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July 5, 2022

**BY IZIS**

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

Re: Zoning Commission Case No. 22-13  
Application of The Wesley Theological Seminary of the United Methodist Church  
for Approval for a Campus Plan to Thrive in Place (2022-2032)  
4500 Massachusetts Avenue, N.W.  
Square 1600, Lots 6 (818 and 819), 7, 8 and 9.

Dear Chairman Hood and Members of the Commission:

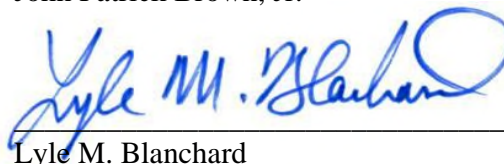
On behalf of the Applicant, enclosed please find its draft Findings of Fact and Conclusions of Law.

Thank you for your consideration.

Sincerely,  
GREENSTEIN DELORME & LUCHS, P.C.



John Patrick Brown, Jr.



Lyle M. Blanchard

Enclosure

**CERTIFICATE OF SERVICE**

I hereby certify that on July 5, 2022, the foregoing letter and Applicant's draft Findings of Fact and Conclusions of Law was delivered via electronic mail to the following:

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John Patrick Brown, Jr., Esq.

**[APPLICANT'S PROPOSED DRAFT ORDER]**

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

**DRAFT: 07-05-2022**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 22-13  
Z.C. Case No. 22-13**

**The Wesley Theological Seminary of the United Methodist Church  
2022-2032 Thrive in Place Campus Plan at  
4500 Massachusetts Avenue, N.W.  
Square 1600, Lots 6 (818 and 819), 7, 8 and 9.  
July 14, 2022**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on June 13, 2022 to consider an application of The Wesley Theological Seminary of the United Methodist Church (the “Seminary”, “Wesley”, “Wesley Seminary”, or the “Applicant”) for the review and approval of the 2022 Thrive in Place Campus Plan for the period 2022-2032 (“2022 Plan”). The Commission considered the Application pursuant to Subtitle X, Chapter 1 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (Zoning Regulations of 2016, the “Zoning Regulations,” to which all section references are made unless otherwise specified). The public hearings were conducted in accordance with the provisions of Subtitle Z, Chapter 4. The Commission approves the Application, subject to the conditions below.

**FINDINGS OF FACT**

**Notice**

1. On November 12, 2022, the Seminary mailed a Notice of Intent to Advisory Neighborhood Commissions (“ANC”) 3D, and 3E and the owners of all property within 200 feet of the perimeter of the subject property as required by Subtitle Z § 302.6. (Exhibit [“Ex.”] 5.) In accordance with Subtitle Z § 302.8, representatives of the Seminary made presentations to ANC 3D at its public meetings on February 3, 2021, November 3, 2021, December 8, 2021, March 2, 2022, April 6, 2022 and June 1, 2022 and to ANC 3E at its public meetings on March 9, 2022 and April 21, 2022 (Ex. 12-A.)
2. On April 6, 2022, the Office of Zoning (“OZ”) sent notice of the June 13, 2022 virtual public hearing to:

- The Applicant;
  - The affected ANC 3D and adjacent ANC 3E;
  - The affected ANC Single Member District (“SMD”) 3D02;
  - The Office of Planning (“OP”);
  - The District Department of Transportation (“DDOT”);
  - The Department of Consumer and Regulatory Affairs (“DCRA”);
  - The Department of Energy and the Environment (“DOEE”);
  - The Ward 3 Councilmember; Chair of the Council; and the At-Large Councilmembers; and
  - Property owners within 200 feet of the 2022 Campus Plan property. (Ex. 9, 10.)
3. Pursuant to Subtitle Z § 402.1, OZ also published notice of the June 13, 2022 virtual public hearing in the *D.C. Register* on April 15, 2022 (69 DCR 000015, *et seq.*) as well as through the calendar on OZ’s website. (Ex. 8.)
  4. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on May 3, 2022, and maintained such notice in accordance with the Zoning Regulations. (Ex. 11, 31.)

**Parties in Support and Opposition**

5. On May 31, 2022, Spring Valley Neighborhood Association (“SVNA”) filed a request for party status in support of the 2022 Campus Plan. (Ex. 16). The Commission granted SVNA’s request for party status. (Transcript [“TR”] from June 13, 2022 hearing at pp. \_\_\_\_\_).
6. On May 27, 2022, Neighbors for a Livable Community (“NLC”) and Spring Valley-Wesley Heights Citizens Association (“SV-WHCA”) filed a joint request (collectively, “NLC-SVWHCA”) for party status in opposition to the 2022 Campus Plan. (Ex. 13). The Commission granted the NLC-SVWHCA joint request for party status. (TR from June 13, 2022 at pp. \_\_\_\_\_).

**The Site**

7. The property that is the subject of the Application is the Seminary’s Spring Valley Campus (“Campus”) at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6 (818 and 819), 7, 8, and 9) (“Campus”). (Ex. 3.)
8. The Campus is located in the RA-1 Zone. The Seminary is surrounded by the American University Campus on the east and south and along University Avenue directly abuts the Spring Valley Neighborhood. On the opposite side of Massachusetts Avenue is the American University Park neighborhood. (Ex. 3.)

## The Application

9. On March 17, 2022, the Seminary filed its 2022 “Thrive in Place” Campus Plan submission seeking approval of the 2022 Campus Plan for the 10-year period 2022 through 2032. (Ex. 1, 1A, 2, 3, 3A1, 3A2, 3A3.) The submission included the 2022 Campus Plan together with the following exhibits (collectively, the “Applicant’s Statement”):

- Site Location
- Student Enrollment Trends
- Board of Governors
- Zoning Commission Order No. 05-40C
- Site Zoning Plan
- Building Elevations
- Street View Renderings
- Landscaping Plan
- Existing and Proposed Property Boundary
- Existing Zoning
- Existing Land Use
- Existing Building Use and Infrastructure
- Existing Building Heights
- Existing Open Space and Pedestrian System
- Proposed Open Space and Pedestrian System
- Existing Site Amenities
- Existing Vehicular Circulation Network
- Proposed Vehicular Circulation Network
- Major Utilities
- Proposed Land Use
- Proposed Building Use and Infrastructure
- Proposed Building Heights
- Proposed Site Amenities

10. On May 31, 2022, the Seminary filed a Comprehensive Transportation Review (“CTR”) in support of the Application. (Ex. 15A1-3.) The CTR dated April 29, 2022 was submitted to DDOT on that date and a copy provided directly to the Community Liaison Committee on May 10, 2022. The CTR concluded that the 2022 Campus Plan will not have a detrimental impact on the surrounding transportation network assuming that the proposed site design elements are implemented. Id.

## The Wesley Theological Seminary

11. Wesley Seminary, founded in 1882 – just celebrated its 140th Anniversary, is one of the nation’s leading and largest graduate theological schools (most of which are known as

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“seminaries” or “divinity schools”). Wesley moved to this campus 63 years ago from what is now McDaniel University in Westminster, Maryland. Most of the current buildings were constructed at that time, except for the 2014 Dorm. All other buildings are renovated. (Ex. 3.)

12. Wesley Seminary came to this site and designed the campus to share this academic hilltop with American University, a sister school in the United Methodist denomination. This was part of a larger plan of a Methodist Bishop who chaired the boards of both schools and who also established the AU School of International Service and relocated Sibley Hospital with a vision for a “Methodist Center” in this region, joining with the National United Methodist Church in Wesley Heights. (Ex. 3.)
13. Wesley is considered one of the few truly national and international seminaries. Center-progressive and one of the most ethnically diverse, its alumni serve as pastors and leaders of non-profit human service organizations around the world, including a strong presence in Washington. Wesley is broadly ecumenical, with students from 26 denominations and a similar number of both states and foreign countries. The Seminary offers three Master’s degrees and a Doctor of Ministry (D.Min.) and several non-degree programs, with three substantial centers of research and teaching: Leadership, Arts and Religion, and Community Engagement. (Ex. 3.)
14. Wesley Seminary has not only embraced but taken the lead in the 21st century of theological education. In order to continue this journey from its Spring Valley Campus, Wesley Seminary must use its physical and financial resources to support and foster its educational mission. Most importantly, the Seminary must be able to attract the best and brightest faculty and students to maintain and elevate its place among the top twenty theological schools. (Ex. 3.)
15. The reason for this development is not for Wesley to survive, but more importantly, to allow it to thrive in place for the next generations. By some reckoning, the most prudent move for Wesley would be to sell this campus and relocate to a less expensive area in the mid-Atlantic region. The Seminary is resolved to remain in Washington because this City is central to its mission and ability to attract both students and faculty nationally and from abroad. Wesley greatly values being a part of an academic community committed to liberal higher education with all the vibrancy that entails. Wesley and AU have always had some shared programing, but, under AU President Sylvia Burwell, those connections are expanding. (Ex. 3.)
16. The Seminary must also be able to thrive in place financially utilizing all its resources to directly support its educational and religious mission. The size of the new student housing building provides for the number and various types of beds and room configurations necessary to house Wesley students (and their immediate families) and to achieve the financial benefit which is critical to the Seminary’s ability to remain in this neighborhood and be one of the leading seminaries in perpetuity. Wesley is currently one of only 30 seminaries competing nationally and internationally for the best

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students and faculty. But the Seminary is 20<sup>th</sup> in size of endowment. In a period of winnowing of the number of seminaries nationwide, this project would effectively move Wesley to 10<sup>th</sup>. The high-end design of this dorm provides Seminary students access to amenities they do not have now and enhances Wesley's appeal to younger students. In addition to replacing the 90 student housing beds lost in Carroll Hall and Straughn Hall, the New Dormitory will provide flexible living options that will accommodate Wesley students requiring family housing or other living arrangements that are not available in the traditional single or double occupancy rooms in the existing 2014 Dorm. Wesley students will have priority for beds in the New Dormitory to meet its demand for housing. (Ex. 3, 12A.)

17. The Seminary will devote most of the financial benefit to further subsidize student scholarships, including for on-campus housing which is expected to increase the demand from Seminary students. The fundamental economics of seminary education are extremely difficult as Wesley strives to ordain ministers who require a graduate-level education similar in length and depth to medical students, but they will earn a fraction of the salary over a lifetime. For Wesley, the ability to discount the cost of this education is determinative of its ability to compete and thrive. (Ex. 3, 12A.)

### **Applicant's Statement**

18. The Thrive in Place Campus Plan (2022-2032) was driven by Wesley Seminary's Strategic Vision of "Ministry 2044," and the related Goals, Strategies and Planning Principles. Taking the long-term view for the next generation, Wesley Seminary adopted "Ministry 2044" as its guiding force for the future. This plan encompassed three ambitious goals, all of which were achieved: to prepare exemplary teachers, preachers and leaders; to make effective use of Wesley Seminary's location in Washington, D.C.; and to become a truly global seminary. (Ex. 3, 12A.)

### *Community Engagement and the Development of the 2022 Campus Plan*

19. Beginning in July 2019 and through the pandemic, the Seminary engaged the community in the development of the proposed 2022 Campus Plan, including the established Community Liaison Committee ("CLC"), ANC 3D and ANC 3E, other neighborhood groups and other interested parties. This included twelve CLC meetings, six ANC 3D meetings, two ANC 3E meetings, and numerous more informal discussions. (Ex. 12A.) As a result of this process, the Seminary revised its plans and developed a detailed set of conditions which were adopted as part of the 2022 Campus Plan. (Ex. 12A.)

### *Student Enrollment*

20. The Seminary provided an eleven-year (2011-2021) enrollment historical record broken down by degree programs and non-degree programs. (Ex. 12A-F.) The enrollment numbers are based on student head count without regard to the full or part-time status



of the student. The Seminary has proposed a student enrollment cap that does not increase enrollment above the currently approved levels, which allows for limited growth above the current enrollment. All students in degree and non-degree programs that participate entirely off-campus or by remote or virtual classes are not subject to the enrollment cap. (Ex. 12A.)

### *Employee Population*

21. The Seminary provided an eleven-year (2011-2021) employee historical record based on head count, including all full and part-time employees. Wesley has proposed a cap on its employees which is below the level currently approved. Additionally, the Seminary has proposed a twelve person (full and part-time) cap on private employees that will manage and operate the New Dormitory, excluding any student resident assistants/community ambassadors living in that student residential building. (Ex. 12A.)

### **Campus Plan to Thrive in Place (2022-2032)**

22. This Plan represents the last foreseeable new development on the Campus and maintains the established hilltop campus building configuration surrounded by the prominent Green Open Space that defines the Wesley Seminary's relationship with the surrounding neighborhood. Two 1960-era obsolete dorms, the surface parking lot and adjacent maintenance building, and the Old President's House will be demolished. This will allow construction of a new student housing building and a new administration building. (Ex. 12A.)

### *Demolish Old President's House and Restore Site with Landscaping*

23. The Old President's House is located on the three lots on University Avenue. (Ex. 12A.) This two-story, 4,538 square-foot building is no longer habitable and has not been used for its intended purpose for twenty years. The building and associated paved parking area and University Avenue driveway curb cut will be demolished. This area will be re-landscaped including a small community playground to maintain and enhance the existing Green Open Space along University Avenue. (Ex. 12H-P.)

### *Demolish Carroll and Straughn Halls and Surface Parking Lot*

24. The two 1960 – era original dorms, Carroll Hall (27,533 square feet) and Straughn Hall (29,866 square feet) that surround the existing surface parking will be demolished. (Ex. 12A, 12H-P.) Together, these two-story buildings provide ninety beds. Carroll Hall is significant to the Seminary's housing inventory because it provides family style units for married students and their families. Replacement of this critical family housing will be facilitated by the proposed New Dormitory. (Ex. 12A.)
25. At the center of the Campus, the surface parking lot with 143 spaces and adjacent one-story maintenance building will also be demolished. (Ex. 12A, 12H-P.)

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*New Student Housing for Wesley and American University Students*

26. The new student housing is exclusively for Wesley and AU students needing local housing and will be located in the area of the existing surface parking lot. (Ex. 12A.) The building will be seven stories with a habitable penthouse with an approximate height of 75 feet, 8 inches and nestled between the existing Seminary buildings and the immediately adjacent and taller AU buildings. (Ex. 12A.) This purpose-built student housing will contain approximately 306,157 square feet of building area and have approximately 215 living units configured in studio, one, two, three, four and five bedroom units with not more than 659 student beds. Each unit will provide common living space including kitchens for the student residents. At the urging of the community, the top levels of the building facing University Avenue have been further setback 27.5 - 32.5 feet from the University Avenue face of the building by eliminating four units with twenty beds. Additionally, the layout of the top-level units was rotated ninety-degrees so that windowless walls now face University Avenue. (Street View Renderings, Exhibit G). The building will have two levels of underground parking with 350 parking spaces and internal loading and trash facilities. At least 105 of the parking spaces are replacement spaces for Wesley's exclusive use. (Ex. 12A.)
27. The new building will be first-class student housing with amenities, including purpose designed study areas with group and individual spaces, computer lounge, activity club room and outdoor interior courtyard. The New Dormitory may include a small (not more than 500 square feet) ground floor "Grab and Go" retail space providing student conveniences, including food, non-alcoholic beverages, and hygiene essentials for residents and Seminary students. This retail space will have no exterior signage or advertising. The design will focus on sustainability and will achieve at least LEED Mid-Rise Residential Gold certification. (Ex. 12A.)
28. The new student housing will be developed through a long-term (99 year) ground lease for a portion of the Campus (Lot 819) between Wesley Seminary and Landmark Properties. Wesley Seminary will receive a lump sum initial payment and annual guaranteed ground rent payments. Landmark will be responsible for the construction and operation of the new building. Use of the ground lease property will be strictly and perpetually limited to first-class student housing and subject to approval of this Campus Plan by the Zoning Commission. At the conclusion of the ground lease, ownership of the building will revert to Wesley Seminary. For colleges and universities nationwide, it is now common practice to rely on private companies to provide customary campus services, including housing, food service, bookstores and personal and convenience services. (Ex. 12A.)

*Inclusionary Zoning (IZ)*

29. The Seminary has acknowledged that the exemption from IZ for student housing applies only for "housing developed by or on behalf of a local college or university exclusively

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for its students, faculty or staff.” (Emphasis added). Subtitle C §1001.6(6). As a result, the proposed New Dormitory which will house both Wesley and AU students will be subject to IZ. The scope and enforcement of the IZ requirement will be determined during further processing of the dormitory after consultation with the Department of Housing and Community Development (“DHCD”), Office of Planning and the Zoning Administrator. (Ex. 32, 42.)

*Increased Availability of Affordable Housing in Neighborhood*

30. Beyond IZ, the Seminary’s Campus Plan will have a positive impact on affordable and housing availability in the immediate neighborhood that have been specifically championed by SV-WHCA. Most recently, SV-WHCA has specifically urged the Commission to better utilize the campus plan process to help address the District’s affordable housing crisis, stating:

*“[t]he campus planning process also provides an opportunity for this Commission to address affordable housing. Take for example, American University. As the growth in undergraduate enrollment outpaces the supply of on campus housing, we are losing affordable units in our neighborhood to university master leasing programs. So, in our campus planning process and as we consider the future of rent control, we must be as vigilant in safeguarding affordable housing as we are in mandating affordable housing through inclusionary zoning.”<sup>1</sup> (Ex. 32, 42.)*

31. In this respect, Wesley agrees with SV-WHCA and NLC that this proposed campus plan provides an opportunity to help address the issue of affordable housing, as well as other issues. The proposed dormitory has real potential to attract students that are currently residing in nearby single-family homes and multi-family developments, some of which might be affordable. Notably, this is also something that is expressly encouraged in the Education Facilities Element of the Comprehensive Plan, which states:

*“[e]ncourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock, especially the affordable housing stock, in adjacent neighborhoods. Consider measures to address the demand for student housing generated by non-District institutions with local branches.”<sup>2</sup> (Ex. 32, 42.)*

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<sup>1</sup> See Z.C. Case No. 19-10, Valor Development, LLC, Planned Unit Development, Testimony of SVWHCA, dated October 10, 2019 at Exhibit 213.

<sup>2</sup> Policy EDU-3.3.4: Student Housing (10-A DCMR 1214.9).

*Landmark Properties*

32. Landmark Properties is a leading nationwide purpose-built student housing provider. It currently owns and manages 50,600 student housing beds in twenty-five states with an occupancy rate of 97%. Landmark will be responsible for the construction and operation of the new student housing. This building will be staffed by a full-time on-site management team, which typically includes a Community Manager, Resident Services Manager, Leasing and Marketing Manager, Maintenance Supervisor and Technician(s), Grounds Keeper, and Community Assistants/Ambassadors (1 per 100 beds). (Ex. 12A.)
33. The new student housing will be limited exclusively to Wesley Seminary and America University students in good-standing. All residents will be subject to Landmark Rules and Regulations developed in careful consultation with Wesley Seminary, including restrictions on noise, unruly behavior, large gatherings, drug and alcohol use, and off-campus parking in the surrounding neighborhood. Wesley students will also be subject to the Seminary’s Student Covenant. (Ex. 12A.) AU students will also be subject to American University’s Code of Conduct which is equally enforceable on and off-campus under its “Good Neighbor Guidelines” and Office of Campus Life. ZC Order No. 20-31 (2022). Similarly, AU’s “Good Neighbor Parking Policy” will be applicable to its students living in the New Dorm. *Id.* Both institution’s Codes of Conduct are derived from their common identity as Methodist-related institutions. (Ex. 12A.)
34. The American University students living in this Wesley community will be welcomed as members of the Seminary community to whatever degree they would like. This would include worship experiences and other Wesley community events; access to Wesley’s Refectory and library privileges. And, by virtue of their admission to AU, they would be eligible to take courses at Wesley commensurate with their graduate or undergraduate level at Wesley tuition rates which are substantially lower than American University tuition rates. There is already a history of this kind of rich integration with the seminary community in the experience of AU students who have successfully lived in the current Straughn Hall. Wesley and AU already share in two joint degree programs: M.T.S. – M.A. in International Development and M.T.S. – M.A. in International Peace and Conflict Resolution. These and the additional academic accommodations will be an attractive incentive for AU students wishing to live in this facility and bridge the two campuses. (Ex. 12A, 42.)

*Increased District Tax Revenue*

35. The Seminary is currently tax exempt for its real estate and operations in the District of Columbia. Under the proposed recorded ground lease for the New Dormitory (Lot 819), Landmark will not be tax exempt and will be liable for substantial annual District taxes on the land, improvements and operations for the New Dormitory. (Ex. 43, 45.)

*No Agreement with American University*

36. There is no agreement with AU and none is necessary or being pursued by Wesley Seminary or Landmark Properties for this project to be successful. However, this project involves a strengthening of the historic partnership between the two institutions. New joint programs are already being explored in addition to those already in existence. But with respect to this building and its occupants, Wesley stands ready to discuss issues such as security cooperation, pedestrian, and traffic flow with AU when it is ready. The Seminary has assurances directly from President Sylvia Burwell that AU is willing to discuss the impact of this project on the two campuses “at the appropriate time.” Wesley has designed the building to orient toward the adjacent AU Campus. The issue of the existing fence between the two campuses has been raised in ANC 3D and community meetings. With the future cooperation of AU in consultation with the community, the Seminary would support efforts to remove the fence or install a controlled pedestrian gate as a way to facilitate access back and forth. (Ex. 12A.)
37. AU’s recently approved Campus Plan requires it to meet minimum on-campus housing requirements. Under the AU Campus Plan, the maximum student enrollment (headcount) is 14,380, including 8,207 full-time undergraduate and 2,997 full-time graduate students. AU will be required to provide on-campus housing (including 330 triples and 200 off-campus master leased beds) for 100% of its full-time freshman and sophomore students and 67% of all full-time undergraduates. AU currently has approximately 5,446 on-campus beds. AU’s Campus Plan proposed the addition of 500 beds over the next ten years. An additional 200 on-campus beds are authorized if the 200 off-campus master leased beds are eliminated. AU will continue to provide no on-campus housing for its graduate students. (ZC Order No. 20-31) AU does not now or as planned in the future have enough on-campus housing for all its undergraduates and it provides no on-campus housing for its graduate students. Recognizing the substantial demand for off-campus housing for its students, AU provides a robust off-campus housing program on its website <https://www.american.edu/ocl/housing/off-campus-housing-services.cfm>. A large number of AU students without on-campus housing live in existing off-campus multi-family apartment buildings, including The Berkshire at 4201 Massachusetts Avenue, N.W. (759 units) and the Avalon at Foxhall at 4100 Massachusetts Avenue, N.W. (308 units) and other residences in the neighborhood. Student pedestrian traffic to and from the nearby off-campus apartment housing on Massachusetts Avenue is well known to the neighborhood. (Ex. 12A.)
38. The number of AU students who will be readily attracted to this first-class student housing immediately next door to AU is anticipated to exceed the available beds. The student-oriented design and operation of the New Dormitory will meet student housing preferences not available in existing neighborhood off-campus housing, including: location immediately adjacent to campus; professional on-site management; secure building with 24/7 electronic monitoring; up to 4- and 5-bedroom units offering different rental price points; individual housing contracts; fully furnished units; cost competitive with local off-campus housing; housing costs unbundled from student food

service plans; student oriented amenities such as private and group study rooms, free printing, desktop computers, clubroom with lounge seating, outdoor common areas; community events; roommate matching services; spacious and open concept floorplans; and LEED Gold building design with modern finishes. (Ex. 12A.)

39. For the surrounding neighborhood, this new student housing will accomplish their long-standing desire for students to live within the precincts of a campus and will make scarce local lower cost housing available to non-students. (Ex. 12A.)
40. Under its recently approved Campus Plan, AU is subject to enrollment caps and minimum student housing requirements. Wesley's Campus Plan and the new student housing will have no impact on the terms of AU's Campus Plan. Housing of AU students on Wesley's Campus will not permit increased enrollment or be counted toward meeting its minimum on-campus housing requirements, and provide additional first-class housing options for its students directly adjacent to its campus. (Ex. 12A.)

*New Residential Style/Scale Admin/Faculty/Maintenance Building*

41. At the top of the University Avenue driveway adjacent to the existing 2014 Dorm, Wesley proposes to build a two-story, approximately 5,267 square foot building. This residential scale and design building will provide administrative and faculty spaces and a small maintenance facility on the lower level. The building was carefully located to minimize its visibility from University Avenue, not to intrude on the existing Green Open Space and protect the surrounding Heritage and Special Trees. (Ex. 12A.) Trash from the 2014 Dorm will be stored in a screened area at the building. Additional landscaping will be installed along the University Avenue driveway to provide further screening for the New Administration Building and New Dormitory. This new building will meet LEED New Construction Gold certification. (Ex. 12A, 12A-F.)

*No Development of University Avenue Residential Lots*

42. The three residential lots on University Avenue (Lots 7, 8 and 9) were re-incorporated in the Spring Valley Campus in 2012 in Zoning Commission Case Number 05-40A. (Ex. 12H-P.) After the demolition of the Old President's House, there is no plan to develop these lots for Campus use, except for the proposed neighborhood playground. The three lots will remain part of the Green Open Space along University Avenue. (Ex. 12A, 12H-P.)

*Maintain "Hilltop" Campus*

43. Under this Plan, the established building perimeter formed by the 2014 Dorm, Kresge Hall, Trott Hall, Chapel, Library and AU Campus is maintained. (Ex. 12A, 12H-P.) The Hilltop Campus is surrounded by and isolated from the adjoining neighborhood by the substantial Green Open Space on Massachusetts Avenue and University Avenue. (Ex. 12A, 12H-P.)

*Maintain and Enhance Green Open Space Buffer Zone on University Avenue and Massachusetts Avenue*

44. The Green Open Area that defines the Spring Valley Campus will be maintained and enhanced. (Ex. 12A.) No development is proposed for the Green Open Space which is notable for its abundant Heritage and Special Trees and landscaping that was previously enhanced under the 2012 Campus Plan. Under this Plan, even more landscaping will be added at the former Old President’s House site, along University Avenue, at the University Avenue driveway and at the Massachusetts Avenue entrance. (Ex. 12A.) The existing Green Open Space and enhancements will create a more substantial and durable buffer to the neighborhood, especially on University Avenue. From the 2014 Dorm to the east curb of University Avenue it is 171 feet, and to the west curb of University Avenue 205 feet. From the New Dormitory, it is 300 feet (a football field length) to the east curb of University Avenue. Fully fifty-five (55) percent of the Spring Valley Campus area (210,000 square feet) will remain undeveloped and devoted to Green Open Space. (Ex. 12A.)

*Wesley Bell Tower*

45. The Bell Tower is ninety (90) feet in height and located on the northern perimeter of the central courtyard of the hilltop campus formed by the surrounding Wesley buildings, including Kresge Academic Hall, Trott Administration Building and Chapel, and the Library. The Bell Tower is located approximately 172 feet from Massachusetts Avenue and approximately 236 feet from the face of the New Dormitory. The Bell Tower is taller than the proposed New Dormitory, including penthouse. The face of the New Dormitory is setback approximately 338 feet from Massachusetts Avenue. (Ex. 43.)

*270,000 Square Feet of Unused Gross Floor Area*

46. By maintaining the substantial Green Open Space and limiting the size and location of new development, Wesley Seminary has not utilized a substantial amount of the permitted 1.8 FAR for the Campus. As proposed, total development is limited to about 417,000 square feet or 1.09 FAR. As a result, more than 270,000 square feet of development potential will remain unused. (Ex. 12A.)

*Neighborhood Playground*

47. The Spring Valley neighborhood has requested the Seminary build and maintain a small neighborhood playground on the Wesley Campus as a community amenity. In addition to its much enjoyed “Sledding Hill”, Wesley Seminary has committed to provide space and finance this new neighborhood serving project. The proposed neighborhood playground would be setback back approximately forty feet from University Avenue in the area of the three residential lots. The playground would be approximately 40 feet



by 95 feet with an area of 3,800 feet and equipped with suitable play equipment with additional landscaping provided as a buffer with University Avenue. (Ex. 12A.)

*No Sale or Lease of Wesley Property to AU*

48. As part of the existing Campus Plan (Z.C. 05-40C), the Seminary agreed to the neighborhood’s request to not sell or lease any party of the Wesley Campus to American University for university use. Under the 2022 Campus Plan, the Seminary has agreed to extend that prohibition as a specific condition of this Order. (Ex. 12A.)

*Commitment to Diversity, Equity, Inclusion and Social Engagement*

49. Significantly, this Campus Plan and Wesley Seminary’s educational and religious mission are founded upon and committed to supporting racial equity, resiliency and local community engagement and programs. (Ex. 12A, 32, 42.)
50. The Seminary embraces, lives and professes its commitment to Diversity, Equity, and Inclusion. (Ex. 12A, 42.)

The mission of Wesley Theological Seminary (“**Wesley**” or “**the Seminary**”) is to prepare persons for Christian ministry, to foster theological scholarship, and to provide leadership on issues facing the church and the world. Our aim is to nourish a critical understanding of Christian faith, cultivate disciplined spiritual lives, and promote a just and compassionate engagement in the mission of the church to the world. (Ex. 12A.)

51. At all levels, the Seminary is diverse, including students, faculty, administrators, staff, Board of Governors, and the Christians and persons of other faiths that it touches and serves. The Seminary’s student body demonstrates its diversity by race, sex, age, religion, national origin and sexual orientation. 58% of students are women, 41% men, 34% Black, 41% White, 9% Asian, and 5% International. Its student range in age from the early twenties to seventy or older. More than 60% of the students are ages 30-59 with nearly 25% ages 40-49. Over 30 different religious denominations are represented from the United States and abroad. The physical and financial resources resulting from this Campus Plan will directly support its students and their diversity. As set forth above, the Seminary is a “Minority-Majority” Institution. (Ex. 12A, 42.)
52. Locally, the Seminary has deep and strong ties with the community. At least 200 alumni are District of Columbia residents who are deeply committed to the City and the lives of its residents through its churches and non-profit organizations. The Seminary’s commitment to our community and other local communities is the mission of its Community Engagement Institute under the leadership of Lorena M. Parrish. P.h.D., Associate Professor of Urban Ministries. The Institute’s training and programs are broad and provide resources locally and beyond, including:

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- Center for Public Theology
- Community Engagement Fellows Program
- Heal the Sick Program

(Ex. 12A.)

## Project Impacts

53. The Application included the following information in satisfaction of the requirements set forth in Subtitle X § 101:

- *Subtitle X § 101.1: Educational Use by a College or University.* The Seminary was chartered as an educational institution of higher learning by an Act of the General Assembly of the State of Maryland. Wesley is fully accredited by the Association of Theological Schools in the United States and Canada, the Commission on Higher Education of the Middle States Association of Colleges and Schools, the University Senate of the United Methodist Church (Board of Higher Education and Ministry) and the District of Columbia Educational Licensure Commission. (Ex. 12A.)

- *Subtitle X § 101.2: The Uses Shall Be Located So They Are Not Likely to Become Objectionable to Neighboring Property Because of Noise, Traffic, Parking, Number of Students, or Other Objectionable Conditions.* The Seminary’s 2022 Campus Plan sets forth a thoughtful and measured approach to thriving in place over the next 10 years and beyond. Developed in close and detailed participation with the community, the 2022 Campus Plan establishes a limited and long-term plan for the stable future and new development of the Campus that maintains and strengthens the original hilltop campus configuration surrounded by the prominent Green Open Space that defines its relationship with neighborhood and as substantial and lasting buffer to the larger American University Campus. (Ex. 12A.)

*Noise.* Activities within the Campus Plan boundaries are centrally located and designed so as to minimize noise (and visual) impacts on the surrounding community. New facilities proposed in this Campus Plan will also be centrally located and isolated from the surrounding neighborhood with minimum impact on the community in terms of noise. In an effort to reduce noise, the Seminary will continue to abide by the following measures: locating Campus activities so as to satisfy the need of students, faculty and residents for a quiet and secure place to study, work and live, with attention to the need to minimize impacts on the community; and locating and designing loading docks and mechanical systems to reduce, as much as possible, the noise they produce. (Ex. 12A.)

*Traffic and Parking.* The Seminary proposes to provide a total of 381 on campus parking spaces, including 350 underground parking spaces in the New Dormitory (105 dedicated to Wesley) and 31 surface parking spaces. The proposed parking in conjunction with the TDM plan endorsed by DDOT will meet or exceed the demand for on campus parking by students, residents, faculty, staff and visitors, and off-campus parking restrictions and enforcement will prevent or mitigate any adverse parking impacts on the neighborhood. (Ex. 12A.) The 2022

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Campus Plan creates very little additional vehicular traffic, the new peak hour restrictions on use of the University Avenue exit, and ongoing monitoring will also limit and mitigate any objectionable traffic conditions. (Ex. 15A1-3, 34.)

*Number of Students.* The development proposed in the Campus Plan will not create objectionable conditions due to the number of students, residents or other conditions. The Plan maintains the current enrollment levels for the Seminary within the proposed enrollment cap. (Ex. 12A-F). Residents will be centrally located on Campus and be subject to strict and enforced Codes of Conduct by Wesley, AU and Landmark, including off-campus parking restrictions and enforcement. (Ex. 12A.) As stated above, the Transportation Demand Management Plan will be designed to meet the needs of the Campus over the ten-year term of the Plan. Additionally, the Plan proposes the development of new facilities to meet the needs of the changing student population over the term of the Plan. (Ex. 15A1-3.) Any AU student living within the New Dormitory will be counted within the AU student enrollment cap under its approved Campus Plan. Z.C. Order No. 20-31. (Ex. 12A.)

*Personnel.* The personnel population on the Campus will increase proportionately to support the academic mission and student population of the Wesley Seminary Campus and the operation of the New Dormitory, but any increase will not be substantial and is capped by the Campus Plan. (Ex. 12A.)

*Other Objectionable Conditions.* The 2022 Campus Plan does not create any other objectionable conditions on neighboring properties. However, in order to mitigate any potential impacts, the Seminary has proposed a comprehensive set of conditions of approval for the ten-year term of the Plan. In addition, the 2022 Campus Plan sets forth the Seminary's commitment to continued active collaboration with the neighborhood in the implementation of the goals and objectives of the 2022 Campus Plan; (Ex. 12A.)

- *Subtitle X §§ 101.3 and 101.4: Analysis of Incidental Uses.* The New Dormitory may include a small (not more than 500 square feet) ground floor "Grab and Go" retail space providing student conveniences, including food, non-alcoholic beverages, and hygiene essentials for residents and Seminary students. This retail space will have no exterior signage or advertising. This limited amenity for residents and students will not have objectionable impacts on non-university residential neighbors due to hours of operation, noise, parking, loading, lighting, trash, or other operational characteristics. The total floor area of this commercial use, including basement or cellar space, shall occupy no more than 10% of the gross floor area of the total campus floor area. This proposed very limited commercial activity as more specifically proposed as part of a further processing application will be related to the educational mission of the Seminary and not inconsistent with the Comprehensive Plan; (Ex. 12A.)

- *Subtitle X §§ 101.5 through 101.7 and 101.12: Campus Development Standards.*

*Density.* The property within the Campus Plan boundaries is zoned RA-1. The Zoning Regulations limit campus development to an FAR of 1.8 (687,780 square feet). When added to all existing buildings and structures on the Campus that will be retained, development under this

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Campus Plan will not exceed the maximum permitted gross floor area prescribed for the Campus. If all proposed development is constructed, the gross floor area within the Campus Plan boundaries will total approximately 417,203 square feet. This results in an overall FAR of approximately 1.09. Approximately 270,000 square feet of available gross floor area will not be developed; (Ex. 12A.)

*Height.* Subtitle X § 101.5 permits a base height of 50 feet for campus buildings; under Subtitle D § 207.6 and Subtitle F § 203.3, the height may be increased to a maximum of 90 feet provided that each building is set back from adjacent lot lines at least one foot for each foot of building height exceeding 50 feet. Consistent with these regulations, all proposed campus buildings are within the 90 feet requirement. The New Dormitory will have a height of 75 feet 8 inches - significantly less than the maximum permitted and the height of the immediately adjacent AU building; (Ex. 12A.)

- *Subtitle X § 101.8: Plan for Campus as a Whole, Showing the Location, Height, and Bulk, Where Appropriate, of All Present and Proposed Improvements.* The 2022 Campus Plan includes a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements; (Ex. 12A.)

- *Section 101.8(a): Buildings, Parking and Loading.* The 2022 Campus Plan calls for new building development as follows: Academic/Administrative: 5,267 square feet of gross floor area and; Residential/Campus Life: 306,157 square feet of gross floor area. The 2022 Campus Plan and CTR detail the locations of all existing and proposed parking and loading facilities; (Ex. 12A, 15A1-3.)

- *Section 101.8(b): Screening, Signs, Streets, and Public Utility Facilities.* The 2022 Campus Plan recognizes the importance of the landscape and open space elements that are distinctive to the Seminary's urban campus, relationship to the surrounding neighborhood, proximity to the AU Campus and introduces new features to further enhance the campus environment. (Ex. 12A, 12H-P.)

*Screening.* The landscaped elements of the Campus Plan seek to enhance the visual impact of the Campus, form a stronger sense of place, create a sense of harmony with the surrounding community, improve pedestrian connections, and enhance Wesley's open space system. The Campus Plan proposes to continue to enhance Wesley's open space system within the central campus core and perimeter and increase and intensify landscaping on Campus. (Ex. 12A, 12H-P.)

*Signs.* The Campus Plan calls for maintenance of Wesley's existing signage and amenities programs, including building identification, directories and other exterior graphics. A new small sign identifying the New Dormitory will be proposed for the Massachusetts Avenue entrance. The Plan also proposes to develop major perimeter gateways and campus core gateways through the use of signage. The gateways will not only create clarity for both pedestrians and vehicular traffic, but also will aesthetically enhance the interface between the surrounding community and the Campus. (12A, 12Q-Y.) Signage and other means as required

will be used to restrict the use of the University Avenue exit during AM/PM Peak Hours. (Ex. 12A.)

*Streets.* The Campus Plan calls for using Massachusetts Avenue as the principal means of ingress and egress to the Campus. The use of the University Avenue entrance will be restricted for private vehicles and limited to service and delivery vehicles and emergency vehicles, and exiting vehicles will be restricted during AM/PM Peak Hours. (Ex. 12A; 15A1-3.)

*Public Utilities.* There are no current plans or requirements for any utility expansions within or immediately adjacent to the Campus, and no special utility development conditions are expected to be required within the Campus during the period covered by this Plan. General upgrades and improvements to existing utilities, including upgrades to the main water line and other utilities improvements have been completed. (Ex. 12A, 12Q-Y.)

- *Section 101.8(c). Athletic and Other Recreational Facilities.* Renovation and improvements to the Seminary's existing recreational facilities and additional facilities in the New Dormitory will serve the recreational needs of the Seminary community. A small community playground is proposed in the area of the three residential lots, setback from University Avenue; (Ex. 12A, 12H-P.)

- *Section 101.8(d). Description of All Activities Conducted or to be Conducted on the Campus, and the Capacity of All Present and Proposed Campus Development.* The activities to be conducted on Campus include those activities associated with general seminary and educational use as well as auxiliary uses. Five land use categories are used to identify and describe campus activities: Academic/Administrative (A), Residential (R), Chapel (C), Support (S), and Open Space (O). (See above, Section IV, C. Land Use). The proposed Campus land use patterns will remain largely unchanged and the planned New Dormitory will continue to provide an environment consistent with the existing Campus; (Ex. 12A, 12H-P.)

- *Subtitle X § 101.9. Further Processing for Specific Buildings, Structures, and Uses.* As required by § 101.9, the Seminary will submit applications for further processing for specific buildings and uses set forth in the 2022 Campus Plan; (Ex. 12A.)

- *Subtitle X § 101.10. No Interim Use of Land or Improved Property Proposed.* No interim use of property is proposed under the 2022 Campus Plan; (Ex. 12A.)

- *Subtitle X § 101.11. Compliance with the Comprehensive Plan.* Compliance with the Comprehensive Plan is detailed in FOFs 54-60 below;

- *Subtitle X § 101.13. Referral to the District of Columbia Office of Planning, Department of Transportation, and Department of Energy and Environment.* The 2022 Campus Plan was referred by the Office of Zoning to the Office of Planning, Department of Transportation, and Department of Energy and the Environment for their review and written reports; (Ex. 9, 10.)

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- *Subtitle X § 101.14: Application is in Harmony with the Zoning Regulations.* The 2021 Campus Plan is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property; (Ex. 3.)
- *Subtitle X § 101.15: Small Deviations from Approved Plans:* The provisions of this section are not applicable in this campus plan case; and (Ex. 12A.)
- *Subtitle X § 101.16: A Further Processing of a Campus Building Shall Not be Filed Simultaneously with a Full Campus Plan Application.* No further processing applications were filed simultaneously with the 2022 Campus Plan application. (Ex. 12A.)

**Not Inconsistent with The Comprehensive Plan**

54. The Applicant stated its 2022 Campus Plan is not inconsistent with the District Elements of the Comprehensive Plan as detailed in the Applicant’s Campus Plan submissions. The Campus is located in the Institutional Land Use Category on the Future Land Use Map (“FLUM”) of the Comprehensive Plan and are designated as an Institutional site on the Comprehensive Plan’s Generalized Policy Map. The continued use of the Seminary Campus and the proposed new development and facility modernizations are consistent with these map designations, which provide for “change and infill” on university campuses consistent with campus plans. (See 10 DCMR § 223.22; Ex. 12A, 32, 42.)
55. The Applicant stated its 2022 Campus Plan continues to encourage and foster many of the Land Use Elements of the Comprehensive Plan. Policy 2.3.5 of the Land Use Element, regarding Institutional Uses, recognizes the importance of universities to the “economy, character, history, and future of the District of Columbia.” The Seminary has a long history of providing religious, economic, artistic, and community service support to the District of Columbia and the surrounding community. Land Use Policy 2.3.5 also calls for “institutions and neighborhoods to work proactively” to address issues such as traffic, parking, and facility expansion. Wesley has worked closely with ANC 3D, the CLC, and immediate neighbors to gather input and feedback on the 2022 Campus Plan. That process has resulted in the Seminary revising its original Plans and adopting a detailed set of conditions to be imposed on the Campus Plan. (Ex. 12A, 32, 42.)
56. Land Use Policy 3.2.1 supports the ongoing efforts by “District institutions to mitigate their traffic and parking impacts by promoting ridesharing, carpooling, public transportation, shuttle service and bicycling, providing on-site parking, and undertaking other transportation demand management measures.” (See also Policy EDU 3.3.5). In addition, Policy T-3.1.1 of the Transportation Element provides support for the use of programs that reduce the number of car trips. The Applicant stated its 2022 Campus Plan effectively addresses these Elements of the Comprehensive Plan through a comprehensive approach to transportation and parking considerations, including the Seminary’s proposal to maintain a parking inventory of 381 spaces over the term of the

2022 Campus Plan. In addition, the Seminary will maintain its commitment to effective TDM strategies and vigilant enforcement of off-campus parking policies. (Ex. 12A, 32, 42.)

57. Land Use Policy 3.2.3 seeks to ensure that colleges and universities that are located within residential areas are planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities. As detailed in FOF 53 above, the Applicant stated its 2022 Campus Plan minimizes objectionable impacts on the surrounding communities. (Ex. 12A.)
58. The Applicant stated its 2022 Campus Plan will also help further important policies and goals of the Economic Development of the Comprehensive Plan. The Economic Development Element notes that educational services are a “core” District industry (*See* Policy ED-1.1.2.) and Policy ED-2.4.1 “supports growth in the higher education” sector based on its potential to create jobs and income opportunities as well as enhance District religious and cultural amenities. (Ex. 12A, 32, 42.)
59. The Educational Facilities Element of the Comprehensive Plan includes policies that encourage university growth and development through the campus plan process and attention to community issues and concerns. (*See* Policies EDU-3.3.2 and 3.3.3.) The Applicant stated its 2022 Campus Plan sets forth a measured plan that accommodates the Seminary’s objectives to Thrive in Place while respecting and enhancing the quality of life of those who live within the neighborhoods surrounding campus, and the comprehensive planning process has allowed for a wide range of community stakeholders to provide meaningful input and feedback. (Ex. 12A, 32, 42.)
60. The 2022 Campus Plan complies with the provision cited by the Commission, Subtitle X §101.11 as testified to by the Seminary’s land planning expert witness concerning the racial equity lens analysis.

## **Responses to Application**

### **Office of Planning (“OP”)**

61. OP filed its report in this case on June 3, 2022. (Ex. 20.) In its report, OP recommended approval of the 2022 Campus Plan, subject to the 46 conditions submitted by the Applicant and subject to the following additional or modified Conditions (deletions ~~struck through~~, additions underlined):
  - Proposed New Condition 47: The applicant shall be responsible for the construction of the University Avenue sidewalk and ADA-compliant pedestrian ramps recommended in the District Department of Transportation’s (DDOT’s) report on this application.
  - Proposed New Condition 48: The Zoning Administrator having determined that Subtitle C § 1001.6 (c) does not exempt penthouse habitable space in the proposed new dormitory

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from the requirements of Subtitle C § 1507, at Further Processing of the proposed new dormitory the applicant shall demonstrate how these requirements will be met.

- Proposed Modified Condition 14: The New Dormitory will be developed on Lot 819 after Further Processing, in substantial accordance with the plans attached as Exhibit <sup>3</sup>. The New Dormitory will house only enrolled Wesley students (and their immediate families) and American University students not otherwise required by the American University campus plan to be housed on the American University campus (and those American University students' immediate families, if any), resident management personnel and student resident assistants/ambassadors. Seminary students will be given first priority for housing in the New Dormitory.

"Immediate families" are defined for this plan as the spouses or domestic partners, and dependent children under the age of 18 living in the same apartment unit as the enrolled Wesley students and American University students who are residing on the campus.

*The New Dormitory will be constructed in accordance with a long-term (99-year) ground lease between the Seminary and Landmark Properties. During the term of the ground lease, use of the site is strictly limited to "first-class student housing" (including small "Grab and Go" provided in Condition 16, below) and no other purpose. At the conclusion of the ground lease, ownership of the improvements will revert to the Seminary.*

62. OP noted that "the principal objective of the 10-year plan is to maintain and enhance the programs and facilities for Wesley students by generating revenue from the leasing of a portion of the campus for a new dormitory for rental primarily by non-Wesley students."
63. OP noted that "the proposed plan seeks to develop an enhanced revenue source in the form of a new student residence hall that would serve Wesley students, but that would be rented primarily by non-Wesley students."
64. OP noted that "there is an obvious synergy between these two campuses and the opportunity for co-use of the proposed new dormitory. Subject to the conditions that the tenants be limited to Wesley and American University, OP does not object to the proposal."
65. OP noted that "this proposed Campus Plan is not inconsistent with the Comprehensive Plan as analyzed through a racial equity lens."
66. OP noted that "the 2022 – 2032 Wesley Theological Seminary Campus Plan would provide housing to students and employment opportunities to residents."

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<sup>3</sup> Exhibit reference not supplied in applicant's proposed Conditions.



67. OP noted that “the proposed expansion of graduate student housing would help to relieve student demand on the District’s housing supply.”
68. OP noted that “the revenues that would be generated by the proposed new dormitory would help the Seminary to continue providing these programs that promote racial equity.”
69. OP noted that “the new plan proposes to decrease the rental pressures that students place on private housing stock by developing dormitory space not only for Wesley students and their families, but also for American University students and their immediate families. These students and their families would otherwise be seeking market rate housing.”
70. OP noted that “**the Seminary does not propose any new development that would not be in support of the Seminary’s educational mission. The proposed convenience area in the new dormitory would be limited to those residing in or working on the campus.**” In compliance with Subtitle X §101.4 (Emphasis added). (Ex. 20, p. 24.)

#### **Department of Transportation (“DDOT”)**

71. DDOT filed its report in this case on June 3, 2022. (Ex. 21.) In its report, DDOT confirmed that the agency had no objection to the approval of the 2022 Campus Plan with the following conditions:
  - The Applicant shall implement a Performance Monitoring Plan (PMP) and Transportation Demand Management (TDM) plan for the life of the project.
  - The proposed TDM Plan in the April 29, 2022 CTR (Exhibit 15) will be updated with the additions noted in the TDM section at the end of this report and a PMP will be developed in coordination with DDOT.
  - Prior to approval by the Zoning Commission, DDOT requests the Applicant provide a ‘clean’ document to the record that includes the final agreed to Transportation Demand Management Plan and Performance Monitoring Plan for inclusion in the Order. After the Applicant has provided a draft to DDOT addressing comments in this report, there may be additional feedback and revisions.
72. As requested and approved by DDOT, the Applicant’s Transportation consultant, Gorove Slade, submitted an updated TDM and PMP on June 10, 2022. (Ex. 34.)

#### **Department of Energy & Environment (“DOEE”)**

73. DOEE did not submit a separate report, but provided “DOEE Development Review Comments” to OP which was attached as Appendix II, to the OP Report. (Ex. 20.)

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DOEE “applauds the Applicant’s commitment to achieve LEED Gold certification for the proposed new buildings on campus, and especially appreciates that the Applicant will certify the new dormitory with the LEED Multifamily Midrise rating system, which is best suited for this type of building and includes features that will benefit future tenants.” Also, DOEE provided guidance on broad range of sustainability goals for the campus.

### **Advisory Neighborhood Commission 3D (“ANC 3D”)**

74. By letter dated June 3, ANC 3D indicated in a publicly-noticed regular meeting on June 1, 2022, with a quorum of six commissioners present, voted unanimously to offer “qualified support” for the Seminary’s 2022 Campus Plan subject to the conditions and concerns set forth. (Ex. 22.)
75. ANC 3D noted that the Seminary made formal presentations to the Commission on February 3, 2021, November 3, 2021, and March 3, 2022. Commissioner Elizabeth Pemmerl, the SMD for the Wesley site was also an active and regular participants in numerous CLC meetings throughout 2021 and 2022. Other ANC 3D Commissioners also participated in the CLC process.
76. In its written submission, ANC 3D provided commentary on the “issues it deemed most significant and impactful”:
77. ANC 3D commended the Seminary for locating the New Dormitory in order to minimize impacts on the immediate neighbors.
78. ANC 3D also commended the Seminary’s commitment to maintaining the large amount of green space on the campus, which is enjoyed by all neighbors, especially the Sledding Hill. Green space is vital to controlling stormwater run-off and contributes to meeting the District’s tree canopy goals.
79. ANC 3D recommended that the size and location of proposed dormitory should be further reviewed and reduced prior to further processing to further mitigate any objectionable conditions.
80. ANC 3D encouraged and expects increased collaboration between the Seminary and AU during further processing of each school’s campus plans on issues including parking, security, campus life, and pedestrian flow. The Commission should encourage this collaboration.
81. ANC 3D concluded that the proposed conditions are sufficient to mitigate possible impacts to neighbors from objectionable student behavior.
82. ANC 3D concluded that more robust limits on University Avenue access may be warranted to further limit the impact on the Seminary’s immediate neighbors; a

preference for using Massachusetts Avenue as the primary point of access to and from Campus; and need for traffic monitoring and reporting to the Community and ANC 3D.

83. ANC 3D requested further evaluation of permissible and feasible left turn on the Massachusetts Avenue and further coordination with DDOT, including additional signage.
84. ANC 3D noted support for Wesley’s proposed dedicated on-campus pick-up/drop-off location for ride-sharing vehicles and efforts to identify, publicize and encourage use of the designated pick-up/drop-off area.
85. ANC 3D noted support for the installation of a sidewalk on University Avenue and that DDOT should include stormwater management as part of sidewalk installation.
86. ANC 3D noted the need for continued community engagement, including CLC meetings at least 3 times a year, and twice a year ANC 3D updates.
87. ANC 3D encouraged further evaluation of permitted Campus Plan use, but noted that the Seminary had provided the Commission and CLC its written legal analysis. (Ex. 30.) Based on a review of this information, ANC 3D finds the following compelling argument that the Campus Plan and New Dormitory supports, Wesley’s educational mission under Subtitle X §101.4, a demonstrated relationship between Dormitory’s use and Seminary under Subtitle X §101.3(a), and prior Zoning Commission approval of non-Wesley students living on campus.
88. ANC 3D noted support for the proposed community playground as a welcome neighborhood amenity and encouraged community cooperation to complete playground.

**Advisory Neighborhood Commission 3E (“ANC 3E”)**

89. As an adjacent ANC to the Wesley Campus, ANC 3E was entitled to and received party status and was served with all filings beginning with the Notice of Intent and all subsequent filings. The Seminary appeared virtually at the ANC 3E public meetings on March 9 and April 21, 2022. ANC 3E took no formal action on the Campus Plan and submitted no report to the Commission.

**Spring Valley-Neighborhood Association (“SVNA”)**

90. In its Request for Party Status in support (Ex. 16), SVNA noted that the Board of Directors authorized this submission and participation at the Public Hearing by William Clarkson, Board Co-Chair and Co-President, and Derry Allen, a resident of Spring Valley near the Wesley Campus for over forty years. SVNA represents homeowners in the Spring Valley neighborhood surrounding the Wesley Campus, and actively participated in the CLC process dating back to 2019. SVNA supports the 2002 Campus

Plan and the Seminary's continued long-term presence and vitality in the neighborhood, subject to the proposed conditions which specifically address the community concerns, including traffic, parking, and development impacts. SVNA also strongly supports the Seminary's commitment to a community playground and a new sidewalk on University Avenue.

**Spring Valley-Wesley Heights Citizens Association (“NLC-SVWHCA”)**

- 91. In its Joint Request for Party Status in opposition (Ex. 13) and Zoning Compliance Analysis (Ex. 23), NLC-SVWHCA expressed support for the Seminary in its continued presence in the Spring Valley neighborhood, but raised numerous objections to the Campus Plan, including: the proposed New Dormitory is not a permitted campus use, the use is a prohibited commercial dormitory, commercial apartment activity and unrelated to the Seminary's educational mission, will create objectionable conditions, and will create a city-wide precedent for campus plans at other colleges and universities.

**Persons in Support**

- 92. By electronic mail, Mr. Robert Sloan, the President/Chief Executive Officer of Sibley Memorial Hospital for three decades and longtime Ward 3 resident, voiced strong support for the Seminary's "Thrive in Place" Campus Plan. He wrote: (Ex. 14.)

Dating back to the early 1960's the vision was that American University, Wesley Theological Seminary and Sibley Memorial Hospital were all integral parts of this community. Each institution has strived to be a good neighbor while growing and being faithful to their mission of service. We are very fortunate to have an institution like Wesley in our community. We support the institution and its mission and we want it to thrive in place. Neighbors in this community want students to live on campus and Wesley's Campus Plan will permit them to do so. It is a "win-win" for the Seminary, the community and the District of Columbia.

- 93. By letter dated June 2, 2002, the leadership of the Washington National Cathedral wrote in support "our neighbor and great ministry partner" and the Seminary's Campus Plan. The Cathedral noted: (Ex. 18.)

As a large institution that is also dependent upon private donations and creative earned income revenue, we understand the need for sustainable financial models that not only ensure the economic viability of our institutions but also address the spiritual needs of our community in the 21' century. We, too, are very sensitive to the complexities of having a thriving institution embedded in a residential community. Having reviewed their campus plan, it seems they have presented an incredibly thoughtful and creative plan that

“lifts all boats.” From our perspective, it is a plan that benefits American University, Wesley Seminary, and the surrounding neighborhood community. We hope that you will give “Thrive in Place” your support as well as we all seek to build a better community for everyone.

94. By letter dated June 2, 2022, Rev. Tom Berlin, Chair of the Wesley Board of Governors, wrote in support of the Campus Plan on behalf of the entire Board of Governors. Rev. Berlin noted: (Ex. 19.)

Our plan, entitled “Thrive in Place,” is the result of a long and thoughtful process involving extensive consultation with many parties. The Board has been integral to this process, including approving the commitment of significant institutional resources and strongly support the plan. “Thrive in Place,” which will bring much-needed quality student housing to our campus and provide important financial support for the Seminary, represents our considered commitment to stay in Washington and serve this community. We will continue to work with all parties to bring this plan to fruition.

95. By letter dated June 7, 2022, Mr. Edward J. Miller, Jr. wrote in support of Wesley’s Campus Plan. Mr. Miller noted: (Ex. 24.)

As a fourth generation Washingtonian, former CEO of WC & AN Miller Development Company (developer of Spring Valley / Wesley Heights), and Chairperson of Sibley Memorial Hospital I have worked closely with the community on many development projects in Ward 3D. While the planning and approval process that directly engages the community can be challenging my experience is this approach results in superior community focused results beneficial to the community and ultimately the City. I am happy to learn that Wesley Theological Seminary and Ward 3D have mutually crafted a community focused 10-year master plan for the Seminary campus. I have reviewed the application of the Wesley Theological Seminary for approval for the Campus Plan to Thrive in Place (2022-2032) at 4500 Massachusetts Avenue, NW and would like to add my endorsement of this application.

96. By letter dated June 8, 2022, Dr. Larry Golemon, Executive Director of the Washington Theological Consortium wrote in support of Wesley’s Campus Plan. Dr. Golemon noted: (Ex. 29.)

Given the demand for housing by students at American University and the Seminary, we support this plan as a method of keeping all students near their campuses and of allowing Wesley to continue

theological education of leaders in church and society in the heart of the Nation’s Capital. Wesley’s historic relationship with American University (both founded as Methodist Institutions) and their shared degree program with the School of International Service at AU make this residential and facilities partnership with the University a natural next step. Our Theological Consortium is an educational network of ten Catholic, mainline Protestant, Evangelical and Historic Black Theological Schools that are engaged in graduate education for religious and civic leadership. We also have partner institutions in Islamic, Jewish, Biblical, and Spirituality Studies. Wesley was a founding member of the Consortium over 50 years ago, and Wesley continues to be a leader in sharing library, educational, and faculty resources with its partner theological schools. Given all these relationships, we strongly endorse Wesley’s plan as the best way for the school to remain in Washington, so it can carry on these and other vital relationships.

### **Persons in Opposition**

97. By separate letters dated June 9, 2022, Mr. Robert R. Scholtz and Mrs. Josefa Scholtz of 3900 University Avenue wrote in support of NLC-SVWHCA’s opposition to the Campus Plan. (Ex. 27, 28.)
98. By letter dated June 9, 2022, Mr. Kirby Vining, Chair of the Committee of 100 on the Federal City, wrote to provide comments on the Wesley Campus Plan for consideration by the Commission. (Ex. 39).

### **Applicant’s Pre-Hearing Submission**

99. On May 26, 2022, the Applicant submitted its Prehearing Statements (“Pre-Hearing Submission”) (Ex. 12 A-F, 12 A1-7, 12 G1-2, 12 H-P, 12 Q-Y). The Pre-Hearing Submission substantially updated the original application with additional information requested by OP, DDOT, ANC 3D and the CLC. Of greatest significance, the Pre-Hearing Submission incorporated 47 detailed Conditions that were finalized based on an intensive and productive series of CLC meetings on May 9, 12 (two meetings) and May 24, 2022.

### **NLC-SVWHCA Pre-Hearing Submissions**

100. On May 27, 2022, NLC-SVWHCA filed a Party Status Request in Opposition. (Ex. 13.)
101. On June 6, 2022, NLC–SVWHCA filed a Zoning Compliance Analysis. (Ex. 23.)
102. On June 8, 2022, NLC–SVWHCA filed its Pre-Hearing Statement. (Ex. 26).

### **Applicant’s Supplemental Pre-Hearing Submissions**

103. In response to the subsequent filings from NLC-SVWHCA, the Applicant filed several supplemental submissions, including:
- On June 9, 2022, Applicant’s Response to NLC–SVWHCA (Ex. 30), including a copy of Holland & Knight legal memorandum previously provided to the CLC, ANC 3D and NLC-SVWHCA on May 10, 2022. (Ex. 30.)
  - On May 10, 2022, testimony of Shane L. Dettman based on the previously released and submitted Holland & Knight legal memorandum. (Ex. 32.)

### **Public Hearing of June 13, 2022**

104. The Commission held a public hearing on the Application pursuant to notice and convened via video conference at 4:00p.m. on June 13, 2022. (Tr. from June 13, 2022 hearing at p.1.)
105. As previously noted, at the June 13, 2022 public hearing, the Commission granted SVNA party status in support and granted NLC-SVWHCA party status in opposition (FOF 56.)

### *Applicant’s Testimony*

106. The Applicant presented the testimony of Rev. Dr. David McAllister-Wilson, President of Wesley Seminary; Jack Owen Boarman, AIA, NCARB, CID, Partner-in Charge, BKV Architects (architectural consultant); Stephen C. Karcha, CM, LEED, AP, GRP, Vice President of Project and Construction Management, Advanced Project Management, Inc. (Seminary’s project manager); Shane L. Dettman, Director of Planning Services, Holland & Knight, LLP (consultant on zoning and planning); and William Zeid, PE, Senior Associate and Project Manager, Gorove Slade Transportation Planners and Engineers (transportation consultant). Mr. Boarman was accepted by the Commission as an expert in architecture, Mr. Dettman was accepted as an expert in zoning and planning, and Mr. Zeid was accepted by the Commission as an expert in transportation engineering.
107. Rev. McAllister-Wilson testified that the Seminary celebrating its 140th Anniversary and more than sixty years on its Spring Valley campus, is committed through this Campus Plan to “Thrive in Place.” The Campus Plan fulfills the Seminary’s physical and financial needs in support of its educational mission, location and service to the District, including commitment to racial equity, public service and community engagement.
108. Rev. McAllister-Wilson emphasized that the legacy, mission and continued growth, leadership and success are built upon and directly linked and derived from its location



in Washington, D.C. Although the Seminary is regionally, nationally and internationally recognized as one of the top 20 seminaries in the nation, its roots in the City are what distinguishes it from other seminaries.

109. The relocation of the Seminary to Spring Valley adjacent to its sister school, American University, established a hilltop academic and religious community that has always respected and enhanced its relationship with the Spring Valley neighborhood.
110. Rev. McAllister-Wilson concluded that taken as a whole, the “Thrive in Place” campus plan is integral to fulfilling its educational mission on its Spring Valley campus. The Plan will provide modern, flexible housing for its students, provide needed “on campus” housing for AU students needing local housing, strengthen and deepen the historical ties with AU, provide resources to provide subsidies for tuition and housing for its students to avoid lifetime crushing student debt, attract and retain the best faculty and students, and elevate the status of the Seminary within theological education.
111. Mr. Dettman testified regarding the application and compliance with the Campus Plan regulations, under Subtitle X, Sec. 101, including no objectionable conditions, permitted campus uses, racial equity and the Comprehensive Plan. In addition to his hearing testimony, Mr. Dettman submitted detailed written testimony. (Ex. 32).
112. Mr. Dettman concluded that the Campus Plan with the detailed proposed Conditions, including the New Dormitory and new Administration building would not create any unusual or objectionable conditions for location, size, noise, light, view, number of students, and traffic or parking. In particular, Mr. Dettman concluded that the location of the New Dormitory adjacent to existing AU dormitories would be isolated from the surrounding neighborhood especially with the maintenance and enhancement of the existing Green Open Space Area along University Avenue and Massachusetts Avenue. The limited new traffic created, limiting use of University Avenue exit and the proposed TDM and PMP would minimize and mitigate any potential objectionable traffic and parking conditions.
113. Mr. Dettman also addressed the permitted campus uses concluding that a “dormitory was a specifically listed permitted campus and residential use, not a commercial use and distinguished from “ancillary commercial” uses under the Campus Plan regulations. The underlying ground lease, and private construction, finance and operation of the New Dormitory were not relevant or alter the underlying permitted dormitory use. He also cited the Zoning Administrator’s determination that the proposed building housing both Wesley and AU students was a dormitory and subject to Campus Plan process before the Zoning Commission.
114. Finally, Mr. Dettman testified that the Campus Plan was consistent with the Comprehensive Plan, including the Institutional use classification of the property, educational, racial equity, environmental and housing goals. He noted that no relocation of existing tenants would occur and in fact would encourage on campus student housing,

minimize the impact on local housing by students and provide additional affordable housing resources in the neighborhood for non-students.

115. Mr. Karcha testified that new Administration Building and New Dormitory would be constructed on the hilltop within the existing central core of the Campus setback from the surrounding neighborhood and buffered by the Green Open Space, including numerous Heritage and Special Trees that will be maintained and enhanced. 210,000 square feet or about 55% of the Campus will be Green Open Space. The 2014 Dorm is setback 171 feet from the east curb of University Avenue, the New Dormitory 300 feet, and the new Administration Building 105 feet.
116. Mr. Karcha testified that the Old President's House, parking area, driveway and curb cut would be removed and relandscaped including a new community playground accessible from University Avenue. A new sidewalk on the east side of University Avenue from Massachusetts Avenue to Rodman Street will be installed by the Seminary.
117. Additional landscaping will be installed along University Avenue, the University Avenue exit and the Massachusetts Avenue entrance.
118. Mr. Boarman testified on the program and design of the proposed New Dormitory, including housing for Wesley and AU students only, 7 stories with penthouse, 75 feet 8 inches in height, 659 beds in 215 units configured in studio, 1, 2, 3, 4, and 5 bedroom units, 2 levels of underground parking with 350 spaces including 105 Wesley replacement spaces, high quality dormitory design, amenities and operations, small ground floor "Grab and Go" retail for residents and Wesley students, LEED Gold Mid-Rise Residential, Green Roof and Solar panels. Loading and trash facilities will be located inside the building.
119. Mr. Boarman described the evolution of the New Dormitory design that was a result of community input. The design and materials were intended to relate to existing Wesley buildings. The massing and setback were revised to limit the visibility and impact on University Avenue. The top floors were setback, units eliminated and windows rotated. Further design refinements and enhancements are expected from ongoing community engagement before further processing.
120. Mr. Boarman noted that the first five floors of the New Dormitory are screened from University Avenue by the 2014 Dorm. The floors above are setback and enjoy substantial additional screening from the existing trees along University Avenue and the 300-foot distance from that street.
121. Mr. Karcha also testified about the proposed new Administration Building which will house administrative and faculty offices and a small lower-level maintenance facility. The two-story building will be residential in scale and design using brick and cast stone, 5,267 square feet, tucked into the existing hillside, surrounded by and protecting the

Heritage and Special Trees, and LEED New Construction Gold. Additional Landscaping will be provided and a screened area provided for the storage and pick up of trash from the 2014 Dorm.

122. Mr. Zeid testified that a CTR was provided to and accepted by DDOT. As a result of ongoing discussions with DDOT and the community, a revised TDM and PMP was developed including a new sidewalk along University Avenue, accepted by DDOT and made a Condition of the Campus Plan.
123. The CTR concluded that the Campus Plan will have not have a detrimental impact. The new development, including specifically the New Dormitory, will create only a minimal increase in vehicular trips: 14 new net trips in the morning and 31 new net trips in the evening based on similar residential dormitories located close to the campus involved. The primary point of access will remain Massachusetts Avenue for two-way traffic with a restriction on left turns for exiting vehicles. Further review of this left turn restriction will be undertaken in consultation with DDOT and the community. Access from University Avenue is currently restricted to specific service and delivery vehicles and emergency vehicles and will continue. At the request of the ANC and community, use of the University Avenue exit for vehicles will not be permitted during the AM Peak Hours (6:30 to 9:30 am) and PM Peak Hours (4:00 – 7:00 pm). Two-way circulation throughout the Campus will be maintained and a pickup and drop off designated area on campus for ride sharing vehicles will be established. Also, an on campus parking location will be designated for rental bikes and scooters.
124. At the conclusion of the public hearing, Mr. Dettman provided rebuttal on behalf of the Seminary, including: the New Dormitory is a defined Educational use under the regulations, not a commercial use; zoning regulates the use of land, not the method financing, construction or operation of the use; Zoning Administrator determined that the New Dormitory for both Wesley and AU students is a “dormitory” for zoning purposes subject to the Campus Plan process; ZR 2016 defined and limited commercial non-residential uses on campuses, not residential uses; non-Wesley students do not create a commercial use; Medstar hospital at Georgetown University is an example of a ground lease that does not create a commercial use; any claimed precedent is controlled by the Campus Plan process and the Commission enforcing the defined uses; support for racial equity under the Comprehensive Plan; and encourages the increase in on campus student housing.

*Cross-Examination of the Applicant’s Testimony by Parties*

125. Ms. Gates, on behalf of NLC-SVWHCA, cross-examined the Seminary’s witnesses, including Rev. McAllister-Wilson, Mr. Dettman, Mr. Boarman, Mr. Karcha, Mr. Zeid, OP, DDOT and ANC 3D.

*Testimony of ANC 3D*

126. As detailed in FFOFs 74-88, above, ANC 3D02 Commissioner Elizabeth Pemmerl provided testimony on behalf of ANC 3D, including the thorough, open, inclusive, collaborative and iterative community engagement process that was undertaken by the Seminary and its neighbors through the dozen CLC meetings and Commission. Commissioner Pemmerl noted that she has lived one block from Wesley and is frequently on and through the Campus. She asked the Commission to encourage collaboration between Wesley and AU during their respective further processing applications. Commissioner Pemmerl concluded that proposed Conditions mitigate impacts on the neighborhood and provide for ongoing monitoring.

*Office of Planning Testimony*

127. As discussed in FOF 61, above, OP representative Stephen Cochran testified to confirm OP's support for the 2022 Campus Plan and recommended approval subject to the Conditions outlined in OP's report at Ex. 20 as revised by the revised DDOT conditions.
128. Mr. Cochran noted that the Zoning Administrator had determined the New Dormitory housing both Wesley and AU students is a "dormitory" for zoning purposes subject to Campus Plan review by the Commission.
129. Mr. Cochran summarized the OP Report, including that the 2022 Campus Plan, including the New Dormitory supports the Seminary's educational mission, New Dormitory and additional beds are oriented towards AU campus and isolated from the neighborhood, majority of the campus area retained and enhanced as green open space which mitigates any negative impacts from the proposed development of the new buildings by providing adequate setbacks and Green Area Open Space buffering against the adjacent residential neighborhood on University Avenue. He concluded that the 2022 Campus Plan is not inconsistent with Comprehensive Plan and meets the Campus Plan review criteria under Subtitle X Sec. 101.

*Testimony of DDOT*

130. Mr. Aaron Zimmerman and Ms. Sayra Molina appeared on behalf of DDOT. Ms. Molina testified that DDOT is in support of the application and has approved the revised and robust TDM and PMP submitted by the Applicant. (Ex. 34.) As a result, DDOT has not further objection.

*Party in Support*

131. At the public hearing, SVNA testified in support through its Co-Chair and Co-President, Mr. William Clarkson, and Mr. Derry Allen, a close neighbor of the Seminary for over 40 years.

132. Mr. Clarkson testified in support of the 2022 Campus Plan subject to the proposed Conditions which were developed as a result of a proactive effort by Wesley to address community concerns. He noted specific support for the community playground, University Avenue sidewalk and the on campus pickup/dropoff areas for ride sharing vehicles and rental bikes and scooters. Mr. Clarkson concluded that the reluctance of AU to engage with Wesley was a real concern and should be encouraged to support the success of the Seminary's Campus Plan.
133. Mr. Allen testified and also provided a written version of his testimony. (Ex. 35)

*Party in Opposition*

134. At the public hearing, NLC-SVWHCA testified (and provided written statements (Ex. 41A)) through Mr. Blaine D. Carter, Ms. Alma Hardy Gates and Mr. Thomas Smith.
135. Mr. Carter testified that the proposed ground lease and construction of the New Dormitory by a private party would be tax-exempt and force the District to subsidize a private developer, constitute a prohibited commercial activity and establish a harmful city-wide precedent for university campuses.
136. Ms. Gates testified in opposition to the expert testimony provided by Mr. Dettman claiming that the proposed New Dormitory is a prohibited commercial use, unrelated to the Seminary's educational mission, not in harmony with the Zoning Regulations, adversely impacts Inclusionary Zoning, exceeds the permitted height, possibly creating objectionable conditions, and alters the fundamental character of the Seminary campus.
137. Mr. Smith testified that the proposed New Dormitory developed under a ground lease is unprecedented and not appropriate for a college or university campus.

**Applicant's Post-Hearing Submission**

138. On June 17, 2022, the Seminary submitted written Closing Arguments, including: Statement of Rev. Dr. David McAllister-Wilson directly responding to the Commission's question concerning the relationship of the proposed Campus Plan dormitory and the educational mission of the Seminary; and Closing Statement of the Seminary's counsel. (Ex. 42)
139. On June 27, 2022, the Seminary filed a Supplemental Statement in response to requests from the Commission for additional information, including the evolution of the New Dormitory design, revised Building Sections, information on the 90 foot height of the Wesley Bell Tower and its setback from Massachusetts Avenue and distance from the New Dormitory, New Dormitory window design review for further processing, use of AU shuttle bus, and increased District tax revenue that will result from the ground lease, construction and operation of the New Dormitory by Landmark as a non-tax-exempt entity. (Ex. 43, 43A-B.)

140. On July 5, 2022, the Seminary filed its draft Findings of Fact and Conclusions of Law. (Ex. \_\_.)

### **Public Meeting of July 14, 2022**

### **CONCLUSIONS OF LAW**

1. The Commission finds that the Application meets the applicable campus plan requirements of the Zoning Regulations, based on the Applicant's Statement and the additional supplemental documents the Applicant submitted to the case record, in particular Ex. 12, 30, 32, 42, 43, to reflect the development proposed on the various sites in the overall 2022 Campus Plan. As noted, pursuant to Subtitle X § 101.16, the Commission finds the process of reviewing 10-year campus plans and further processing applications separately effective and recognizes that the purpose of further processing is to provide for a detailed review of the specific objectionable impacts associated with any buildings proposed in the overall plan. Therefore, the approval of the 2022 Campus Plan is not effectively an approval of any future further processing; any future further processing will be separately considered by the Commission. The Commission concludes that the information provided in the case record and during testimony at the public hearing is sufficient for the Commission to find that the objectionable impacts associated with the 2022 Campus Plan are capable of being mitigated. Therefore, the Commission concludes that the Applicant has met the burden of proof for approval of the 2022 Campus Plan.
2. As directed by Subtitle X §§ 100 and 900, the Commission required the Applicant to satisfy the burden of proving the elements of Subtitle X § § 101, 102, and 901, which are necessary to establish the case for a special exception for a college or university in the RA-1 zone.
3. The Commission's discretion in granting a special exception is "limited to a determination whether the exception sought meets the requirements of the regulation." (*Glenbrook Road Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22, 30 (D.C. 1992)). The Applicant has the burden of showing, in this case, that its proposal meets the requirements enumerated in Subtitle X § 101 as well as satisfying the general standard for special exception approval set forth in Subtitle X § 901. Once the Applicant makes the requisite showing, the Commission "ordinarily must grant [its] application." (*Id.* (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).)

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4. The Commission uses the following standard to determine whether objectionable impacts are present:

“The appropriate test to employ, we have said, is ‘whether the proposed use would significantly increase objectionable qualities over their current levels in the area.’ In approving a campus plan and its implementation, the Commission may impose reasonable restrictions to minimize any adverse impacts on the neighborhood, having ‘due regard for the [u]niversity’s needs and prerogatives’. Ultimately, the Commission’s task is to achieve a ‘reasonable accommodation . . . between the University and the neighbors’ – an accommodation that does not substantially ‘interfere with the legitimate interests of the latter.’” *Spring Valley-Wesley Heights Citizens Ass’n v. District of Columbia Zoning Commission*, 88 A.3d 697, 705 (D.C. 2013) (citing *Glenbrook Road Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22 (D.C. 1992)) and *Spring Valley-Wesley Heights Citizens Ass’n v. District of Columbia Zoning Commission*, 856 A.2d 1174 (D.C. 2004).

5. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied all standards set forth in Subtitle X §§ 101 and 102, as well as the general standard for granting a special exception in Subtitle X § 901; that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map; and that the requested relief will not tend to adversely affect the use of neighboring property.
6. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied the burden of proving that the university use, as described in the 2022 Campus Plan and subject to the Conditions of Approval adopted in this Order, will satisfy the applicable requirements of a university use and is not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions.

#### ISSUES RELATED TO NOISE

7. Based on the Findings of Fact and Conditions of Approval adopted in this Order, the Commission concludes that the 2022 Campus Plan is not likely to create objectionable conditions due to noise. The Commission notes the concerns raised by NLC-SVWHCA, but the Commission finds that through the use of significant setbacks, buffer and green space, enhanced landscaping, design considerations and student conduct policies, any objectionable impacts on neighboring properties related to noise caused by existing and proposed uses by the Seminary are capable of being effectively mitigated. The Commission concludes that the student/campus life uses and the academic and administrative uses within the Campus boundaries have been located to minimize possible noise impacts. Finally, the Commission notes that a separate further processing application must be approved by the Commission before development of any building proposed on a

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building site in the 2022 Campus Plan; therefore, specific concerns regarding noise impacts associated with every proposed building will be addressed and mitigated with conditions of approval at the time of further processing.

#### ISSUES RELATED TO TRAFFIC AND PARKING

8. The Commission concludes that approval of the 2022 Campus Plan is not likely to create objectionable conditions related to traffic. The application was supported by a CTR that was prepared by the Applicant's transportation engineering experts using a methodology that was reviewed and approved by DDOT. The CTR itself is supported by DDOT. The CTR as revised and approved by DDOT adopts a robust TDM and PMP that will continue to enable the Seminary to effectively minimize its traffic and parking impacts and support the transportation network surrounding the Campus. The Commission agrees with the CTR's conclusion that the 2022 Campus Plan is not likely to have objectionable impact on the surrounding transportation network and neighboring properties because of the Seminary's continued implementation and monitoring of the TDM program coupled with the Conditions of Approval in the Order related to transportation and parking.

#### ISSUES RELATED TO NUMBER OF STUDENTS

9. The Commission concludes that the Applicant's proposed student enrollment and on campus student housing maximums are not likely to create objectionable conditions. The Commission finds that the stable Wesley student on campus enrollment and additional on campus student housing proposed and robust student and resident conduct policies discussed in this Order and the Conditions of this Approval are all effective measures to assure that the number of students does not create objectionable conditions on neighboring properties while balancing the needs of the Seminary to support and enhance its educational and religious mission.
10. The Commission similarly concludes that the proposed employee cap, including employees to operate the New Dormitory, will not create objectionable conditions on the use of neighboring property.

#### ISSUES RELATED TO OTHER OBJECTIONABLE IMPACTS

11. In regard to the new development proposed development in the 2022 Campus Plan, the Commission concludes that all of the projects are appropriate for further processing applications. The Commission notes that during further processing applications for each proposed site, the Seminary will be required to demonstrate the proposed development will comply with the special exception criteria that no objectionable conditions are likely to occur as a result of the development of each specific building, as designed within the general parameters approved by the Commission in this Order. The Commission believes that any community concerns will be more appropriately addressed during the further processing application for each building, when the specific attributes of those buildings will be presented to the Commission and the community.

## THE NEW DORMITORY AS PERMITTED USE

12. The Commission concludes that the proposed New Dormitory is not a commercial use as asserted by the party in opposition, but is a dormitory facility that falls squarely within the “Education, College/University” use category.
13. As set forth in Subtitle B, Section 200.2(j)(2), that use category may include, but is not limited to, “accessory athletic and recreational areas, dormitories, cafeteria’s ancillary commercial uses, multiple academic and administrative buildings or for sports facilities.” (Emphasis added). The plain language of the definition clearly shows that a dormitory is completely separate use from any commercial uses that may also fall within the Education, College/University use category.
14. It is without question that the New Dormitory will house students of the Wesley Theological Seminary and AU. To assert that the dormitory being open to AU students makes it any less of a dormitory is a misreading of the use categories. That the dormitory is open to AU students is consistent with past precedent of this Commission in decisions involving this very campus and the ruling of the Zoning Administrator which is set forth as a part of Ex. 30 of the record.

## GROUND LEASE

15. Furthermore, the assertion that the ground lease structure also somehow converts the use to being some type of commercial use and not a dormitory is also misplaced. This Commission has recognized the use of ground leases in other campus plan cases, including the construction of the MedStar/Georgetown University Hospital as was permitted in Zoning Commission Order Number 16-18A. In both situations the universities, be it Georgetown or Wesley Theological Seminary, will continue to own the land upon which the facility is to be constructed and the entity constructing the facility will own and operate the improvement, be it MedStar for the Georgetown University facility, or Landmark for the Wesley Theological Seminary proposed New Dormitory.

## NON-WESLEY STUDENTS

16. It is also noteworthy that a dormitory may house students of more than one university as is envisioned by the IZ exemption under Subtitle C, Section 1001.6(c). That provision provides an IZ exemption for “housing developed by or on behalf of a local college or university exclusively for its students, faculty or staff.” (Emphasis added) Obviously, that means that there could be housing that is not developed by or on behalf of a local college or university exclusively for its students, as is the case of the New Dormitory building here and it therefore is subject to IZ.

## NEW DORMITORY DIRECTLY RELATED TO WESLEY’S EDUCATIONAL MISSION

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17. The Commission concludes the New Dormitory is directly related to the educational mission of Wesley Theological Seminary as was set forth in the testimony of Reverend Dr. David McAllister-Wilson, president of Wesley Theological Seminary and in the closing statement of the Applicant. See Ex. 42. In his testimony and post hearing submission, Reverend Dr. McAllister-Wilson set forth the number of programs which are jointly available to Wesley Theological Seminary students and AU students. The type and nature of those programs has been highlighted in the record and the absolute necessity to very heavily subsidize the tuition and housing costs of seminary students due to the educational requirements to receive a Master of Divinity and the limited income which divinity school graduates can expect to receive relative to the cost of their education make the construction of the New Dormitory a necessity. This is a particularly acute situation with respect to minority students and people of color. In addition, Reverend Dr. McAllister-Wilson pointed out the necessity of the Seminary remaining in the District of Columbia and the Seminary's longtime relation with the District in providing to the City, pastors, ministers and those dedicated to the service of others and to the disadvantaged populations of the District of Columbia. In this regard the Seminary is a "Majority – Minority" institution and clearly fulfills the Commission's requirement to evaluate this Campus Plan application under a racial equity lens, as was testified to by applicant's land planning expert witness.

#### NO PRECEDENT ESTABLISHED

18. The Commission further concludes that the opposition's statements that this will serve as a precedent for universities throughout the city is without merit given the nature of the Commission's authority to decide campus plan applications on a case-by-case basis and the unique facts and circumstances that are applicable to this campus plan application.
19. In all Campus Plan cases there must be a showing that the applicant meets its burden of proof, including how its application is effecting the surrounding community. In this case, there is no additional or specific impact because the AU students that would be occupying the New Dormitory are within the AU student enrollment cap set by this Commission and would be in the immediate area to the New Dormitory in any event. Furthermore, these are related institutions with joint programs on abutting sites.
20. The Commission has not been made aware of a similar circumstance with any other university or group of universities in the record in this case. In consideration of these and other factors as has been testified to by the Seminary and its witnesses, there is no new precedents set in this case as this Commission has previously approved AU students to be able to occupy dorm rooms previously on the Wesley Campus.

#### **"Great Weight" to the Recommendations of OP**

24. Pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8, the Commission must give "great weight" to the recommendations of OP. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086 (D.C. 2016).)

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25. OP submitted a written report recommending approval of the 2022 Campus Plan (Ex. 20.), subject to certain conditions all of which the Applicant has fully addressed. The Commission finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment.

**“Great Weight” to the Written Reports of ANC 3D**

26. Pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) and Subtitle Z § 406.2, the Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978).)
27. ANC 3D submitted a written report recommending “qualified support” for approval of the 2022 Campus Plan. (Ex. 22.) ANC 3D subsequently filed the testimony of Commissioner Elizabeth Pemmerl at the June 13, 2022 public hearing. (Ex. 40.) The Commission finds persuasive ANC 3D's recommendation that the Commission approve the Application and therefore concurs in that judgment.
28. ANC 3E did not submit a written report.

**DECISION**

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the campus plan application, subject to the following guidelines, conditions, and standards:

1. Approval of the Campus Plan shall be valid for ten (10) years beginning with the effective date of this Order.
2. The Campus boundaries shall include Lots 6 (818 and 819), 7, 8 and 9 in Square 1600 with a land area of 381,878 square feet (8.77 acres).
3. Wesley student enrollment headcount during the life of the Campus Plan shall be subject to the following Academic Year (September through August) limit of 705 full and part-time degree and non-degree students attending classes on campus, including Master of Divinity (M.Div.), Master of Theological Studies (M.T.S.), Master of Arts (M.A.), Doctor of Ministry ((D.Min.) degree students attending two-week sessions on campus during off-

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semester periods, and for Course of Study non-degree students attending weekend (Friday Night-Saturday) or two-week summer on campus programs. All students in degree and non-degree programs that participate entirely off-campus or by remote or virtual classes are not subject to this enrollment cap.

4. The number of Seminary employees (headcount) over the life of the Campus Plan shall not exceed 100 employees (including all full and part-time), excluding non-Wesley employees managing and operating the New Dormitory. Not more than 12 employees (full and part-time) will be employed to manage and operate the New Dormitory, but excluding any student resident assistants/community ambassadors living in the student residential building.
5. The total build out of the campus facilities (including existing buildings) shall not exceed 417,203 square feet of gross floor area during the term of the Campus Plan. The total proposed FAR is 1.09 which is approximately 270,000 square feet less than the permitted 1.8 FAR.
6. Provide a total range of 331-381 parking spaces on campus, including underground and surface parking.
7. The Applicant shall provide a maximum of 735 student beds on Campus (659 student beds in the proposed New Dormitory and 76 student beds in the dorm constructed in 2014 (“2014 Dorm”)) during the term of the Campus Plan. Occupancy of the 2014 Dorm will be limited to Seminary students.
8. The Old President’s House, parking area, driveway and curb cut will be demolished and the site restored with landscaping and a small community playground in substantial accordance with the Landscape Plan at Exhibit \_\_\_\_.
9. The existing surface parking lot (143 spaces), and adjacent one-story maintenance building will be demolished.
10. The existing Straughn Hall and Carrol Hall student residence buildings (90 beds) will be demolished.
11. The existing campus buildings, including Kresge Academic Hall, Trott Administration Building and Chapel, Library and 2014 Dorm will be retained as-is.
12. The Seminary will implement a campus-wide security and vehicle access and parking monitoring system to be approved during Further Processing. The Seminary will designate, maintain and publicize a Community Point of Contact (telephone hotline and electronic mail) to be available 24/7 to respond to security, parking, and other neighborhood issues.

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13. The New Administration, Faculty and Maintenance Building (“New Administration Building”) will be developed, after Further Processing, in substantial accordance with the plans attached as Exhibit \_\_\_\_\_. The new two-story building will be residential in scale and design with approximately 5,267 square feet of gross floor area and designed to meet LEED New Construction Gold certification. The building will provide administrative and faculty spaces and a small maintenance facility located on the lower level. Trash from the 2014 Dorm will be stored in a screened area at the New Administration Building. Additional landscaping screening for the New Administration Building and New Dormitory will be installed along the University Avenue driveway.
14. The New Dormitory will be developed on Lot 819 to house only enrolled Wesley students (and their immediate families) and American University students (and immediate families, if any), resident management personnel and student resident assistants/ambassadors, after Further Processing, in substantial accordance with the plans attached as Exhibit \_\_\_\_\_. Seminary students will be given first priority for housing in the New Dormitory. The New Dormitory will be constructed in accordance with a long-term (99-year) ground lease between the Seminary and Landmark Properties. During the term of the ground lease, use of the site is strictly limited to “first-class student housing” (including small “Grab and Go” provided in Condition 16, below) and no other purpose. At the conclusion of the ground lease, ownership of the improvements will revert to the Seminary.
15. The New Dormitory will be seven (7) stories (approximately 75 feet, 8 inches) and a habitable penthouse (of not more than 12 feet) with a total gross floor area of approximately 306,517 square feet. Two levels of underground parking (300-350 spaces) and internal loading and trash facilities will be provided. The Seminary will require Landmark Properties to provide on-site resident management personnel and student resident assistants/community ambassadors, 24/7 state of the art access security system and electronic monitoring, and code of conduct enforcement (including, when applicable, Parental guarantees of occupancy agreements), and law enforcement in residence program when available.
16. This proposed purpose-built student housing will have approximately 215 units configured in studio, one, two, three, four and five bedroom units with not more than 659 beds. Each unit will contain common living area for the student residents. The New Dormitory may include a small (not more than 500 square feet) ground floor “Grab and Go” retail space providing student conveniences, including food, non-alcoholic beverages, and hygiene essentials for the residents (and their visitors) and Seminary students. This retail space will have no exterior signage or advertising.
17. AU students residing in the New Dormitory will have access to all Seminary facilities, including the library and dining facilities.
18. All residents will be subject to a code of conduct imposed by Wesley’s student covenant and/or American University’s Code of Conduct, and the Landmark Code of Conduct and



Parking Addendum which prohibits (and enforces) residents from parking off-campus in the surrounding neighborhood.

19. The New Dormitory will be LEED Mid-Rise Residential Gold and include sustainable features, including solar panels, green roof, limited rooftop mechanical equipment, and Dark Sky compliance. At Further Processing, the New Dormitory will incorporate additional design elements, including design refinements on the upper floors facing University Avenue and shades and blinds in the upper floors.
20. The Applicant will maintain and enhance the existing Green Open Space Buffer Zone on University Avenue and Massachusetts Avenue in substantial accordance with Exhibit \_\_\_\_\_ and the Landscape Plan. The Green Open Space will include approximately 210,000 square feet (about 55% of the Campus area) that will remain undeveloped, except as specifically provided for the duration of the approved Campus Plan.
21. The Applicant will seek Further Processing approval for a small neighborhood playground to be located set back from University Avenue in the area of the three residential lots (7, 8 and 9). The playground will be approximately 40 feet by 95 feet with an area of 3,800 square feet and equipped with suitable play equipment, open to the neighborhood, fenced and open only during daylight hours.

#### **Parking and Vehicular Traffic**

22. The Applicant shall implement, over the life of the Campus Plan, a Transportation Demand Management Plan, contained in Exhibit \_\_\_\_\_, to reduce and manage traffic and parking. Residing on the Campus will not qualify anyone for Residential Permit Parking decals from the District of Columbia.
23. After occupancy of the New Dormitory, the Seminary will perform a traffic monitoring survey annually for the first two (2) years and report the results to DDOT, ANC 3D, ANC 3E and the Community Liaison Committee. If warranted by the traffic survey, the Seminary will implement additional TDM measures and University Avenue access restrictions in consultation with DDOT, ANC 3D, ANC 3E and the CLC. Annual traffic monitoring will be extended until such time as the TDM and traffic mitigation goals have been met for two consecutive years.

#### **Parking and Vehicular Traffic:**

24. 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. Vehicles exiting from Massachusetts Avenue will be Right Turn only. The Seminary will request DDOT to assess the feasibility, including potential traffic impacts of installing a traffic signal at the Massachusetts Avenue entrance or allow left turn for exiting vehicles on a limited basis.

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25. The Applicant agrees to limit use of the University Avenue driveway for entry by emergency and limited service and delivery vehicles (e.g., trash and food service deliveries to refectory) required to access the campus from this location.
26. During the AM (6:30 am – 9:30 am) and PM (4:00 pm – 7:00 pm) Peak Hours, use of University Avenue for exiting vehicles will be prohibited and appropriate enforcement measures implemented. The Applicant shall limit all vehicles using the University Avenue exit from accessing University Avenue except by a right-turn movement. Additional restrictions on vehicles exiting on to University Avenue will be evaluated as needed after occupancy of the New Dormitory.
27. The Applicant shall require all students, residents, staff, faculty, and visitors to park on campus (visitor parking will be provided on campus) or at metered parking spaces within the area.
28. The Applicant shall maintain a minimum of 381 parking spaces, including visitor parking on Campus throughout the term of this Campus Plan and make all best efforts to discourage and prevent students, residents, faculty, and staff from parking on neighborhood streets.
29. The Seminary agrees to take any other necessary steps, if necessary, to address parking shortages, including, the possibility of altering class schedules, as outlined in the Transportation Demand Management (TDM) Plan. The Applicant, including Landmark, will actively enforce restrictions on off-campus student parking in addition to American University's long-standing off-campus parking enforcement program.
30. In addition to interior bicycle storage, the New Dormitory will designate an on-campus ride-sharing pick-up and drop-off location, and on-campus rental bike and scooter parking area.

**Construction Management:**

31. All construction vehicles shall access the campus through the Massachusetts Avenue entrance. 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 with right turn only for exiting vehicles. No new access to the construction site will be created from University Avenue, except for the limited purpose and duration for the demolition of the Old President's House and planned restoration and landscaping of that area.
32. The Seminary will develop with the participation of the community a construction management plan that: a.) designates a Seminary Point of Contact for construction activity issues; b.) establishes a 24-hour construction contractor point of contact; c.) conducts a pre-construction community meeting to coordinate construction activities at least 90 days before construction; d.) provides for construction worker and construction vehicle parking at locations other than neighborhood streets; e.) minimizes on-street truck idling in

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compliance with all applicable regulations; f.) ensures trucks are brushed and loads are covered prior to leaving the construction site; and g.) ensures compliance with on-site environmental regulations for maintaining the construction site. The Seminary will be responsible for implementing the Construction Management Plan and serve as the primary point of contact for the community.

33. 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:**

34. The Applicant will implement the Landscape Plan in substantial accordance with Exhibit \_\_\_\_.
35. The Seminary will work with the Community Liaison Committee during Further Processing 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 Campus and residents' homes. The final landscaping plan will be subject to final review and approval during Further Processing.

**Environmental Issues:**

36. Prior to filing a permit application with the DC 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 Energy and Environment (DOEE), 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 DOEE, USACE, and EPA on this issue to ANC 3D, ANC 3E and the Community Liaison Committee and cooperate fully with the DOEE, USACE, and EPA as required, including implementation of any required Campus Safety Plan during excavation and construction.
37. Prior to filing a permit application with the DC Department of Consumer and Regulatory Affairs (DCRA) for ground clearance, excavation, or other construction, the Seminary shall develop a stormwater management plan and submit the plan to the DOEE for review and report the outcome of that review to ANC 3D and ANC 3E, and the Community Liaison Committee.
38. Throughout the term of the Campus Plan, the Applicant shall work directly with residents and the Community Liaison Committee to provide information to ensure that the

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construction does not have unanticipated stormwater impacts on residents' property and shall address any impacts should they occur.

**Other Issues:**

39. 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.
40. The Seminary shall maintain a Community Liaison Committee that meets three times annually or more often if necessary and includes neighborhood resident representatives of ANC 3D, ANC 3E, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable Community, Spring Valley Neighborhood Association, and individual residents of Spring Valley living within 200 feet of the Seminary's property line at University Avenue. Other interested residents and neighborhood groups are invited to participate in the CLC's public meetings.
41. At least twice annually, after Further Processing and beginning prior to occupancy of any new building, the Seminary will attend ANC 3D meetings to review Campus Plan performance issues identified in collaboration with the CLC.
42. The Seminary will support ANC 3D's request to DDOT for the installation of a sidewalk on the east side of University Avenue and encourage the use of permeable pavers.
43. The Seminary will install screening for the three exhaust pipes on the 2014 Dorm and monitor and correct any excessive noise.
44. The Seminary will not sell or lease any part of the Spring Valley Campus to American University for university use during the term of this Campus Plan.
45. The Seminary agrees to continue to make best efforts to engage with American University on issues of potential collaboration which affect the operation of the Seminary's Campus Plan, and which also affect the impact of the Plan on the neighborhood.

**VOTE (July 14, 2022):** \_ \_ \_ \_ ([ZCM making motion], [ZCM seconding motion], Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Dr. Joseph S. Imamura to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. \_\_\_\_\_ shall become final and effective upon publication in the DC Register; that is, on \_\_\_\_\_, 2022.

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**ANTHONY J. HOOD**  
**CHAIRMAN**

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**SARA A. BARDIN**  
**DIRECTOR**

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**ZONING COMMISSION**

**OFFICE OF ZONING**

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.

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