

[APPLICANT'S PROPOSED DRAFT ORDER]

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-08(1)**

Z.C. Case No. 23-08(1)

**Applications of The Wesley Theological Seminary of the United Methodist Church
for Approval of its 2025-2035 Thrive in Place Campus Plan at
4500 Massachusetts Avenue, N.W.
Square 1600, Lots 6 (818 and 819), 7, 8 and 9.**

June ____, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held consolidated public hearings on September 11, 2023, October 2, 2023, and May 12, 2025 to consider the 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 a 2025 Thrive in Place Campus Plan for the period 2025-2035 (Z.C. 23-08(1)) (“Campus 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, 2021, the Seminary mailed a Notice of Intent for the Campus Plan 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. (Ex. 6, 7). 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, June 1, 2022, September 2, 2022, November 2, 2022, April 4, 2023, May 3, 2023, July 5, 2023, August 14, 2023, September 6, 2023, February 7, 2024, March 6, 2024, April 3, 2024, May 1, 2024, July 10, 2024, January 8, 2025, and April 2, 2025, and to ANC 3E at its public meetings on April 21, 2022, July 25, 2023, April 11, 2024, September 23, 2024 and May 8, 2025. (Ex. 96). Between July 30, 2019 and May 1, 2025, the Seminary met with the established Community Liaison Committee twenty-one (21) times. (Ex. 96).

2. On June 21, 2023 and March 25, 2025, the Office of Zoning (“OZ”) sent notice of the September 11, 2023 and May 12, 2025 virtual public hearings for the Campus Plan applications to:
 - The Applicant;
 - The affected ANC 3D and adjacent ANC 3E;¹
 - 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, 78, 79).
3. Pursuant to Subtitle Z § 402.1, OZ also published notice of the September 11, 2023 virtual public hearings in the *D.C. Register* on June 30, 2023 (70 DCR 000026, *et seq.*) and April 14, 2025 (72 DCR _____) as well as through the calendar on OZ’s website. (Ex. 8, 79).
4. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearings on the Property on July 31, 2023 and March 30, 2025, and maintained such notices in accordance with the Zoning Regulations. (Ex. 11, 29, 81, 91).

Parties in Support and Opposition

5. On August 28, 2023, Spring Valley Neighborhood Association (“SVNA”) filed a request for party status in support of the 2022 Campus Plan. (Ex. 18). The Commission granted SVNA’s request for party status. (Transcript [“TR”] from September 11, 2023 hearing at pp. _____).
6. On August 21, 2023, Neighbors for a Livable Community (“NLC”) and Spring Valley-Wesley Heights Citizens Association (“SV-WHCA”) filed a joint request (collectively,

¹ Effective January 1, 2023, the Ward 3 ANC and SMD boundaries were changed. As a result of the redistricting, the Wesley campus was located in ANC 3E 07 and immediately adjacent to ANC 3E 08 and ANC 3D 02. Previously, the Wesley campus was located in ANC 3D 02 and adjacent to ANC 3E 07.

“NLC-SVWHCA”) for party status in opposition to the application. (Ex. 14). The Commission granted the NLC/SV-WHCA joint request for party status. (TR from September 11, 2023 at pp. ____).

7. The originally established parties in support and opposition were continued throughout the pendency of the Campus Plan application through the May 12, 2025 public hearing.

The Site

8. The property that is the subject of the Application is the Seminary’s 8.78 acre Spring Valley Campus (“Campus”) at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6 (818 and 819), 7, 8, and 9) (“Campus”). (Ex. 3, 82).
9. 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, 82).

The Campus Plan Applications

2022 Campus Plan Application

10. The original Campus Plan application was filed on March 17, 2022 as Z.C. Case No. 22-13 and a public hearing conducted on June 13, 2022. On June 15, 2023, this application was withdrawn (Z.C. 22-13, Ex. 60).

2023 Campus Plan Application

11. On June 14, 2023, the Seminary filed the original 2023 “Thrive in Place” Campus Plan submission seeking approval of the 2023 Campus Plan for the 10-year period 2023 through 2033. (CP Ex. 1-7)². The submission included the 2023 Campus Plan³ together with the following exhibits (collectively, the “Campus Plan Application”).

- Site Location
- Student Enrollment Trends
- Board of Governors
- Zoning Commission Order No. 05-40C

² On May 25, 2023, the Commission granted a waiver of Subtitle Z § 600.4 to authorize withdrawal of Z.C. Case No. 22-13 and expedited filing of a new Campus Plan application.

³ With the passage of time, the 2023 Campus Plan was updated to be 2025 Campus Plan for the period 2025 to 2035.

- 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

The Campus Plan (2025 – 2035)

12. The Campus Plan as it has evolved is a single integrated, and complimentary proposal for the entire 8.78 acre Wesley campus, including the following elements and more fully described herein :

- Demolish Old President's House and Restore Site With Landscaping

- Demolish Carroll and Straughn Halls and Surface Parking Lot
 - New Student Housing for Wesley and American University Students, Faculty and Staff.
 - Off-Site Inclusionary Zoning pursuant to 11 DCMR Subtitle C § 1006.10 to be approved during Further Processing.
 - No Development of University Avenue Residential Lots
 - Maintain Hilltop Campus Configuration
 - Maintain and Enhance Green Open Space Buffer Zone University Avenue and Massachusetts Avenue
 - 300,740 Square Feet of Unused Campus Gross Floor Area
 - Community Playground
 - Sidewalk and Public Space Improvements
 - Capital Bike Share Station, Ride-Share Turnaround, Scooter Corral
 - More Restricted Use of University Avenue Driveway
 - Transportation Demand Management and Performance Monitoring Plan
13. The application requested minor variance relief from the height related setback requirements in Subtitle F, Sec. 203.3 for the “notch” in property adjacent to American University.
14. The Seminary filed a Comprehensive Transportation Review (“CTR”) in support of the Applications. (Ex. 19). The CTR dated April 29, 2022 was submitted to DDOT on that date. The CTR concluded that the 2023 Campus Plan will not have a detrimental impact on the surrounding transportation network assuming that the proposed site design elements are implemented. Id. DDOT on September 1, 2023 submitted a report with no objection to the Campus Plan with a list of conditions. (Ex. 19). Based on the DDOT report, the Seminary submitted an updated TDM Plan. (Ex. 20-20A). On March 25, 2025, Wesley submitted an updated Transportation Study (Ex. 80). In response to this updated Transportation Study, DDOT on May 5, 2025 submitted a Supplemental Report which continued its support for the Campus and TDM Plan and requested that: 1.) 3 inverted-U bike racks be installed for the playground; and 2.) confirmed the approved location for scooter corral. (Ex. 86).
15. At its May 9, 2024 public meeting, the Commission determined to hold the Campus Plan application in “abeyance” to allow the Applicant to file a related text amendment

application. On May 30, 2024, Wesley filed a Petition for Text Amendments to Subtitle C, Sec. 1006.6(c) and Subtitle X, Sec. 101 as allowed by the Zoning Commission to facilitate further review of the Campus Plan. On July 25, 2024, with the recommendation of OP, the text amendment was set down for a public hearing which occurred on November 18, 2024. The Zoning Commission took Proposed Action on December 19, 2024. On February 27, 2025, the Zoning Commission took Final Action to approve the amended text amendments to add a new Subtitle C, Sec. 1006.10 and new Subtitle X, Sec. 101.5.

16. On March 5, 2025, the Seminary submitted a request to the Commission to resume the public hearing and updated 2025 Campus Plan submission that provided the following information:

- Wesley 2025 Update
- Streamlined the Updated Campus Plan to include a single new building: the Proposed New Dorm
- Eliminated Top/Penthouse Level of New Dorm
- Reduced Underground Parking
- Eliminated Administration/Maintenance Building
- Reduced Total Campus Development to 1.014 FAR – Leaving 300,740 sf of Allowable Unused Campus GFA
- Increased Green Open Space
- Enhanced and Updated Landscaping Plan
- Proposed Ward 3 Inclusionary Zoning Revolving Fund
- Updated Racial Equity and Comprehensive Plan Analysis

(Ex. 76, et. seq.).

The Wesley Theological Seminary

17. Wesley Seminary, founded in 1882 – just celebrated its 143rd Anniversary, is one of the nation’s leading and largest graduate theological schools (most of which are known as “seminaries” or “divinity schools”). Wesley moved to this campus 65 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, 82).

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18. 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, 82).
19. 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, 82).
20. 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, 82).
21. 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, 82).
22. 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. (Ex. 3, 82).
23. Wesley is currently one of only 30 seminaries competing nationally and internationally for the best students and faculty. But the Seminary is 20th in size of endowment. In a period of winnowing of the number of seminaries nationwide, this project would effectively move Wesley to 10th. The high-end design of this dorm provides Seminary students access to amenities they do not have now and enhances Wesley’s appeal to

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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, 82).

24. 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, 82).

Applicant's Statement

25. The Campus Plan 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, 82).

Community Engagement and the Development of the Campus Plan

26. 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 twenty-one (21) CLC meetings, twenty-three (23) ANC 3D meetings, seven (7) ANC 3E meetings, and numerous more informal discussions. (Ex. ____). 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 Campus Plan. (Ex. 82, 96).

Student Enrollment

27. The Seminary provided an eleven-year (2011 – Spring 2025) enrollment historical record broken down by degree programs and non-degree programs. (Ex. 82). 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

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entirely off-campus or by remote or virtual classes are not subject to the enrollment cap. (Ex. 82).

28. The Seminary provided post-pandemic and current enrollment and on-campus housing figures showing an increase in both categories. Wesley expects continuing increases for both enrollment and housing as part of the part of the post pandemic return to campus trend. (Ex. 82).

Employee Population

29. The Seminary provided an eleven-year (2011 – Spring 2025) 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. 3, 82).
30. The Seminary provided current employee records showing a slight decrease in number of employees. (Ex. 82).

Campus Plan to Thrive in Place

31. 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. 3, 82).

Demolish Old President's House and Restore Site with Landscaping

32. The Old President's House is located on the three lots on University Avenue. (Ex. 3, 82). 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. 3, 82).

Demolish Carroll and Straughn Halls and Surface Parking Lot

33. 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. 3, 82). 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

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students and their families. Replacement of this critical family housing will be facilitated by the proposed New Dormitory. (Ex. 3, 82).

34. At the center of the Campus, the surface parking lot with 143 spaces and adjacent one-story maintenance building will also be demolished. (Ex. 3, 82).

New Student Housing for Wesley and American University Students

35. The new student housing is exclusively for Wesley and AU students, faculty and staff needing local housing and will be located in the area of the existing surface parking lot. (Ex. ____). The building will be seven stories with an approximate height of 74 feet, 8 inches and nestled between the existing Seminary buildings and the immediately adjacent and taller AU buildings. (Ex. 3, 82, 96). This purpose-built student housing will contain approximately 282,061 square feet of gross floor area and have approximately 216 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). Most recently, the top level/habitable penthouse originally proposed was removed reducing the profile and gross floor area of the building. The building will have two levels of underground parking with 264 parking spaces, a reduction of 99 spaces as originally proposed, and internal loading and trash facilities. At least 77 of the parking spaces are replacement spaces for Wesley's exclusive use. (Ex. 82, 96).
36. 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.
37. The building design will focus on sustainability and will achieve at least LEED Mid-Rise Residential Gold certification, including extensive storm water mitigation measures, green roof, rooftop solar panels, space for composting, all electric building (except natural gas emergency generator), EV charging stations, limited rooftop mechanical equipment, and dark sky compliance. (Ex. 82, 96). Landmark Properties has contracted with a sustainable design consultant to advise and assist in the implementation of its sustainability program. The sustainability consultant has evaluated whether net zero is not feasible and determined that for a building of the proposed size and design that cost, space limitations and integration limitations make achieving net zero not reasonably achievable. (Ex. 3, 82, 96).
38. 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

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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. 3, 82).

39. The Applicant provided numerous nationwide examples of public/private partnerships for providing on-campus and near campus student housing by private developers. (Ex. 49).
40. The Applicant also provided two examples of shared on-campus projects serving students from nearby schools, including Gammon Theological Seminary in Atlanta (Atlanta University Center serving Spellman College, Morehouse College, Clark Atlanta University and Morris Brown College on the Gammon Campus), and University of California at Davis (US Davis and Sacramento College). (Ex. _____).

Inclusionary Zoning (IZ)

41. 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 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 as determined at further processing. (Ex. _____).
42. During further processing, the Applicant shall demonstrate compliance with 11 DCMR Subtitle C, § 1006.10.

Increased Availability of Affordable Housing in Neighborhood

43. 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.”⁴ (Ex. 32, 42).

44. In this respect, the Commission 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.”⁵ (Ex. 32, 42).

Landmark Properties

45. 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. 3, 82).
46. The new student housing will be limited exclusively to Wesley Seminary and America University students, faculty and staff 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. ____). 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. 3, 82).
47. The American University students, faculty and staff 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

⁴ See Z.C. Case No. 19-10, Valor Development, LLC, Planned Unit Development, Testimony of SVWHCA, dated October 10, 2019 at Exhibit 213.

⁵ Policy EDU-3.3.4: Student Housing (10-A DCMR 1214.9).

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. 3, 82).

Increased District Tax Revenue

48. 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. 3, 82).

No Agreement with American University

49. 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 the new President, Jonathan R. Alger, 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. 3, 82).
50. 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 6,006 full-time undergraduate and 2,083 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 4,682 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 limited on-campus housing for its graduate students on a space available basis. (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 limited 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. 3, 82).

51. 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. 3, 82).
52. 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. 3, 82).
53. Under its recently approved Campus Plan, AU is subject to 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. 3, 82).
54. American University provided this statement for submission to the Commission on its behalf:

American University values its relationship with Wesley Theological Seminary. AU leadership recently met with the Wesley team to receive an update on their proposed Campus Plan/Planned Unit Development (PUD) and collaboration with Landmark Development to provide housing on the Wesley campus. As the Wesley housing proposal is an independent project pursued as part of Wesley's campus planning process, separate from American University's own

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campus planning process, AU has not assessed the impact of the proposed Wesley development on our campus and community. **Accordingly, AU does not have a specific position in support of or opposition to the project.** (Emphasis Added). (Ex. 61A).

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

55. At the top of the University Avenue driveway adjacent to the existing 2014 Dorm, Wesley originally proposed to build a two-story, approximately 5,267 square foot building. Most recently, Wesley has determined that this building is not needed and has removed it from the Campus Plan. Wesley's maintenance facilities will be relocated to the New Dorm's underground parking garage. (Ex. 82, 96).

No Development of University Avenue Residential Lots

56. The three residential lots on University Avenue (Lots 7, 8 and 9) were re-incorporated in the Spring Valley Campus at the request of the community 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. 3, 82).

Maintain "Hilltop" Campus

57. Under this Plan, the established building perimeter formed by the 2014 Dorm, Kresge Hall, Trott Hall, Chapel, Library and AU Campus is maintained. (Ex. 3, 82, 96). 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. 3, 82, 96).

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

58. The Green Open Area that defines the Spring Valley Campus will be maintained and enhanced. 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. 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-three (53) percent of the Spring Valley Campus area (205,000 square feet; 4.8 acres) will remain undeveloped and devoted to Green Open Space. (Ex. 82, 96).

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Wesley Bell Tower

59. 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. The face of the New Dormitory is setback approximately 338 feet from Massachusetts Avenue, and more than 660 feet from the nearest homes on the opposite side of Massachusetts Avenue in 4400 block of Sedwick Street. (Ex. 3, 82).

300,740 Square Feet of Unused Gross Floor Area

60. 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 387,040 square feet or 1.014 FAR. As a result, more than 300,740 square feet of development potential will remain unused. (Ex. 3, 82, 96).

Neighborhood Playground

61. 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 will measure approximately 40 feet by 95 feet and have an area of approximately 3,800 square feet with a natural double shredded hardwood mulch safety surface surrounded by a 48 inch tall vinyl-coated chain link perimeter fence. It will include benches and play equipment suitable for toddlers and young children and bicycle rack. The playground will have a public point of entry adjacent to University Avenue, N.W. by means of an accessible sidewalk. It will be fenced and open to the public only during daylight hours. The final design of the playground will be substantially in accordance with Exhibits 3, 4, 82, 96.

No Sale or Lease of Wesley Property to AU

62. 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 Campus Plan, the Seminary has agreed to extend that prohibition as a specific condition of this Order (excluding any units in the New Dormitory). (Ex. 3, 82).

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Commitment to Diversity, Equity, Inclusion and Social Engagement

63. 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. 3, 82).
64. The Seminary embraces, lives and professes its commitment to Diversity, Equity, and Inclusion. (Ex. 3, 82).

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. Id.

65. 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. 3, 82).
66. 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:

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

(Ex. 3, 82).

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67. 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. 3).

- *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 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 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. 3).

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. 3).

Traffic and Parking. The Seminary proposes to provide a total of 295 on-campus parking spaces, including 264 underground parking spaces in the New Dormitory (77 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 Campus Plan creates very little additional vehicular traffic, the new restrictions on use of the University Avenue exit, and ongoing monitoring will also limit and mitigate any objectionable traffic conditions. (Ex. 3, 82, 96).

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 as

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updated to adopt the headcount methodology. (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. 3, 82). Any AU student living within the New Dormitory will be counted within the AU student enrollment under its approved Campus Plan. Z.C. Order No. 20-31. (Ex. 3, 82).

Personnel. The personnel population on the Campus may 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. 3, 82, 96).

Other Objectionable Conditions. The 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 of the Campus Plan. In addition, the 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 Campus Plan; (Ex. 3, 82, 96).

Subtitle X §§ 101.3 and 101.4: Analysis of Incidental Uses. Throughout this Campus Plan process and its predecessor application (ZC 22-13), there has been an ongoing debate on whether the proposed New Dormitory use is a permitted use directly related to the Seminary's educational mission or a commercial use restricted under Subtitle X, Sec. 101.4. Throughout this process, Wesley has consistently maintained that the proposed dormitory to be constructed and operated by Landmark under a ground lease was a permitted educational and residential use on the campus supported by a January 2020 determination by the Zoning Administrator that stated: "I conclude that a new student residence project which includes units featuring private baths and kitchens and offering occupancy to non-WTS students can be considered a dormitory use, pursuant to the Zoning Regulations." (Emphasis in original). ZC Exhibit 16A. This is entirely consistent with the Zoning Regulations focus on the use or function of a property, not its ownership structure or status of its occupants. Further as more fully discussed herein the New Dormitory is not inconsistent with Institutional designation of the Wesley campus under the Comprehensive Plan.

The Zoning Commission confirmed the legitimate university use characterization of the proposed New Dormitory by accepting and approving a text amendment establishing a new Subtitle X, Sec. 101.5 which provides:

101.5 University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan.

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In the context of the pending Campus Plan, Sec. 101.5 directly addresses the commercial use objections of some opponents of the project and finds in favor of the Applicant's contention that the New Dormitory is a legitimate university use.

- *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) and non-campus development to 1.08 FAR (including IZ Bonus). When added to all existing buildings and structures on the Campus that will be retained, development under this Campus Plan will not exceed the maximum permitted gross floor area prescribed for the Property. If all proposed development is constructed, the gross floor area within the Campus Plan boundaries will total approximately 387,040 square feet. This results in an overall FAR of approximately 1.014. Approximately 300,740 square feet of available campus gross floor area will not be developed; (Ex. 3).

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 74 feet 8 inches - significantly less than the maximum permitted and the height of the immediately adjacent AU building; (Ex. 3).

- *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 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. 3).

- *Section 101.8(a): Buildings, Parking and Loading.* The Campus Plan calls for new Residential/Campus Life: 282,061 square feet of gross floor area. The 2025 Campus Plan and CTR detail the locations of all existing and proposed parking and loading facilities; (Ex. 3).

- *Section 101.8(b): Screening, Signs, Streets, and Public Utility Facilities.* The 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. 3).

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. 3).

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. Signage and other means as required will be used to restrict the use of the University Avenue exit. (Ex. 3).

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. (Ex. 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. 3).

- *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. 3, 82).

- *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. 3, 82).

- *Subtitle X § 101.9. Further Processing for Specific Buildings, Structures, and Uses.* As required by § 101.9, the Seminary will submit an application for further processing for the proposed new Dormitory and related improvements in the Campus Plan. (Ex. 3, 82).

- *Subtitle X § 101.10. No Interim Use of Land or Improved Property Proposed.* No interim use of property is proposed under the Campus Plan; (Ex. 3).

- *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 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. 3, 82).

- *Subtitle X § 101.14: Application is in Harmony with the Zoning Regulations.* The 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, 82).

- *Subtitle X § 101.15: Small Deviations from Approved Plans:* The provisions of this section are not applicable in this campus plan case; and

- *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 Campus Plan application. (Ex. 3, 82).

Request for Minor Variance Relief

68. The Zoning Regulations, under Subtitle X § 1000.3, authorizes the Zoning Commission to grant area variance relief as part of a campus plan application pursuant to the variance standards in Subtitle X § 1002.1. Specifically, Wesley is requesting an area variance for a minor deviation in the proposed height of the New Dormitory under the height restrictions in Subtitle F-§203.3 which provides:

An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located.

In the RA-1 Zone, the authorized height is 40 ft., subject to the provisions of §203.3. The height of the proposed New Dormitory is 74'-8". As a result, §203.3 requires the building to be setback 35'-0" from all lot lines. As shown on the Site Plan (Exhibit G), the New Dormitory is set back from the lot lines at least 35'-0" on the east along the north-south boundary with AU (35'-0"), on the north along Massachusetts Avenue (425'+/-) and to the west along University Avenue (300'). However, at the southern lot line the irregular "notch" in the property boundary with AU reduces the required setback to 27'-0" along only a limited portion of the lot line. Beyond the "notch" area, the setback substantially exceeds the minimum 35'-0" required. As a result, the Seminary is requesting an area variance from the height required by §203.3.

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69. The burden of proof for an area variance is well established. The Seminary must demonstrate that (1) the property is affected by an exceptional or extraordinary situation or condition, that (2) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and that (3) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent purpose or integrity of the zone plan. As set forth below, the Seminary satisfies the three-part test for the requested variance relief.

70. Based on the record, the Commission finds that the Seminary is affected by several exceptional conditions that both individually and taken together dictate the location of the New Dormitory. The “notch” into the property creates an anomaly or unique configuration of the otherwise continuous straight southern lot line that extends to University Avenue. As a result, several practical difficulties result. The location of the New Dormitory is restricted by the existing improvements on the Campus, including the east-west driveway and walkways, the surrounding existing buildings (Library, Kresge Hall, and the 2014 Dorm), and Heritage Tree which prevents movement of the footprint to avoid the conflict created by the “notch”. Relocation of the New Dormitory in order to comply with the 35’-0” setback would encroach on the existing improvements, undermine the preservation of the Heritage Tree, and prevent the longstanding pedestrian and vehicular circulation on the Campus. These circumstances would be unduly burdensome, if not impossible, for the Seminary to achieve. Finally, the requested variance would be a substantial benefit to the public good, not a detriment, by locating the New Dormitory immediately adjacent to the existing and taller AU buildings and in the farthest corner of the Campus from the surrounding neighborhood on University Avenue and Massachusetts Avenue. This allowance for the isolated “notch” in the property line would not impair the purpose or intent of the RA-1 zone plan which provides for regulating height at this location.

Not Inconsistent with The Comprehensive Plan

71. The Commission finds that the Campus Plan is not inconsistent with the District Elements of the Comprehensive Plan as detailed in the Applicant’s Campus Plan submissions. (Ex. 76, 76F and 82). The continued use of the Campus and the proposed new development and facility modernizations are not inconsistent with the land use designations and policies provided in the Comprehensive Plan.

72. Compliance with Guiding Principles of the Comprehensive Plan. The Commission finds that the Project is consistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities, as set forth below. (10-A DCMR §§ 218.1 – 218.3).

- a. Managing Growth and Change. The Comprehensive Plan encourages, among other goals, the growth of both residential and non-residential uses to survive. The District must also be diverse to thrive, which can be achieved through the development of housing for households of different sizes and for all income levels. Redevelopment and infill opportunities are an important component of

reinvigorating and enhancing neighborhoods, provided that sites are designed to respect the integrity of stable neighborhoods and the broader community context. The Commission finds that the Project is fully consistent with these goals, as the New Dormitory will provide additional housing and affordable housing for students along a prominent corridor, close to university resources and transportation infrastructure, while maintaining the neighborhood character. (10-A DCMR §§ 219.1 – 219.8).

- b. Creating Successful Neighborhoods. The Comprehensive Plan prioritizes equitable participation in District processes that enfranchises everyone and builds people’s long-term capacity to organize to improve their lives and neighborhoods. Civic organizations, Advisory Neighborhood Commissions, residents, businesses, and other stakeholders are important in representing community interests in public processes to ensure that residential character of neighborhoods is protected, maintained and improved. The Comprehensive Plan further acknowledges that the recent population boom has triggered a crisis of affordability in the District, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and production of new affordable housing, especially for low-income and workforce households, are essential to avoid a deepening of racial and economic divides in the city, and must occur city-wide to achieve fair housing objectives. The Commission finds that the Project is fully consistent with these goals, as it has engaged ANCs 3D and 3E, the CLC, and adjacent neighbors consistently throughout the process. The final design is responsive to input from these groups, and will result in an on-campus housing option for students of the Seminary and AU. (10-A DCMR §§ 220.1 – 220.11).
- c. Increasing Access to Education and Employment. The Comprehensive Plan states that colleges and universities make the District an intellectual capital as well as a political capital, and are an essential part of the District’s plan to grow its “knowledge based” economy, improve access to learning, and broaden economic prosperity for all District residents. Increasing access to education is linked to broader social goals such as increasing access to employment, strengthening families, creating a better future for the city’s youth, and reducing chronic and concentrated poverty. The Commission finds that the Project is consistent with these goals, since in some cases, affordable housing created by the Project will enable students to obtain a higher education. Students who live on campus benefit from the proximity to university resources and tend to perform better academically than those who live off-campus. Relationships developed on campus can further one’s employment prospects, resulting in other benefits to the District. (10-A DCMR §§ 221.1 – 221.9).
- d. Connecting the City. The Comprehensive Plan provides that increased mobility can no longer be achieved by building more roads and that it is necessary to invest in other forms of transportation. The Commission finds that the Project is consistent with these goals, as it will invest in multimodal transportation efforts

that include pedestrian improvements and the installation of a Capital Bikeshare station. (10-A DCMR §§ 222.1 – 222.7).

- e. Building Green and Healthy Communities. The Comprehensive Plan encourages the protection of environmental resources in the District, particularly the reforestation and maintenance of its tree cover. Additionally, building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, encourage the use of distributed energy resources like rooftop solar, and reduce harmful effects on the natural environment. The Commission finds that the Project advances these goals because it will preserve heritage and special trees on the Property, and the buildings will be certified LEED Gold. (10-A DCMR §§ 223.1 – 223.6).
- 73. Generalized Policy Map (“GPM”). The Property is designated as Institutional on the GPM. The Institutional category represents colleges and universities; change and infill can be expected on each campus consistent with campus plans. 10-A DCMR § 225.22. This designation anticipates growth on campuses. The existing Seminary is not inconsistent with the Institutional GPM designation, as colleges and universities are permitted, and the designation allows for changes to occur to the Property consistent with a campus plan. (Ex. 76, 76F and 82).
 - 74. Future Land Use Map (“FLUM”). The Property is designated as Institutional on the FLUM. The Institutional category includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. 10-A DCMR § 227.18. The proposed Campus Plan is not inconsistent with the Institutional FLUM designation, as Wesley Seminary is indeed an institutional use. It is one of the nation’s leading and largest graduate theological schools (most of which are known as “seminaries” or “divinity schools”), consisting of a diverse student body and offering three Master’s degrees and a Doctor of Ministry, as well as several non-degree programs. (Ex. 76, 76F and 82).
 - 75. The Commission finds that the Campus Plan advances many of the Elements of the Comprehensive Plan, as set forth in the Applicant’s Statement and the OP reports. The Commission agrees that the Project advances many of the objectives and policies in the Comprehensive Plan’s District Elements, including Land Use, Transportation, Housing, Environmental Protection, and Educational Facilities Citywide Elements, and the Rock Creek West Area Element. (Ex. 76, 76F and 82).
 - 76. Land Use Element. The Commission finds that the Project supports the following policies of the Land Use Element (Ex. 76, 76F and 82):
 - a. *Policy LU-1.4.9: Public Facilities.* The entire Campus enhances neighborhood identity by opening its facilities to the public, especially the green open space which surrounds and buffers the hilltop campus from the Spring Valley neighborhood and provides unique urban space for community activities,

including sledding, family movie nights, picnicking, yoga, dog walking, a community playground, and general enjoyment.

- b. *Policy LU-2.1.1: Variety of Neighborhood Types.* The Campus Plan maintains the low-density character of the neighborhood by providing a long-standing and substantial buffer and transition from the abutting AU campus and the Spring Valley neighborhood.
- c. *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods.* The Campus Plan achieves numerous objectives, including conserving the Wesley presence and contribution to the neighborhood and the District, increased on-campus housing for students, increased availability and affordability of local housing for non-students, and affordable student housing.
- d. *Policy LU-2.1.5: Support Low-Density Neighborhoods.* The Campus Plan maintains and enhances the hilltop campus configuration and compatible relationship with the adjoining low density Spring Valley neighborhood. The existing design character and scale of the existing neighborhood is maintained, including the substantial green open and public space.
- e. *Policy LU-2.3.4: Transitional and Buffer Zone Districts.* The Campus Plan maintain and enhance the longstanding institutional presence and contribution of the Seminary which provides a robust transition and buffer between the Spring Valley residential neighborhood.
- f. *Policy LU-2.3.5: Institutional Uses.* The Campus Plan recognizes the critical importance of this institutional use to the economy, character, history, livability and future of the District and its residents, including its most vulnerable. Together, the Seminary and its neighbors have worked long, hard and productively to address issues of concern.
- g. *Policy LU-2.3.6: Places of Worship and Other Religious Facilities.* The Seminary is at the same time an important institutional, educational and religious facility and contributor to the life and welfare of the District and beyond. The Seminary, over its sixty-four years in this location, has worked with its neighbors to meet the evolving needs of the institution while enhancing and maintaining its physical and spiritual relationship with the Spring Valley community and the District.
- h. *Policy LU-3.3.1: Transportation Impacts of Institutional Uses.* The Campus Plan affirmatively minimizes and mitigates the transportation impacts of the Campus operations, including ample off-street parking, very limited vehicular use of University Avenue, and on-campus ride-sharing pick-up and drop-off area, a new Capital Bikeshare station and scooter parking area.

- i. *Policy LU-3.3.2: Corporate Citizenship.* The Campus Plan supports the Seminary's continued corporate citizenship and educational and religious contributions to the neighborhood, the District and beyond. The Seminary's positive physical presence in the Spring Valley neighborhood is maintained and enhanced by the hilltop campus configuration and surrounding substantial open green open space.
77. Transportation Element. The Commission finds that the Project supports the following policies of the Transportation Element (Ex. 76, 76F and 82):
- a. *Policy T-1.1.2: Land Use Impact Assessment.* A CTR has been completed in conjunction with the Campus Plan which assessed the transportation impacts of the Project using multi-modal standards. Based on the CTR and extensive DDOT, ANC and neighborhood input, the Seminary has adopted extensive conditions for approval which will mitigate development impacts and provide for ongoing performance monitoring.
 - b. *Policy T-1.1.7: Equitable Transportation Access.* The Wesley Campus is well-served by all forms of transportation, including vehicular, pedestrian, public transportation, ride sharing and rental bikes and scooters providing readily available, affordable, and convenient access to faculty, staff, students, residents and visitors.
 - c. *Policy T-1.2.3: Discouraging Auto-Oriented Uses.* The Campus Plan proposal to lose the University Avenue driveway to all exiting vehicles will reduce, if not eliminate, vehicular impacts directly to the immediate Spring Valley neighborhood.
 - d. *Policy T-3.1.1.: Transportation Demand Management (TDM) Programs.* The Project's approved CTR includes TDM programs and strategies aimed at reducing car trips and may, after further study and performance monitoring, include additional mitigation measures such as car sharing, innovative parking management measures, and systems.
 - e. *Policy T-5.2.2: Charging Infrastructure.* The New Dormitory underground parking facility will include at least seven EV charging stations available to faculty, staff, students, residents and visitors.
78. Housing Element. The Commission finds that the Project supports the following policies of the Housing Element (Ex. 76, 76F and 82):
- a. *Policy H-1.2.9: Advancing Diversity and Equity of Planning Areas.* The Campus Plan will create new on-campus affordable housing for eligible students. Increased on-campus housing of students will increase the availability and affordability of neighborhood housing for non-students.

- b. *Policy H-1.3.5: Student Housing.* The Campus Plan will create substantial new and improved on-campus housing for Wesley and AU students, faculty and staff.
79. Environmental Protection Element. The Commission finds that the Project supports the following policies of the Environmental Protection Element (Ex. 76, 76F and 82):
- a. *Policy E-2.1.2: Tree Requirements in New Development.* The Campus Plan is defined by the substantial green open space that is maintained and enhanced, protection of heritage and special trees and new landscaping.
 - b. *Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff.* The Campus plan incorporates additional landscaping, maintenance of existing green space and a green roof of the New Dormitory to reduce runoff.
 - c. *Policy E-4.2.1: Support for Green Building.* The new building proposed under the Campus Plan will achieve at least LEED Gold certification.
80. Educational Facilities Element. The Commission finds that the Project supports the following policies of the Educational Facilities Element (Ex. 76, 76F and 82):
- a. *Policy EDU-3.2.2: Corporate Citizenship.* The Campus Plan supports the Seminary's continued corporate citizenship and educational and religious contributions to the neighborhood, the District and beyond. The Seminary's positive physical presence in the Spring Valley neighborhood is maintained and enhanced by the hilltop campus configuration and surrounding substantial open green space.
 - b. *Policy EDU-3.2.3: Workforce Development.* The Campus Plan will facilitate the Seminary's continuing educational and religious training and research which provides religious and social service leaders most immediately to the District and its residents.
 - c. *Policy EDU-3.2.4: Universities as Community Partners.* The Seminary has long maintained strong and deep service and religious-oriented partnerships, especially in Wards 7 and 8 and among the most vulnerable.
 - d. *Policy EDU-3.2.5: University Research Partnerships.* The Seminary will continue to be at the leading edge of research that impacts locally, regionally, nationally and internationally.
 - e. *Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs.* The Campus Plan was carefully developed to maintain and protect the unique and critical physical relationship between the Campus and the surrounding neighborhood. Impacts of the new buildings has been mitigated through a detailed

TDM, a large landscape buffer, preservation of heritage and special trees, and through building design and orientation.

- f. *Policy EDU-3.3.3: Universities as Large Landowners and Campus Plan Requirements.* The Campus Plan was developed and has been subject to a lengthy and in-depth review process with the ANC's, CLC and immediate neighbors to address, minimize and mitigate potential objectionable conditions. The conditions address neighborhood priorities, including traffic and construction mitigations.
 - g. *Policy EDU-3.3.4: Student Housing.* The Campus Plan will create substantial new and improved on-campus housing for Wesley and AU students, faculty and staff. This will result in the increased availability and affordability of neighborhood housing for non-students.
 - h. *Policy EDU-3.3.5: Transportation Impacts of Colleges and Universities.* The Campus Plan includes a TDM plan, performance monitoring, self-imposed restrictions, and substantial off-street parking and enforcement that will mitigate traffic and parking impacts on the surrounding neighborhood.
81. Rock Creek West Area Element. The Commission finds that the Project supports the following policies of the Rock Creek West Area Element (Ex. 76, 76F and 82):
- a. *Policy RCW-1.1.2: Economic Development.* The Campus Plan creates an institutional-private partnership to develop the New Dormitory that will provide and enhance public space and community amenities. The operation of the New Dormitory will generate substantial new tax revenues for the District.
 - b. *Policy RCW-1.1.8: Managing Institutional Land Uses.* The Campus Plan carefully balances a measured expansion of the Seminary Campus that is in harmony with the surrounding neighborhood and minimizes and mitigates any potential adverse impacts.
 - c. *Policy RCW-1.1.9: Conserving Common Open Space.* The Campus Plan is defined by the hilltop Campus and surrounding green open space that maintains the relationship with the surrounding neighborhood. Fifty-three (53) percent of the Spring Valley Campus area will remain undeveloped and devoted to Green Open Space.
 - d. *Policy RCW-1.1.11: Managing Transportation Demand.* The Campus Plan incorporates a TDM plan and performance monitoring that minimizes impacts on the immediate neighborhood. The Project also includes multimodal transportation options that include bicycle parking, pedestrian improvements, and the installation of a Capital Bikeshare station.

Potential Inconsistencies with the Comprehensive Plan

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82. The Application identified policies that were potentially inconsistent with the Campus Plan. However, the Application concluded that while these Comprehensive Plan policies may be viewed as inconsistent, the potential inconsistencies are far outweighed by the Campus Plan's overall consistency with the FLUM and other Comprehensive Plan policies relating to Rock Creek West, land use, housing, transportation, environmental protection, economic development, and educational facilities. (Ex. 82, 96).

Racial Equity

83. The Application noted that equity is conveyed throughout the Comprehensive Plan where priorities of affordable housing, displacement, and access to opportunity are distinguished. In light of the guidance provided by relevant Comprehensive Plan policies the Applicant asserted that the Project would not be inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. In support of its assertion, the Applicant evaluated the Project's consistency with the Comprehensive Plan through a racial equity lens by applying the Commission's Racial Equity Tool. (Ex. 76F).
84. The Applicant provided an assessment of how the Project is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens in its Comprehensive Plan Evaluation, in subsequent filings, and through testimony at the public hearing, with which OP concurred and/or made similar findings in its reports filed into the case record. (Ex. 3A3, 11, 29, 46, 76F, 85 and 96).
85. The Applicant provided the following information about the community and its outreach:
- a. Wesley Seminary is a community unto itself, providing housing, education, a dining hall, chapel, community meeting areas, and various activities on the Campus. The Campus is characterized by large landscape buffers that screen its buildings from the street and provide a park-like setting enjoyed by students and neighbors alike. (Ex. 76F, 96).
 - b. Historically, discriminatory land use and financing tools have been used for the exclusion of Black residents from Rock Creek West. The Federal Housing Administration Map of 1937 graded areas of the District for loan approvals using race as a criterion, with many of the highest graded categories concentrated in Rock Creek West. Additionally, the Planning Area has a history of displacement of Black communities, such as in Reno City and the George Pointer settlement. Today, Rock Creek West remains the Planning Area with the highest share of white residents in the District. (Ex. 76F, 96).
 - c. The Seminary's role in the community and relationship with its neighbors is very important and a natural extension of its ministry. Beginning with its inaugural Campus Plan in 2005 and over the last twenty years, this community engagement has continued through the established Community Liaison Committee ("CLC"),

Advisory Neighborhood Commissions 3D and 3E, other established neighborhood organizations, including the Spring Valley Neighborhood Association, Neighbors for a Livable Community, Spring Valley-Wesley Heights Citizens Association, and other interested parties and individuals. This process has been candid and productive at every stage of Wesley Seminary's evolving Campus Plan applications. (Ex. 76F, 96).

- d. Outreach to the community for this proposed plan began in 2019. Although this process was slowed by an unforeseen change in development partners and the COVID-19 emergency, these meetings were fully renewed in 2021 and have been extensive. Wesley Seminary has participated in 51 community meetings. (Ex. 76F, 96).
- e. As a result of its outreach to the community, Wesley agreed to the following Project modifications: 1) evaluate options for reducing the design, size, massing and number of beds in the New Dormitory to further mitigate any potential objectionable conditions; 2) in consultation with DDOT, the Seminary will request that use of the University Avenue driveway be closed for exiting vehicles 24/7 and that only limited service, delivery and emergency vehicles can enter and exit the Campus from University Avenue; and 3) in conjunction with the expanded limits on the use of University Avenue, the Seminary will encourage DDOT to allow left turns by vehicles leaving the Campus at Massachusetts Avenue during agreed time periods with appropriate signage. (Ex. 76F, 97).

86. The Applicant asserted that the expected goals of the proposed zoning action are as follows:

- a. The Campus Plan that will provide new student housing, including affordable housing for Wesley Seminary and American University, and neighborhood amenities and public space improvements.
- b. The proposed dormitory would consist of: 1) demolition of two obsolete student dormitories and the Old President's House; 2) approximately 282,061 square feet of dormitory use consisting of 216 units configured in studio, one, two, three, four and five bedroom units, with a total of 659 student beds; 3) below-grade parking with 264 parking spaces; building amenities to include purpose designed study areas with group and individual spaces, computer lounge, activity club room, and outdoor interior courtyard.
- c. Benefits and amenities that could include: student housing, significant educational and religious contributions, economic benefits, job creation opportunities, development of a neighborhood playground for public use to be maintained by the Seminary, enhanced building design that minimizes visibility of the new dormitory from the street and adjacent neighborhoods, and preservation and enhancement of significant open space.

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87. Applying the Tool's racial equity themes, the Applicant asserted the proposed Campus Plan would have the following impacts and/or outcomes:

a. Not result in negative outcomes with respect to direct displacement because of the following (Ex. 76F):

1. There would be no physical displacement of residents, as two existing dormitories providing 90 student beds will be replaced with one new dormitory providing 659 student beds. This expansion of student housing capacity will not only accommodate more students but also preserve access to stable housing for current residents, preventing displacement and fostering a more equitable environment for all students, regardless of their racial or socioeconomic backgrounds. (Ex. 76F).
2. Indirect displacement is not anticipated with the proposed dormitory project. The development is designed to increase housing capacity without negatively impacting the surrounding community or existing residents. By providing more student beds, the project helps meet the demand for on-campus housing, which can reduce the pressure on nearby rental markets and prevent displacement of local residents. As such, the proposed dormitory will contribute to a more stable and equitable housing environment without causing adverse effects on neighboring areas. (Ex. 76F).
3. Student activity spaces will be included within the dormitory to encourage community and congregation.
4. Living in proximity to other students on campus allows for direct collaboration with peers.

b. Result in positive changes with respect to housing because the Project would (Ex. 76F):

1. The proposed dormitory aligns with the Comp Plan's goals to increase housing in high-priority areas by providing more lower-cost housing options for District residents. When students occupy the dormitory rooms on campus, it will free up housing in the surrounding neighborhoods, potentially lowering rental pressures and improving affordability for local residents. Additionally, the project includes the replacement of 43 family-sized housing units, ensuring that housing options remain available for families in the area. While inclusionary zoning units are not part of this specific development, they will be provided in other projects within Ward 3, further supporting the city's efforts to promote equitable housing access. This development supports both the immediate and long-term housing

needs of the District, consistent with the broader goals of the Comprehensive Plan. (Ex. 76F).

2. Replacement of family-sized housing.
- c. Result in positive changes with respect to the physical environment because the Project would (Ex. 76F):
1. Improve landscaping to create a more pedestrian-friendly environment, including the installation of new landscaping along University Avenue.
 2. Preserve 205,000 square feet of open green space on the campus.
 3. Install a new neighborhood playground to replace the Old President's House.
 4. Include a green roof and solar panels on the New Dormitory.
 5. Provide improved stormwater infrastructure, including with the installation of multiple bioretention facilities.
 6. Be certified LEED Mid-Rise Residential Gold for the New Dormitory, including points for energy efficiency, use of environmentally preferred materials, and use of photovoltaic solar panels.
 7. Preserve heritage and special trees.
 8. Increase permeable surface.
 9. Result in an influx of students living on-campus that will enhance and diversity campus life.
- d. Result in positive changes with respect to access to opportunities because the Project would (Ex. 76F):
1. Provide student housing within one-half mile of the Tenleytown-AU Metro station and other public transit options, allowing District-wide access to jobs, restaurants, services, and entertainment.
 2. Will maintain and increase employment on campus, and continue to train students for religious and social service employment in the District.
 3. Will support nearby retail, services, and amenities along the Wisconsin Avenue corridor.

4. Will provide access to the new neighborhood playground to be installed on campus, and will be within close proximity to nature areas and reserves, including Rock Creek Park, Battery Kemble Park, and Spring Valley Park.
88. Based on the themes of the Commission’s Tool addressed above, the Applicant asserted, and OP agreed, that the proposed Campus Plan would result in positive outcomes for all existing and future District residents, and therefore, the Application is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. (Ex. 3A3, 11, 29, 39, 46, 76F, 82, 85, 96).

OP Support for Application

89. By Hearing Report dated September 5, 2023, OP recommended approval of the Campus Plan subject to: 1) the conditions filed by the Applicant at Exhibit 24F; 2) a detailed roof plan showing the green roof and locations for future solar panels; 3) additional details on other parking restrictions that would be applied to those not resident of or working on the Wesley campus; 4) a map showing all the activities in the Consolidated PUD; and 5) any amendments. Furthermore, OP provided that “[o]n balance, the relief requested on balance would not be inconsistent with the recommendation of the Comprehensive Plan Maps, policies of the Citywide and Area Element and the campus plan if approved.” (Ex. 29, p. 1). OP further stated that “[g]iven the proposed increase in the percent of non-Wesley students that would be permitted to live on the Wesley campus, a PUD is an appropriate vehicle for establishing conditions to ensure the dormitory could not morph into the type of general residence that is not permitted in a campus plan and whose proposed height would be permitted only under Subtitle F § 203.3’s permissions for an institutional building.” (Ex. 21).
90. OP submitted a Supplemental Hearing Report on September 22, 2023 providing guidance from DHCD on implementation of the then proposed student affordable housing program for the New Dormitory. (Ex. 38). The student affordable housing program was subsequently eliminated from the pending Campus Plan. (Ex. ____).
91. Prior to the May 12, 2025 continued public hearing, OP submitted a new Hearing Report which recommended “APPROVAL” of the Campus Plan and the area variance relief from the setback requirement of Subtitle F Sec. 203.3 pursuant to Subtitle X Sec. 1000.3 and 1002.1. OP also recommended additional information related to use of the AU Shuttle Bus, continued work with DOEE to increase towards carbon-neutrality, amend certain proposed Conditions, and at further processing provide detailed and documented information on investigation of alternative means for meeting the IZ set-aside requirements and DC government monitoring of IZ units production. (Ex. 85).
92. In its detailed evaluation of the revised Campus Plan, OP stated support for “the measures to improve vehicular and pedestrian circulation around and through the campus and reduce parking demand and parking on neighborhood streets” embodied in the TDM plan proposed and to be monitored by DDOT. OP provided a detailed review of the Campus

Plan criteria, including noise, traffic and parking, number of students, faculty and staff, student housing and other potentially objectionable conditions (lighting and views) and concluded that the Campus Plan created no objectionable conditions that would not be eliminated or mitigated. (Ex. 85).

93. Given the long-standing controversy, OP provided a careful analysis of the applicability and compliance with the restrictions set forth in Subtitle X Secs. 101.3 and 101.4 and concluded:

Throughout the campus plan process and its predecessor application, ZC 22-13, there was a debate as to whether the proposed dormitory use is a permitted use directly related to Wesley's educational mission under Subtitle X, § 101.4 or a commercial use restricted under Subtitle X, § 101.3.

In ZC 24-09, the Commission affirmed that this is an unique situation in which Wesley is housing AU students on its campus in order to meet its educational mission. To accommodate Wesley's unique situation the Commission approved a text amendment which created a new Subtitle X § 101.51 that states:

101.5 University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan.

This new Subtitle X, § 101.5 would make Subtitle X, §§ 101.3 and 101.4 not applicable to Wesley. Wesley does not propose any new development on the campus that would not be in support of its educational mission. (Ex. 85).

94. OP noted in ZC 22-13 that **“the Seminary does not propose any new development that would not be in support of the Seminary’s educational mission. In compliance with Subtitle X § 101.4** (Emphasis added). (ZC 22-13, Ex. 21).

Department of Transportation (“DDOT”)

95. DDOT filed its initial report in the consolidated cases on September 1, 2023. (Ex. 19). In its report, DDOT confirmed that the agency had no objection to the approval of the Campus Plan with the following conditions:

- The Applicant shall implement the Performance Monitoring Plan (PMP) and Transportation Demand Management (TDM) plan

provided in Attachment 1 for the life of the project, unless otherwise noted, with the following inclusions in the PMP and TDM Plan:

- In the first monitoring report following the opening of the dormitory building, the Applicant will conduct a traffic signal warrant analysis for the driveway to Massachusetts Avenue NW. If DDOT's Traffic Engineering and Safety Division (TESD) determines a traffic signal or pedestrian beacon is warranted, the Applicant will design, fund, and install it; and
- The Applicant shall install all missing pedestrian facilities and fund the installation of a 19-dock bikeshare station.

96. As requested and approved by DDOT, the Applicant's Transportation consultant, Gorove Slade, submitted an updated TDM and PMP on September 1, 2023. (Ex. 20A).

97. On May 1, 2025, DDOT submitted a Supplemental Report which continued to support the Campus Plan with the following additional conditions:

- The Applicant shall implement the Performance Monitoring Plan (PMP) and TDM Plan provided in their March 25, 2025, Transportation Memorandum (Exhibit 80) for the life of the project with the following addition:
 - Applicant shall install three (3) inverted-U bike racks near the entrance to the playground on University Avenue, NW, either in the public right-of-way or on private property; and
 - Applicant shall install the scooter corral as depicted on the April 28, 2025, site plan (Attachment 1) so that it is out of the path of turning vehicles.

(Ex. 86).

98. The Applicant accepted DDOT's additional conditions in its hearing presentation (Ex. 96) and incorporated the requirements in the revised conditions submitted to the Commission (Ex. 104) and set forth in the conditions to this order.

Advisory Neighborhood Commission 3D ("ANC 3D") Support

99. The Wesley Campus had been located within the boundaries of ANC 3D for at least 20 years, prior to the 2023 redistricting.

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100. ANC 3D has been active participant and party to all the Wesley Campus Plan cases dating back to the original campus plan in 2005 (ZC 05-40, et. seq.).
101. On January 1, 2023, the new ANC district boundaries became effective. As a result, the Wesley campus is now within the boundaries of ANC single member district 3E07, but immediately adjacent to ANC 3D02 located on the opposite side of University Avenue and ANC 3E08 on the adjacent AU campus.
102. ANC 3D is the most affected ANC and, in fact, the most immediately impacted ANC based on its geographic location, proximity to the campus and long-term relationship with the Seminary.
103. During the course of the current Campus Plan process dating back to at least 2019, ANC 3D has worked closely and productively with the Seminary, including 23 ANC 3D meetings and more numerous informal discussions. This ongoing cooperation between ANC 3D developed a detailed set of proposed Conditions which have been incorporated into the Campus application.
104. By letter dated September 6, 2023, ANC 3D provided a detailed analysis and report to the Commission. ANC 3D concluded:

After an in-depth review of this case, ANC3D finds that the proposed PUD, together with the associated Campus Plan provides an appropriate balance between the flexibility requested and the amenities provided, and is not likely to impose impacts on the neighborhood, after the proposed mitigation measures are undertaken, that would be so objectionable as to merit our opposition to this project. Therefore, subject to the resolution by the Zoning Commission of the serious legal issues that have been raised, ANC3D recommends approval of this application.

(Ex. 23, 28) (Emphasis in original).

105. At the September 11, 2023 public hearing, ANC 3D Chair, Tricia Duncan, testified in support of the Campus Plan application and submitted written testimony in the record. (Ex. ____). Chair Duncan stated:

If the Zoning Commission finds the Campus Plan to be an appropriate path for Wesley to proceed, then ANC3D, after a multi-year, in-depth review of this case with a lot of neighbor involvement, finds that the proposed PUD and associated Campus Plan provides an appropriate balance between the flexibility requested and the amenities provided. In addition, the building is not likely to impose

impacts on the neighborhood that would be so objectionable as to merit our opposition to this project. While it may be the opinion of some, that as far as PUDs go, that this proposal doesn't have a lot of amenities, we looked at the issue a different way, deciding that the flexibility requested by Wesley to be minor– setback relief with the adjacent campus, no density or zoning changes, and private management of student IZ housing– thus making the balance of amenities offered commensurate, in our view.

After listening to all our constituent feedback, both in public meetings and in private, we find the following amenities to be the most beneficial:

- The taking of the remaining open green space on the campus off the table as far as further development; this no-build buffer zone is important for our neighborhood;
- A major increase in on-campus housing for students,
- The sidewalks and public space improvements on University Ave;
- The very restricted use of the University Ave driveway, thereby protecting the nearby neighbors from the additional traffic;
- The guarantee of free neighborhood use of campus meeting rooms;
- A playground for neighborhood children; and
- Low campus development density.

Regarding concerns raised about the size of the building, in response to community feedback Wesley reduced the building in size and oriented the rooms in a direction that will minimize light reaching the surrounding neighbors. Wesley's decision to place the dormitory on the border with AU, directly across the property line from AU's Leonard Hall, minimizes the visual impact on neighboring properties and blends it in with similar student residential buildings. Wesley also proposes to locate the building on top of an existing parking lot which should minimize additional storm water runoff. While I acknowledge that some impacts, such as increased foot traffic, may arise, the proposed mitigation measures and the

commitment to maintaining green space should mitigate these effectively. (Id.) [Transcript pp. 171]

106. On September 27, 2023, ANC 3D submitted a supplemental report responding to the various supplemental submissions made by the parties. (Ex. 41). ANC 3D responded favorably to the benefit of the Seminary's proposed IZ program and desire to have Wesley remain in the neighborhood :

It is clear that Inclusionary Zoning (IZ) has become a major issue in these cases. While ANC3D did not enunciate a detailed position on this aspect of the case, we did hear from constituents that this building is most appropriate for students only instead of being open to a wider scope of possible IZ applicants. This desire on the part of the neighbors is exactly what Wesley is proposing. As a neighborhood whose history includes restrictive covenants, it seems only appropriate that we endorse ways to increase the diversity of the neighborhood, especially racially and economically, and the Wesley proposal provides such an opportunity.

Like probably all of our neighbors, we prefer the status quo at Wesley. Why wouldn't we? Wesley's campus is a beautiful green space, almost like a park that we have enjoyed for years. However, when Wesley came forward with its proposal to build this dormitory, ANC3D had to make a decision. Either we could look hard to find as many legal and regulatory reasons as possible to try to stop this proposal or we could instead thoroughly evaluate whether Wesley's proposal would have objectionable impacts on the neighborhood. In other words, would the neighborhood suffer if Wesley were to proceed to build this dormitory? We choose to conduct the impact examination not only because that is what we are best equipped to do as a neighborhood Commission, but also because we felt that this was the right thing to do out of respect for an institution like Wesley which has been a good neighbor to us for the past 60 years.

Therefore, we listened carefully to all of the neighbors and examined all of their concerns, and although we concluded that there would be some impacts, primarily from having more students walking up and down the nearby public sidewalks, we concluded that these impacts were not serious enough for us to oppose this application. Consequently, if the Zoning Commission concludes that it can legally approve this application under the zoning regulations, then we believe the Commission should do so. Initiating IZ rulemaking is not, we believe, the right answer.

(Id.)

107. On May 1, 2024, ANC 3D submitted an additional report summarizing its ongoing review and support of the Campus Plan:

1. Status Quo: Together with probably all of the other parties to this case and the neighbors of Wesley, we like the campus as it is now and would like it to stay as it is. In particular, residents benefit from the vast green space the Wesley campus provides. However, Wesley has informed us that this is not financially possible and that the only reasonable approach to their continuing to stay on this campus is to build this dormitory. We do not have a basis to doubt Wesley's statement of its financial condition.
2. Impacts on the Neighborhood: We have looked closely at the likely impacts on the neighborhood. There will be some. In particular, there will be more students on our neighborhood's sidewalks. However, this building seems least impactful visually from the surrounding neighborhood and is strategically located right next to two tall AU buildings. Overall, we did not find the likely impacts so objectionable as to warrant our opposition to this dormitory.
3. Vehicular exit from the Campus: We continue to support Wesley's proposal to have vehicles exit the campus onto Massachusetts Avenue rather than University Avenue because keeping cars on major vehicle arteries makes good traffic engineering sense. We realize that currently that will mean that vehicles wishing to head toward Maryland will need to go around Ward Circle, but the number of vehicles involved should not be so large as to interfere with existing traffic on Ward Circle. In addition, Wesley has committed to working with the District Department of Transportation in seeking the possibility of allowing left hand turns from that exist, at least during non-rush hour times.

(Ex. 70).

108. ANC3D submitted its most recent report on May 7, 2025 and provided similar testimony at the public hearing. ANC 3D provided a summary of the Seminary and its Campus Plan focusing on the significance of the proposed conditions:

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There is already a large case record with many comments from ANC3D, so we do not feel it is necessary to repeat all of our arguments in support of the overall project, but instead, we will primarily highlight the conditions Wesley has proposed in their filing that we consider particularly impactful or important.

Condition 16, 17, and 19 Green Open Space, Landscaping and Playground

Spring Valley is a neighborhood with large lots but very little public open green space which is important for a vibrant community living experience. Wesley is committing to preserving 205,000 square feet of open green space on the campus which provides a welcome oasis for our community. Wesley is generous with this space for community festivals, movie nights, and winter sledding. In addition, a small appropriately sized playground will be constructed and easily accessible from University Avenue. ANC3D sees this as a needed amenity.

Conditions 22-32 Transportation and Parking

ANC3D is in support of the traffic management and monitoring outlined in these conditions. This section also calls for new sidewalk construction where currently no sidewalks exist, and this new infrastructure will be a big enhancement to the area. Many of our residents are worried, based on past experiences, that parking and traffic pattern changes due to this development are going to create problems. We believe Conditions 22, 25-32 address these concerns appropriately.

Conditions 33-35 Construction Management

These conditions address our concerns about construction management. In particular, it will be important to have a point of contact on the job site so we can immediately address any issues that may arise.

Condition 39-41

These provisions provide for the continuation of the Community Liaison Committee (CLC), and we see this as vital to keeping dialogue open between Wesley and the

community. While ANC meetings are also very important for keeping the neighborhood informed, these meetings are not ideal for full information sharing because there is so much other business that goes on during those meetings. The CLC, in contrast, can be devoted entirely to Wesley topics. Condition 41 specifically provides for review of Campus Plan performance issues identified by the CLC, and we appreciate this condition being included.

(Ex. 90)

109. ANC 3D also specifically identified and responded to the objections that have been raised to the Campus Plan:

Brief Response to Objections

ANC3D has heard objections to this project from Spring Valley-Wesley Heights Citizens Association (SVWHCA) and Neighbors for a Livable Community (NLC) that include violations of the Zoning regulations, lack of affordable housing (addressed above), architecture not matching Wesley's campus, and worries about traffic and parking. The ZC recently approved a text amendment that states, University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan. This clearly addresses the zoning regulations regarding this project. We have heard arguments that this is a "commercial" building, but it is a residential building. The SVWHCA-NLC has submitted testimony in opposition that cites Commissioner Peter May's statements from past hearings. In this testimony Commissioner May concedes that the Zoning Administrator opined this building as a "dormitory" because students will live here. Commissioner May refers to this project as a "commercial venture", not a "commercial building" as the opponent's state. Wesley has been forthcoming in their stated purpose of entering into this arrangement– the ground lease from this building will be used as a source of income to continue their mission. The Zoning Commission is within bounds to approve this arrangement should they choose to do so.

As far as the building's architecture is concerned, the new building will only be slightly visible to neighbors and passersby, and we leave it up to Wesley to decide what their campus looks like from within. The conditions set out in the Campus Plan adequately addresses traffic and parking issues. ANC3D has heard from all

residents who want to be heard. It is our conclusion that if this project is approved and the new dormitory is built it will have no objectionable impact on the residents of Spring Valley whom we represent.

(Ex. 90).

Department of Energy & Environment (“DOEE”)

110. DOEE did not submit a separate report, but provided “DOEE Development Review Comments” to OP which was attached as Appendix II, to the September 22, 2023 OP Report. (Ex. ____). 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.” DOEE also encouraged the applicant to pursue environmental benefits beyond the LEED rating system, including potential net zero targets. Also, DOEE provided guidance on broad range of sustainability goals for the campus. *Id.*
111. OP’s Supplemental Hearing Report (Ex. 85), including an Appendix from DOEE which stated:

DOEE commends the applicant for achieving a 0.6 GAR, which exceeds the minimum 0.4 GAR required for the zone. Stormwater management on this site is more environmentally beneficial given the project’s location within the municipal separated storm sewer system (MS4).

DOEE also offered recommendations for net-zero energy, including energy performance, electrification, renewable energy and deconstruction, reuse and embodied carbon reduction. (Ex. 85).

Zoning Administrator Determination

112. By electronic mail on January 31, 2020, the Applicant received a zoning determination from the longtime Zoning Administrator, Matthew LeGrant that the proposed dormitory is a residential use and that use is permitted in the RA-1 Zone. Specifically, the Zoning Administrator determined:
- We met on 12/12/19, along with John ‘Pat’ Brown, and representatives of the Wesley Theological Seminary (“WTS”) and Landmark Properties (“Landmark”) to discuss the below matter.

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- WTS and Landmark Properties are planning to develop a new dormitory/student residence hall (“Project”) on the campus of WTS which is located at 4500 Massachusetts Avenue, N.W. which is zoned RA-1 and subject to the campus plan provisions of the Zoning Regulations.
- The 12/12/19 meeting was in follow-up to a previous meeting with the Office of Planning [OP] staff (copied here) which questioned the student residence hall/dormitory use because only a portion of the beds (approximately 20%) will be occupied by WTS students. The rest will be leased to other officially enrolled undergraduate and graduate university students most of which will be American University students given the adjacency of the AU campus and a shortage of beds on campus for all of their students.
- OP questioned whether this occupancy profile would point towards an apartment house zoning classification, as opposed to a dormitory use.
- As we discussed, the applicable 2016 Zoning Regulations do not define the term “dormitory”, or “student residence hall”.
- As a result, I looked at Webster’s dictionary definition of “dormitory” for guidance [see attached], and the excerpted relevant section is:
 - “A residence hall providing rooms for individuals or for groups usually without private baths.”
- As we further discussed, Landmark and WTS asserted that Webster’s definition is somewhat outdated as today’s universities provide dormitory rooms which often include private baths and on occasion, kitchens.
- Currently, WTS has student housing in Carroll Hall which includes efficiency and two-bedroom apartments for married students and families. The Carroll Hall units will be replaced by similar units in the new building to be constructed.
- I suggested that you survey other area universities to support that assertion and provide it to me [Please see attached].
- Further, regarding occupancy by non WTS students, WTS is currently providing occupancy to students with the approval of the Zoning Commission (see the attached ZC Order Nos. 05-40B, 05-40C and pending issuance 05-40D), albeit for a limited period of time.
- I conclude that a new student residence project which includes units featuring private baths and kitchens, and offering occupancy to non WTS students, can be considered a dormitory use, pursuant to the Zoning Regulations.

- The Zoning Commission pursuant to the campus plan and further processing procedures will be the ultimate arbiter of the proposed dormitory use specifics.

(Ex. 26A).

Dormitory Use

Zoning Commission Case No. 23-01 classifies dormitories as a residential use.

- Since the issuance of the confirmation on January 31, 2020, the Zoning Regulations have been revised with a text amendment specific to dormitories. Zoning Case No. 23-01, effective August 25, 2023, amended the definition of the “Residential” use category to include dormitories as an example. Therefore, the current definition of the “Residential” use category is “[a] use offering habitation on a continuous basis of at least thirty (30) days. The continuous basis is established by tenancy with a minimum term of one (1) month or property ownership.” 11-B DCMR § 200.2(aa)(1). Additionally, examples of residential use were expanded to include “single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers’ home, youth residential care home, assisted living facility, floating homes, dormitories, or other residential uses.” 11-B DCMR § 200.2(aa)(3), emphasis added.
- Given that “dormitory is specifically identified as an example of a use in the “Residential” use category, it is considered a residential use rather than a commercial-related use.
- In addition, dormitories are a permitted use in the “Education, College / University” use category, pursuant to 11-B DCMR § 200.2(j).

The Zoning Administrator determines the use category.

- Pursuant to 11-B DCMR § 201.4, the Zoning Administrator shall determine the category or categories for a use, based on consistency with Subtitle B, Chapter 2.
- The attached prior e-mail confirmation from me, dated January 31, 2020, was provided for the same proposal described under “Project” above and determined that “a new student residence project which includes units featuring private baths and kitchens, and offering occupancy to non WTS students, can be considered a dormitory use, pursuant to the Zoning Regulations.”
- Since the issuance of this confirmation e-mail, the text amendment summarized above has become effective, and adds certainty to the classification of a dormitory as a “Residential” use.

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Summary

- I determine pursuant to my authority under 11-B § 201.4 that the proposed Project to be developed for student housing as described above involving WTS and Landmark, where students from two institutions are being housed in a building on a site that is subject to a campus plan, it is a dormitory use under the Zoning Regulations.
 - The dormitory is a residential use. It is classified as such in the “Residential” use category, and it is appropriate in the “Education, College / University” use group.
 - A dormitory is not a service, retail, or office use under the use categories, and the term “commercial” is not a defined term under 11-B DCMR § 200.1.
 - A ground lease or other financial arrangement does not determine the use category.
113. Based on the Zoning Administrator’s well documented determination, the Commission concludes that the proposed new dormitory is a residential use, not a commercial use, and that use is permitted by special exception in the RA-1 without requiring “use” relief.

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

114. Effective January 1, 2023, the Seminary became located within the boundaries of ANC 3E07. Throughout the original (ZC 22-13) and the current Campus Plan, ANC 3E has been actively and constructively involved in this process. Many of the issues that ANC 3E have raised go beyond the scope of the current Campus Plan application and will be the subject of Further processing.
115. On September 8, 2023, ANC 3E submitted a detailed report and resolution (EX. 26). As relevant to this case, it resolved: “**ANC 3E believes that a housing project of the size and scope Wesley proposes is desirable and appropriate for the site**” but expressed concerns that the original level of underground parking proposed in the New Dorm was excessive and required reduction and more aggressive traffic mitigation measures. (Emphasis Added).
116. At the September 11, 2023 public hearing, ANC 3E Chair Jonathan Bender and ANC 3E04 Commissioner provided written and oral testimony. (Ex. 35, 36). While the bulk of their testimony went beyond the limited scope of the Campus Plan case, they did repeat the Commission’s objection to the excessive level of parking proposed in the underground garage.
117. In a post-hearing letter submitted, ANC 3E08 Commissioner Rohin Ghosh expressed his concerns for the need to reduce the level of underground parking. (Ex. 44).

118. ANC 3E's Closing Statement (Ex. 50), Responses to Applicant (Ex. 57, 62, 72) were focused on issues beyond the scope of the current Campus Plan proceedings and not relevant to this decision.
119. For the resumed May 12, 2025 public hearing, ANC 3E submitted a detailed resolution (Ex. 92) and written testimony (Ex. 102) both of which focused on Inclusionary Zoning issues to be taken up at further processing.

Spring Valley-Neighborhood Association ("SVNA")

120. In its Request for Party Status in support (Ex. 18), 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. 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 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. (Id.)
121. For the May 12, 2025 public hearing, William Clarkson, President of SVNA presented written (Ex. 99) and oral testimony. He stated:

We believe the Seminary has continued to make a concerted, good faith effort to proactively engage with community stakeholders regarding this campus plan proposal and to address concerns raised by potentially affected individual neighbors. We are particularly pleased that the proposed Campus Plan provides for the construction of a community playground and sidewalk along University Avenue. We also believe that our elected ANC 3D and ANC 3E representatives should be commended for their tireless efforts to keep neighborhood residents informed and for working to foster meaningful dialogue among the various stakeholders and community interests.

The proposed Campus Plan is the result of numerous meetings and discussions involving the CLC, ANC 3D and 3E, multiple neighborhood organizations, and individual neighbors, and we believe it will allow our neighbor, Wesley Seminary, the best opportunity to thrive in place.

Neighbors for a Livable Community - Spring Valley-Wesley Heights Citizens Association ("NLC/SVWHCA")

122. During the course of these proceedings, NLC/SVWHCA made numerous written submissions (Ex. 12, 14, 22, 34, 45, 48, 51, 52, 55, 58, 71, 88, 98) and testified at the public hearings through its representatives Tom Smith, Blaine Carter and Alma Gates. Most of the issues raised were beyond the scope of the current campus plan (e.g. PUD, commercial use, IZ) or not relevant to these proceedings. As set forth below, the Commission will address each of the relevant issues raised by NLC/SVWHCA.
123. The size, location, design and scale of the proposed New Dorm is compatible with the existing Wesley campus, adjoining AU campus which features taller and larger buildings, and most significantly with the adjoining neighbors on University Avenue and does not create any objectionable conditions that are not adequately addressed in the Conditions to this order. As set forth in detail, the Wesley hilltop configuration, existing campus buildings, especially the 2014 Dorm, Green Open Space and enhanced landscaping, and substantial setback from the neighborhood provide a physical and visual screen isolating the campus from the neighborhood. Wesley's architect, Jack Boarman, testified that the scale, design and materials of the New Dorm are in harmony and compatible with the existing Wesley buildings.
124. On the full record, the Commission does not find that the Campus Plan taken, as a whole, will create objectionable conditions for parking, campus security, number of students on campus, and stormwater management. The conditions set forth here and to be more fully implemented at further processing will positively respond to these issues and provide a long-term monitoring and mechanism to address unforeseen issues that may arise over the duration of the Campus Plan.
125. The Commission finds that OP and DDOT have documented that their evaluation, recommendations and support for the Campus Plan were based on the total intensity of use of the Campus, including Wesley students, faculty and staff and all residents and employees in the New Dorm and that no objectionable conditions will result.
126. Approval of this specific Campus Plan will not set a City-wide precedent for expanding permitted uses on college campuses unrelated to the educational mission of that school that will negatively impact other neighborhoods. This concern is misplaced and underestimates the Commission commitment and ability to judge every case on its individual circumstances. In this case, the establishment of additional and needed student housing that will be used by two immediately adjacent campuses is a unique situation and opportunity, not likely to be repeated any where else, and worthy of the Commission's consideration.
127. The Seminary has demonstrated determination and perseverance in pursuing its Thrive in Place Campus Plan. It is not the Commission's role to substitute its judgment for Wesley's on how to pursue its educational mission to consider alternatives suggested by NLC/SVWHCA.

128. The Commission rejects characterization of the New Dorm as “luxury apartment building. The evidence in the record is clear that the New Dorm by design will be built, occupied and operated as “purpose built” student housing on college or university campus subject to Campus Plan approval.
129. The Commission finds that American University is well-informed about this Campus and has specifically taken no position in support or opposition. (Ex. 61A). Claims by unrelated third parties claiming that AU will be harmed by this plan or oppose it are unsupported by any credible evidence. The Commission will welcome AU’s participation in and contribution to further processing should it desire to do so.
130. As more fully set forth herein, the Commission rejects the NLC/SVHCA arguments that the Campus Plan is not consistent with the decision in Durant. Specifically, the New Dormitory is an institutional use consistent with the Comprehensive Plan and Future Land Use Map.

Persons in Support

131. The Very Rev. Randolph Marshall Hollerith, Dean of the Washington Cathedral submitted a letter of support. (Ex.89). Rev. Hollerith wrote:

As Dean of Washington National Cathedral, I can attest to Wesley’s vital role in the spiritual, educational, and civic life of our city. Wesley is more than a seminary—it is an anchor institution whose presence enriches Ward 3 and the entire District.

The Cathedral and Wesley enjoy a long and meaningful partnership. Most recently, we collaborated—alongside the National Governors Association—on a national program to foster civil discourse during the presidential election. This is but one example of Wesley’s ongoing commitment to public theology and civic engagement. In fact, as you meet on the day of your hearing, Wesley’s commencement service will have just concluded—launching new graduates into lives of service and leadership.

Wesley’s Campus Plan is not about expansion for expansion’s sake. It is a thoughtful, restrained, and mission-driven effort to “thrive in place.” Rather than relocate to a less expensive region, Wesley has made the intentional and courageous decision to remain rooted in Washington, D.C., believing that its proximity to the nation’s capital is essential to forming ethical, engaged, and forward-thinking religious and nonprofit leaders. This project will enable Wesley to offer more affordable, flexible housing options to students and their families while maintaining and enhancing green space and open

community areas, including a new playground for neighborhood children.

Wesley is among the most diverse theological seminaries in the nation, drawing students from over 26 denominations and dozens of countries. Its graduates go on to serve congregations, hospitals, military chaplaincies, and nonprofits across the city and globe. Many are called to ministries right here in the District, including at the Cathedral. Wesley's strategic investments in its campus are essential to sustaining this mission for the next generation.

Approving this Campus Plan is not only a vote of confidence in a historic educational institution; it is a commitment to the ongoing strength and diversity of D.C.'s nonprofit, faith-based, and civic leadership pipeline. In a time when these sectors are under increasing strain, supporting institutions like Wesley is more important than ever.

132. Carole Thompson Cole, the former D.C City Administrator and Wesley Board member submitted a letter of support. (Ex. 97). Ms. Cole wrote:

As a young adult, I became familiar with Wesley Theological Seminary through my church, Asbury United Methodist Church (926 11th Street, NW, DC 20001). As a member of United Methodist Women (now United Women in Faith), we served dinner for Wesley students once a month. Through that engagement with students I became familiar with Wesley programs and degrees.

I have been a member of Wesley's Board of Governors since the late '90s/early 2000s. I have been impressed with Wesley's restoration of the church through varied strategic initiatives, contributing to its location in Washington, DC. Through partnerships with churches, Christian leaders and nonprofit organizations, Wesley has become an anchor institution throughout our community.

I encourage the District to embrace and support its religious and educational institutions. Wesley contributes daily to the vitality of the City and its citizens. This is a commitment it has had and enhanced since it moved to its present site. Wesley's Centers of Excellence - Community Engagement Institute, Lewis Center for Church Leadership and other programs have significantly strengthened health and education programs for those with the greatest needs in our City. An exciting initiative is Wesley's substantial and most needed contribution for affordable housing in Ward 3. It will meet a great need where there are limited resources. Wesley's heavily subsidized tuition and housing provides opportunity without causing significant

student debt and provides a unique environment for learning, formation and service that is a major draw for the best and brightest to come to Wesley and to stay in the DMV.

I write today because the success of this mission has taken too long. We need timely and decisive approvals now so the essential programs of Wesley continue and proposed opportunities are not lost. I encourage you to approve this case now.

133. Dr. Joseph W. Daniels, Jr., Lead Pastor at The Emory Fellowship, submitted a letter of support. (Ex. 100). Dr. Daniels wrote:

I am a year 2000 graduate of the Doctor of Ministry program at Wesley and a current adjunct professor there. I know first-hand what a vital academic institution and community partner the seminary is to Washington, D.C. and the DMV as a whole. And, as a graduate of The American University next store, I also know how much these institutions mean to the Spring Valley and Ward 3 community specifically.

The efforts outlined in the application put forth will allow Wesley to continue to provide top-flight theological education from D.C and Spring Valley -- in a community which offers a tremendous environment for learning, formation, and service. To be able to do this at a time where there is renewed interest in religion, particularly amongst young people, is critical.

My hope is that the application can be approved as a strong statement to the city's embrace and support of theological education in D.C.

Thank you for your consideration. I am grateful for your strong, committed leadership as sound and effective zoning are vital for every city and community. May God bless you always!

Public Hearings of September 11, 2023 and May 12, 2025

134. The Commission held a public hearing on the Application pursuant to notice and convened via video conference at 4:00p.m. on September, 2023 and May 12, 2025. (Tr. from September 11, 2023 hearing at p.1, Tr. from May 12, 2025 hearing at p. ____).
135. As previously noted, at the September 1, 2023 public hearing, the Commission granted SVNA party status in support and granted NLC-SVWHCA party status in opposition (FOF ____).

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136. At the beginning of the May 12, 2025 public hearing, the Commission instructed the parties that the scope of the hearing would be strictly limited to consideration of the Campus Plan and would defer other issues, including IZ compliance, to further processing.

Applicant's Testimony

137. 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); Brandice Elliott, 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, Ms. Elliott was accepted as an expert in zoning and planning, and Mr. Zeid was accepted by the Commission as an expert in transportation engineering. At the May 12, 2025 public hearing Mr. Erwin Andres replaced Mr. Zeid and was also accepted as an expert witness.
138. Rev. McAllister-Wilson testified that the Seminary celebrating its 141st 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.
139. 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.
140. 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.
141. 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.

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142. Ms. Elliott 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.
143. Ms. Elliott concluded that the Campus Plan with the detailed proposed Conditions, including the New Dormitory would not create any unusual or objectionable conditions for location, size, noise, light, view, number of students, and traffic or parking. In particular, Ms. Elliott 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.
144. Ms. Elliott 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. She also cited the Zoning Administrator’s determination that the proposed building housing both Wesley and AU students was a dormitory as a permitted residential use in the RA-1 Zone
145. Finally, Ms. Elliott 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. She 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.
146. At the request of the Commission, Wesley provided a post-hearing submission which provided an analysis of the Comprehensive Plan in light of the Durant decision responding to issues raised by NLC/SVWHCA in its submission and testimony. Briefly, Wesley provided that the assertion that the proposed Wesley campus plan is inconsistent with the Future Land Use Map (FLUM) and Comprehensive Plan (“Comp Plan), based on the D.C. Court of Appeals’ decision in *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880 (D.C. 2016) (“Durant”), mischaracterizes both the intent and application of the relevant land use designation and misapplies the legal standard established in *Durant*. Taken as a whole, and in light of the Zoning Commission’s recent actions, the proposed campus plan is not inconsistent with the Comp Plan or the FLUM. It conforms to the institutional use designation, supports key equity and housing goals, and has been refined through sustained engagement with the community. The argument that it constitutes a commercial use in violation of the FLUM misreads both the applicable regulations and the comprehensive record in Z.C. Cases 22-13, 23-08(1), and 24-09. A more detailed *Durant* analysis was attached as Exhibit C to Wesley’s Requested Information and Rebuttal. (Ex. 104).

147. Mr. Karcha testified that proposed Administration Building had been eliminated 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. 205,000 square feet or about 53% of the Campus will be Green Open Space. The 2014 Dorm is setback 171 feet from the east curb of University Avenue and, the New Dormitory 300 feet.
148. 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.
149. Additional landscaping will be installed along University Avenue, the University Avenue exit and the Massachusetts Avenue entrance.
150. At the May 12, 2025, Ms. Sara Link, PE of Bohler Engineering testified regarding the revised landscaping plan, increase in GAR from the minimum of 0.40 to 0.60 as a result of increased landscaping, bioretention and other sustainability features. In a post hearing submission, Ms. Link has confirmed the tree replacement ratio of 4.5 new trees for every one tree removed. No Heritage trees are to be removed. The project is currently planning to preserve 177 existing trees (to include 27 heritage trees and 75 special trees) and remove 22 trees with this project. The current landscape/GAR plan is proposing to replant a minimum of 100 trees (combination of canopy trees and understory trees). (Ex. 104).
151. Mr. Boarman testified on the program and design of the proposed New Dormitory, including housing for Wesley and AU students faculty and staff only, 7 stories, 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 264 spaces including 77 Wesley replacement spaces, high quality dormitory design, amenities and operations, LEED Gold Mid-Rise Residential, Green Roof and Solar panels. Loading and trash facilities will be located inside the building.
152. Mr. Boarman described the evolution of the New Dormitory design that was a result of community input, including most recently the elimination of the top/penthouse level of the New Dormitory and reduction in the underground parking. 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.
153. 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.

154. 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.
155. At the May 12, 2025 public hearing, Mr. Andres confirmed that DDOT had approved the updated TDM and PMP and that the requested location of the scooter corral and bike racks had been adopted.
156. 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. 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.

Persons in opposition

157. At the public hearing on May 12, 2025, Mr. Robert Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. (Ex. 93). Mr. Scholz raised three issues of concern, including: 1) height and impact of the New Dorm; 2) parking; and 3) AU not involved and impact on that school.
158. At the public hearing on May 12, 2023, Mrs. Josie Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. (Ex. 95). Mrs. Scholz raised several issues of concern, including: 1) no data provided to support Wesley financial need; 2) no alternatives provided for Wesley to raise additional funds; 3) no coordination with AU on campus security and other issues; and 4) potential impacts on Wesley academic community from AU students living on campus.
159. The Commission recognizes that Mr. and Mrs. Scholz may be in closet proximity to Wesley, but disagrees that their concerns raise objectionable conditions that have not been addressed or effectively mitigated. The Commission notes that the New Dorm is less than the permitted 90 foot height on campus, top level has been removed and design reconfigured to minimize visibility, hilltop campus configuration, existing buildings,

maintained and enhanced landscaping and green open space and substantial set back from University Avenue all minimize and mitigate any objectionable impacts on their property. Although on-campus parking has been reduced, parking enforcement, TDM and PMP, and DDOT support will minimize and mitigate any negative impacts. The Commission also notes that AU is fully aware of the Campus Plan and has not seen fit to oppose or raise any specific concerns. AU's collaboration at further processing will be welcome and encouraged.

160. At both public hearings, Shelly Repp, Chair of the Committee on 100 on the Federal City, provided testified and provided written testimony. (Ex. 46, 94). Mr. Repp expressed concerns about the PUD process and the scope and nature of Wesley's proposed off-site IZ program. The PUD was withdrawn and that issue is moot and the IZ issues have been specifically deferred to further processing and not relevant to this proceeding.

Cross-Examination of the Applicant's Testimony by Parties

161. 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

162. As detailed in FOFs 99-109, above, ANC 3D02 Chair Tricia Duncan 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 numerous CLC meetings and Commission meetings.

Office of Planning Testimony

163. As discussed in FOF 89-94, above, OP representative Maxine Brown-Roberts testified to confirm OP's support for the Campus Plan and recommended approval subject to the Conditions outlined in OP's report at Ex. 85 as revised by the revised DDOT conditions. (Ex. 86).
164. Ms. Brown-Roberts 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.

Testimony of DDOT

165. Mr. Aaron Zimmerman appeared on behalf of DDOT at the September 11, 2023 hearing. Mr. Zimmerman 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. DDOT did not testify at the May 12, 2025 based on its Supplemental Report. (Ex. 86).

Party in Support

166. At the public hearing, SVNA testified in support through its Co-Chair and Co-President, Mr. William Clarkson.
167. Mr. Clarkson testified in support of the 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.

Party in Opposition

168. 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.

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 Exhibit ___, to reflect the development proposed on the campus in the overall 2025 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 2025 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 hearings is sufficient for the Commission to find that the objectionable impacts associated with the 2025 Campus Plan are capable of being mitigated. Therefore, the Commission concludes that the Applicant has met the burden of proof for approval of the 2025 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

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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)).)

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 2025 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 2025 Campus Plan is not likely to create objectionable conditions due to noise. The Commission notes the concerns raised by NLC, SVWHCA, WPHC,

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and Concerned Neighbors regarding the adequacy of the 2025 Campus Plan's current and proposed buffering/landscaping to mitigate objectionable impacts. However, the Commission finds that through the use of significant setbacks, buffers, design considerations, and student conduct policies, any potential objectionable impacts on neighboring residential properties related to noise caused by existing and proposed uses by the University are capable of being effectively mitigated. The Commission encourages the Applicant to continue to actively monitor and enhance, as needed, the existing landscaped buffers on Campus so that there continues to be adequate coverage for neighboring residential areas. 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 this Commission before development of any building proposed on a building site in the 2025 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 2025 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 includes recommendations that will continue to enable Wesley 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 2025 Campus Plan is not likely to have an objectionable impact on the surrounding transportation network and neighboring properties because of the Seminary's continued implementation of its Transportation Demand Management program coupled with the Conditions of Approval in this Order related to transportation and parking. The Commission notes Opponents have claimed that the CTR is incomplete and does not take into account the total impact of the Campus Plan, including reduction in parking. The Commission is not persuaded by these arguments. The Commission's determination that the Seminary's TDM program is adequate in addressing traffic impacts is based on the adequacy of the TDM program to address current traffic attributable to the University. Moreover, a CTR is an evaluation of current and future transportation operations and does not require a comparison between past and current transportation data.

9. The Commission concludes that the approval of the 2025 Campus Plan is not likely to create objectionable conditions related to the parking of University-affiliated vehicles on- or off-campus. The Commission finds the information that Wesley provided regarding its peak parking demand indicative of the fact that the Seminary is effectively managing its parking supply to accommodate demand. The Commission also finds persuasive the Seminary's commitment to maintaining, enhancing, and enforcing the off-campus parking restrictions, which effectively deters parking on neighborhood streets. The Commission supports the Seminary's proposal for a maximum of 295 parking spaces provided for campus-related uses included in the 2025 Campus Plan. The Commission agrees with the Applicant and DDOT that the parking provided, when combined with the Seminary's continued efforts to survey parking utilization, encourage

alternative means of transportation, and enforce off-campus parking restrictions, will allow the Seminary to effectively and flexibly manage vehicle trips and parking utilization over the term of the 2025 Campus Plan without providing additional on-campus parking.

ISSUES RELATED TO NUMBER OF STUDENTS

10. The Commission concludes that the Applicant's proposed student enrollment maximums are not likely to create objectionable conditions. The Commission notes that the adoption of the 2016 Zoning Regulations has resulted in additional reported students (based on headcount methodology) being included in the 2025 Campus Plan than were previously included under the prior regulations. The Commission agrees with the Applicant's analysis that the enrollment cap proposed for the 2025 Campus Plan of 1,000 is appropriate. The Commission finds that this relatively small increase in the student population over the next 10 years, continued enforcement measure, and the robust student conduct policies discussed in this Order are all effective measures to assure that the number of students does not create objectionable conditions on neighboring properties while balancing the Seminary's needs to adapt to the rapidly evolving dynamics in higher education.

11. The Commission does not find that the 2025 Campus Plan is likely to create objectionable conditions related to student behavior. The Commission notes the significant steps that the Seminary has taken to inform, impose and enforce codes of conduct for all students, faculty and staff on the- campus.

12. The Commission similarly concludes that the proposed employee cap of 100 employees is not likely to create objectionable conditions on the use of neighboring property. The Commission notes that this new cap reflects no change from the employee cap established in the 2011 Campus Plan, when adjusted to count employees who work at the properties that will be included in the 2025 Campus Plan pursuant to the 2016 Zoning Regulations.

ISSUES RELATED TO OTHER OBJECTIONABLE IMPACTS

13. In regard to the new development proposed in the 2025 Campus Plan, the Commission concludes that all of the elements are appropriate for further processing applications. The Commission notes that during the further processing applications for all of the elements (but in particular the New Dormitory) the Applicant will be required to demonstrate that 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 element, as designed within the general parameters approved by the Commission in this Order. The Commission recognizes the concerns raised by the Party Opponents regarding the potential impacts that could potentially have on their properties, including specific impacts on lighting, air, noise, loading, and vehicle circulation. The Commission believes that those concerns will be more appropriately addressed during the further processing application elements, when the specific attributes of the development will be presented to the Commission and to the community.

14. Based on the Findings of Fact and evidence in the record, the Commission concurs with the Applicant and OP that approval of the 2025 Campus Plan, as subject to the Conditions of Approval adopted in this Order, is not inconsistent with the Comprehensive Plan. The Campus is located in the Institutional Land Use Category on the Future Land Use Map. As noted in the Applicant's Statement and the OP report, the 2025 Campus Plan furthers many policies of the Comprehensive Plan, including the Citywide Elements and Rock Creek West Area Elements, without threatening the character of the residential neighborhood.

15. Based on the Findings of Fact, The Commission approves the minor area variance requested to provide a reduced setback for the new dormitory from the campus's southeastern border adjacent to American University. The reduced setback meets the following criteria for an area variance: the irregular property boundary at this location is an exceptional condition; the location of existing improvements and a Heritage tree and the need to keep them presents a practical difficulty ; and the requested relief minimizes the building's impact on surrounding properties thereby posing no detriment to the public good.

"Great Weight" to the Recommendations of OP

16. 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).)

17. OP submitted a written reports recommending approval of the 2025 Campus Plan (Ex. 21, 38, 85), 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 ANC3 and 3E

18. 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).)

19. ANC 3D submitted numerous written reports recommending approval of the 2025 Campus Plan. (Ex. 23, 27, 41, 59, 67, 70, 75, 90). ANC 3D most recently filed an additional written report and testimony of Commissioner Tricia Duncan at the May 12, 2025 public hearing.

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(Ex. ____). The Commission finds persuasive ANC 3D's recommendations that the Commission approve the Application and therefore concurs in that judgment.

20. ANC 3E submitted numerous written reports responding to the 2025 Campus Plan (Ex. 26, 42, 50, 57, 62, 72, 92) most of which went beyond the limited scope of the current proceeding. However, the Commission finds persuasive ANC 3E's recommendation "that a housing project of the size and scope Wesley proposes is desirable and appropriate for the site" and reduction in the level of underground parking. The Commission notes the reduction in parking (99 spaces) that has been incorporated in the revised Campus Plan and therefore concurs in that judgment.

Not Inconsistent with Comprehensive Plan

21. The Comprehensive Plan Act of 1984 (DC Law 5-75; DC Official Code § 1-306.01(b)) established the Plan's purposes as:

- a. To define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development;*
- b. To guide executive and legislative decisions on matters affecting the District and its citizens;*
- c. To promote economic growth and jobs for District residents;*
- d. To guide private and public development in order to achieve District and community goals;*
- e. To maintain and enhance the natural and architectural assets of the District; and*
- f. To assist in conservation, stabilization and improvement of each neighborhood and community in the District.*

Not Inconsistent with Comprehensive Plan

22. In determining whether a Campus Plan is not inconsistent with the Comprehensive Plan, the Commission shall balance the various elements of the Plan. The District of Columbia Court of Appeals discussed this balancing test in its review of the PUD and related Map Amendment for the redevelopment of the McMillan Reservoir Slow Sand Filtration Site (ZC Order No. 13-14(6)):

"The Comprehensive Plan is a 'broad framework intended to guide the future land use planning decisions for the District.' *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm'n*, 33 A.3d 382, 394 (D.C. 2011) (internal quotation marks omitted). '[E]ven if a proposal conflicts with one or more individual policies associated with the

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Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.’ *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comprehensive Plan reflects numerous ‘occasionally competing policies and goals,’ and, ‘[e]xcept where specifically provided, the Plan is not binding.’ *Id.* at 1167, 1168 (internal quotation marks omitted). Thus ‘the Commission may balance competing priorities’ in determining whether a PUD is consistent with the Comprehensive Plan as a whole. *D.C. Library Renaissance Building/West End Library Advisory Grp. v. District of Columbia Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013). ‘[I]f the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain why they are outweighed by other, competing considerations.’” (*Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016).)

The Comprehensive Plan also requires the Commission to evaluate all zoning actions through a racial equity lens. (10-A DCMR § 2501.8.) Consideration of equity is intended to be based on the policies of the Plan and part of the Commission’s consideration of whether the PUD in this case is “not inconsistent” with the Plan, rather than a separate determination about a zoning action’s equitable impact.

The Comprehensive Plan’s Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality. (10-A DCMR § 213.6.) Further “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development and employment opportunities.” (10-A DCMR § 213.7.) The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions. (10-A DCMR § 213.9.)

The Comprehensive Plan’s Implementation Element provides guidance for the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states that “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of difference areas in the District.” (10-A DCMR § 2501.6.) In addition, the Implementation Element suggests to prepare and implement tools to use as a part of the Commission’s evaluation process. (10-A DCMR § 2501.8.) The Commission released a revised Racial Equity Analysis Tool on February 3, 2023, with new components requiring applicants to include information about their community outreach and engagement efforts and OP to include disaggregated race and ethnicity data

for the affected Planning Area in their respective Comprehensive Plan consistency submissions regarding racial equity.

The Commission considered whether the Campus Plan is not inconsistent with the Comprehensive Plan and concludes they are not inconsistent with the Comprehensive Plan for the following reasons:

The FLUM indicates that the Property is appropriate for Institutional use, which is a designation that “includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions...” (10-A DCMR § 227.18.) The Commission acknowledges that the proposed New Dormitory and Administration Building with lower level Maintenance Facility are uses consistent with the Education, College/University use category, which includes dormitories and administrative buildings as examples of permitted uses. (10-A DCMR § 200.2(j)(2).) The Project complies with all development standards for institutional uses in the RA-1 zone, including density and height, with the exception of a minor setback variance at the southern property line, adjacent to the AU campus. (10-A DCMR § 200.) As a result, the Commission concludes that the Project is not inconsistent with the FLUM;

The GPM indicates that the Property is designated for Institutional uses. The Framework Element of the Comprehensive Plan states that “[m]uch of the land identified as institutional on the map represents colleges and universities; change and infill can be expected on each campus consistent with campus plans.” (10-A DCMR § 225.22.) The proposed additions will enable the Property to continue to be used for institutional purposes as Wesley Theological Seminary. The Project is compatible with the existing neighborhood character, particularly after making site and building design modifications in response to community concerns, and maintaining the park-like setting of the campus and generous buffers from adjacent neighborhoods;

The Project would advance policies of the Citywide Land Use, Transportation, Housing, Environmental Protection, and Educational Facilities Elements, as well as the Rock Creek West Area Element. Specifically, the Project’s addition of density will be compatible with the surrounding neighborhood; it will provide multimodal options that include pedestrian improvements; it will expand the student housing supply and provide affordable housing for students that qualify in an area where there is a significant need for housing; and it incorporates sustainable and thoughtful design elements that emphasize the Property’s natural features and increase its sustainability;

The Applicant’s racial equity analyses provided a detailed discussion of the Project’s consistency with applicable Citywide and Area Element policies, including policies focused on advancing racial equity. (Ex. 3E, 39A15). In addressing the Commission’s revised Racial Equity Tool, the Applicant also detailed its substantial community outreach, which included meetings with neighbors, the CLC, and ANC’s 3D and 3E. Based on these meetings, the Applicant revised the site design, building orientation, and TDM plan; and

The Commission concludes that, when examined through a racial equity lens, the Project advances racial equity as a process, consistent with the Comprehensive Plan, 10-A DCMR § 213.6, by providing on-campus housing and affordable housing for students and creating a sustainable Project with an appropriate height and massing that was informed by the Applicant's extensive community engagement efforts, as evidenced by the support in the record, including from ANC 3D. (Ex. 26, 31, 35, 40, 41, and 43). The Commission notes that the disaggregated race and ethnicity data provided by OP reveals that while the Planning Area had a majority white population of 80.5 percent in 2016 and 75.7 percent in 2021, the area has become somewhat more racially and ethnically diverse between 2017-2021, when the population experienced slight increases in the Black or African American, Asian, and Hispanic or Latino populations. The Project would increase racial diversity in the Planning Area, as 48 percent of Wesley Seminary's student body are an ethnic minority, and on-campus housing would provide more housing options that would allow these groups to live in the area. Additionally, on-campus housing potentially frees up homes in the surrounding area to be occupied by other residents, including families. Thus, the Commission finds that the Application responds to the District's racial equity goals as the Applicant utilized community outreach and engagement guidance, considered the Project's potential impact on existing racial disparities as informed by the Applicant's research and OP's disaggregated race and ethnicity data for the Planning Area, and revised the design of the Project accordingly. The Project will advance many desired Comprehensive Plan policies and themes identified in the Commission's revised Racial Equity Analysis Tool.

Potential Adverse Impacts – How Mitigated or Outweighed (Subtitle X § 304.4(b).)

The Commission concludes that any adverse impacts created by the Project are acceptable or sufficiently mitigated for the following reasons:

- a. ANC 3D identifies several community concerns expressed at public meetings and stated by those in opposition of the Project. (Ex. 31, 32, 33, 42, and 45). Of concern to some neighbors is that the dormitory is just "too big," resulting in impacts to traffic, parking, lights, and noise. (Ex. 31). The ANC concludes that these impacts are likely to be successfully mitigated by the Seminary's proposed actions, which include reducing the size of the building, providing adequate parking on campus, closing the University Avenue exit to most traffic, installing new sidewalks, and orienting the dormitories in a manner that reduces light directed towards University Avenue. *Id.* In addition, Wesley has demonstrated that the actual visual impact of the building on nearby neighbors will be minimal.
- b. There were several concerns regarding the sufficiency of the affordable housing program and availability of affordable units to students. The Applicant has addressed these concerns with its submission of a draft "Student Affordable Units Affordability Covenant" that will be administered by DHCD. (Ex. 61).

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- c. Because the Project will contribute to the overall traffic in the neighborhood, which is an existing concern, the Applicant agreed to specific mitigations to address that impact, including a TDM plan, which is incorporated into the Conditions hereof. Therefore, the Commission believes these impacts have been sufficiently mitigated any remaining Project impacts are acceptable given the quality of public benefits provided, particularly the provision of on-campus student housing and affordable housing. (Ex. 24 and 28).

DECISION

APPLICANT'S DRAFT CONDITIONS

The Seminary developed the following draft proposed Conditions to be imposed in conjunction with the new Campus Plan application. The proposed conditions were the subject of ongoing review by the Office of Planning and DDOT and continuing community engagement with ANC 3D and 3E, the Community Liaison Committee, and other interested parties.

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).

Enrollment and Employee Population:

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 1,000 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-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.

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Campus Development:

5. The total build out of the campus facilities (including existing buildings) shall not exceed 387,040 square feet of gross floor area or 1.014 FAR during the term of the Campus Plan. Based on the 1.8 FAR permitted for university campuses located in the RA-1 zone pursuant to Subtitle X, Section 101.5, unused gross floor area of approximately 300,740 square feet shall remain undeveloped.
6. Vehicular parking spaces on the campus including below grade and surface spaces shall not exceed 295 spaces. Approximately 264 spaces will be located below grade in the New Dormitory and 31 surface parking spaces will be located elsewhere on the campus in accordance with Exhibit ____.
7. The Applicant shall provide a maximum of 735 total beds on the campus to include not more than 659 beds in the New Dormitory and 76 student beds in the existing 2014 Dorm.
8. The Applicant will implement a campus-wide security and monitoring system in accordance with Exhibit _____. The Seminary will also designate and publicize a Community Point of Contact (telephone hotline and electronic mail) to be available 24/7 to respond to security, illegal parking, and other potential adverse impacts on neighboring properties.

The New Dormitory:

9. The New Dormitory will house only enrolled Wesley and American University students, Wesley and AU faculty and staff (and their immediate families if any), resident management personnel and student resident assistants/ambassadors. "Immediate families" include spouses or domestic partners, and dependent children under the age of 18 living in the same unit as the enrolled Wesley and American University students, faculty or staff.
10. The New Dormitory will have a maximum height of 74 feet, 8 inches. It will have a maximum total gross floor area of 282,061 square feet. Two levels of underground parking (approximately 264 spaces) and internal loading and trash facilities will be provided. Use of the underground parking spaces shall be restricted to Wesley faculty and staff and residents and staff of the New Dormitory and also visitors in those cases when surface parking spaces are not sufficient. A portion of the underground parking will be utilized for Wesley maintenance facilities and storage.
11. **For the life of the Project**, the New Dormitory will include an access security system and security cameras will be installed on the campus as generally shown in Exhibit ____.
12. Resident leases for the New Dormitory will include an on-campus and off-campus code of conduct and resident management staff and student resident assistants /ambassadors will monitor compliance. Leases will also include a parking addendum which prohibits residents from parking offsite at non-metered spaces on residential streets and applying for

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a Residential Parking Permit. Enforcement will include a system of warnings and lease nonrenewal or expulsion in accordance with D.C. laws.

13. The New Dormitory will include approximately 216 units configured in studio, one, two, three, four and five bedroom units with not more than 659 beds. Each unit will contain a kitchenette and larger units will be designed as co-living units with separately leased bedrooms and common kitchen and living areas.
14. AU students, faculty and staff residing in the New Dormitory will have access to all Seminary facilities, including the library and dining facilities.
15. The Applicant shall provide the environmental and sustainable benefits for the Campus in accordance with this condition:
 - A. **The Applicant shall submit with its building permit application for the New Dormitory** a checklist evidencing that the New Dormitory has been designed to achieve the equivalent of LEED Gold under LEED v.4 for Homes and Multifamily Midrise.
 - B. **Prior to the issuance of the final residential Certificate of Occupancy for the New Dormitory**, the Applicant shall demonstrate to the Zoning Administrator that it has incorporated the following into the design of the Project:
 1. Green roofs;
 2. Rooftop Solar
 3. Space for composting
 4. All electric building with the exception of natural gas emergency generator
 5. EV Charging Stations
 6. Stormwater management;
 7. Limited rooftop mechanical equipment; and
 8. Dark Sky compliance.

Green Open Space, Landscaping and Playground:

16. The Applicant will maintain and **prior to the final residential Certificate of Occupancy for the New Dormitory** install the new Campus Plan landscaping in the existing Green Open Space Buffer Zone on University Avenue and Massachusetts Avenue in substantial accordance with Exhibit _____. Designated green open space of approximately 205,000 square feet of land area is to be preserved and not available for future development.

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17. **Prior to the issuance of the final residential Certificate of Occupancy for the New Dormitory**, the Applicant will build and maintain for the life of the new dormitory a small community playground to be set back from University Avenue as shown in Exhibit _____. The playground will measure approximately 40 feet by 95 feet and have an area of approximately 3,800 square feet with a natural double shredded hardwood mulch safety surface surrounded by a 48 inch tall vinyl-coated chain link perimeter fence. It will include benches and play equipment suitable for toddlers and young children. The playground will have a public point of entry adjacent to University Avenue, N.W. by means of an accessible sidewalk. It will be fenced and open to the public only during daylight hours. The final design of the playground will be substantially in accordance with Exhibit _____.
18. The Applicant will implement the Landscape Plan in substantial accordance with Exhibit _____.
19. The Seminary will work with its Community Liaison Committee to review and make best efforts to achieve consensus on final plant and tree selections within the ranges included in the Landscape Plan to create an effective and aesthetically pleasing interface between the Campus and the surrounding neighborhood.

Off-Site Inclusionary Zoning:

During Further Processing, Applicant shall demonstrate compliance with new Sec. 1006.10.

Transportation and Parking:

20. 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. The TDM Plan will include periodic performance monitoring requirements. Applicant shall install in new dorm a transit screen that is visible inside and outside the building that displays arrival information on Metrobus and AU transit busses, Capital Bikeshare availability and any other micro-mobility options which are available in the area. In the first monitoring report following the opening of the New Dormitory, the Applicant will conduct a traffic signal warrant analysis for the driveway to Massachusetts Avenue NW. If DDOT's Traffic Engineering and Safety Division (TESD) determines a traffic signal or pedestrian beacon is warranted, the Applicant will design, fund, and commence installation within one year of DDOT approval, subject to the availability of the traffic signal equipment.
21. **Prior to the issuance of the final residential Certificate of Occupancy for the New Dormitory**, the Applicant shall fund and install a 19-dock Capital Bikeshare Station with 12 bikes at a publicly accessible location to be determined in consultation with DDOT and fund one year of maintenance and operations costs for the Bikeshare station.

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22. **Prior to the issuance of the final Certificate of Occupancy for the New Dormitory**, the Applicant will construct the following pedestrian improvements subject to any required public space and DC Department of Transportation (“DCDOT”) approvals:
- A sidewalk along the east side of University Avenue NW between Massachusetts Avenue and Rodman Street with a leadwalk into campus along at least one side of the site driveway;
 - Install signage, a crosswalk, and ADA curb ramps on the south leg of University Avenue at the Rodman Street intersection;
 - Install signage, a crosswalk, and ADA curb ramps on the east leg of the campus driveway at the University Avenue and Sedgwick Street intersection or construct the crossing as a continuous sidewalk; and
 - The Applicant, will undertake an effort to seek AU’s approval for the reopening of the gated connection at the southeastern corner of the property that links AU and the Seminary and if AU consents to re-opening the gate Wesley will not obstruct access via the gate except for security reasons. The Seminary will attempt to coordinate with AU on the installation of wayfinding signage on the campus directing students to the gated connection to the AU campus upon receiving AU’s approval for the opening of the connection.
23. After occupancy of the New Dormitory, the Seminary will perform a traffic monitoring survey in accordance with the performance monitoring plan in Exhibit ____ 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 in consultation with DDOT, ANC 3D, ANC 3E, and the CLC. Annual traffic monitoring will be extended by DDOT until such time as the TDM and traffic mitigation goals have been met for two consecutive years.
24. Vehicles will be able to enter and leave the Seminary through the Massachusetts Avenue entrance/exit. The Seminary will request DDOT to assess the feasibility, including potential traffic impacts of installing a traffic signal at the Massachusetts Avenue entrance/exit or allow left turn for exiting vehicles on a limited basis. Any studies or changes to access, including installation of traffic signal equipment, will be supplied, designed, funded and installed by the Applicant, not DDOT, and shall commence installation within one year of approval by DDOT, subject to the availability of the traffic signal equipment.
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.

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26. Use of University Avenue for exiting vehicles will be prohibited, except in emergencies or for limited service or delivery vehicles and appropriate physical obstacles and signage will be implemented.
27. The Applicant will encourage all Wesley students, on-campus residents, staff, faculty, and visitors to park on Campus with quarterly electronic communications and signage.
28. If either ANC 3D or ANC 3E notify the Applicant that Wesley students or on-campus residents are parking on nearby residential streets restricted to those with residential parking permits, the Applicant will undertake a continuing enforcement program until such time as the Applicant reaches agreement with the complaining ANC that the problem has been reasonably mitigated.
29. The Applicant will undertake measures as needed to address additional parking demand including, the possibility of altering class schedules, as outlined in the Transportation Demand Management (TDM) Plan.
30. The new dormitory shall include secure interior bike storage and outside racks adjacent to the main building entrance with space to lock up to 50 bikes. Applicant shall also install bike racks in appropriate locations near the entrances to the existing Wesley dorm and each Wesley classroom building.
31. The New Dormitory will include a designated on-campus ride-sharing pick-up and drop-off area generally located in front of the proposed dormitory, and on-campus rental bike and scooter parking area generally located near the future Capital Bikeshare Station as shown in Exhibit _____.

Construction Management:

32. 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 and installation of Community Playground.
33. The Applicant 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.) notifies ANCs 3D and 3E and the Community Liaison Committee of 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 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

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maintaining the construction site. The Applicant will be responsible for implementing the Construction Management Plan and serve as the primary point of contact for the community.

34. The Applicant will establish a neighborhood construction management committee 90 days prior to construction to discuss ongoing issues during the construction phase of the project and address remediation issues tied to any damage to neighbors' property during construction. Representatives appointed to the committee will include individuals from ANC 3D, ANC 3E, and the Community Liaison Committee.

Environmental Issues:

35. Prior to filing a permit application with the D.C. Department of Buildings (DOB) for ground clearance, excavation, or other construction that would 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 and Neighborhood Plan during excavation and construction.
36. In conjunction with filing a permit application with the D.C. Department of Buildings (DOB) for ground clearance, excavation, or other construction, the Seminary will submit the final stormwater management plan to the DOEE for review and report the outcome of that review to ANC 3D, ANC 3E, and the Community Liaison Committee.
37. 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 construction does not have unanticipated stormwater impacts on residents' property and shall address any impacts should they occur. Residents will be consulted on a quarterly basis to ensure that unanticipated stormwater impacts are addressed.

Other Issues:

38. The Seminary shall maintain a Community Liaison Committee that meets at least three times annually 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.

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39. The Applicant shall make available (weekday evenings from 6:00 – 11:00 p.m.) for use by community groups without charge one or more meeting rooms on the campus designed to accommodate groups of various sizes including not more than 100 people and equipped to facilitate attendance both in person and by video conferencing, including a screen projector, guest Wi-Fi, but subject to the applicable IT security restrictions. Such a meeting room shall be made available on a priority basis to any community group that requests the use of such room at least 21 days before the proposed meeting date if that room is not previously booked by another community group. If a community group requests a room with less than 21 days' notice or for a meeting on a weekend, the Applicant shall make the room available if it has not been previously booked by either another group or the Applicant. At the time use of a meeting room is reserved, the available HVAC, facilities and IT resources will be confirmed. When not so requested by a community group, any such meeting room may be used by the Applicant for other purposes. Persons attending these meetings will be provided with free parking in the surface parking lot unless the anticipated attendance will likely exceed the capacity of that lot, in which case, attendees will be offered parking in the underground garage. "Community group" is defined as any organized private civic or governmental group with members residing in the neighborhoods represented by ANC 3D and ANC 3E at the time of this order. Applicant reserves the right to exclude political and/or controversial groups in its reasonable discretion in keeping with its religious and educational mission. Unaccompanied minors are not permitted at any time.
40. At least twice annually, after final approval and beginning prior to occupancy of any new building, the Seminary will offer to attend ANC 3D and ANC 3E meetings to review Campus Plan performance issues identified in collaboration with the CLC.
41. The Seminary will install screening for the three exhaust pipes on the 2014 Dorm and monitor and correct any excessive noise exceeding applicable standards in a residential zone.
42. The Seminary will not sell or lease any part of the Spring Valley Campus (excluding any units in the New Dormitory) to American University for university use during the term of this Campus Plan. Any proposed sale or lease of any part of the Campus (excluding units in the New Dormitory) to AU will constitute a Modification with Hearing under Subtitle Z, § 703 requiring a public hearing before the Zoning Commission.
43. The Applicant will file any proposed change in any of the conditions of this Campus Plan as a Modification with Hearing requiring a hearing pursuant to Subtitle Z, § 704, unless ANC 3D and ANC 3E both agree that such modification can be filed as a Minor Modification or a Modification Without Hearing.
44. 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 application on the neighborhood and shall report to ANC 3E, 3D and the CLC on these engagements, including any substantive changes in the relationship with AU.

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45. 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.
46. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
47. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning and ANC 3D and ANC 3E.
48. The Applicant shall have Campus Plan design flexibility in the following areas:
- A. Number of Beds in the New Dormitory. To reduce the number of beds in the New Dormitory up to minus ten percent (10%).
 - B. Parking Configuration. To make refinements to the approved parking configuration, including layout, number of parking spaces plus or minus 10%, and/or other elements, and to vary the allocation of Wesley and Landmark parking spaces.
 - C. Interior Components. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, kitchens and toilet rooms, provided that the variations do not change the exterior configuration of the building.
 - D. [NOTE: DELETED PER OP REPORT]
 - E. [NOTE: DELETED PER OP REPORT]
 - F. [NOTE: DELETED PER OP REPORT]
 - G. Signage. To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Approved Plans.

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VOTE (June 12, 2025): _ _ _

([ZCM making motion], [ZCM seconding motion], Anthony J. Hood, Robert E. Miller, Gwen Wright, Dr. Joseph S. Imamura and Tammy Stidham 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 _____, 2025.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
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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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2025, the foregoing Applicant's Draft Order was delivered via electronic mail to the following:

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Ms. Maxine Brown-Roberts

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John Patrick Brown, Jr.

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