from Massachusetts Avenue, while minimizing the use of University Avenue.
- 16 Under the Campus Plan, the Seminary will establish a Transportation Demand Management Plan to encourage the use of public transportation by students, faculty, staff, and visitors to the campus. In addition, to decrease overall parking demand, the Seminary plans, as necessary, to alter the class schedules to alleviate peaks and better utilize the expanded parking facilities.

Student Housing

- 17 Currently, the Seminary provides housing on campus for 160 of its students. An increase in the number of beds provided on campus is proposed under the Campus Plan to house 220 of its students on campus. Although the Applicant does not intend to increase the number of students at the Seminary, it does anticipate a change in the mix of enrollment with an increase in the number of resident students, including year-round, mid-week, and short-term residents.
- 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 Applicant asserted that the 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 Applicant contended that 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 intends to continue to develop facilities and programs offering unique opportunities for learning, teaching, and research.
- 20 OP testified that with respect to Ward 3, the Comprehensive Plan recognizes development pressures that may potentially be associated with the expansion of institutional uses, such as Wesley Seminary, and that many of the institutional uses in Ward 3 have structures that are exceptions to the neighborhood's land use or that do not conform to the underlying zoning. As such, the compatibility of these uses must be maintained, expansion carefully controlled, changes to neighborhood-related uses encouraged, and conversion to other nonconforming uses prevented. OP testified that, in its opinion, the proposed Campus Plan is consistent with these policies.

CONCLUSIONS OF LAW

The Applicant is seeking a special exception, pursuant to §§ 210 and 3104 of the Zoning Regulations, for approval of a campus plan for a period of 10 years. 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.) The Commission concludes that the Applicant has met its burden of showing that its use of the property will not be objectionable to neighboring property. The Seminary's existing conditions do not have an adverse impact on neighboring property, and the planned future development will not likely have an adverse impact on neighboring property. The imposition of conditions contained in this Order will further minimize any potential impacts from planned future development.

In its proposed Campus Plan, the Seminary articulated its plans for increased on-campus housing, increased off-street parking above the minimum required, and limited expansion of the campus density. The Seminary conducted substantial discussions with the affected ANC and community before submitting its proposed plan for approval. ANC 3D voted to support the application with the conditions noted above.

The Commission notes, and gives great weight to, the recommendations of the Office of Planning that the proposed Campus Plan should be approved subject to certain conditions designed to ensure that the Seminary will conform to the requirements of § 210 of the Zoning Regulations. The Commission has carefully considered the recommendations of OP in formulating the conditions of approval of the Campus Plan. The Commission also notes, and gives great weight to, the recommendations of ANC 3D and has carefully considered the concerns and recommendations of the affected ANC in formulating the conditions of approval for the Campus Plan.

Boundaries

The proposed Campus Plan does not seek to expand the existing campus beyond its current boundaries. As such, the Seminary shall not shift any closer to the surrounding residential areas than it is now, and the proposed changes should result in the Seminary having no greater impact on the surrounding area than it does currently.

Population Caps

The proposed Campus Plan does not reflect an increase in the number of students over those that were enrolled during the 2005-2006 school year throughout the term of the new Campus Plan. ANC 3D recommended to provide an allowance of ten percent (10%) growth over the term in order to provide flexibility and to limit growth beyond such numbers. The Commission concludes that a student population cap of 715 is reasonable and appropriate and, therefore, adopts that cap for purposes of the Campus Plan. The Commission further concludes that a

faculty/staff population cap of 110 is reasonable and appropriate and, therefore, also adopts that cap for purposes of the Campus Plan

Campus Parking & Vehicular Traffic

Based on the Applicant's traffic study, the Commission concludes that the Seminary does not contribute a significant amount to the traffic carried by the streets in the vicinity of the campus. Further, the Commission believes that future development of the campus will not alter the traffic volume significantly, if at all.

The Commission also concludes that the parking provisions of the proposed Campus Plan are reasonable and not likely to create objectionable impacts. The Applicant demonstrated that on-campus parking is available in more than sufficient quantity to serve the demand created by students, staff, and campus visitors. An increase in parking supply from 115 to 200 spaces is sufficient to handle the increase in parking demand associated with new development over the term of the plan. The Seminary will implement a Transportation Demand Management Plan that shall address any potential adverse impacts associated with Seminary traffic and parking.

Housing

The Seminary is primarily a commuter campus. The Commission agrees with the Applicant that the increase in on-campus housing will decrease the number of commuters to the campus.

Accordingly, it is **ORDERED** that the application for approval of a new campus plan is **GRANTED SUBJECT** to the following **CONDITIONS**:

- 1 Approval of the Campus Plan shall be valid until December 31, 2015
- 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 245,000 square feet of gross floor area during the term of the Campus Plan
- 5 Once the build-out of the campus facilities is completed, the Applicant shall maintain at least 200 parking spaces on campus
- 6 The Applicant shall provide at least 220 student beds during the term of the Campus Plan
- 7 The Applicant shall provide a Transportation Demand Management Plan, including an interim parking plan during construction, which shall be approved by the Zoning Commission as a part of further processing of development projects on the Campus,

such Transportation Demand Management Plan shall address concerns related to the development of the Campus and will minimize any adverse impact on neighboring properties

- 8 Interim use of the existing President's house shall be permitted for seven (7) years, after which time such house and land surrounding it, shall be excluded from the Campus Plan

VOTE 5-0-0 (Carol J Mitten, Anthony J. Hood, John G. Parsons, Gregory N Jeffries, and Michael G Turnbull to approve)

BY ORDER OF THE ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Each concurring member has approved the issuance of this Summary Order

FINAL DATE OF ORDER. JAN 16 2007

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN (10) DAYS AFTER IT BECOMES FINAL

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999 Repl.) THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (THE "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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER