

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-40B
Z.C. Case No. 05-40B
(Wesley Theological Seminary of the United Methodist Church –
Modification of Campus Plan)
July 14, 2016**

Application No. 05-40B of the Wesley Theological Seminary of the United Methodist Church (“Seminary” or “Applicant”), pursuant to 11 DCMR § 3129.7 of the Zoning Regulations, for a modification of its current Campus Plan (Z.C. Order No. 05-40A (June 14, 2012)) to: 1) limit the term of the Campus Plan to December 31, 2019; 2) allow not more than 55 non-Wesley graduate students to occupy Straughn Hall through May 31, 2019; 3) waive the required traffic monitoring surveys for so long as the enrollment head count is below 505; and 4) increase the number of neighborhood liaison committee meetings to three times annually in the D/R-5-A Zone District at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6, 7, 8 and 9).

HEARING DATE: July 14, 2016

DECISION DATE: July 14, 2016 (Bench Decision)

SUMMARY ORDER

The Applicant filed an application with the Commission for the District of Columbia (“Commission”) on April 13, 2016, for a modification of its current Campus Plan (Z.C. Order No. 05-40A (June 14, 2012)), pursuant to 11 DCMR § 3129.7, requesting that American University (“AU”) undergraduate students be allowed to occupy Straughn Hall for the 2016-2017 academic year and that AU graduate students be allowed to occupy vacant beds in Straughn Hall in subsequent years.

After the filing of the original modification request, the Seminary continued discussions with its neighbors, Advisory Neighborhood Commission (“ANC”) 3D, and AU. As a result of these discussions, the Seminary on May 20, 2016 revised its original Modification to: 1) eliminate the request to house 55 AU undergraduate students in Straughn Hall; 2) limit the term of the current Campus Plan to December 31, 2020; 3) waive the required traffic monitoring surveys for so long as the Seminary's enrollment remains below its enrollment for the 2011-2012 academic year; and 4) increase the number of neighborhood liaison committee meetings to three times annually.

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 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 did not participate in this case. Party status in support was granted to the Spring Valley-Wesley Heights Citizens Association (“SV-WHCA”). No one opposed the application.

The Office of Planning (“OP”) submitted a report indicating no objection to the requested modifications and recommended approval. The District Department of Transportation (“DDOT”) submitted a report indicating no objection to the requested modifications, provided the Applicant complete a traffic monitoring survey during the fall semester of 2016. The Commission concluded that based on the 27% decrease in enrollment from a peak of 569 (head count) for FY 2007 (July 1, 2006 - June 30, 2007) to 400-415 for the current FY 2017, no traffic monitoring survey is warranted and would be an unnecessary financial burden on the Applicant’s limited resources. ANC 3D and SV-WHCA in their testimony strongly supported waiving the traffic monitoring survey requirement based on the substantially reduced enrollment, lack of any evidence of negative traffic and parking impacts of the Applicant’s current operations, and unnecessary expense.

As directed by 11 DCMR § 3119.2, the Commission required the Applicant to satisfy the burden of proving the requested modifications to the approved Campus Plan (Z.C. Order No. 05-40A), pursuant to 11 DCMR § 3104.1 will be in harmony with the general purposes and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and pursuant to 11 DCMR § 210.1, that the use as a university in a residential zone shall be located so it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. Additionally, the requested modifications are minor in scope, limited in duration and do not substantially or materially change the facts upon which the Commission based its original approval of the Campus Plan. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

Based on the record before the Commission, and having given great weight to the OP and ANC reports and testimony, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 and 210.1.

The Commission further determined to waive the requirements of 11 DCMR § 3125.5, that the order of the Commission be accompanied by findings of fact and conclusions of the law.

It is therefore **ORDERED** that the application is **APPROVED** and the Campus Plan is hereby modified so that the following **CONDITIONS** as stated in Z.C. Order 05-40A are revised as follows, with revisions should in **bold** text:

1. Approval of the Campus Plan shall be valid until December 31, **2019**.
5. The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan. **In the event any of the student housing in Straughn Hall ("Straughn Housing") is not needed to house Wesley students:**
 - a. **Applicant may allow the Straughn Housing to be leased and occupied by not more than fifty-five (55) non-Wesley graduate students through May 31, 2019; and**
 - b. **No Wesley students shall be denied housing to allow for housing of non-Wesley graduate students.**
- 10(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. **The traffic monitoring survey requirement shall be suspended for so long as the Seminary's enrollment remains below the enrollment for the 2011-2012 academic year (505 headcount).** 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.
- 10(T). The Seminary shall establish a neighborhood liaison committee that meets **three times** 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.

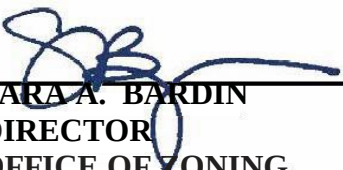
The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 et seq. (the "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, gender identification, 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 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. Violations will be subject to disciplinary action.

VOTE: 5-0-1 (Robert E. Miller, Anthony J. Hood, Marcie I. Cohen, Peter G. May and Michael G. Turnbull to approve).

BY ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Decision and Order.

ATTESTED BY: 
SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

FINAL DATE OF ORDER: August 17, 2016