

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)

The Wesley Theological Seminary of the United Methodist Church
(2025-2035 Thrive in Place Campus Plan at Square 1600, Lots 6-9

[4500 Massachusetts Avenue, N.W.]

July 31, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held consolidated public hearings on September 11, 2023 and October 2, 2023 for Z.C. Case Nos. 23-08¹ and 23-08(1); and individual hearings on May 12, 2025 and July 2, 2025 to consider the revised and updated 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. Case No. 23-08(1))² (“Campus Plan” or “Application”). 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. 5, 7). In accordance with Subtitle Z § 302.8, representatives of the Seminary made presentations to ANC 3D and ANC 3E at its public meetings during the 45-day notice period.
2. On June 27, 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;

¹ Z.C. Case No. 23-08 was a Planned Unit Development (“PUD”) application that was subsequently withdrawn.

² Originally the Application was filed on June 14, 2023 as the 2023 Thrive in Place Campus Plan for the period 2023-2033; subsequently, the Application was revised and updated in March 5, March 25, April 11, and April 24, 2025 filings as the 2025 Thrive in Place Campus Plan for the period 2025-2035 (Ex. 1-7, 76-76F, 80, 82-82G, 84).

- The affected ANC 3E and adjacent ANC 3D;³
 - ANC Single Member Districts (“SMD”) 3E07, 3E08 and 3D02;
 - The Office of ANCs
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Department of Buildings (“DOB”);
 - 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 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 *District of Columbia Register* on June 30, 2023 (70 DCR 009173 *et seq.*) and April 4, 2025 (72 DCR 003894 *et seq.*) as well as through the calendar on OZ’s website (Ex. 8, 77).
 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

5. The automatic parties to the Application, other than the Applicant, pursuant to Subtitle Z § 403.5, included Advisory Neighborhood Commission (“ANC”) 3E, the ANC in which boundary the Wesley Campus is located, and ANC 3D, both “affected” ANCs under Subtitle Z § 101.8.
6. On August 21, 2023, Neighbors for a Livable Community (“NLC”) and Spring Valley-Wesley Heights Citizens Association (“SVWHCA”) filed a joint request (collectively, “NLC-SVWHCA”) for party status in opposition to the application (Ex. 14). The Commission granted the NLC-SVWHCA joint request for party status as a preliminary matter at the beginning of the September 11, 2023 public hearing.
7. On August 28, 2023, Spring Valley Neighborhood Association (“SVNA”) filed a request for party status in support of the application (Ex. 18). The Commission granted SVNA’s request for party status as a preliminary matter at the beginning of the September 11, 2023 public hearing.

Public Hearings and Public Meetings Timeline

8. The Commission conducted a consolidated public hearing on the 2023 Campus Plan (Z.C. Case No. 23-08(1)) and the Planned Unit Development (“PUD”) (Z.C. Case No. 23-08) on September 11, 2023, which was continued on October 2, 2023.

³ 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 3E07 and immediately adjacent to ANC 3E08 and ANC 3D02. Previously, the Wesley campus was located in ANC 3D02 and adjacent to ANC 3E07.

9. At its public meetings on November 9, 2023 and December 14, 2023, the Commission deliberated on the 2023 Campus Plan and PUD applications. The Commission expressed concern about whether the PUD process was appropriate to facilitate Wesley's student housing building (hereinafter, "student housing building" or "university housing building") given PUD evaluation criteria⁴; whether the proffered public benefit of a student affordable housing program could be properly administered and enforced; whether American University's ("AU") failure to participate in the applications demonstrated that American University students do not have a need for the proposed student housing; whether the student housing building met the campus plan evaluation criteria of advancing the university's educational mission rather than being a commercial use; and whether a text amendment could appropriately address some of these issues and ultimately eliminate the need for a PUD (*see* November 9, 2023 Public Meeting Transcript ["Tr"] at 11-14, 19-24, 26-31, 36-40; *See* December 14, 2023 Public Meeting Tr. at 26-33). At the December 14, 2023 meeting, the Commission decided to give Wesley additional time to address the concerns raised and asked that Wesley file a submission with new information for consideration at the Commission's February 29, 2024 meeting (*see* December 14, 2023 Public Meeting Tr. at 38-39). Wesley requested and was granted two postponements (Ex. 65, 68). Wesley filed the requested submission on April 25, 2024, which primarily suggested a text amendment that would: (i) clarify the applicability of Inclusionary Zoning ("IZ") to the student housing building⁵; and (ii) clarify that the student housing building would not be construed as a commercial use (Ex. 69-69F). At its May 9, 2024 meeting the Commission considered Wesley's April 25th submission and the opposition raised in the responses of NLC-SVWHCA and ANC 3E (Ex. 71, 72). In its May 9, 2024 deliberations, the Commission was supportive of the text amendment and asked that Wesley proceed with a text amendment case during which the 2023 Campus Plan and PUD applications would be held in abeyance⁶ (*see* May 9, 2024 Public Meeting Tr. at 7-15).

⁴ The PUD evaluation standard requires the Commission to find that a PUD is not inconsistent with the Comprehensive Plan, does not result in unacceptable project impacts that are not capable of being mitigated or acceptable given the quality of the project public benefits, and includes specific public benefits and project amenities that are not inconsistent with the Comprehensive Plan (Subtitle X § 304.4). Further, in deciding a PUD, the Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any adverse effects according to the specific circumstances of the case (Subtitle X § 304.3)

⁵ The Zoning Regulations provide that IZ requirements shall not apply to housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff (Subtitle C § 1001.6(c)). Wesley's proposed student housing building will house students, faculty, and staff of both Wesley and American University; therefore, IZ requirements apply to the proposed student housing building.

⁶ In May 2024, Wesley filed a text amendment to address the IZ and commercial use issues associated with the proposed student housing building (Z.C. Case No. 24-09). The Commission held a public hearing on the proposed text amendment on November 18, 2024; took proposed action on December 19, 2024, and took final action on February 27, 2025. The final text amendments to the Zoning Regulations generally added: (i) a new subsection 1006.10 of Subtitle C providing for off-site IZ as an enforceable condition of the 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus, and (ii) a new subsection 101.5 of Subtitle X stating that university housing exclusively for Wesley and American University students, faculty, and staff on Wesley's campus at Square 1600, Lot 819 would not be construed as a commercial use; and the final amendments as corrected by an errata notice (correcting an error in Subtitle X § 101.5) became final and effective on the original *District of Columbia Register* publication date of July 25, 2025 (*see* Z.C. Order No. 24-09).

10. On December 6, 2024, Wesley filed a letter to the Campus Plan application (Z.C. Case No. 23-08(1)) case record confirming its withdrawal of the PUD application (Z.C. Case No. 23-08) (Ex. 73).
11. As discussed in more detail below, Wesley made significant revisions to the Campus Plan application in submissions to the case record on March 5, March 25, April 11, and April 25, 2025, and updated the 2023 Thrive in Place Campus Plan to the 2025 Thrive in Place Campus Plan (Ex. 76-76F, 80, 82-82G, 84).
12. The Commission conducted a public hearing on the revised and updated 2025 Campus Plan on May 12, 2025.
13. At its June 12, 2025 public meeting, the Commission was scheduled to deliberate on the revised and updated 2025 Campus Plan. However, the Commission decided to partially grant and partially deny NLC-SVWHCA's motions (Ex. 108, 108A) requesting a further hearing. The Commission granted the request for a further hearing regarding Wesley's Comprehensive Transportation Review ("CTR") only; and denied the requests for further hearing to discuss the proposed off-site IZ and for cross-examination of Wesley regarding the proposed campus plan conditions (*see* June 12, 2025 Public Meeting Tr. at 37-40).
14. The Commission conducted a limited scope public hearing on July 2, 2025, to consider Wesley's Comprehensive Transportation Review only.
15. At its July 31, 2025 public meeting, the Commission deliberated on the revised and updated 2025 Campus Plan and approved the Application.
16. The originally established parties in support and opposition remained throughout the pendency of the revised and updated 2025 Campus Plan application and the public hearings held on May 12, 2025 and July 2, 2025.

The Site

17. The property that is the subject of the Application is the Seminary's approximately 381,878 square foot (8.78 acres) Spring Valley Campus located at 4500 Massachusetts Avenue, N.W (Square 1600, Lots 6 (818 and 819), 7-9) ("Property" or "Campus") (Ex. 82).
18. The Campus is located in the RA-1 zone in the Spring Valley neighborhood of Ward 3. The Campus 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. The Campus is currently improved with eight buildings, including three residence halls, the Library, Kresge Academic Hall, Trott Hall and Chapel, a one-story maintenance building, and the Old President's House. The three residence halls on Campus consist of two 1960- era dormitories (Straughn Hall and Carroll Hall with a total of 90 beds) and a residence hall that was opened in 2014 ("2014 Dorm") with a total of 76 beds (Ex. 82).
19. The Property is designated as Institutional on the Generalized Policy Map of the Comprehensive Plan. The Framework Element of the Comprehensive Plan states: "The

Generalized Policy Map also identifies parks and open space, land owned by or under the District or federal government, federal lands with federal buildings, Downtown Washington, and major institutional land uses. The fact that these areas are not designated as Conservation, Enhancement, or Land Use Change Areas does not mean they are exempt from the Comprehensive Plan or that their land uses will remain static. . . Much of the land identified as institutional on the map represents colleges and universities; change and infill can be expected on each campus consistent with the campus plans. . . Policies in the Land Use and Educational Facilities Elements address the compatibility of such uses with surrounding neighborhoods.” (10-A DCMR § 225.22).

20. The Property is designated as Institutional on the Future Land Use Map of the Comprehensive Plan. The Framework Element of the Comprehensive Plan describes the Institutional designation as: “. . . includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions.” While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories (10-A DCMR § 227.18).

Background

21. Wesley Seminary’s initial campus plan was approved in Z.C. Order No. 05-40 for the period of 2006-2015 and was amended and extended by Z.C. Order Nos. 05-40A, 05-40B, 05-40C, 05-40D, 05-40(D)(1), and 05-40(D)(2) such that it would remain valid through June 30, 2022.

2022 Campus Plan Application (Z.C. Case No. 22-13)

22. On March 17, 2022, Wesley filed a 2022-2032 Campus Plan application as Z.C. Case No. 22-13 (the “Original Campus Plan”). After a rigorous and well attended public hearing on June 13, 2022, and thoughtful consideration by the Commission at several public meetings, the Commission, as a whole, was not convinced that the Original Campus Plan’s proposed student housing building to house both Wesley and American University students, faculty, and staff was related to Wesley’s educational mission rather than a commercial use violating the requirements of the campus plan regulations; and the Commission had concerns about administration and compliance with IZ requirements in the proposed student housing building (Subtitle X § 101.4; *see* Z.C. Case No. 22-13, October 13, 2022 Public Meeting Tr. at 19-37). Wesley requested that the pending Original Campus Plan application be held in abeyance to allow a joint campus plan and PUD application to be filed to facilitate the student housing building, and the Commission agreed to the request (*see* Z.C. Case No. 22-13, November 10, 2022 Public Meeting Tr. at 30-35).

2023 PUD Application (Z.C. Case No. 23-08)

23. On March 31, 2023, the Seminary filed a PUD Application (Z.C. Case No. 23-08) to be processed in conjunction with the then pending Original Campus Plan application (Z.C. Case No. 22-13). Overall, the PUD application included: a description of the Wesley campus and its campus plan history, a discussion of the goals of utilizing the PUD process to facilitate the campus plan, a discussion of the PUD application’s compliance with PUD

evaluation criteria of the Zoning Regulations, and a Comprehensive Plan consistency analysis, including a racial equity analysis. The PUD application requested the following relief:

- a. A First-Stage PUD for the entire Wesley Seminary Campus;
 - b. A Consolidated PUD for a new student housing building to house Wesley and American University students; and
 - c. Special exception relief from IZ program requirements, an area variance from height requirements to reduce the required setback at the southern lot line boundary, and development timeline flexibility (*see* Z.C. Case 23-08, Ex. 1-3H2).
24. On June 14, 2023, the Seminary filed the 2023 Thrive in Place Campus Plan (Z.C. Case No. 23-08(1)), and the following day, June 15, 2023, the Seminary withdrew the Original Campus Plan application⁷ (Z.C. Case No. 22-13). As noted, the Commission held combined public hearings on the 2023 Campus Plan and PUD applications on September 11 and October 2, 2023 (i.e., Z.C. Case Nos. 23-08(1) and 23-08). In a December 6, 2024 letter to the 2023 Campus Plan (Z.C. Case No. 23-08(1)) record, the Seminary confirmed that the PUD application had been withdrawn (Ex. 73). Likewise in a December 6, 2024 letter to the PUD case (Z.C. Case No. 23-08) record, the Seminary confirmed withdrawing the PUD application and stated that the 2023 Campus Plan application (Z.C. Case No. 23-08(1)) would remain active and that it anticipated making an updated submission in that case in the near future (*see* Z.C. Case No. 23-08, Ex. 84).

2023 Campus Plan Application (Z.C. Case No. 23-08(1))

25. On June 14, 2023, the Seminary filed the 2023 “Thrive in Place” Campus Plan submission seeking approval of the 2023 Campus Plan for the 10-year period 2023 through 2033 (Ex. 1-7, the “2023 Campus Plan”). Overall, the Wesley submission included: a discussion of Wesley’s campus plan history and its mission and programming; a description of the 2023 Campus Plan; a discussion of the 2023 Campus Plan’s compliance with the campus plan requirements of Subtitle X § 101 of the Zoning Regulations; a Comprehensive Plan consistency analysis, including a racial equity analysis; and varied exhibits (*Id.*). Wesley stated that the 2023 Campus Plan provided facilities and resources for Wesley Seminary to Thrive in Place, proposing the following:
- a. Demolish two 1960’s-era dormitories (Straughn Hall and Carrol Hall) with 90 beds, demolish the Old President’s House on University, and demolish a surface parking lot and adjacent one-story maintenance building; and
 - b. Replace them with:
 - A new seven story student housing building with 659 beds and 363 underground parking spaces offered exclusively for Wesley and American University students, faculty, and staff (to be constructed by Landmark Properties under a long-term ground lease with Wesley);

⁷ Pursuant to Subtitle Z § 600.3(a), Wesley filed a written statement withdrawing Z.C. Case No. 22-13; and at its May 25, 2023 public meeting, the Commission granted a waiver of Subtitle Z § 600.3(d) to authorize the withdrawal and an expedited filing of a new Campus Plan application, i.e., the 2023 Campus Plan.

- A one story administrative building with lower-level maintenance facility; and
 - An approximately 3,800 square foot neighborhood playground; and
- c. Satisfaction of the IZ requirement applicable to the student housing building with an alternative student affordable housing program to be privately administered.
26. The 2023 Campus Plan was to be facilitated through the PUD process; therefore, as noted above, it and its companion PUD case (Z.C. Case No. 23-08) were heard in combined public hearings and considered simultaneously by the Commission. However, as stated above in Finding of Fact Nos. 9 and 10, the Commission was ultimately unable to proceed with final action through the PUD process primarily because of concerns regarding the extraordinary PUD relief from IZ Program requirements, administration and enforcement of the proposed alternative from IZ (with a privately administered student affordable housing program), and overall satisfaction of the PUD evaluation criteria; the PUD case was eventually withdrawn in December 2024. The Commission also continued to have the same concern as during the Original Campus Plan (Z.C. Case No. 22-13), that the proposed student housing building could be construed as a commercial use in violation of the campus plan regulations (Subtitle X § 101.4).
27. After the Commission expressed support for Wesley filing a text amendment to address the IZ applicability and commercial use issues associated with the proposed student housing building at its May 9, 2024 public meeting, the Commission stated that the 2023 Campus Plan (Z.C. Case 23-08(1)) would be held in abeyance during the pendency of a text amendment.

Text Amendment (Z.C. Case No. 24-09)

28. Wesley filed a text amendment on May 30, 2024 (Z.C. Case No. 24-09). After a public hearing on November 18, 2024, public comment and feedback, and several iterations of the text language, the Commission took proposed action on December 19, 2024, final action on February 27, 2025, and amendments to the Zoning Regulations became final and effective on July 25, 2025 in Z.C. Order No. 24-09. The amendments add the following language to the Zoning Regulations:
- a. A new Subtitle C § 1006.10, stating:
Wesley Theological Seminary shall provide off-site IZ located in Ward 3 as an enforceable condition to its 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus, provided that the requirements of Subtitle C §§ 1006.1 - 1006.3(a)-(g), may be waived by the Zoning Commission for the off-site IZ. Depending on construction type, the off-site IZ provided shall be no less than Subtitle C §1003.1 or §1003.2 set-aside requirements, as applicable, and subject to the requirements of Subtitle C §§ 1006.5 - 1006.9. Notwithstanding the foregoing, and for good cause shown, the Zoning Commission shall have broad discretion to determine that the off-site IZ requirement described in this provision can be satisfied by alternative means, including increasing the set-aside requirements described herein and/or by requiring Wesley to make a financial contribution, deemed sufficient by the Zoning Commission, to an organization(s) that will facilitate the construction of new affordable housing reserved

for households at or below 60% of median family income for rental units or at or below 80% of median family income for ownership units exclusively in Ward 3, provided that such alternative means is stated as an enforceable condition to the 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus; and

- b. A new Subtitle X § 101.5, stating:
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.
(see Z.C. Order No. 24-09)

The Application

2025 Campus Plan (Revised and Updated)

29. On March 5 and 25, and April 11 and 24, 2025, the Seminary filed the revised and updated 2025 “Thrive in Place” Campus Plan materials and requested that the Commission resume the case following holding it in abeyance; the revised and updated 2025 Campus Plan materials sought approval of the 2025 Campus Plan for the 10-year period 2025 through 2035 (the “2025 Campus Plan”) (Ex. 76-76F, 80, 82-82G, 84). The 2025 Campus Plan materials included: a discussion of Wesley’s campus plan history and its mission and programming; a description of the 2025 Campus Plan; a discussion of the 2025 Campus Plan’s compliance with the campus plan requirements of Subtitle X § 101 of the Zoning Regulations; a Comprehensive Plan consistency analysis, including a racial equity analysis; and varied exhibits, including:
- Property and Project Site Plans;
 - Project Elevation Renderings;
 - Varied Property Site Photographs;
 - Landscape Plan;
 - Architectural Plans;
 - Campus Security Plan; and
 - Transportation Study.
- (*Id.*).
30. The 2025 Campus Plan, as revised and updated from the 2023 Plan, proposed the following:
- a. Demolish two 1960’s-era dormitories (Straughn Hall and Carrol Hall) with 90 beds, demolish the Old President’s House on University, and demolish a surface parking lot and adjacent one-story maintenance building; and
- b. (ii) Replace them with:
- A new seven story university housing building with 659 beds and 295 total parking spaces (including 264 underground and 31 surface spaces) offered exclusively for Wesley and American University students, faculty, and staff (to be constructed by Landmark Properties under a long-term ground lease with Wesley). The revised 2025 Plan removes the top penthouse level of the

- An approximately 3,800 square foot neighborhood playground; and

c. Satisfaction of the IZ requirement applicable to the university housing building in accordance with the text amendments approved in Z.C. Order No. 24-09, with Wesley helping to create and fund a Ward 3 Inclusionary Zoning Revolving Fund with an \$8M contribution.

- ⁸ The Applicant's submissions and the OP Reports in the Z.C. Case No. 23-08(1) record refer to this request as relief from height requirements of Subtitle F § 203.3 however this is incorrect based on the current Zoning Regulations. Under the current Zoning Regulations, the relief is from height requirements of Subtitle F § 203.7 as referred here and hereinafter in this Order. The Zoning Reorganization amendments to the Zoning Regulations replaced Chapter 2, Subtitle F of the Zoning Regulations in its entirety and the language in former subsection 203.3 was moved to new subsection 203.7; the Zoning Reorganization amendments became final and effective on August 25, 2023 with publication of Z.C. Order No. 18-16/19-27-19/27B in the *District of Columbia Register* (70 DCR 011297-011502).

shall install the scooter corral as depicted on the April 28, 2025 site plan (Attachment 1 to DDOT Supplemental Report) so that it is out of the path of turning vehicles (*Id.*).

Applicant's Statement and Justification

33. The Application asserted the 2025 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. 76, 82).
34. The Seminary stated that it moved to the Spring Valley Campus 68 years ago and has not only embraced but taken the lead in the 21st century of theological education. The Seminary asserted it must be able to thrive in place financially utilizing all its resources to directly support its educational and religious mission of attracting the best and brightest faculty and students to maintain and elevate its place among the top 20 theological schools. The Seminary is resolved to remain at the Spring Valley Campus because Washington, D.C. is central to its mission and ability to attract students and faculty both nationally and abroad. Wesley contended that the size of the new student housing building proposed in the 2025 Campus Plan provides for the number and various types of beds and room configurations necessary to house Wesley students, faculty, and staff and to achieve the financial benefit critical to the Seminary's ability to remain in the Spring Valley neighborhood and be one of the leading seminaries in perpetuity (Ex. 82).

Commitment to Diversity, Equity, Inclusion and Social Engagement

35. Significantly, the 2025 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. 82).
36. The Seminary embraces, lives and professes its commitment to Diversity, Equity, and Inclusion (Ex. 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.*).

37. 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. Fifty-eight percent of students are women, 41% men, 34% Black, 41% White, 9% Asian, and 5% International. Its students range in age from the early 20s to 70 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 Seminary is a majority minority community substantially contributing to the diversity of the Spring Valley neighborhood and Ward 3. The physical and financial resources resulting from the 2025 Campus Plan will directly support its students and their diversity (Ex. 82).

38. 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; and
 - Heal the Sick Program.
- (Ex. 82).

Community Engagement and the Development of the Campus Plan

39. Beginning in July 2019 and through the pandemic, the Seminary engaged the community in the development of the proposed 2022 Campus Plan, the 2023 Campus Plan (including the PUD), and the current 2025 Campus Plan, including the established Community Liaison Committee ("CLC"), ANCs 3D and 3E, other neighborhood groups and other interested parties. This included 21 CLC meetings, 23 ANC 3D meetings, seven ANC 3E meetings, and numerous more informal discussions (Ex. 82, 96). 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 2025 Campus Plan (Ex. 82, 96).

Student Enrollment

40. The Seminary provided an 11-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 entirely off-campus or by remote or virtual classes are not subject to the enrollment cap (Ex. 82).
41. 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 post pandemic return to campus trend (Ex. 82).

Employee Population

42. The Seminary provided an 11-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 university housing building, excluding any student resident assistants/community ambassadors living in the building (Ex. 82).

43. The Seminary provided current employee records showing a slight decrease in number of employees (Ex. 82).

2025 Campus Plan to Thrive in Place

44. The Seminary stated that the 2025 Campus 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 to allow construction of a new university housing building (Ex. 76, 82).

Demolish Old President's House and Restore Site with Landscaping

45. The Old President's House is located on the three lots on University Avenue (Ex. 76, 82). This two-story, 4,538 square-foot building is no longer habitable and has not been used for its intended purpose for 20 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. 76, 82).

Demolish Carroll and Straughn Halls, Maintenance Building and Surface Parking Lot

46. The two 1960-era original dorms, Carroll Hall (27,533 square feet) and Straughn Hall (29,866 square feet) and maintenance building that surround the existing surface parking will be demolished (Ex. 76, 82). Together, these two-story student housing buildings provide 90 beds. Carroll Hall is significant to the Seminary's housing inventory because it provides family style units for married students and their families. Replacement of this critical family housing will be facilitated by the proposed new university housing building (Ex. 76, 82).
47. At the center of the Campus, the surface parking lot with 143 spaces and adjacent one-story maintenance building will also be demolished (Ex. 76, 82).

New University Housing for Wesley and American University Students, Faculty and Staff

48. The new university housing building 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. 76, 82). The building will be seven stories with an approximate height of 74 feet, 8 inches and 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 approximately 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 (Ex. 76, 82, 96). 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. In addition, approximately 31 surface spaces will be provided (Ex.76, 82, 96).

49. The Application asserted that the new university housing building will be first-class housing with amenities, including purpose designed study areas with group and individual spaces, computer lounge, activity club room and outdoor interior courtyard (Ex. 82, 96).
50. The building design will focus on sustainability and will achieve 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 design consultant determined that cost, space limitations and integration limitations make achieving net zero infeasible for a building of the proposed size and design (Ex. 82, 96).
51. Wesley stated that new university housing building will be developed through a long-term (99 year) ground lease for a portion of the Campus (Lot 819) between Wesley Seminary and Landmark Properties. Wesley Seminary will receive a lump sum initial payment and annual guaranteed ground rent payments. Landmark will be responsible for the construction and operation of the new building. Use of the ground lease property will be strictly and perpetually limited to first-class university housing and subject to approval of this Campus Plan by the Commission. At the conclusion of the ground lease, ownership of the building will revert to Wesley Seminary. Wesley noted that 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. 82).

Landmark Properties

52. Wesley stated that 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 university housing building. 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. 82).

University Housing Building Residents

53. The new university housing building residents will be limited exclusively to Wesley Seminary and AU 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. 82). AU students will also be subject to AU's Code of Conduct which is equally enforceable on and off-campus under its "Good Neighbor Guidelines" and Office of Campus Life (*see* Z.C. Order No. 20-31 (2022)). Similarly, AU's "Good Neighbor Parking Policy" will be applicable to its students living in the new university housing building (*Id.*). Both institution's Codes of Conduct are derived from their common identity as Methodist-related institutions (Ex. 82).
54. The AU students, faculty and staff living in this Wesley community will be welcomed as members of the Seminary community. This would include worship experiences and other Wesley community events; access to Wesley's Refectory and library privileges. And, by virtue of their admission to AU, they would be eligible to take courses at Wesley commensurate with their graduate or undergraduate level at Wesley tuition rates which are substantially lower than American University tuition rates. There is already a history of this kind of rich integration with the Seminary community in the experience of AU students who have successfully lived in the current Straughn Hall. Wesley and AU already share in two joint degree programs: M.T.S. – M.A. in International Development and M.T.S. – M.A. in International Peace and Conflict Resolution. These and the additional academic accommodations will be an attractive incentive for AU students wishing to live in this facility and bridge the two campuses (Ex. 82).

Inclusionary Zoning (IZ)

55. The Seminary stated that the proposed new university housing building will be subject to IZ under Subtitle C § 1001.6(c) because it will house both Wesley and AU students. Subtitle C § 1001.6(c) provides an exemption from IZ for "[h]ousing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff." Thus, on campus student housing was intended to be exempt from IZ, and the current proposal for students from two immediately adjacent universities being housed together on one campus was not contemplated by Subtitle C § 1001.6(c). The Seminary noted its commitment to satisfy the IZ requirement triggered by the new university housing building, and the text amendment approved by the Commission in Z.C. Order No. 24-09, which adds a new Subtitle C § 1006.10 stating requirements for Wesley to satisfy the IZ requirement through provision of off-site IZ in Ward 3 as described in the text amendment language (Ex. 82).
56. The Seminary noted that neither it nor Landmark Properties is an affordable housing developer and as such neither can directly develop off-site IZ affordable housing. Wesley further noted that despite best efforts to identify Ward 3 development projects that would be able to provide off-site IZ units, it was unsuccessful for a variety of reasons. Given these obstacles, Wesley enlisted the assistance of Local Initiatives Support Corporation ("LISC"), a nationwide affordable housing community development organization. The Seminary stated its intention to provide off-site IZ in accordance with Subtitle C § 1006.10

(Z.C. Order No. 24-09) requirements by establishing a Ward 3 IZ Revolving Fund to be operated by LISC, with a financial contribution of \$8M from Wesley, utilized as a vehicle to promote the production and preservation of affordable housing in Ward 3 (Ex. 82).

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

57. In the 2023 Campus Plan, Wesley proposed to build a two-story, approximately 5,267 square foot maintenance building adjacent to the existing 2014 Dorm at the top of the University Avenue driveway. In the revised and updated 2025 Campus Plan, 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 university housing building's underground parking garage (Ex. 82, 96).

No Development of University Avenue Residential Lots

58. The three residential lots on University Avenue (Lots 7-9) were re-incorporated in the Spring Valley Campus at the request of the community in 2012 in Z.C. Order No. 05-40A. 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. 76, 82).

Maintain "Hilltop" Campus

59. Under the 2025 Campus Plan, the established building perimeter formed by the 2014 Dorm, Kresge Hall, Trott Hall, Chapel, Library, and AU Campus is maintained (Ex. 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. 82, 96).

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

60. 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 (Z.C. Order No. 05-40A). Under the 2025 Campus 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 university housing building, it is 300 feet (a football field length) to the east curb of University Avenue. Fully 53% 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).

300,740 Square Feet of Unused Gross Floor Area

61. 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 in the 2025 Campus Plan, 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. 82, 96).

Surrounding Context

62. The buildings within the existing Campus boundaries include a total of eight academic, administrative, residence hall, and student services buildings largely clustered together and designed in a unified 1960's era modern brick and stone style with the exception of the 2014 Dorm. Building heights on Campus range from 25 to less than 40 feet and three stories and the Campus is not densely developed when compared to the surrounding residential area or adjacent AU. Wesley asserted that the new university housing building is sensitive to adjacent buildings and the surrounding context and designed to prevent and/or mitigate adverse impacts. Further, the building's approximate 74 feet, 8 inch height and its overall density are appropriate for its central location and proximity to existing and proposed AU buildings and the function it will serve (Ex. 82B-E-X).

Wesley Bell Tower

63. The Bell Tower is 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 university housing building. The Bell Tower is taller than the proposed new university housing building. The face of the new university housing building 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. 76, 82).

Landscaping

64. The 2025 Campus Plan maintains Wesley's current approach of strengthening and concentrating the open space system within the area generally considered the central Campus core, while respecting the mature, naturally landscaped Campus perimeter. Increasing and intensifying landscaping on Campus, including around the new university housing building and along University Avenue, will continue to be a priority for the Seminary in order to create open and inviting views and opportunities for relaxation and interaction throughout the Campus and maintain a strong buffer between the central core of the Campus and the adjacent neighborhood (Ex. 76, 82B-E-X- 82E, 84). Wesley stated that the new university housing building and Campus core will be substantially landscaped. More significantly, substantial additional landscaping will be added along University Avenue focused on the University Avenue driveway and former site of the administration/maintenance building and at the location of the Old President's House and new Neighborhood Playground (Ex. 84). The impact of this new landscaping is to enhance the natural buffer between the Campus and the Spring Valley neighborhood.

Transportation

65. The Campus is well served by public transportation systems. The Tenleytown Metrorail station is approximately one-half mile to the east of Campus, and AU offers shuttle bus service to the station. The Campus is also served by the N3, N4, N6, and N8 Metrobus lines

along Massachusetts Avenue, N.W. and N2 and M4 Metrobus lines nearby along Nebraska Avenue, N.W. The Campus' current vehicular circulation pattern is a two-way access from Massachusetts Avenue with exit only from University Avenue (*see* Ex. 82B-E-X). Based on intersection and automobile count data as well as the testing of several circulation options and input from the community, the 2025 Campus Plan is proposing to maintain the two-way access from Massachusetts Avenue (*Id.*). The University Avenue entrance will be further restricted to prohibit vehicles from exiting on to University Avenue; limited two-way access for emergency, service, and delivery vehicles will be maintained (*Id.*). Minimizing the use of University Avenue will prevent commercial vehicles from driving into and through the residential streets of Spring Valley. In addition, Wesley plans to maintain adequate off-street parking inventory to meet the parking needs of the Campus, including approximately 31 surface parking spaces that will be retained on Campus and two levels of underground parking with 264 parking spaces in the new university housing building, including a minimum of 77 spaces and maximum of 105 spaces dedicated for Seminary use. In order to maintain the Green Open Space buffer to the neighborhood, parking has been concentrated within the central core of the Campus and underground (Ex. 82).

Neighborhood Playground

66. 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 40 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 a 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 (Ex. 82).

Increased Availability of Affordable Housing in Neighborhood

67. The Seminary stated that the 2025 Campus Plan will have a positive impact on affordable housing and housing availability in the immediate neighborhood through its potential to attract students that are currently residing in nearby single-family homes and multi-family developments, some of which might be affordable. For the surrounding neighborhood, the new university housing building will accomplish their long-standing desire for students to live within the precincts of a campus and will make scarce lower cost neighborhood housing available to non-students (Ex. 82). 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.”⁹

(Ex. 82).

No Agreement with American University

68. Wesley stated there is no agreement with AU and none is necessary or being pursued by Wesley or Landmark Properties for the proposed new university housing building to be successful. With respect to the building and its residents, 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 building 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. 82).
69. Wesley stated that both it and Landmark Properties are confident that the number of AU students who will be readily attracted to this purpose built first-class student housing immediately next door to AU will exceed the available beds. The student-oriented design and operation of the new university housing building 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. 82).
70. Wesley noted that AU is subject to minimum on-campus student housing requirements under its approved Campus Plan (Z.C. Order No. 20-31). The 2025 Wesley Campus Plan and the new university housing building will have no impact on the conditions of AU’s Campus Plan. Housing of AU students on Wesley’s Campus will not permit increased AU enrollment or be counted toward AU meeting its minimum on-campus housing requirements. Namely, the new university housing building will support and enhance AU’s off-campus housing program and provide additional first-class housing options for its students directly adjacent to its campus (Ex. 82).
71. In response to the 2023 Campus Plan, which was to be facilitated through a PUD, Wesley submitted a statement dated November 29, 2023, authorized by AU for submission to the case record, stating (Ex. 61A):

⁹ Policy EDU-3.3.4: Student Housing (10-A DCMR 1214.9).

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 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 (*Id.*).

No Sale or Lease of Wesley Property to AU

72. As part of the existing Campus Plan (Z.C. Order No. 05-40C), the Seminary agreed to the neighborhood's request to not sell or lease any part of the Wesley Campus to American University for university use. Under the 2025 Campus Plan, the Seminary has agreed to extend that prohibition as a specific condition of this Order (excluding any units in the new university housing building) (Ex. 82).

Zoning Administrator Determination

73. By electronic mail on January 31, 2020, the Applicant received a zoning determination (hereinafter, "Zoning Administrator's determination" or "confirmation email") from the then 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.
- 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. 16A).

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

74. The Applicant asserted that since the issuance of the confirmation on January 31, 2020, the Zoning Regulations have been revised with a text amendment specific to dormitories. Z.C. Order 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.” (Subtitle B § 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.” (Subtitle B § 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 Subtitle B § 200.2(j).
- (Ex. 31A14 at 3).

The Zoning Administrator determines the use category

75. The Application asserted, pursuant to Subtitle B § 201.4, the Zoning Administrator shall determine the category or categories for a use, based on consistency with Subtitle B, Chapter 2. Accordingly:
- Since the issuance of the confirmation e-mail, the text amendment summarized above in Z.C. Order No. 23-01 has become effective, and adds certainty to the classification of a dormitory as a “Residential” use. A dormitory 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 in Subtitle B § 200.2, and the term “commercial” is not a defined term under Subtitle B § 100.2 or under the use categories.
 - A ground lease or other financial arrangement does not determine the use category. 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.
- (Ex. 31A14 at 3, 82).

Campus Plan Requirements (Subtitle X § 101)

76. The Application included the following information in satisfaction of the campus plan 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. 82);
- *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 2025 Campus Plan, developed in close and detailed participation with the community, establishes a 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 Spring Valley neighborhood and as buffer to the larger AU Campus (Ex. 82):
 - *Noise.* Activities within the 2025 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. 82).
 - *Traffic and Parking.* The Seminary proposes to provide a total of 295 on-campus parking spaces, including 264 underground parking spaces in the new university housing building (at minimum 77 spaces *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. 80, 82, 86, 110A1-A3, 110I, 110J). The 2025 Campus Plan creates minimal 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 (*Id.*).

- *Number of Students.* The development proposed in the 2025 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 updated to adopt the headcount methodology (Ex. 82B-E-X). 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. 82G). As stated above, the TDM plan will be designed to meet the needs of the Campus over the 10-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. 82). AU students living in the new university housing building will be counted within the AU student enrollment under its approved Campus Plan (Z.C. Order No. 20-31) (Ex. 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 university housing building, but any increase will not be substantial and is capped by the 2025 Campus Plan (Ex. 82, 96).
- *Other Objectionable Conditions.* The 2025 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 for 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. 82, 96).
- *Subtitle X §§ 101.3 and 101.4: Analysis of Incidental Uses.* Throughout this Campus Plan process and its predecessor application (Z.C. Case No. 22-13), there has been an ongoing debate on whether the proposed new university housing building is a permitted use directly related to the Seminary's educational mission or a commercial use prohibited under Subtitle X § 101.4 of the campus plan regulations. Wesley has consistently maintained that the proposed university housing to be constructed and operated by Landmark under a ground lease is a permitted educational and residential use on the Campus supported by a January 2020 determination email by the then 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) (*see* Ex. 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 university housing building is not inconsistent with Institutional designation of the Wesley Campus under the Comprehensive Plan maps.

- The Commission confirmed the use characterization of the proposed new university housing building, under the campus plan regulations, by adopting a text amendment to the campus plan regulations adding a new Subtitle X § 101.5, stating:

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.
- The new § 101.5 directly addresses the commercial use objections raised by opponents of the Original Campus Plan and the 2023 Campus Plan and PUD application, which were not approved by the Commission. In the context of the 2025 Campus Plan, the text amendment to the campus plan regulations clarifies that the Zoning Commission does not find the proposed new university housing building to be a commercial use prohibited under the campus plan regulations (*see* Z.C. Order No. 24-09).
- *Subtitle X §§ 101.6 through 101.9 and 101.13: Campus Development Standards.*
 - *Density.* The property within the 2025 Campus Plan boundaries is zoned RA-1. The Zoning Regulations limit campus development to a FAR of 1.8 (687,780 square feet). When added to all existing buildings and structures on the Campus that will be retained, development under this Campus Plan will not exceed the maximum permitted gross floor area prescribed for the Campus. If all proposed development is constructed, the gross floor area within the Campus Plan boundaries will total approximately 387,040 square feet. This results in an overall FAR of approximately 1.014, well within the 1.8 FAR limit. Approximately 300,740 square feet of available campus gross floor area will not be developed; (Ex. 76, 82, 96).
 - *Height.* Subtitle X § 101.6 permits a maximum height of 50 feet for campus buildings in the RA-1 zone and a maximum height of 40 feet is allowed in the RA-1 zone (Subtitle F §203.2). Except under Subtitle F § 203.7, an institutional building or structure may be erected to a maximum height of 90 feet with no limit on number of stories, not including 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 for each foot of height in excess of that authorized in the zone in which it is located (i.e., 40 feet). Consistent with these regulations, all proposed campus buildings are within the 90 feet requirement. The new university housing building 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. 82, 96).
- *Subtitle X § 101.9: Plan for Campus as a Whole, Showing the Location, Height, and Bulk, Where Appropriate, of All Present and Proposed Improvements.* The 2025 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. 76-76F 82-82G, 84).
- *Section 101.9(a): Buildings, Parking and Loading.* The 2025 Campus Plan calls for a total Residential/Campus Life gross floor area of 387,040 square feet, including the new residential housing building gross floor area of 282,061 square feet (Ex. 76, 82). The 2025 Campus Plan and CTR detail the locations of all existing and proposed

- parking and loading facilities; loading facilities for the new university housing building will be located inside the building and accessed only to and from Massachusetts Avenue, and delivery truck circulation will be routed to discourage use of neighborhood streets (Ex. 76-76F, 82-82G, 110A1-A3).
- *Section 101.9(b): Screening, Signs, Streets, and Public Utility Facilities.* The 2025 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. 82).
 - *Screening.* The landscaped elements of the 2025 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. 82, 84, 96).
 - *Signs.* The 2025 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 university housing building 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. 82).
 - *Streets.* The 2025 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 further restricted for private vehicles and limited to service and delivery vehicles and emergency vehicles (Ex. 82, 96).
 - *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 the 2025 Plan. General upgrades and improvements to existing utilities, including upgrades to the main water line and other utilities improvements have been previously completed (Ex. 82).
 - *Section 101.9(c). Athletic and Other Recreational Facilities.* Renovation and improvements to the Seminary's existing recreational facilities and additional facilities in the new university housing building 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. 82).
 - *Section 101.9(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). The proposed Campus land use patterns will remain largely unchanged and the proposed new university

housing building will continue to provide an environment consistent with the existing Campus (Ex.82).

- *Subtitle X § 101.10. Further Processing for Specific Buildings, Structures, and Uses.* As required by § 101.10, the Seminary will submit a separate application for further processing for the proposed new university housing building and for any other buildings or structures approved within the 2025 Campus Plan (Ex. 82).
- *Subtitle X § 101.11. No Interim Use of Land or Improved Property Proposed.* No interim use of property is proposed under the 2025 Campus Plan (Ex. 82).
- *Subtitle X § 101.12. Compliance with the Comprehensive Plan.* Compliance with policies of the District Elements of the Comprehensive Plan are detailed in Findings of Fact (“FF”) Nos. 80-94 below.
- *Subtitle X § 101.14. Referral to the District of Columbia Office of Planning, Department of Transportation, and Department of Energy and Environment.* The Application was referred by OZ to OP, DDOT, and DOEE for their review and written reports.
- *Subtitle X § 101.15: Application is in Harmony with the Zoning Regulations.* The 2025 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 for the reasons discussed herein (Ex. 82).
- *Subtitle X § 101.16: Small Deviations from Approved Plans:* The provisions of this section are not applicable in this campus plan case.
- *Subtitle X § 101.17: 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.82).

Request for Area Variance Relief

77. The Zoning Regulations, under Subtitle X § 1000.3, authorize the Commission to grant area variance relief as part of a campus plan application pursuant to the variance standards in Subtitle X § 1002.1(a). Specifically, Wesley is requesting an area variance for a deviation in the proposed height of the new university housing building under the height restrictions of Subtitle F § 203.7 which provides:

In any of the RA-1, RA-2, or R-3 zones, an institutional building or structure may be erected to a height not exceeding ninety feet (90 ft). with no limit on number of stories, not including a 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 maximum height is 40 ft., subject to the provisions of Subtitle F § 203.7. The height of the proposed new university housing building is 74’-8”. As a result, Subtitle F § 203.7 requires the building to be setback 35’-0” from all lot lines. As shown on the Site Plan (Ex. 82, 96), the new university housing building 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 Subtitle F § 203.7 (Ex. 82, 96).

78. 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 (Subtitle X §§ 1000.1, 1002.1(a)). As set forth below, the Seminary satisfies the three-part test for the requested area variance relief.
79. Based on the record, the Seminary asserted it is affected by several exceptional conditions that both individually and taken together dictate the location of the new university housing building. 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 university housing building 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 the Heritage Tree which prevents movement of the footprint to avoid the conflict created by the "notch". Relocation of the new university housing building 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 area variance would be a substantial benefit to the public good, not a detriment, by locating the new university housing building 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 will not impair the purpose or intent of the RA-1 zone plan which provides for regulating height at this location (Ex. 82, 96).

Not Inconsistent with The Comprehensive Plan ("10-A DCMR" or "CP") (Subtitle X § 101.12)

80. Wesley stated that the 2025 Campus Plan is not inconsistent with the Comprehensive Plan as detailed in its submissions (*see* Ex. 76, 76F, 82). The continued use of the Campus and the proposed new development and facility modernizations are not inconsistent with the Property's designations on the Comprehensive Plan maps, and relevant District Elements of the Comprehensive Plan, including when viewed through a racial equity lens.
81. 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 and the 2025 Campus Plan are 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, 82).

82. 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 2025 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, 82).
83. Wesley stated that the 2025 Campus Plan, including its proposed new university housing building, will advance many objectives and policies of the Comprehensive Plan’s District Elements, including the Land Use, Transportation, Housing, Environmental Protection, and Educational Facilities Elements, as well as the Rock Creek West Area Element, as described below (Ex. 76, 76F, 82).
84. Land Use Element. The 2025 Campus Plan will advance the following policies of the Land Use Element (Ex. 76, 76F, 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 (10-A DCMR § 307.17);
 - 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 (10-A DCMR § 310.7);
 - 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 (10-A DCMR § 310.10);
 - 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 space and public space (10-A DCMR § 310.12);
 - e. *Policy LU-2.3.4: Transitional and Buffer Zone Districts*. The Campus Plan maintains and enhances the longstanding institutional presence and contribution

- of the Seminary which provides a robust transition and buffer between the Spring Valley residential neighborhood (10-A DCMR § 312.6);
- 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 (10-A DCMR § 312.7);
 - 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-eight 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 (10-A DCMR § 312.8);
 - 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, limited vehicular use of University Avenue, and on-campus ride-sharing, a pick-up and drop-off area, a new Capital Bikeshare station, and a scooter parking area (10-A DCMR § 317.7); and
 - 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 green open space (10-A DCMR § 317.8).
85. Transportation Element. The 2025 Campus Plan will advance the following policies of the Transportation Element (Ex. 76, 76F, 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 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 (10-A DCMR § 403.7);
 - 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 (10-A DCMR § 403.13);
 - c. *Policy T-1.2.3: Discouraging Auto-Oriented Uses.* The Campus Plan proposal to close the University Avenue driveway to exiting vehicles and limit entry and exit to service, delivery and emergency vehicles only will significantly reduce vehicular impacts directly to the immediate Spring Valley neighborhood (10-A DCMR § 404.6);

- d. *Policy T-3.1.1.: Transportation Demand Management (TDM) Programs.* The Campus Plan 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 (10-A DCMR § 415.10); and
 - e. *Policy T-5.2.2: Charging Infrastructure.* The new university housing building underground parking facility will include at least seven EV charging stations available to faculty, staff, students, residents and visitors (10-A DCMR § 430.4).
86. Housing Element. The 2025 Campus Plan will advance the following policies of the Housing Element (Ex. 76, 76F, 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 (10-A DCMR § 504.17); and
 - 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 (10-A DCMR § 505.12).
87. Environmental Protection Element. The 2025 Campus Plan will advance the following policies of the Environmental Protection Element (Ex. 76, 76F, 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 substantial new landscaping (10-A DCMR § 605.6);
 - 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 university housing building to reduce runoff (10-A DCMR § 615.4); and
 - c. *Policy E-4.2.1: Support for Green Building.* The new university housing building proposed under the Campus Plan will achieve at least LEED Gold certification (10-A DCMR § 616.3).
88. Educational Facilities Element. The 2025 Campus Plan will advance the following policies of the Educational Facilities Element (Ex. 76, 76F, 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 green open space (10-A DCMR § 1213.3);
 - 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 (10-A DCMR § 1213.4);

- 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 (10-A DCMR § 1213.5);
- 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 (10-A DCMR § 1213.6);
- 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 building have been mitigated through a detailed TDM, a large landscape buffer, preservation of heritage and special trees, and through thoughtful building design and orientation (10-A DCMR § 1214.7);
- 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, CLC and immediate neighbors to address, minimize and mitigate potential objectionable conditions. The conditions address neighborhood priorities, including traffic and parking (10-A DCMR § 1214.8);
- 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 (10-A DCMR § 1214.9); and
- 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 (10-A DCMR § 1214.10).

89. Rock Creek West Area Element. The 2025 Campus Plan will advance the following policies of the Rock Creek West Area Element (Ex. 76, 76F, 82):

- a. *Policy RCW-1.1.2: Economic Development.* The Campus Plan creates an institutional-private partnership to develop the new university housing building that will provide and enhance public space and community amenities (10-A DCMR § 2308.3);
- 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 (10-A DCMR § 2308.9);
- 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 (10-A DCMR § 2308.10); and

- 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 Campus Plan also includes multimodal transportation options such as bicycle parking, pedestrian improvements, and the installation of a Capital Bikeshare station (10-A DCMR § 2308.12).

Racial Equity

90. The Seminary noted that equity is conveyed throughout the Comprehensive Plan where priorities of affordable housing, preventing displacement, and access to opportunity are distinguished (10-A DCMR §§ 2501.4-2501.6, 2501.8). In light of the guidance provided by relevant Comprehensive Plan policies the Seminary asserted that the 2025 Campus Plan would not be inconsistent with the Comprehensive Plan when viewed through a racial equity lens (*Id.*). In support of its assertion, the Applicant evaluated the 2025 Campus Plan's consistency with the Comprehensive Plan through a racial equity lens by applying the Commission's Racial Equity Tool¹⁰ (the "Tool") (Ex. 76F).
91. *Community Outreach and Engagement.* The Seminary provided the following information about its community outreach and engagement in response to the Tool (Ex. 75F, 96):
 - 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;
 - 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;
 - 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"), ANCs 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

¹⁰ Consistent with Comprehensive Plan guidance under 10-A DCMR §§ 2501.4-2501.6, 2501.8, the Commission utilizes a Racial Equity Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and the Office of Planning analyzing the zoning action's consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action.

- individuals. This process has been candid and productive at every stage of Wesley Seminary's evolving Campus Plan applications, resulting in the 2025 Campus Plan;
- d. Outreach to the community for this plan initially began in 2019. Although this process was slowed by an unforeseen change in development partners and the COVID-19 emergency, community meetings were fully renewed in 2021 and have been extensive and continuous. Wesley Seminary has participated in 51 community meetings; and
 - e. As a result of its outreach to the community, Wesley agreed to the following: 1) not increasing enrollment on Campus; 2) provided fewer parking spaces in proportion to number of beds in the new university housing building; 3) prohibited residential parking permits for those living or working on Campus; 4) evaluated and implemented options for reducing the design, size, massing and number of beds in the new university housing building to further mitigate any potential objectionable conditions; 5) in consultation with DDOT, the Seminary requested 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; 6) in conjunction with the expanded limits on the use of University Avenue, the Seminary encouraged DDOT to allow left turns by vehicles leaving the Campus at Massachusetts Avenue during agreed time periods with appropriate signage; and 7) Redirected vehicular traffic to an access point on Massachusetts Avenue.
92. Applying the Tool's racial equity themes, the Seminary asserted the proposed 2025 Campus Plan would have the following impacts and/or outcomes (Ex. 76F):
- a. *Displacement* – The proposal would not result in negative outcomes with respect to direct displacement because of the following (Ex. 76F):
 - i. There would be no physical displacement of residents, as two existing dormitories providing 90 student beds will be replaced with one new university housing building 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;
 - ii. Indirect displacement is not anticipated with the proposed new university housing building. The building is designed to increase housing capacity without negatively impacting the surrounding community or its existing residents. By providing more student beds, the building 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 building will contribute to a more stable and equitable housing environment without causing adverse effects on neighboring areas;
 - iii. Student activity spaces will be included within the new university housing building to encourage community and congregation; and
 - iv. Living in proximity to other students on campus allows for direct collaboration with peers;

- b. *Housing Stock* – The proposal would result in positive changes with respect to housing stock because (Ex. 76F):
 - i. The proposed new university housing building aligns with the Comprehensive Plan’s goals to increase housing in high-priority areas by providing more lower-cost housing options for District residents. When students occupy on campus housing, it will free up housing in the surrounding neighborhoods, potentially lowering rental pressures and improving affordability for local residents. Additionally, the new university housing building includes replacement of 43 family-sized housing units, ensuring that housing options remain available for families in the area;
- c. *Physical Environment* – The proposal would result in positive changes with respect to the physical environment because it would:
 - i. Improve landscaping to create a more pedestrian-friendly environment, including the installation of new landscaping and public space improvements along University Avenue;
 - ii. Preserve 205,000 square feet of green open space on Campus;
 - iii. Install a new neighborhood playground to replace the Old President’s House;
 - iv. Include a green roof and solar panels on the new university housing building;
 - v. Provide improved stormwater infrastructure, including installation of multiple bioretention facilities;
 - vi. Be certified LEED Mid-Rise Residential Gold for the new university housing building, including points for energy efficiency, use of environmentally preferred materials, and use of photovoltaic solar panels;
 - vii. Preserve Heritage and Special trees;
 - viii. Increase permeable surface; and
 - ix. Result in an influx of students living on-campus that will enhance and diversify campus life;
- d. *Access to Opportunities*- The proposal would result in positive changes with respect to access to opportunities because it would:
 - i. 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;
 - ii. Maintain and increase employment on campus, and continue to train students for religious and social service employment in the District;
 - iii. Support nearby retail, services, and amenities along the Wisconsin Avenue corridor; and
 - iv. Provide access to a new neighborhood playground to be installed on Campus, and be within close proximity to nature areas and reserves, including Rock Creek Park, Battery Kemble Park, and Spring Valley Park.

93. For all the reasons stated immediately above, Wesley asserted that the 2025 Campus Plan would not be inconsistent with the Comprehensive Plan when evaluated through a racial equity lens utilizing the Tool (Ex. 76F, 82, 96).

Potential Inconsistencies with the Comprehensive Plan

94. The Seminary did not specifically identify any Comprehensive Plan policies that were potentially inconsistent with the Campus Plan. However, the Seminary acknowledged that while Comprehensive Plan policies may be viewed as inconsistent with the Campus Plan, these potential inconsistencies are far outweighed by the Campus Plan's overall consistency with Comprehensive Plan maps, and its advancement of District Element policies and policies relating to Rock Creek West, as discussed above (Ex. 82, 96).

Responses to the Application

95. As noted above in the Finding of Fact Nos. 22-26, previous iterations of the Campus Plan, including both the Original Campus Plan (Z.C. Case No. 22-13) and the 2023 Campus Plan facilitated by a PUD (Z.C. Case No. 23-08) were not approved by the Commission and withdrawn by the Seminary. The Commission approved text amendments in Z.C. Order No. 24-09 to directly address opposition issues raised in previous Campus Plan iterations regarding applicability of IZ and characterization as commercial use in relation to the proposed university housing building. This Order approves the 2025 Campus Plan, which revised and updated the 2023 Campus Plan. Accordingly, this Order directly addresses the responses, the contested issues, and the public hearings regarding the revised and updated 2025 Campus Plan only. Any discussion below or above herein regarding previous iterations¹¹ of the Campus Plan are to provide background information for proposals that were ultimately not approved by the Commission.

The Office of Planning ("OP")

96. On May 2, 2025, OP submitted a Hearing Report ("OP Hearing Report"), dated May 5, 2025, evaluating the 2025 Campus Plan to Thrive in Place, 2025-2035¹² (Ex. 85). The OP Hearing Report noted the previous iterations of the Campus Plan and the text amendment approved in Z.C. Order No. 24-09 and recommended approval of the 2025 Campus Plan, pursuant to Subtitle X § 101, and the area variance from setback requirements of Subtitle F § 203.7, pursuant to Subtitle X § 1000.3 and 1002.1; and OP stated that the 2025 Campus Plan would not be inconsistent with the Comprehensive Plan maps and with the District Elements of the Comprehensive Plan, including when viewed through a racial equity lens. OP also recommended that Wesley: (i) clarify if persons residing or working on Campus will have access to the AU Shuttle Bus, (ii) work with DOEE to increase towards carbon-neutrality, (iii) amend proposed conditions of approval to add solar panels to the university housing building and remove conditions that would be more appropriately addressed at further processing, and (iv) 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).

¹¹ Hereinafter all references to "previous iterations" or "prior iterations" of the Campus Plan refer to the 2022 Campus Plan (Z.C. Case No. 22-13) and the 2023 Campus Plan as described in Findings of Fact 22-26 above.

¹² On September 6, 2023, OP submitted a Hearing Report at Ex. 21, and on September 22, 2023, OP submitted a Supplemental Report at Ex. 38, both evaluated the 2023 Campus Plan and PUD applications, which were ultimately not approved by the Commission. For this reason, this Order does not include a discussion of the contents of these reports.

97. In its evaluation of the revised and updated 2025 Campus Plan, under the campus plan criteria of Subtitle X § 101, OP concluded that the Campus Plan would not likely become objectionable to neighboring property because of noise, traffic, parking, number of students or other objectionable conditions (lighting views). OP noted that the TDM was amended to restrict traffic entering and exiting from residentially bordered University Avenue; residential parking permits were prohibited for all residents of the proposed university housing building; the designs for the upper stories of the proposed university housing building were set back farther to avoid light spillage into the residential neighborhood; the ratio of beds to parking spaces was reduced; and the existing cap on student, faculty/staff enrollment was maintained. OP provided a careful analysis of the applicability and compliance with the commercial use and educational mission restrictions set forth in Subtitle X §§ 101.3 and 101.4, and concluded that the Commission's approval of a text amendment with a new Subtitle X § 101.5¹³ in Z.C. Order No. 24-09 affirmed the uniqueness of this situation in which Wesley is housing AU students on its campus in order to meet its educational mission, and made Subtitle X §§ 101.3 and 101.4 not applicable to Wesley's proposed university housing building. OP further concluded that the Campus Plan would meet the remaining applicable criteria of Subtitle X § 101 with respect to height, FAR, and other requirements (Ex. 85).
98. The OP Hearing Report evaluated Wesley's request for an area variance from setback requirements of Subtitle F § 203.7 to provide a 27-foot setback for a small "notch" area at the southern lot line boundary where a 35-foot setback is required. OP concluded that Wesley's request met the area variance criteria, under Subtitle X §§ 1000.3 and 1002.1, because Wesley is faced with an exceptional situation resulting in a practical difficulty, in that the southeastern portion of the Property has a carve out and the new university housing building must be located on the southernmost portion of Campus to have the least impact on surrounding residential uses. Shifting the building to meet the 35-foot setback requirement would either place it too close to the 2014 Dorm or require shifting the roadway resulting in a costly change to the Campus circulation pattern. OP noted that the eight foot reduction in setback for this small portion of the Property would not be detrimental to the public good as it is adjacent to an undeveloped portion of the AU property, and it would meet the intent and purpose of the RA-1 zone as the university housing building would be compatible in height to dormitories on the adjacent AU campus and significantly distanced from the residences across University and Massachusetts Avenues (Ex. 85).
99. The OP Hearing Report evaluated the 2025 Campus Plan's consistency with the Comprehensive Plan and concluded that the proposal would not be inconsistent with the Property's Institutional designations on both the Future Land Use Map ("FLUM") and the Generalized Policy Map ("GPM"); that the proposal would advance District Element Land Use (*see* 10-A DCMR §§ 311.5, 312.7, 317.7, 317.9), Transportation (*see* 10-A DCMR §§ 403.14, 430.4), Housing (*see* 10-A DCMR § 505.12), Environmental Protection (*see*

¹³ The new § 101.5 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."

10-A DCMR §§ 605.6, 614.2), Economic Development (*see* 10-A DCMR §§ 703.12, 710.4), Parks, Recreation, and Open Space (*see* 10-A DCMR §§818.3), Educational Facilities (*see* 10-A DCMR §§ 1213.3, 1213.5, 1214.8, 1214.9, 1214.10) policies as well as policies of the Rock Creek West Area Element (*see* 10-A DCMR §§ 2308.9, 2308.10; and would advance Comprehensive Plan racial equity goals (Ex. 85). With respect to the Property's Institutional designations on both the FLUM and GPM, OP noted that the institutional use would be a campus of higher learning proposed by the Campus Plan and the proposed additions, including the university housing building, would continue to be university uses entirely within the boundaries of Wesley's existing institutional Campus (*Id.*).

100. **Racial Equity.** The OP Hearing Report's racial equity analysis provided disaggregated race and ethnicity data for the Rock Creek West Planning Area, in which the Property is located, noting:

- Population – In 2012-2016, the Planning Area had a population of 91,389 or 13.9% percent of the District-wide total. In the 2019-2023 period, the population decreased to 86,400 and 12.8% of the Districtwide total – a 1.1% decrease of the Districtwide total. However, while the population has declined somewhat in the last five years, the area has become somewhat more racially and ethnically diverse. For the Planning Area population in 2019-2023, the population identifying as White decreased by 8.4% and Hispanic by 0.3% from 2012-2016. Meanwhile, the population identifying as Black increased by 1.5% and Asian by 0.3%;
- Median Income – The Rock Creek West Planning Area had a higher median income than the District as a whole for both the 2012-2016 and the 2019-2023 periods. The 2012-2016 data identify the median household income as \$118,411 for the Planning Area, which was 62% greater than the median Districtwide household income of \$72,935. There was a significant increase of approximately \$34,000 in the Districtwide median household income for the 2019-2023 period and the Planning Area's increase for the same period was also approximately \$34,000, but these gains were not distributed evenly across racial groups. In the 2012- 2016 time period, the difference between the median income of Black or African American and Whites Districtwide was approximately \$52,000. This difference significantly increases in the 2019-2023 period to an approximately \$100,000 difference. The median income in the Planning Area for the 2019-2023 saw a similar difference in the median income for Blacks or African Americans vs. Whites of approximately \$100,000;
- Housing Tenure – More residents in Rock Creek West own their home than in the District as a whole – 53.7% compared to 41.1% in 2019-2023. However, the homeownership rate in the Planning Area decreased slightly over the two survey periods, while there was a small increase District-wide. The homeownership rate among White households had a slight decrease between the time periods, as opposed to citywide, where White ownership decreased by approximately 1%. Black homeownership decreased in the Planning Area, although somewhat less than the citywide trend. There was an increase in renter occupancy for Blacks and a decrease for Whites. The Asian population has the largest increase in percentage of homeownership in the 2019 to 2023 period of 15%.

101. The OP Hearing Report concluded that the 2025 Campus Plan would not result in any direct displacement of residents as this proposal involves an educational campus with no permanent residents. Further, OP does not anticipate any indirect displacement to result from the proposal.
102. The OP Hearing Report concluded that the 2025 Campus Plan would allow the provision of 735 beds of which 659 would be in the new university housing building. OP noted that the Comprehensive Plan recognizes that without increased housing the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents. The provision of more student beds on Wesley's Campus may have a marginally positive impact on the affordability of housing in Rock Creek West by freeing up off-campus units now rented by students for non-student renters as students potentially relocate to the Wesley Campus. The Comprehensive Plan further recognizes the importance of inclusionary zoning requirements in providing affordable housing opportunities for households of varying income levels. OP stated that although the proposed university housing building will not receive any additional density over that allowed in the RA-1 zone for institutional uses, the text amendments approved by the Commission in Z.C. Order No. 24-09 require Wesley to provide off-site IZ in Ward 3 and outline options for fulfilling this requirement (Ex. 85).

Department of Energy & Environment (“DOEE”)

103. DOEE did not submit a separate report, but provided “DOEE Development Review Comments” to OP, which was attached as Appendix II, to the May 5, 2025 OP Hearing Report (Ex. 85). DOEE stated that it “applauds the applicant’s commitment to achieve LEED Gold certification for the proposed new building, and especially appreciates that the applicant will certify the new dormitory with the LEED Multifamily Midrise rating system, which is best suited for this building type and includes features that will benefit future tenants. . . 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). . .” In addition, DOEE offered recommendations for net-zero energy, including energy performance, electrification, renewable energy and deconstruction, reuse and embodied carbon reduction (Ex. 85).

Department of Transportation (“DDOT”)

104. On May 2, 2025, DDOT submitted a Supplemental Report (Ex. 86), stating that since submitting its original report at Ex.19 the Applicant has updated the development plan to reduce the number of off-street parking spaces by 99 spaces and committed to additional measures in its TDM plan. The DDOT Supplemental Report stated that the Applicant submitted an updated Transportation Memorandum into the record on March 25, 2025 (Ex. 80) documenting these changes, which DDOT supports. The DDOT Supplemental Report further stated that for the reasons stated in its original report at Exhibit 19¹⁴, DDOT

¹⁴ The DDOT Report at Ex. 19 evaluates the 2023 Campus Plan and PUD application; therefore, it is not summarized herein. The DDOT Report stated no objection to the 2023 Campus Plan and PUD with conditions that were updated

continues to support the revised and updated 2025 Campus Plan with the following conditions:

- The Applicant shall implement the Performance Monitoring Plan (PMP) and TDM Plan provided in its March 25, 2025, Transportation Memorandum (Ex. 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 to DDOT Supplemental Report) so that it is out of the path of turning vehicles.

(Ex. 86).

105. 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 of approval to this Order.

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

106. The Wesley Campus had been located within the boundaries of ANC 3D for at least 20 years, prior to the 2023 redistricting.
107. ANC 3D has been an active participant and party to all the Wesley Campus Plan cases dating back to the original campus plan in 2005 (Z.C. Order No. 05-40, et. seq)..
108. ANC 3D submitted several reports and letters in support of prior iterations of the Campus Plan noting its qualified support subject to resolution of the legal issues raised by NLC-SVWHCA and requested conditions and expressed concerns primarily related to traffic impacts; and ANC 3D noted its general support of a text amendment proceeding and Wesley providing financial support for affordable housing elsewhere in Ward 3 to satisfy IZ¹⁵ (Ex. 23, 27, 41, 59, 70). On May 8, 2025, prior to the May, 12, 2025 public hearing, ANC 3D submitted its most recent report, stating that at its May 7, 2025 duly noticed meeting, with a quorum present, it voted 5-1-0 to support the Campus Plan (i.e., the 2025 Campus Plan), noting that “this campus plan has been under review in one form or another for several years (“ANC 3D Report”, Ex. 90).
109. The ANC 3D Report stated it was unnecessary to repeat its arguments in support from previous submissions to the large case record. Instead, the ANC highlighted the Wesley proposed conditions of approval related to green open space; off-site IZ; transportation and parking; construction management; and continued coordination/meetings with the CLC

based on the Applicant’s March 25, 2025 Transportation Memo (Ex. 80) and DDOT’s Supplemental Report (Ex. 86).

¹⁵ This is a summary of several exhibits submitted by ANC 3D in response to prior iterations of the Campus Plan and is intended to highlight the main issues raised and does not detail every issue raised; as noted, the Commission approved the revised and updated 2025 Campus Plan not prior iterations. Accordingly, this Order only directly addresses the arguments raised in response to the 2025 Campus Plan approved by the Commission.

(Ex. 90). With respect to green space, the ANC noted Wesley's commitment to preserve 205,000 square feet of green open space on Campus. Regarding off-site IZ, the ANC noted that the provision of funds proposed by Wesley is not a traditional way to satisfy IZ requirements but it finds Wesley contributing to affordable housing in Ward 3 through a revolving fund attractive, with appropriate mechanisms in place to monitor the fund. Regarding transportation and parking, the ANC stated support for the TDM plan and PMP outlined in the conditions along with the commitments for sidewalk construction and traffic patterns for Massachusetts and University Avenues. Regarding construction management and continuation of dialogue with the CLC, the ANC noted the importance of a job site contact during construction and CLC meetings for review of Campus Plan performance issues (*Id.*).

110. The ANC 3D Report also specifically identified and responded to objections to the Campus Plan raised by NLC-SVWHCA that include violations of the Zoning regulations, lack of affordable housing, architecture not matching Wesley's campus, and worries about traffic and parking. The ANC noted the Commission 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." The ANC 3D Report further states: "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 address 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).

ANC 3E

111. ANC 3E submitted several reports and letters in opposition of prior iterations of the Campus Plan asserting that the proposal did not meet PUD evaluation criteria due to the extraordinary relief requested from IZ requirements in exchange for a privately administered student IZ with no clear oversight; the intensity of the proposed building height and density; the inadequacy of proffered benefits and amenities; failure to advance Comprehensive Plan racial equity goals; and failure to mitigate traffic and parking impacts given the excessive number of parking spaces proposed and the impacts the increased number of vehicles would have on surrounding traffic circulation (Ex. 26-26A2, 35, 36,

39, 42, 50, 57, 62, 72). The ANC 3E reports and letters in opposition also asserted that the proposal to house primarily AU students on Wesley's Campus is a commercial project that should be facilitated through a rulemaking amending the Zoning Regulations, preferably requiring Wesley and all similarly situated developers to provide substantial amenities and not exempting Wesley from the commercial activity prohibition (*Id.*). Likewise, the ANC 3E reports and letters in opposition asserted that any changes proposed to the IZ Program to allow for Wesley's proposal should be facilitated through a rulemaking amending the Zoning Regulations, preferably not exempting Wesley or others from IZ requirements¹⁶ (*Id.*).

112. On May 9, 2025, prior to the May 12, 2025 public hearing, ANC 3E submitted its most recent resolution ("ANC 3E Resolution") in response to the revised and updated 2025 Campus Plan (Ex. 92) and on May 12, 2025, ANC 3E submitted its written hearing testimony ("ANC 3E Testimony") (Ex. 102).
113. The ANC 3E Resolution stated that at its May 8, 2025 regularly scheduled public meeting, with a quorum present, the ANC voted 7-0-0 to adopt the resolution citing the following main issues and concerns:
 - a. ANC 3E stated it has worked with Wesley and OP to explore options for production of off-site IZ in Ward 3 with the \$8M in funds Wesley has committed to provide for this purpose, but has observed that Wesley's discussions with possible local affordable housing providers for new construction development has been limited to only a few developers; ideally any new construction units should be IZ units in a comparable building (to the university housing building) not taxpayer subsidized private-sector units facilitated by loan;
 - b. ANC 3E stated Wesley has not pursued the option of negotiating rent buy downs or buy downs of existing market rate units to convert them to IZ, despite the scores of potential buildings in Ward 3 where market rate units could be bought down to IZ;
 - c. The ANC stated that Wesley originally intended to provide an 8% IZ set aside (on-site within the proposed building) and now proposes to provide a 10% IZ set aside (off-site through Ward 3 construction); however, Wesley's commitment to provide only \$8M appears insufficient to buy down market rate units in Ward 3 to achieve an 8% IZ set aside;
 - d. The ANC argued that substantial IZ beyond the bare minimum should be required due to the extraordinary relief of amendments to the Zoning Regulations to allow both Wesley and AU students to reside in the proposed university housing building, and Wesley's \$8M commitment is insufficient;
 - e. The ANC argued that Wesley's \$8M commitment represents the savings from eliminating a level of underground vehicle parking spaces from the university housing building (in the revised and updated 2025 Campus Plan); the ANC asserted

¹⁶ This is a summary of several exhibits submitted by ANC 3E in response to prior iterations of the Campus Plan and is intended to highlight the main opposition issues raised and does not detail every issue raised; as noted, the Commission approved the revised and updated 2025 Campus Plan not prior iterations. Accordingly, this Order only directly addresses the opposition arguments raised in response to the 2025 Campus Plan approved by the Commission.

that the \$8M is insufficient to meet the 10% set aside requirement (contrary to Wesley's assertions based on estimated \$325/square foot construction costs that \$8M would exceed the 10% set aside in Ward 3) and should be increased substantially;

- f. The ANC stated that any conditions of approval for this matter should refer to "university housing" rather than "dormitory";
- g. The ANC stated that the only condition in the main Campus Plan regarding affordable housing should be something similar to: "Applicant will demonstrate compliance with (anticipated) new Sec. 1006.10 during further processing"; and
- h. The ANC stated that it supports the changes to Wesley's proposed conditions of approval reflected in Ex. 2 to the ANC 3E Resolution. The ANC changes were subsequently incorporated by Wesley into its revised conditions at Ex. 104. (Ex. 92).

114. The ANC 3E Testimony largely reiterates the arguments in the ANC 3E Resolution summarized immediately above (Ex. 102).

SVNA

115. On May 9, 2025, prior to the May 12, 2025 public hearing, William Clarkson, President of SVNA and authorized representative (*see* Ex. 18), submitted testimony on behalf of SVNA, stating (Ex. 99):

"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." (Ex. 90).

NLC-SVWHCA

116. NLC-SVWHCA submitted several letters and testimony in opposition to prior iterations of the Campus Plan asserting the following opposition arguments: the proposal to house primarily AU students on Wesley's Campus in a building managed by Landmark Properties is a commercial use that is not a permitted use under the campus plan and PUD regulations, under Subtitle X § 101.4 and Subtitle X §§ 300.1, 300.2, respectively; the proposal seeks no relief necessary through the PUD process; the proposal will result in objectionable impacts because of the large size and scale of the housing building being out of character with the Campus and neighborhood, the excessive number of parking spaces proposed and resulting traffic/circulation impacts on Massachusetts Avenue, stormwater runoff issues,

and security issues; the proposal does not meet PUD evaluation criteria because the proffered benefits and amenities are insufficient under the requirements of Subtitle X § 305 and the objectional impacts cannot be mitigated by Wesley's proposed conditions of approval; the proposed housing building would inappropriately directly compete with AU's on-campus housing and there is no agreement with AU and no indication from AU that its students need this housing option; Wesley's decreased enrollment numbers do not align with its assertion that 90 of its students will occupy the proposed housing building; Wesley has provided no financial information to meet the evidentiary threshold of demonstrating that the proposed housing building is necessary for it to remain financially capable of remaining in its current location; it is unclear how the proposed privately administered student IZ would be administered and if it would provide measurable affordable housing; and the proposal would be inconsistent with policies of the Comprehensive Plan Rock Creek West Area Element that encourage institutional uses to be compatible with the surrounding neighborhood, that building design addresses density and height concerns, and that transportation safety and quality of life issues are evaluated¹⁷ (Ex. 12-15, 17, 22, 34, 45-45A, 48, 51, 54, 55, 58). In response to possible text amendments to the campus plan and IZ regulations, NLC-SVWHCA stated opposition to potential text amendments that would exempt Wesley rather than policy-driven amendments that would apply citywide (Ex. 71).

117. On May 5, 2025, prior to the May 12, 2025 public hearing, NLC-SVWHCA submitted a pre-hearing statement ("NLC-SVWHCA Statement") in response to the revised and updated 2025 Campus Plan (Ex. 88)¹⁸ and on May 11, 2025, NLC-SVWHCA submitted its written hearing testimony ("NLC-SVWHCA Testimony") (Ex. 98).
118. The NLC-SVWHCA Statement opposed the revised and updated 2025 Campus Plan and cited the following opposition arguments/issues:
 - a. AU's lack of engagement and endorsement is reason for rejecting the Campus Plan;
 - b. The proposal does not comply with the campus plan requirements of Subtitle X § 101.2 because it presents objectional impacts for AU and neighboring residential property; and it does not comply with the requirements of Subtitle X § 101.4 because it does not relate to Wesley's educational mission as 72.8% of the total campus build-out would be dedicated to AU students and the proposed commercial use is not consistent with the Future Land Use Map of the Comprehensive Plan;
 - c. The text amendment approved in Z.C. Order No. 24-09 exempts Wesley from the commercial limits of Subtitle X § 101 but does not address the Subtitle B § 200.2(j) land use definition for education use, which permits universities to offer housing for its students enrolled at the institution where their degrees are conferred; and

¹⁷ This is a summary of several exhibits submitted by NLC-SVWHCA in response to prior iterations of the Campus Plan and is intended to highlight the main opposition issues raised and does not detail every issue raised; as noted, the Commission approved the revised and updated 2025 Campus Plan not prior iterations. Accordingly, this Order only directly addresses the opposition arguments raised in response to the 2025 Campus Plan approved by the Commission.

¹⁸ Ex. 88 updated the NLC-SVWHCA pre-hearing statement filed at Exhibit 87; only the updated statement at Ex. 88 is discussed herein.

does not address that because “commercial” is not a defined term in the Zoning Regulations, it is defined as having the meaning given in Webster’s unabridged dictionary, per Subtitle B § 100.1(g);

- d. The text amendment approved in Z.C. Order No. 24-09 does not conclude that the proposed university housing building is not a commercial enterprise and would not have been needed if the proposal was not deemed commercial;
- e. Based on the D.C. Court of Appeals decision in *Durant v. District of Columbia Zoning Commission*¹⁹, the proposal is inconsistent with the Property’s institutional designation on the FLUM because the “actual physical characteristics” of the proposed land use is primarily to house AU students solely for financial gain not to house Wesley students;
- f. The size of the proposed development is inconsistent with the underlying RA-1 zone development standards and therefore inconsistent with CP policy LU-2.3.8, which states that institutional use on property should conform to the underlying zone and the District should limit non-conforming uses by institutions;
- g. The proposal is inconsistent with policies of the CP Land Use Element, including Policy LU-2.1.1, which encourages new housing development on underused property; Policy LU-2.1.5, which encourages maintaining established low-density neighborhoods and related zones; Policy LU-2.3, which stresses maintaining institutional land use compatibility with surrounding residential neighborhoods; Policy LU-2.3.1, which stresses preventing encroachment of inappropriate commercial uses into residential neighborhoods; Policy LU-2.3.7, which stresses that institutions should ensure that their use conforms to the underlying zone of the site; Policy LU-2.3.8, which states that the District should limit non-conforming uses by institutions; and Policy LU-3.3.3, which encourages institutional uses occupying large sites within residential areas to minimize objectionable impacts on adjacent communities;
- h. The proposal is inconsistent with policies of the CP Educational Facilities Element emphasizing the importance of universities being good neighbors and limiting new developments to those compatible with surrounding neighborhoods, and Policy EDU-3.3.2, which discourages university actions that would adversely affect the character or quality of life in surrounding residential areas;

¹⁹ *Durant v. District of Columbia Zoning Commission* refers to the following three D.C. Court of Appeals decisions regarding a proposed PUD and related map amendment to authorize construction of a six-story building on a parcel mostly designated on the FLUM for low density residential use with parts of the parcel designated for low-density and moderate density mixed-use: *Durant v. District of Columbia Zoning Commission*, 65 A.3d 1161 (D.C. 2013) (“*Durant I*”); *Durant v. District of Columbia Zoning Commission*, 99 A.3d 253 (D.C. 2014) (“*Durant II*”); and *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880 (D.C. 2016) (“*Durant III*”) (collectively, “*Durant*” hereinafter). In *Durant I* and *Durant II*, the D.C. Court of Appeals remanded the Commission’s approval of the proposed PUD for the Commission to further explain its reasoning for why the proposed PUD project should properly be characterized as a moderate density development/use consistent with the Comprehensive Plan. In *Durant III*, the D.C. Court of Appeals set aside the Commission’s approval of the PUD and denied the application holding that the proposed six-story apartment building was not moderate density residential development under the FLUM as it would not be comparable to the smaller-scale structures in the definition of moderate-density residential use; and the Commission placed unwarranted reliance on the moderate-density FLUM definition reference to the R-5-B district to support classifying the proposed PUD as moderate density residential use when the proposed building would not ordinarily be permissible in the R-5-B district.

- i. Wesley's proposed IZ financial contribution of \$8M to provide off-site IZ is financially insufficient and not commensurate with the degree of relief sought and the off-site IZ housing would not benefit students from either Wesley or AU nor is it likely to result in any new affordable housing for the adjacent neighborhood as it is not tied to any specific project;
 - j. Wesley's revised 2025 Campus Plan does not reduce the overall 659-bed occupancy of the proposed university housing building yet Wesley has provided no justification for the proposed reduction in parking spaces from 394 to 295 to explain why less parking is needed for its own students, faculty, and staff, as well as students living in the proposed university housing building. Further, the absence of factual data to justify the parking reduction raises questions about the adequacy of the proposed parking (*see* Gorove-Slade filing at Ex. 80 does not address parking reduction);
 - k. The case record does not include an updated CTR and instead includes the CTR that was submitted in Z.C. Case No. 22-13, and that CTR is limited to transportation issues tied to the proposed university housing building rather than the Campus Plan as a whole;
 - l. Even with the proposed reduction of one floor, Wesley's revised 2025 Campus Plan does not reduce the overall 659-bed occupancy of the proposed university housing building; therefore, it will create objectionable conditions due to its large size and number of students, under Subtitle X § 101.2; and Wesley has failed to provide a student count for every student on campus, as required under Subtitle Z § 302.10(d), without which it is impossible to set a head count given the melding with AU students, faculty, and staff who will be living on campus;
 - m. Wesley's revised 2025 Campus Plan does not include a stormwater run-off containment strategy during construction to prevent flooding of property downhill and includes no commitment to take responsibility for property damage; and Wesley plans to add impervious surfaces on the Property site, including sidewalks, which pose unmitigated risks for long-term stormwater management;
 - n. Wesley's proposed campus security plan is not adequate and comprehensive to address student safety and is therefore objectionable under Subtitle X § 101.2;
 - o. The Office of Tenant Advocate has indicated that it cannot serve as ombudsman for AU students living in the proposed university housing building on Wesley's Campus and neither can AU; therefore, AU students will have to file legal action to resolve any disputes; and
 - p. There is no evidence in the record to demonstrate Wesley's financial need to justify this proposal.
- (Ex. 88).
119. The NLC-SVWHCA Testimony (Ex. 98) of representatives Tom Smith, Blaine Carter, and Alma Gates largely reiterated the arguments raised in the NLC-SVWHCA Statement summarized immediately above.

Persons in Opposition

120. On May 9, 2025, prior to the May 12, 2025 public hearing, Robert Scholz, who resides on University Avenue directly across from Wesley, submitted a letter in opposition to the

revised and updated 2025 Campus Plan, citing the following opposition arguments: AU does not support this proposal and avoids involvement even though 86.43% of the university housing building is for AU students; the proposed massive 7-story university housing building atop a 50 foot hill does not meet the standard of existing buildings on Campus, the Property's underlying RA-1 zoning, or the surrounding low-rise residential neighborhood and will result in impacts to neighbors; reducing the total number of parking spaces to 295, given the proposed 659-bed building, seems insufficient for the number of residents, commuter students, faculty, and staff; and the proposed \$8M cash payment in lieu of providing IZ units seems insufficient and should be calculated based on the fair market value of DC IZ units (Ex. 93).

121. On May 9, 2025, prior to the May 12, 2025 public hearing, Committee of 100 submitted a letter in opposition to the revised and updated 2025 Campus Plan, stating that the off-site IZ plan is too vague and lacking in detail to demonstrate compliance with new §1006.10; and the proposed \$8M financial contribution is too low and should produce more than the 10.97% set aside set forth by Wesley (Ex. 94).
122. On May 9, 2025, prior to the May 12, 2025 public hearing, Josie Scholz, who resides on University Avenue directly across from Wesley, submitted a letter in opposition to the revised and updated 2025 Campus Plan, stating that Wesley has not provided data to evidence its financial need for income from the university housing building, has not found an alternative to raise money other than requesting an exception from the Zoning Regulations, has not coordinated with AU regarding safety and other issues, and noted that the proposal could adversely affect Wesley's existing graduate community by adding AU undergraduate residents (Ex. 95).

Persons in Support

123. On May 6, 2025, prior to the May 12, 2025 public hearing, the Rev. Randolph Marshall Hollerith, Dean of the Washington Cathedral submitted a letter in support of the revised and updated 2025 Campus Plan, stating:

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. 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 (Ex. 89).

124. On May 9, 2025, prior to the May 12, 2025 public hearing, Carole Thompson Cole, the former D.C. City Administrator and Wesley Board member submitted a letter in support of the revised and updated 2025 Campus Plan (Ex. 97).
125. On the day of the May 12, 2025 public hearing, Dr. Joseph W. Daniels, Jr., Lead Pastor at The Emory Fellowship, submitted a letter in support of the revised and updated 2025 Campus Plan, stating:

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 (Ex. 100).

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

126. As previously noted, the Commission conducted a consolidated public hearing on the 2023 Campus Plan (Z.C. Case No. 23-08(1)) and the Planned Unit Development (“PUD”) (Z.C. Case No. 23-08) on September 11, 2023, which was continued on October 2, 2023.²⁰ The Commission then conducted a public hearing on the revised and updated 2025 Campus Plan on May 12, 2025; and made an announcement at the beginning of the public hearing, stating the following:

- The May 12th hearing is technically a continued hearing on the Wesley Campus Plan;
- The parties to the application include Neighbors for a Livable Community, Spring Valley West Heights Association, and Spring Valley Neighborhood Association, who were granted party status in previous proceedings;
- The original Campus Plan application (i.e., 2023 Campus Plan) has been revised, specifically a separate PUD application that was part of the original Campus Plan application has been withdrawn and text amendments are pending in separate Z.C. Case No. 24-09 that relate to the overall Campus Plan; and
- The Commission is aware that the revised Campus Plan application (i.e., 2025 Campus Plan) includes a proposal to create a Ward 3 IZ Revolving Fund; however, any final conditions related to satisfaction of the off-site IZ requirement are to be considered in a further processing case for the planned university housing building and the Commission will not adopt any conditions related to those requirements in this Campus Plan case. Therefore, the Commission believes that any detailed discussion of the Applicant’s proposed Ward 3 fund to satisfy the off-site IZ requirement is not appropriate in this Campus Plan proceeding because it’s both premature and potentially misleading to the public.

(see May 12, 2025 Public Hearing Tr. at 6, 8).

²⁰ This Order does not include a separate discussion of all the hearing testimony and cross examination that took place at the September 11, 2023 and October 2, 2023 public hearings pertaining to the 2023 Campus Plan as that iteration of the Campus Plan was not approved by the Commission; however, to the extent deemed relevant for purposes of evaluating the 2025 Campus Plan, this Order includes discussion of hearing testimony and cross-examination from the September 11, 2023 public hearing.

Applicant's Testimony

127. 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) at the September 11, 2023 and May 12, 2025 public hearings. 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 accepted as an expert witness (*see* May 12, 2025 Public Hearing Tr. at 12). Also, Sara Link, of Bohler Engineering, was not accepted as an expert witness, but provided testimony (*see* May 12, 2025 Public Hearing Transcript at 16-17).
128. Rev. McAllister-Wilson testified that the Seminary has enjoyed more than 60 years on its Spring Valley campus, and 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. 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 (*see* May 12, 2025 Public Hearing Tr. at 18-19; Ex. 96).
129. 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 long-term and substantial 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 (*Id.*).
130. 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 (*see* May 12, 2025 Public Hearing Tr. at 33-37; Ex. 96).
131. Ms. Elliott concluded that the Campus Plan, including the new university housing building, 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 university housing building 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 (*see* September 11, 2023 Public Hearing Tr. at 36-37; Ex. 96).

132. 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 university housing building 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 (*see* September 11, 2023 Public Hearing Tr. at 33-36).
133. 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 (*see* May 12, 2025 Public Hearing Tr. at 33-37; Ex. 96).
134. Mr. Karcha testified that proposed Administration Building had been eliminated and the new university housing building 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 university housing building 300 feet (*see* May 12, 2025 Public Hearing Transcript at 30-31; Ex. 96 at 35-42).
135. 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. Additional landscaping will be installed along University Avenue, the University Avenue exit and the Massachusetts Avenue entrance (*Id.*).
136. At the May 12, 2025 public hearing, 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 (*see* May 12, 2025 Public Hearing Tr. at 31-32). Ms. Link stated that she could not provide the exact tree replacement ratio but would be able to provide the information in a post-hearing submission (*Id.* at 45).

137. Mr. Boarman testified on the program and design of the proposed new university housing building, including housing for Wesley and AU students faculty and staff only, 7 stories, 74 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 (*see* May 12, 2025 Public Hearing Tr. at 24-30; Ex. 96 at 17-34).
138. Mr. Boarman described the evolution of the new university housing building design that was a result of community input, including most recently the elimination of the top/penthouse level 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. Specifically, the portion of the building next to University Avenue was lowered to five stories down to roughly 60 feet for the lower portion of the five-story stepped area. The top floors were setback, units eliminated and windows rotated. (*Id.*).
139. Mr. Boarman noted that the first five floors of the new university housing building 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 (*Id.*).
140. At the September 11, 2023 public hearing, 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 (*see* September 11, 2023 Public Hearing Tr. at 47-49).
141. At the May 12, 2025 public hearing, Mr. Andres confirmed that DDOT had reviewed Gorove Slade's Transportation Study submission, dated March 25, 2025, at Ex. 80 of the case record; approved the updated TDM and PMP included therein; and Wesley agreed to DDOT's two requested measures regarding installation of the scooter corral and bike racks, as stated in DDOT's Supplemental Report, dated May 1, 2025, at Exhibit 86 of the case record (*see* May 12, 2025 Public Hearing Tr. at 37-38).

Cross-Examination of the Applicant's Testimony by NLC-SVWHCA at September 11, 2023 Public Hearing

142. During cross-examination proceedings at the September 11, 2023 public hearing, Ms. Alma Gates cross-examined the Applicant on behalf of NLC-SVWHCA. Specifically, Ms. Gates cross-examined Rev. McAllister-Wilson raising the following questions and concerns:²¹

²¹ This list of questions and concerns omits the portion of the cross-examination that focused on the proposed building amenities and rental costs; the proposed student IZ; the proposed green open space; renderings; and other topics regarding the 2023 Campus Plan that were subsequently updated and/or revised with the 2025 Campus Plan materials (*see* omitted cross-examination, September 11, 2023 Public Hearing Tr. at 102-118).

- a. Whether Wesley considered options other than the proposed housing building;
 - b. How will the revenue from the student housing building be allocated between enlarging Wesley's endowment and providing financial aid to students;
 - c. Whether there is a correlation between declining enrollment and Wesley choosing to expand programming;
 - d. What is meant by thrive;
 - e. How would moving from the D.C. Metro area affect recruitment of students and grants; and
 - f. The number of discussions with AU regarding the proposal.
- (see September 11, 2023 Public Hearing Tr. at 93-101).

143. Rev. McAllister-Wilson responded to Ms. Gates cross-examination questions, stating:

- a. The Seminary considered several alternatives to the housing building, including alternative uses for the Property ranging from selling it and moving to developing single family homes or apartments. But ultimately these options seemed less attractive than providing an ultimate return on the Property to the Seminary and these options would have resulted in a loss of green space;
- b. He would not have a percentage breakdown of how revenue would be allocated between the endowment and student financial aid;
- c. He explained that many factors are contributing to declining enrollment and Wesley is trying to find a level of enrollment to sustain the current quality of faculty;
- d. He explained that thrive is to pay faculty and staff livable wages, to enable students to come to Wesley without incurring substantial debt, to sustain Wesley's range of programs, including pastoral ministry, chaplaincy in military, and preparing students for community and non-profit engagement, without a need to downsize;
- e. He explained that a number of Wesley's grants come because its Washington, D.C. location facilitates programs for public theology in the nation's capital and urban community engagement. Also, Wesley's diversity of student body is attributable to its Washington, D.C. location; and
- f. He stated that discussions with AU about the proposal have been limited to AU agreeing to engage at the appropriate time.

(*Id.*).

Cross-Examination of the Applicant's Testimony by Parties at May 12, 2025 Public Hearing

144. During hearing testimony and cross-examination proceedings at the May 12, 2025 public hearing, the parties were represented as follows: Mr. Tom Smith, Ms. Alma Gates, and Mr. Blaine Carter, on behalf of NLC-SVWHCA; Mr. William Clarkson, on behalf of Spring Valley Neighborhood Association; Ms. Tricia Duncan, on behalf of ANC 3D; and Mr. Jonathan Bender, on behalf of ANC 3E.
145. Mr. Tom Smith, on behalf of NLC-SVWHCA, cross-examined the Seminary's witnesses, raising questions and concerns on the following issues in response to the Applicant's testimony:
- a. Who will have access to the recreational facilities in the housing building;

- b. What initially prompted the Zoning Administrator's determination and was it a final writing given the sentence in the email: "The Zoning Commission pursuant to the campus plan and further processing procedures will be the ultimate arbiter of the proposed dormitory use specifics";
 - c. Whether Wesley's enrollment numbers have declined and can the number of students on campus at any given time be provided;
 - d. Whether the addition of potentially 600 AU students will impact Wesley's Campus;
 - e. The current number of beds occupied on Wesley's Campus;
 - f. Whether there are facilities that cannot be built to meet Wesley students' needs as a consequence of maintaining 300,000 square feet of open space on campus;
 - g. Whether there is data to evidence how many students live in neighborhood rental units;
 - h. Whether there will be coordination between AU and Wesley to ensure that AU residents of the housing building remain AU students throughout the lease term;
 - i. Whether Wesley has capability to provide a full scale campus security plan with provisions for international students;
 - j. Why are there no security cameras directed at the playground;
 - k. Whether stormwater damage compensation will be provided to neighbors if damage occurs to their property; and
 - l. Whether the AU shuttle will stop on Wesley's campus.
- (see May 12, 2025 Public Hearing Tr. at 67-93).

146. The Seminary responded to NLC-SVWHCA's cross-examination concerns to the best of its ability noting that some of the data requested was not readily available to fully respond, and that some of the questions would need to be more fully addressed at the time of further processing. In its responses, the Seminary stated that the Zoning Administrator's determination stands for itself; most of the students on campus day to day are masters and doctorate level; the presence of AU students on Campus will have *de minimis* impacts; all available beds on Campus as currently configured are full; and the proposed new housing building allows Wesley to remain on this Campus and continue to subsidize underserved communities because there is an economic benefit to it. Overall, the Seminary reiterated its hearing testimony that the Campus Plan will not result in objectionable impacts (*Id.*).
147. None of the other parties cross-examined the Applicant's testimony at the May 12, 2025 public hearing.

Office of Planning Testimony

148. OP representative Maxine Brown-Roberts testified to confirm OP's support for the 2025 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). Ms. Brown-Roberts testified that the 2025 Campus Plan meets the standards of Subtitle X § 101 regarding noise, number of students, traffic and parking, and other objectionable conditions as there are no large areas for university activities, the location of buildings is central to the Campus with the new housing building closest to the AU dorm and fields, and there would be extensive landscaping, open space, and buffering over current conditions; the number of students and staff would remain the same though with the increased number of beds and parking spaces

on Campus, traffic to and from Campus would increase; in coordination with DDOT, a TDM and PMP have been agreed to by Wesley to address any resulting impacts; per the pending amendments in Z.C. Case No. 24-09, the Campus is exempted from commercial use restrictions and IZ units can be provided off-site; the requested area variance to reduce the setback to 27 feet due to a notch at the property line meets the variance standard; the Campus Plan would not be inconsistent with the CP maps' institutional designations as housing of students meets the criteria for institutional uses, and would not be inconsistent with the written elements of the CP, including the Rock Creek West Area Element and CP racial equity goals (*see* May 12, 2025 Public Hearing Tr. at 93-95).

Cross-Examination of OP's Testimony by Parties

149. Mr. Tom Smith, on behalf of NLC-SVWHCA, cross-examined Ms. Brown-Roberts, raising questions and concerns on the following issues in response to OP's testimony:

- a. How does excluding AU students from the student cap or head count for the Wesley Campus Plan meet the requirements of Subtitle Z § 302.10 and account for the intensity of the proposed housing building;
- b. How has the revised Campus Plan changed such that it is now consistent with the Comprehensive Plan;
- c. Whether the campus plan text amendments adding a new Subtitle X § 101.5 affirm that Wesley's housing of AU students meets its educational mission;
- d. Whether the proposed housing building would comply with RA-1 zone standards if it was not on Wesley's Campus;
- e. Whether Wesley has provided financial information to demonstrate that the housing building is projected to stabilize its financial future; and
- f. Whether OP is concerned that Wesley's housing of undergraduate AU students would be incompatible with its graduate-level students.

(*see* May 12, 2025 Public Hearing Tr. at 97-102).

150. Ms. Brown-Roberts responded to NLC-SVWHCA's cross-examination questions of OP, noting that the student head count or cap, under Subtitle Z § 302.10, is a number with only students attending the university in mind; the Campus Plan did not change to become more consistent with the Comprehensive Plan but rather the evaluation standards of the application changed since it is no longer a PUD; the text amendments adding a new Subtitle X § 101.5 do not state that Wesley's housing of AU's students meets its educational mission; the RA-1 zone has particular standards for a campus plan and different standards for other locations; Wesley did not provide financial information to OP documenting that the new housing building is projected to stabilize its financial future; and OP is not concerned that housing AU undergraduate students is incompatible with Wesley's graduate-level students (*Id.*).

151. None of the other parties cross-examined OP's testimony at the May 12, 2025 public hearing.

Testimony of DDOT

152. Mr. Aaron Zimmerman appeared on behalf of DDOT at the September 11, 2023 hearing, and testified that DDOT is in support of the application on condition that transportation demand management is implemented to form its management plans that include a bikeshare station, constructing missing sidewalk facilities, and conducting a study for need of a traffic signal on Massachusetts Avenue at the driveway after the building opens and the Applicant's agreement to the TDM and PMP with the additions requested in the September 1, 2023 DDOT report at Exhibit 27 of the case record (*see* September 11, 2023 Public Hearing Tr. at 119-120). DDOT did not testify at the May 12, 2025 public hearing. As noted above in FF Nos. 32, 104-105, and 141, DDOT reviewed the Gorove Slade Transportation Study provided at Ex. 80 and agreed to the updated TDM and PMP with the additions requested in DDOT's Supplemental Report at Exhibit 86, which were accepted by the Applicant.

Testimony of ANC 3E and ANC 3D

153. At the May 12, 2025 public hearing, Chair Jonathan Bender testified on behalf of ANC 3E, stating that his testimony primarily addresses Wesley's IZ proposal and should be deferred for a later date according to the Commission's instructions. The Commission agreed (*see* May 12, 2025 Public Hearing Tr. at 102-103).
154. At the May 12, 2025 public hearing, Tricia Duncan provided testimony on behalf of ANC 3D, highlighting Wesley's proposed conditions of approval regarding green open space, landscaping, and a playground; regarding transportation and parking, including the TDM and PMP, new sidewalk construction, and the University Avenue circulation plan; and regarding construction management and continued coordination with CLC (*see* May 12, 2025 Public Hearing Tr. at 105-107). Ms. Duncan stated that most of the opposition testimony has to do with American University and differing interpretations of what the Zoning Regulations allow but what seems absent is how the proposal would personally have an adverse effect on any given neighbor of Spring Valley (*Id.*). Further, she does not read AU's non-engagement as opposition but rather as respecting its neighbor, and AU would have interjected long ago if this proposal threatened its operations (*Id.*).

Cross-Examination of ANC 3D's Testimony by Parties

155. Mr. Tom Smith, of NLC-SVWHCA, cross-examined Ms. Duncan questioning whether her constituents were advised of the most recent traffic circulation conditions, whether land use that generates revenue is consistent with Wesley's educational mission, whether the playground would be the only one in Spring Valley, and whether her comments about AU were her personal beliefs rather than ANC 3Ds. Ms. Duncan clarified that her constituents were not advised of the most recent condition changes due to limited timing before the May 12th hearing; that she did not have issue with approval of the application but would defer judgment on the educational mission question to the Commission; that there are other recreational facilities but this would be the only public playground in Spring Valley; and that her statements about AU were her personal opinion not the position of ANC 3D (*see* May 12, 2025 Public Hearing Tr. at 108-114).

156. None of the other parties cross-examined ANC 3D's testimony at the May 12, 2025 public hearing.

Party in Support

157. At the May 12, 2025 public hearing, Mr. William Clarkson on behalf of SVNA, testified in support of the Campus Plan, noting that it is the result of numerous meetings and discussions involving the CLC, ANC 3D and 3E, multiple neighborhood and citizens associations, and organizations and individual neighbors; and specifically noting support for the community playground and University Avenue sidewalk (*see* May 12, 2025 Public Hearing Tr. at 114-116).
158. None of the parties cross-examined the testimony of SVNA at the May 12, 2025 public hearing.

Persons in opposition

159. At the public hearings on September 11, 2023 and May 12, 2025, Mr. Robert Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. In his testimony at the May 12, 2025 public hearing, Mr. Scholz raised four opposition issues: 1) AU's lack of involvement; 2) height and other probable impacts to neighbors due to the new university housing building; 3) insufficiency of campus parking; and 4) insufficiency of the \$8M cash payment to satisfy IZ requirements (*see* May 12, 2025 Public Hearing Tr. at 164-165). Mr. Scholz also stated that he supports the reduction in height on the western portion of the housing building because his property is the most affected by the height and positioning of the building (*Id.*).
160. At the public hearings on September 11, 2023 and May 12, 2025, Mrs. Josie Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. In her testimony at the May 12, 2025 public hearing, Mrs. Scholz asked that the Commission require Wesley to contribute funds above minimum IZ requirements to share with less financially fortunate in the ANC 3 community some of the benefit being afforded to Wesley by giving them the green light to build this project (*see* May 12, 2025 Public Hearing Tr. at 163-164).
161. At both public hearings, Shelly Repp, Chair of the Committee of 100 on the Federal City, testified and provided written testimony. In his May 12, 2025 testimony, Mr. Repp stated that most of his concerns relate to IZ so he would defer them to further processing. He also stated that AU should be concerned that the substantial amount of money the proposed new university housing building will generate will not be going to AU (*see* May 12, 2025 Tr. at 161-162).

Party in Opposition

162. At the September 11, 2023 and October 2, 2023, and May 12, 2025 public hearings, NLC-SVWHCA testified and submitted written testimony to the record through Mr. Blaine Carter, Ms. Alma Gates and Mr. Tom Smith. At the May 12, 2025 public hearing, Mr. Tom Smith initiated NLC-SVWHCA's testimony, stating that Wesley's arguments are a repeat of their testimony during the previous 2022 Campus Plan, the 2023 PUD/Campus Plan,

and the 2024 text amendment case; the Commission did not approve the previous Campus Plans and the pending text amendments do not resolve all the legal obstacles associated with this Campus Plan. First, the university housing building primarily for AU students is inconsistent with Subtitle X § 101.4 because it is unrelated to the educational mission of Wesley. He argued that despite Wesley and OP's filings citing the pending text amendments to evidence that the housing building is not a commercial venture, the building is a commercial venture as Landmark will enter into lease agreements with AU students who are not enrolled for an academic degree from Wesley, which is required under Subtitle B; and the building will constitute 72.8% Wesley's occupiable square feet making it the dominant use of Campus. He argued the pending text amendments may exempt Wesley from the commercial limits of Subtitle X § 101 but they do not redefine "commercial" and the commercial nature of this proposal is at odds with Subtitle B. Second, based on the standards of review established in *Durant*, the Campus Plan is inconsistent with the FLUM and the Comprehensive Plan. Third, the Campus Plan is inconsistent with Subtitle X § 101.2 because it presents objectionable conditions for neighboring properties, including parking, campus security, number of students, and stormwater containment as discussed in Exhibit 88 of the case record; and AU, including poaching AU students for Wesley's financial gain when AU is experiencing its own financial challenges; and the IZ proposal is inadequate and also an objectionable condition (*see* May 12, 2025 Public Hearing Tr. at 119-122).

163. Mr. Blaine Carter continued NLC-SVWHCA's testimony, stating that a dormitory housing AU students is not a legitimate university use on Wesley's Campus and the pending text amendments do not state that housing AU students is part of AU's educational mission. He stated the number of AU students housed on Wesley's Campus will be seven times greater than Wesley students housed on Campus; only about 19% of Wesley's students live on Campus so Wesley does not need the housing building except to achieve its objective of making money. He argued another issue that makes this case egregious is Landmark, at Wesley's bidding, is exploiting campus plan flexibility to allow development standards of the Property's underlying RA-1 zone to be exceeded. In addition, AU is not actively engaged in this Campus Plan process and anything less than AU's full-throated endorsement and collaboration is reason for the Commission to reject this proposal. He noted residents are deeply concerned that the neighborhood may be left with a non-conforming asset building on the Wesley Campus if this housing building is constructed and AU's students do not occupy the building. Finally, he stated, despite the Commission bending over backwards to move this proposal forward with a limited text amendment that does not solve the regulatory issues in this case, Wesley has still provided no evidence of its financial need (*see* May 12, 2025 Hearing Tr. at 122-127).
164. Lastly, Ms. Alma Gates testified on NLC-SVWHCA's behalf, arguing that the proposal is inconsistent with the Comprehensive Plan. She noted: "Although Wesley removed the building's penthouse, the reconfigured density remains on site [and the] seven-story building is shoehorned into a corner of the campus, hoping to be hidden from sight by distant AU dorms, but the low-scale buildings on the Wesley campus are overshadowed by the proposed addition." She stated that the proposed housing building is inconsistent with CP Land Use Element Policy LU-2.1.5, which supports maintaining established low-

density neighborhoods and related low-density zoning and encourages alternatives to existing structures to be compatible with the general design character and scale of the existing neighborhood, and preserve civic and open space. She also argued that the proposal is inconsistent with the D.C. Court of Appeals holding in the Durant cases, stating: “I reference Durant because there are many similarities between it and the Wesley Campus application stemming from the interpretation of the Future Land Use Map, the FLUM. Although 901 Monroe was for a PUD, it was the interpretation of the density of the FLUM zoning designation versus what was being proposed that resulted in denial of the application.” She contended that in this case, the FLUM designates the Property as institutional but the proposal would change the building use from institutional use to commercial use by virtue of bed rentals to non-Wesley tenants; and commercial uses of the proposed building scale are not permitted in the underlying RA-1 zone. In these circumstances, the D.C. Court of Appeals would be unable to point to the immediate application and find substantial evidence in the rationale or proceedings to support commercial use in an area designated on the FLUM for institutional use; nothing in the proposed land use supports Wesley’s educational mission and the underlying RA-1 zoning permits moderate-density residential development. She concluded, noting: “It is the medium-density residential areas that are neighborhoods or areas where mid-rise, four to seven story apartment areas are the predominant use. The FLUM designates Durant and Wesley as moderate-density residential, not medium density. And this is the major parallel with Durant, land use.” (*see* May 12, 2025 Public Hearing Tr. at 127-134).

165. During its comments in response to the testimony at the May 12, 2025 public hearing, Commissioners stated that the proposed university housing building is connected to Wesley’s educational mission; and that it is student housing and not commercialization (*see* May 12, 2025 Public Hearing Tr. at 141-144). Commissioners also commented that this case is a unique situation where two universities are immediately adjacent and the text amendment in Z.C. Order No. 24-09 carves out an exception from commercial use restrictions (*see* May 12, 2025 Public Hearing Tr. at 145-147). Commissioners further commented that there could have been other cleaner solutions than the proposal before the Commission; however, lots of mitigations are being provided to address objectionable impacts (*Id.*).

Post May 12, 2025 Public Hearing Submissions

166. At the conclusion of the May 12, 2025 public hearing, the Commission closed the record except for the submission of rebuttal testimony and requested information from the Seminary and opportunity for party responses.
167. On May 23, 2025, the Seminary submitted rebuttal testimony and the requested information (Ex. 104). Specifically, the Seminary’s submission included:
- *Revised Draft Conditions:* Wesley stated it accepted ANC 3E’s proposed revisions to its draft conditions and made the deletions requested by OP in its report at Ex. 85;
 - *Tree Replacement Ratio:* In response to the Commission’s inquiry at the public hearing, Wesley confirmed that the tree replacement ratio is 4.5 new trees for every 1 tree removed. No heritage trees will 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);

- *Durant CP Inconsistency Issue*: Wesley stated that the assertion that the proposed Wesley Campus Plan is inconsistent with the 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*. Under *Durant*, the FLUM must be considered in concert with the Comp Plan’s broader text, goals, and policies. The legal test is whether the proposal is “not inconsistent” with the Comp Plan, not whether it perfectly conforms to every single provision. As clarified in *Durant*, the Commission retains discretion to balance and reconcile competing objectives. In this case, the Wesley Campus is designated for “Institutional” use on the FLUM. The Framework Element of the Comp Plan states that “[t]his designation includes land and facilities occupied and used by colleges and universities. . .” Accordingly, the proposed dormitory conforms to the institutional use designation. Moreover, the proposal meets that standard established in *Durant*, as on balance, the proposed dormitory advances more policies than it does not, as identified in Wesley’s Comp Plan analysis (*see* Ex. 69F, 85, 96). The analysis provides that the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Educational Facilities Citywide Elements of the Comp Plan, as well as in the Rock Creek West Area Element would be furthered by the proposed dormitory, including goals related to expanding housing opportunities, promoting equitable access to educational resources, and increasing socio-economic diversity in high-opportunity areas like Ward 3. Further, the proposal supports key equity and housing goals, and has been refined through sustained engagement with the community;
- *Commercial Use Issue*: Wesley stated as defined in Subtitle B § 200.2(j), the Education, College/University use category includes “an institution of higher educational or academic learning providing facilities for teaching and research” and expressly contemplates the provision of student housing (i.e., dormitories and university housing) as an associated institutional use. While the proposed dormitory will house both Wesley and AU students instead of exclusively housing Wesley students, the Commission has addressed this unique situation with the adoption of a text amendment in Z.C. Order No. 24-09 that makes clear that the proposed housing will not be treated as a commercial use for zoning purposes if it is approved through a campus plan. The suggestion that the dormitory must still be considered a “commercial” use under Webster’s dictionary ignores the core principle that land use interpretations in the zoning context rest with the Commission, not external definitional sources. The fact that the Commission found it necessary to exempt the building from Subtitle X’s commercial use restrictions does not concede that the building is a commercial enterprise in the planning or land use sense—it reflects a legal clarification to remove ambiguity and allow the Commission to evaluate the proposal within the institutional framework of the campus plan process; and
- *Applicant’s Rebuttal*: Wesley provided rebuttal arguments affirming its position that the campus plan furthers its educational mission, maintains green open space and Wesley’s hilltop configuration with its neighbors, and will not have any objectionable impacts on neighboring properties. The rebuttal also stated that several issues will be taken up in more

detail at further processing, including: off-site IZ; campus security plan; neighborhood parking restrictions and enforcement; codes of conduct and enforcement; verification and enforcement of AU student enrollment; cooperation with AU regarding fence and use of AU shuttle; and Wesley access to new university housing building facilities (*Id.*).

168. On May 30, 2025, NLC-SVWHCA filed a response to the Seminary’s rebuttal, stating (Ex. 105):

- a. The proposal is unrelated to Wesley’s educational mission, in violation of Subtitle X § 101.4 requirements, because it is solely to create a commercial revenue source, it will primarily serve AU students with no connection to Wesley’s educational mission, and the Zoning Regulations require approval of separate campus plans based on different physical boundaries and ownership without differentiating whether educational institutions are neighboring;
- b. The Seminary’s analysis of *Durant* is flawed because that decision focused on whether the proposed PUD was consistent with the FLUM’s definition of the moderate density residential land use category and in this case the issue is whether the proposed housing building is consistent with the FLUM’s definition of the institutional land use category. Further, in *Durant*, the Court determined that the proposed PUD would not be consistent with the underlying zoning and in this case, the proposed housing building would not be consistent with the Campus’ underlying RA-1 zoning nor is it consistent with the adjacent neighborhood, which is zoned R-1B and R-1A;
- c. The Seminary’s analysis of Subtitle B § 200.2(j), which defines the Education, College/University use category, ignores the language “leading to a degree, and authorized to grant academic degrees” in the definition, which links university land use to the institution’s enrollment by indicating the use is intended for academic “study leading to a degree.” The critical factor in this case is that the proposed housing building is for AU students who will not be enrolled at Wesley and therefore will not be eligible to receive a degree from Wesley; therefore, the proposed housing building does not meet the standard for Education, College University use under Subtitle B § 200.2(j) ;
- d. The proposed housing building is not in harmony with the institutional uses permitted under Subtitle B § 200.2(j) because it is a commercial student apartment building that will comprise nearly 73% of occupiable space on Wesley’s Campus—the dominance of this commercial component in Wesley’s Campus Plan is what makes it objectionable. The proposed housing building is consistent with Webster’s definition of “commercial”; and the Zoning Regulations, under Subtitle B § 100.1(g), require Webster’s definition for undefined words;
- e. The Seminary’s Comprehensive Plan analysis skips several Land Use Element policies that Wesley’s Campus Plan is inconsistent with, including:
 - LU – 2.1.5 which calls for supporting low density neighborhoods;
 - LU – 2.3 which stresses that the District should maintain institutional land use compatibility with the surrounding residential neighborhoods and even references Subtitle X, Section 101.4 of the Zoning Regulations as the means to “ensure land use compatibility;”

- LU – 2.3.1 which stresses that the District should prevent encroachment of inappropriate commercial use into residential neighborhoods;
 - LU – 2.3.7 which stresses that institutions should ensure that their use conforms to the underlying zoning of the site, particularly to protect neighborhood interests in the future; and
 - LU – 2.3.8 which states that the District should limit non-conforming uses by institutions, like the use proposed in this case by Wesley and Landmark; and
- f. Three issues, including affordability of housing units, design issues related to noise, and stormwater plan, should be added to the items for review at further processing. In addition, both the campus security plan and IZ should be addressed during the Campus Plan proceeding and should not be delegated to the further processing. Finally, NLC-SVWHCA cited its objections to several of the proposed conditions of approval.

(*Id.*).

169. On June 2, 2025, the Seminary filed Draft Findings of Fact and Conclusions of Law (Ex. 106) and Closing Statement of Rev. David McAllister-Wilson (Ex. 107). Rev. McAllister-Wilson repeated the importance of the Campus Plan to not only the Seminary and its ability to thrive in place, but to the continued well-being of the neighborhood, Ward 3 and the District.
170. On June 6, 2025, NLC-SVWHCA filed a motion to reopen the record to allow filing of two motions (Ex. 108, 108A). First, requesting a further hearing to discuss transportation issues related to Wesley's CTR, which NLC-SVWHCA noted was missing from the case record, and to cross-examine Wesley on its revised proposed conditions. Second, requesting a further hearing to consider the off-site IZ component of the proposed university housing building, which was excluded from the May 12, 2025 public hearing, and NLC-SVWHCA argues constitutes an objectionable condition justifying rejection of the Campus Plan.
171. On June 10, 2025, the Seminary filed a statement in opposition to the two motions filed by NLC-SVWHCA (Ex. 109).
172. At its June 12, 2025 public meeting, the Commission partially granted and partially denied NLC-SVWHCA's motions (Ex. 108, 108A) requesting a further hearing. The Commission granted the request for a further hearing regarding Wesley's CTR only; and denied the requests for a further hearing to discuss the proposed off-site IZ and to cross-examine Wesley regarding the proposed campus plan conditions.
173. On June 12, 2025, as requested by the Commission, the Seminary filed a cover letter and the April 29, 2022 CTR, and all the subsequent updates through May 1, 2025 to and from DDOT (Ex. 110); the filing included the following documents:
- CTR, dated April 29, 2022, filed in the previous iteration of the Wesley Campus Plan Case (Z.C. Case No. 22-13) (Ex. 110A1-A3);
 - DDOT Report, dated June 3, 2022, filed in the previous iteration of the Wesley Campus Plan Case (Z.C. Case No. 22-13) (Ex. 110B);

- Gorove Slade TDM and PMP Plans, dated June 10, 2022, filed previously in Z.C. Case No. 22-13 (Ex. 110C);
- DDOT Comments, July 20, 2022 (Ex. 110D);
- Presentation from Gorove Slade Meeting with DDOT, August 18, 2023 (Ex. 110E);
- Gorove Slade Project Status & TDM Update, August 25, 2023 (Ex. 110F);
- DDOT Report, dated September 1, 2023, filed in the Wesley Campus Plan and PUD Cases (Z.C. Case Nos. 23-08, 23-08(1)) (Ex. 110G);
- Updated TDM, Submitted September 1, 2023 (Ex. 110H);
- Gorove Slade Project Status & TDM Update (Transportation Study), dated March 25, 2025 (Ex. 110I; also Ex. 80); and
- DDOT Supplemental Report, dated May 1, 2025 (Ex. 110J; also Ex. 86).

174. On June 13, 2025, the Commission issued a Notice of Limited Scope Public Hearing scheduled on July 2, 2025, by electronic mail to the parties in the case as well as OP, DDOT, and DOEE.

Public Hearing of July 2, 2025

175. At the limited scope public hearing on July 2, 2025, the Seminary provided a PowerPoint presentation (Ex. 111) and testimony by Daniel Solomon, AICP,²² Principal at Gorove Slade Transportation Planners and Engineers, as an expert witness in transportation issues. The Applicant's PowerPoint presentation for the July 2, 2025 limited scope hearing included:

- A statement that there is no effective change in the number of students and staff as part of the 2025 Campus Plan compared to the previous campus plan therefore the focus of the transportation review was on changes expected due to development of the university housing building;
- A timeline of submission updates and coordination with DDOT;
- A list of updates and refinements to the TDM and PMP based on DDOT and community feedback, including restricting access at University Avenue and reducing the number of vehicle parking spaces;
- A statement noting the following regarding the CTR:
- assumptions regarding trip generation, mode splits, and analysis scenarios were reviewed and approved by DDOT;
- expected trip generation is below DDOT's threshold for vehicle analysis (25 peak hour, peak direction trips) and the CTR analysis stayed below impact thresholds at study area intersections;
- subsequent update maintained conservative estimates for traffic generation (600 net new beds + 1535 sf retail vs. 569 net new beds) and DDOT approved this methodology; and

²² The transcript from the July 2, 2025 limited scope hearing does not include the testimony from Daniel Solomon; the court reporter informed the Office of Zoning that no additional audio files are available for the July 2, 2025 hearing beyond those in the transcript provided. However, the Office of Zoning website does include a video of the July 2, 2025 limited scope hearing, which can be accessed in the Z.C. Case 23-08(1) case record.

- Lists highlighting requirements of the TDM and PMP presented in the Applicant's March 25, 2025 Transportation Memo, satisfying DDOT's condition of approving the CTR (*Id.*).

176. On behalf of NLC-SVWHCA, Mr. Tom Smith and Mr. Blaine Carter attended the July 2, 2025 public hearing. Mr. Tom Smith cross-examined Mr. Solomon, asking:

- Whether the trip generation model used accounted for the proposed university housing building;
- Whether their study examined potential traffic or parking issues stemming from special events on campus or a playground;
- Whether Massachusetts Avenue and Wesley Circle Northwest operate at unacceptable levels of service and also have queuing issues;
- Whether their study recommended that DDOT conduct a safety audit of Massachusetts Avenue and Wesley Circle intersection after examining crash data;
- What specific mitigations are proposed in the TDM to target the levels of service at those two intersections;
- Based on the March 25, 2025 memorandum, is the pick-up/drop off located at a residential loading entrance of the proposed housing building, is that a typical location, and will it be adequate during periods of high traffic volumes; and
- Why does the CTR say it is for the proposed housing building and not the campus as a whole.

(see July 2, 2025 Public Hearing Tr. at 5-9).

177. Mr. Solomon responded to Mr. Smith's cross-examination questions as follows:

- The trip generation model accounted for the proposed university housing building by using a student apartment adjacent to campus, as agreed with DDOT;
- Their study did not examine potential traffic or parking issues stemming from special events on campus or a playground;
- Massachusetts Avenue and Wesley Circle Northwest do operate at unacceptable levels of service and they also have queuing issues;
- Their study did recommend that DDOT conduct a safety audit of Massachusetts Avenue and Wesley Circle intersection after examining crash data;
- The level of service issues are existing issues that are not being caused by the Campus Plan so they are not Wesley's responsibility to mitigate;
- Based on the March 25, 2025 memorandum, the pick-up/drop off is located at a residential loading entrance of the proposed housing building, which is atypical, but adequate; and
- He cannot speak to why the CTR does not state it is for whole campus.

(*Id.*).

178. At the July 2, 2025 limited scope public hearing, Mr. Erkin Ozberk testified on behalf of DDOT confirming the May 1, 2025, DDOT Supplemental Report (Ex. 86) recommending approval on condition that Wesley implements the TDM and PMP, including the bike share station, construction of pedestrian facilities, and a study for a future traffic signal at

Massachusetts Avenue driveway, with the additions of Wesley installing bike racks and a scooter corral, to which it has agreed (*see* July 2, 2025 Public Hearing Tr. at 11-12).

179. Mr. Tom Smith cross-examined Erkin Ozberk, asking:

- a. Has DDOT been provided with any data to support the change in the amount of parking from 380+ spaces down to 295 spaces;
- b. Do you have a sense of whether DDOT reviewed any previous DDOT reports for Wesley going back, for example, to 2012;
- c. Does DDOT have any concern about Wesley's requested flexibility to increase or decrease parking by 10%;
- d. Is DDOT proposing a study of the potential need for a traffic or pedestrian signal at the Massachusetts Avenue and Wesley Circle driveway;
- e. Why did DDOT accept the use of old data from the 2012 and 2020 campus plans;
- f. Is DDOT aware that the 2012 report relied on 2005 data;
- g. Why would an additional study be needed for the Massachusetts Avenue and Wesley Circle driveway since there is already a pedestrian signal 200 feet from the driveway; and
- h. Why didn't DDOT require Wesley to update its CTR when it updated the Campus Plan in March 2025, given that it was originally filed in April 2022 with very limited data collection due to Covid.

(*see* July 2, 2025 Public Hearing Tr. at 13-18).

180. Mr. Ozberk responded to Mr. Smith's cross-examination questions as follows:

- a. In DDOT's 2023 report, the parking was identified as higher than anticipated so DDOT was supportive of the parking reduction, which is still in excess of DDOT's preferred parking rate;
- b. He does not have a sense of whether DDOT reviewed any previous DDOT reports for Wesley;
- c. He does not have any concern about Wesley's requested flexibility to increase or decrease parking by 10%;
- d. DDOT is proposing a study of the potential need for a traffic or pedestrian signal at the Massachusetts Avenue and Wesley Circle driveway;
- e. It is his understanding that DDOT and Wesley agreed to apply a growth rate to those older counts to bring it to comparable data when this study was performed in 2022;
- f. He does not know if DDOT is aware that the 2012 report relied on 2005 data;
- g. It is his understanding that the impacts of the Massachusetts Avenue and Wesley Circle driveway are subject to future study and may require further improvements once the university housing building is open; and
- h. DDOT did not require an updated CTR in March 2025 because it felt the existing analysis was appropriate, in particular, given the elimination of the retail component originally proposed in Z.C. Case 22-13.

(*Id.*).

181. Mr. Smith and Mr. Carter testified at the limited scope public hearing arguing that the CTR serves as evidence that the Wesley Campus Plan is objectionable to neighboring property due to traffic and parking and fails to meet Subtitle X § 101.2 standards of approval because it was completed for a prior Wesley Campus Plan case that was withdrawn; the CTR relies on old untimely data not representative of typical conditions and consequently its analysis of existing and background traffic conditions is invalid; the CTR fails to include an assessment of future traffic conditions; the CTR fails to include mitigations for two critical study intersections operated at unacceptable levels of service and Wesley's TDM does not specifically mitigate the problems with these two intersections; the CTR is not an assessment of traffic impacts of the Campus Plan as a whole, including faculty staff, and commuter students, and instead limits trip generation data to residents of the proposed university housing building; and Wesley's proposed reduction to 295 parking spaces is not supported by any current real world parking utilization data and is likely inadequate to accommodate the Campus Plan. Therefore, Wesley should be required to submit a new CTR to offer insight into existing future and background conditions and to allow them to form data-driven decision making in this case (*see* July 2, 2025 Public Hearing Tr. at 22-29; *see* written testimony, Ex. 112).
182. At the July 2, 2025 public hearing, the Commission asked about residential parking permits in the neighborhood; commented that it agreed with DDOT regarding Wesley's TDM being robust; and stressed the importance of Wesley's compliance with reporting requirements under its current Campus Plan (*see* July 2, 2025 Public Hearing Tr. at 33-42). At the conclusion of the hearing, the Commission held the record open to allow NLC-SVWHCA to submit its written hearing testimony; and for Wesley to submit total campus trip generation data and NLC-SVWHCA to provide a response.
183. On July 18, 2025, the Seminary filed a cover letter and a technical memorandum from Mr. Soloman of Gorove Slade, which included total campus trip generation data, and noted that the total trips account for the existing number of entering and exiting trips determined in the CTR dated April 29, 2022, and the predicted number of trips related to the university housing building (Ex. 114). The memorandum concluded that the new trips generated by the campus plan as a result of the proposed university housing building during peak periods is below DDOT's threshold of 25 or more vehicle trips in the peak direction during a peak hour for requiring a full traffic impact study, but one was conducted to ensure a rigorous and transparent process (*Id.*). The Seminary's cover letter stated that the new trip generation is very limited and total trip generation for the Wesley Campus will remain historically low; and noted that, under its current campus plan (05-40B), "the traffic monitoring survey requirements shall be suspended so long as enrollment remains below the enrollment for the 2011-2012 academic year" and it is well established that Master's enrollment has continuously remained below the 2011-2012 levels (*Id.*).
184. On July 21, 2025, NLC-SVWHCA filed a response to the Seminary's trip generation filing citing the following main arguments: the CTR is focused on the proposed university housing building and not the campus as a whole; the trip generation data does not provide critical mode split data to demonstrate mode of travel used to access the campus and guide the TDM; the trip generation totals are not representative of typical conditions as the data

was collected during Covid-19; Wesley incorrectly claims that it is not required to file traffic and parking monitoring reports under the current campus plan based solely on Master's enrollment but Wesley has not complied with reporting requirements and had it complied, additional TDMs would have been triggered; the absence of parking utilization data in the CTR is evidence of Wesley's non-compliance; and overall, the CTR is based on old and outdated data for the 2022 Campus Plan and should not be relied on for a 2025 Campus Plan (Ex. 115).

Contested Issues

185. The Commission considered the entire record and finds that the following are the contested issues collectively raised by ANC 3E, Committee of 100, Robert and Josie Scholz, and NLC-SVWHCA regarding the 2025 Campus Plan (FF Nos. 113, 118, 120-122, 159, 160, 162-164, 168, 181, 184).

- a. Issues Related to IZ
 - i. The proposed \$8M financial contribution to satisfy IZ requirements off-site is insufficient and should be calculated based on the fair market value of DC IZ units and produce a higher set-aside than the 10.97% Wesley proposes;
 - ii. The off-site IZ proposal is too vague and lacking in detail to demonstrate compliance with new Subtitle C § 1006.10, under Z.C. Order No. 24-09; and
 - iii. The off-site IZ financial contribution would not benefit students from either Wesley or AU nor is it likely to result in any new affordable housing for the adjacent neighborhood as it is not tied to any specific project.
- b. Issues Related to AU
 - i. AU's lack of engagement and endorsement is reason for rejecting the Campus Plan; and
 - ii. There has been a lack of coordination with AU on various issues, including campus safety, neighborhood parking enforcement, process to verify AU enrollment for university housing building residents, AU shuttle route, etc.;
- c. Issues Related to Objectionable Conditions/Impacts (Subtitle X § 101.2)
 - i. The proposal will create objectionable conditions due to its number of students and Wesley has failed to provide a student count for every student on campus, as required under Subtitle Z § 302.10(d), without which it is impossible to set a head count given the melding with AU students, faculty, and staff who will be living on campus;
 - ii. The proposed university housing building will create objectionable noise and light impacts on neighboring properties due to its large size; it is larger than existing buildings on campus; and it exploits campus plan flexibility by allowing the underlying RA-1 zone development standards to be exceeded;
 - iii. The proposed university housing building will create objectional impacts due to stormwater run-off and lack of a containment strategy during construction to prevent flooding of property downhill; and there is no commitment from the Applicant to take responsibility for property damage;
 - iv. The proposal will create objectionable traffic and parking impacts due to an insufficient number of on campus parking spaces;

- v. The proposed university housing building will present objectionable impacts to Wesley's existing graduate community due to adding AU undergraduate students;
- vi. The proposed university housing building will present objectionable impacts to AU by poaching AU students to reside on Wesley's campus;
- vii. The proposal will result in objectionable impacts due to an inadequate campus security plan that does not address student safety;
- viii. The inadequacy of the proposed off-site IZ financial contribution presents an objectionable condition;
- ix. Both the campus security plan and IZ should be addressed during this Campus Plan proceeding and should not be delegated to further processing; and
- x. The proposed university housing building may result in a non-conforming asset being built on Wesley's campus if AU students ultimately do not occupy the building;
- d. Issues Related to Commercial Use
 - i. The proposed university housing use violates Subtitle X § 101.4 because it does not relate to Wesley's educational mission as 72.8% of the total campus build-out would be dedicated to AU students not Wesley students;
 - ii. The proposed university housing use is not a permitted use under the land use categories of the Zoning Regulations because the Subtitle B § 200.2(j) land use definition for educational, college/university use only permits universities to offer housing for its students enrolled at the institution where their degrees are conferred;
 - iii. The proposed university housing building's commercial nature is at odds with Subtitle B of the Zoning Regulations. Under Subtitle B § 100.1(g), "commercial" is defined as having the meaning given in Webster's unabridged dictionary because "commercial" is not a defined term in the Zoning Regulations; and
 - iv. The Commission did not conclude that the proposed university housing building is not a commercial enterprise and the text amendments in Z.C. Order No. 24-09 would not have been needed if the proposal was not deemed commercial.
- e. Issues Related to *Durant*
 - i. The proposed university housing building is a commercial use that is not consistent with Property's Institutional designation on the FLUM;
 - ii. The proposed university housing building is inconsistent with the Property's Institutional designation on the FLUM based on the holding in *Durant* because the "actual physical characteristics" of the proposed land use is primarily to house AU students solely for financial gain not to house Wesley students; and
 - iii. The size of the proposed university housing building is inconsistent with the underlying RA-1 zone and therefore inconsistent with the holding in *Durant*;
- f. Issues Related to Comprehensive Plan Policy Inconsistencies
 - i. The proposal is inconsistent with policies of the Comprehensive Plan Land Use Element, including Policy LU-2.1.1, which encourages new housing development on underused property; Policy LU-2.1.5, which encourages maintaining established low-density neighborhoods and related zones; Policy

- LU-2.3, which stresses maintaining institutional land use compatibility with surrounding residential neighborhoods; Policy LU-2.3.1, which stresses preventing encroachment of inappropriate commercial uses into residential neighborhoods; Policy LU-2.3.7, which stresses that institutions should ensure that their use conforms to the underlying zone of the site; Policy LU-2.3.8, which states that institutional use on property should conform to underlying zoning and the District should limit non-conforming uses by institutions; and Policy LU-3.3.3, which encourages institutional uses occupying large sites within residential areas to minimize objectionable impacts on adjacent communities; and
- ii. The proposal is inconsistent with policies of the CP Educational Facilities Element emphasizing the importance of universities being good neighbors and limiting new developments to those compatible with surrounding neighborhoods, and Policy EDU-3.3.2, which discourages university actions that would adversely affect the character or quality of life in surrounding residential areas;
- g. Issues Related to CTR
 - i. The CTR is based on old and outdated data (i.e., the same CTR as submitted in Z.C. Case No. 22-13), is limited to transportation issues tied to the proposed university housing building rather than the Campus Plan as a whole, and should be updated and not relied on for the 2025 Campus Plan;
 - ii. The 2025 Campus Plan reduction in parking spaces is not supported by the CTR or any other current data and is likely insufficient to support the Campus as a whole;
 - iii. The CTR, including its lack of parking utilization data, is evidence of Wesley's non-compliance with the reporting requirements of the current campus plan; and
 - iv. The CTR identifies two nearby intersections operating at unacceptable levels of service for which the TDM does not provide mitigations; and
 - h. Issues Related to Proof of Financial Need
 - i. There is no evidence in the record to demonstrate Wesley's financial need to justify the proposed university housing building.
- (*Id.*).

CONCLUSIONS OF LAW

Authority

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (D.C. Official Code § 6-641.01), the Commission may approve an application for education use by a college or university as a special exception, including a campus plan and further processing of an approved campus plan, consistent with the requirements set forth in Subtitle X § 101, Subtitle X Chapter 9, and Subtitle Z § 302.

Standard of Review

2. The Commission's discretion in granting a special exception is "limited to a determination whether the exception sought meets the requirements of the regulation." (*Glenbrook Road*

Ass'n v. District of Columbia Bd. of Zoning Adjustment, 605 A.2d 22, 30 (D.C. 1992)). The Applicant has the burden of showing, in this case, that its proposal meets the requirements enumerated in Subtitle X § 101 as well as satisfying the general standard for special exception approval set forth in Subtitle X § 901. Once the Applicant makes the requisite showing, the Commission “ordinarily must grant [its] application.” (*Id.* (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973))).

3. 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).

4. 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.*

5. 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 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) (“*Durant I*”). 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 Application satisfied the special exception test set forth in Subtitle X, § 101

6. The Commission concludes that the Applicant has met the burden of proof and the Application satisfies the special exception standards for the requested 2025 Campus Plan in the RA-1 zone set forth in Subtitle X, § 101 for the reasons stated herein. The Commission further concludes that the Applicant satisfied the general standard for granting a special exception in Subtitle X § 901 (and Subtitle X § 101.15); and 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 (FF Nos. 48, 53, 60, 76, 96-97, 130-131, 138-139, 146, 148, 150):
 - a. Generally, the Commission concludes that the 2025 Campus Plan, including the university housing building, is not likely to result in objectionable impacts to neighboring property due to the location of buildings central to Campus, extensive open space and landscape buffers, and a robust TDM plan and PMP along with a traffic circulation plan for Massachusetts and University Avenues and other measures outlined in the Conditions of Approval of this Order that mitigate potential impacts. With respect to the university housing building, it is positioned such that it is substantially buffered from the immediately surrounding neighborhood and University Avenue, in particular. The Commission further concludes that the requested Campus Plan can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map based on the Property’s underlying RA-1 zoning for the reasons stated herein;

- b. More specifically, the Commission concludes that the Applicant satisfied the campus plan special exception standards set forth in Subtitle X §§ 101.1, 101.6-101.14 and 101.16 (FF Nos. 76, 96, 97);
 - c. With respect to Subtitle X § 101.3, the Commission concludes the Applicant has satisfied the standards set forth because the proposed university housing building is not a commercial use and pursuant to Subtitle X §101.5, is not subject to the commercial use restrictions under Subtitle X §101 (FF Nos. 76, 96, 97);
 - d. With respect to Subtitle X § 101.5, the Commission concludes that the provision, which was adopted with a text amendment in Z.C. Order No. 24-09, exempts university housing exclusively for use by Wesley and AU students, faculty, and staff on Square 1600, Lot 819 from the commercial use restrictions of Subtitle X § 101, if approved as part of a campus plan. Accordingly, the Commission's approval of the proposed university housing building as part of the 2025 Campus Plan satisfies Subtitle X § 101.5 (FF Nos. 28, 76, 97); and
 - e. With respect to the remaining campus plan special exception standards, Subtitle X §§ 101.2, 101.4, 101.12, and 101.17, the Commission concludes the Applicant has satisfied the standards set forth and provides a more detailed discussion of its rationale along with responses to the contested issues raised regarding compliance with these standards below.
7. 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, as required under Subtitle X § 101.2 (FF Nos. 40, 48, 53, 60, 64, 65, 76, 96-97, 130-131, 138-139, 146, 148, 150):
- a. The Commission considered the opposition arguments listed above under FF No. 185(c)(i-x), Issues Related to Objectionable Conditions/Impacts citing number of students, noise and light due to the large university housing building size, stormwater runoff, traffic and parking, campus security, and impacts to Wesley graduate students and AU student housing; and arguing that the proposed IZ financial contribution is an objectionable condition; the campus security plan and IZ should be addressed as a part of this Campus Plan application; and the university housing building may be a nonconforming asset if AU students do not occupy the building. The Commission addresses these issues below:
 - i. The proposal will create objectionable conditions due to its number of students and Wesley has failed to provide a student count for every student on campus, as required under Subtitle Z § 302.10(d), without which it is impossible to set a head count given the melding with AU students, faculty, and staff who will be living on campus.

Commission Response: The Commission is not persuaded that the 2025 Campus Plan will create objectionable impacts due to number of students. The Commission

notes that the Applicant provided an 11-year Fall 2011-Spring 2025 record of enrollment numbers based on headcount without regard to full or part-time status of student in accordance with Subtitle Z § 302.10 requirements. As a result of the headcount approach, Wesley revised its student enrollment cap to 1,000 to reflect both full-time and a substantial number of part-time students who only visit campus for brief sessions on weekends or during the summer. The Commission finds this relatively small increase in the student population over the next 10 years appropriate to allow for limited growth, given that the total number of students has steadily fallen from 2011-2025. Accordingly, the Commission concludes that the number of students on campus will not result in objectionable impacts and finds the codes of conduct for all students, faculty, and staff provide effective measures prevent objectionable impacts (FF Nos. 40, 42, 53, 70, 76, 96, 97, 148, 150).

- ii. The proposed university housing building will create objectionable noise and light impacts on neighboring properties due to its large size; it is larger than existing buildings on campus; and it exploits campus plan flexibility by allowing the underlying RA-1 zone development standards to be exceeded.

Commission Response: The Commission recognizes the concerns of Mr. and Mrs. Scholz, the closest neighbors on University Avenue, and the concerns of others regarding potential objectionable impacts due to the size of the proposed university housing building, which will stand 74 feet, 8 inches high. The Commission notes the changes to the university housing building design, including removal of the penthouse and reduction of the total square footage. In addition, the building is 300 feet from the east curb of University Avenue; the portion closest to University Avenue was lowered to five stories down to roughly 60 feet for the lower portion of the five-story stepped area; the first five floors are screened from University Avenue by the 2014 dorm; and the upper floors setback and are screened by existing trees. The Commission also notes that the university housing building height of 74 feet, 8 inches is less than the maximum permitted 90 foot height in the RA-1 zone, and meets all development standards of the RA-1 zone except the setback requirement of 35 feet along a small portion of the property boundary with AU, for which the Applicant requested area variance relief to provide a 27 foot setback (FF No. 76-79, 97, 98). The Commission notes the campus plan regulations allow a maximum height of 50 feet in the RA-1 zone; therefore, the underlying RA-1 zone development standards allow for additional height to be achieved in these circumstances (FF No. 76). Though other buildings on Campus are shorter in height than the proposed university housing building, the Commission finds the centrally located positioning of the proposed building in proximity to existing AU buildings appropriate for its 74 foot, 8 inch height (FF No. 62). Further, Wesley has demonstrated that the actual visual impact of the building on nearby neighbors will be minimal. For these reasons, the Commission concludes that the university housing building will not create objectionable noise and light impacts due to its size. The Commission encourages the Seminary 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 further notes that the student/campus life uses and the academic and administrative uses within the Campus boundaries have been located to minimize possible noise and light impacts. (FF Nos. 48, 60-62, 64, 76, 97, 130-131, 134-135, 138-139).

- iii. The proposed university housing building will create objectional impacts due to stormwater run-off and lack of a containment strategy during construction to prevent flooding of property downhill; and there is no commitment from the Applicant to take responsibility for property damage.

Commission Response: The Commission is not persuaded that the proposed university housing building will create objectionable stormwater run-off impacts. The Commission notes the 2025 Campus Plan's increased GAR from 0.4 to 0.6, increased permeable surface, and inclusion of installation of multiple bioretention facilities, all of which will contribute to stormwater management (FF No. 50). The Commission finds the Conditions of Approval of this Order (to be more fully defined at further processing to authorize construction of the university housing building) respond to stormwater management issues. The Commission further notes Wesley's commitment to more fully address a stormwater management plan and be responsible for compliance and preventing any damage at further processing (*see* May 12, 2025 Public Hearing Tr. at 92). The Commission agrees with fully addressing stormwater management at further processing, which is required to authorize building construction within an approved campus plan. The Commission encourages the Seminary to maintain dialogue with neighbors during construction and long-term to address any stormwater management issues that may arise over the duration of the Campus Plan. Finally, the Commission notes that the Conditions of Approval in this Order include both stormwater management and construction management requirements (FF Nos. 50, 76, 97, 103, 136).

- iv. The proposal will create objectionable traffic and parking impacts due to an insufficient number of on campus parking spaces.

Commission Response: The Commission is not persuaded that the proposal will result in objectionable traffic and parking impacts due to an insufficient number of on campus parking spaces. The Commission notes that the 2025 Campus Plan proposed a reduction in campus parking spaces of 99 spaces for a total of 264 underground parking spaces and 31 surface parking spaces on Campus. The Commission notes that DDOT supports the reduction in parking spaces and supports Wesley's proposed TDM, with two additional conditions accepted by Wesley, and its PMP (*see* July 2, 2025 Public Hearing Tr. at 11-13). The Commission further notes that the Conditions of Approval in this Order include a traffic circulation plan for Massachusetts and University Avenues; prohibition of RPP's for residents of the university housing building; and continuing enforcement efforts to prevent Wesley students and residents of the university housing building from parking in the neighborhood. For these reasons, the Commission does not believe that objectionable traffic and parking impacts will result from approval of

the Campus Plan due to insufficient on Campus parking (FF Nos. 32, 65, 76, 97, 104, 140, 141, 180).

- v. The proposal will result in objectionable impacts due to an inadequate campus security plan that does not address student safety.

Commission Response: The Commission acknowledges the opposition concerns raised about the adequacy of the campus security plan, including the omission of security cameras directed at the playground; however, the Commission is not persuaded that the campus security plan will result in objectionable impacts. The Commission notes that Wesley provided a campus security plan as part of its revised and updated 2025 Campus Plan at Exhibit 82F of the case record. The Commission also notes Wesley's assurance that it expects to provide a more detailed campus security plan at further processing, with a security camera tuned on the playground, safety measures for Wesley and AU students, and consideration of international student issues (*see* May 12, 2025 Public Hearing Tr. at 89-91; FF No. 146). The Commission agrees with fully addressing campus security at further processing, which is required to authorize specific structures, buildings, and uses within an approved campus plan. Still, the campus security plan requirements in Exhibit 82F are Conditions of Approval in this Order.

- vi. The proposed university housing building will present objectionable impacts to Wesley's existing graduate community due to adding AU undergraduate students.

Commission Response: The Commission acknowledges the concern that the presence of numerous AU undergraduate students living in the university housing building may disrupt Wesley's existing graduate community. However, the Commission notes that both Wesley and OP have stated that any impacts associated with AU students on Wesley's Campus will be de minimis (*see* May 12, 2025 Public Hearing Tr. at 80, 102). The Commission finds this testimony persuasive (FF Nos. 146, 150). The Commission acknowledges that the presence of AU students living in the proposed university housing building could result in changes to the Wesley campus environment but is not persuaded that the presence of AU students will result in objectionable impacts to Wesley's Campus and/or its graduate student population.

- vii. The proposed university housing building will present objectionable impacts to AU by poaching AU students to reside on Wesley's campus.

Commission Response: The Commission is not persuaded that the university housing building will result in objectionable impacts to AU. The Commission notes that AU was not required to actively participate in Wesley's Campus Plan proceedings and the Commission has no authority to request AU's participation. The Commission also notes that AU did submit a neutral statement in response to the 2023 Campus Plan (FF No. 71). The Commission has consistently indicated

that it would have preferred that AU be more involved with this 2025 Campus Plan application. Nonetheless, the Commission has no basis to be persuaded that the proposed university housing building will result in objectionable impacts to AU.

- viii. The inadequacy of the proposed off-site IZ financial contribution presents an objectionable condition.

Commission Response: The Commission disagrees with NLC-SVWHCA's assertion that Wesley's proposed \$8M financial contribution to satisfy off-site IZ requirements is an objectionable condition because it is inadequate. Satisfaction of IZ is a requirement under the Zoning Regulations that must be met in conjunction with the proposed university housing building (FF No. 55); it is not an objectionable condition that will impact neighboring properties or the immediate area due to approval of the Campus Plan. Quite the contrary, since the Commission approved text amendments in Z.C. Order No. 24-09 which allow Wesley to satisfy the IZ requirement triggered by the proposed university housing building off-site from the Wesley Campus either through the provision of housing in other Ward 3 locations or through a financial contribution, deemed sufficient by the Commission (FF No. 28). The Commission will make a final determination on how the off-site IZ requirement will be satisfied in the further processing case to authorize construction of the proposed university housing building. The Commission expects to hear testimony regarding the adequacy or inadequacy of Wesley's proposed financial contribution to satisfy the off-site IZ requirement during the further processing proceeding. But the Commission sees no nexus between the final amount of any financial contribution and objectionable conditions/impacts to neighboring property which may result from approval of the Campus Plan. Because ultimately, IZ will be satisfied off-site away from the Wesley Campus and therefore cannot create objectionable conditions for neighboring property or the immediate surrounding area.

- ix. Both the campus security plan and IZ should be addressed during this Campus Plan proceeding and should not be delegated to further processing

Commission Response: The Commission believes that it is more appropriate to fully address the campus security plan and IZ at the time of further processing to authorize construction of the university housing building. With respect to campus security, the Commission believes fully addressing the campus security plan in conjunction with further processing to authorize the university housing building construction will allow for a more comprehensive and thorough plan that appropriately accommodates the final university housing building design plans. With respect to IZ, the text amendment language in Z.C. Order No. 24-09 adds a new Subtitle C § 1006.10 that requires Wesley to "provide off-site IZ located in Ward 3 as an enforceable condition to its 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus. . ." (FF No. 28). The Commission was deliberate in tying an enforceable condition to provide off-site IZ with the further processing application to authorize construction of the

university housing building. Primarily, because construction of the university housing building triggers IZ requirements and the Commission believes the conditions associated with the IZ requirements should be considered and finalized at the same time as the application to authorize construction of the university housing building. The Commission also believes this approach is more transparent for the public because there will be no conditions of approval associated with enforcement of IZ before further processing. For these reasons, the Commission believes it would be misleading to the public to have allowed detailed hearing testimony regarding IZ as a part of this Campus Plan proceeding. Moreover, the Commission believes that Wesley should be given the timeframe between this Campus Plan and further processing to modify and improve its proposal to satisfy the off-site IZ requirement.

- x. The proposed university housing building may result in a non-conforming asset being built on Wesley's campus if AU students ultimately do not occupy the building.

Commission Response: The Commission is not persuaded by NLC-SVWHCA's concern that AU students will not occupy the proposed university housing building and it will become a non-conforming asset. First, the Commission cannot predict the future and any application it approves could ultimately result in a development that faces lease up challenges. Second, the Commission notes that the proposed university housing building cannot be described as non-conforming based on the definitions and descriptions of non-conforming structures in the Zoning Regulations (*see* Subtitle B § 100.2; Subtitle C § 200).

- 8. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied the burden that the campus plan process shall not create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Comprehensive Plan, under Subtitle X § 101.4.

- a. The Commission considered the opposition arguments listed above under FF No. 185(d)(i-iv), Issues Related to Commercial Use stating the proposed university housing violates the Subtitle X § 101.4 educational mission requirement; is not a permitted use based on the requirements of Subtitle B §§ 100.2, 200.2(j) of the Zoning Regulations; and if it were not a commercial use the text amendment to add a new section 101.5 in Z.C. Order No. 24-09 would have been unnecessary. The Commission addresses these issues below:

- i. The proposed university housing use violates Subtitle X § 101.4 because it does not relate to Wesley's educational mission as 72.8% of the total campus build-out would be dedicated to AU students not Wesley students;
- ii. The proposed university housing use is not a permitted use under the land use categories of the Zoning Regulations because the Subtitle B § 200.2(j) land use definition for educational, college/university use only permits

- universities to offer housing for its students enrolled at the institution where their degrees are conferred;
- iii. The proposed university housing building's commercial nature is at odds with Subtitle B of the Zoning Regulations. Under Subtitle B § 100.1(g), "commercial" is defined as having the meaning given in Webster's unabridged dictionary because "commercial" is not a defined term in the Zoning Regulations; and
 - iv. The Commission did not conclude that the proposed university housing building is not a commercial enterprise and the text amendments in Z.C. Order No. 24-09 would not have been needed if the proposal was not deemed commercial.

Commission Response: Because the four issues listed above are interrelated, the Commission addresses them together in a single response. The Commission disagrees with NLC-SVWHCA's assertion that the Subtitle B § 200.2(j) land use definition for educational, college/university use requires the Commission to conclude that the proposed university housing building is a commercial use because it only permits universities to offer housing for its students enrolled at the institution where their degrees are conferred. And because, Subtitle B § 100.1(g) requires the Commission to define the word "commercial" with the meaning in Webster's unabridged dictionary. The Commission notes that Webster's unabridged dictionary defines commercial as "of or relating to commerce; designed mainly for profit; paid for by advertisers." The Commission acknowledges that the proposed university housing building could be construed as a commercial use based on this definition. However, at no point during this Campus Plan proceeding or during proceedings for prior iterations did the Commission unanimously agree or conclude that the proposed university housing building is a commercial use. In response to opposition arguments asserting that the proposed university building was a commercial use, the Commission supported text amendments to clarify that the Commission did not construe the proposed university housing building as subject to the commercial use restrictions of Subtitle X § 101, specifically sections 101.3 and 101.4. Notably, the text amendment, adding a new Subtitle X § 101.5 limits the exclusion from commercial use restrictions to "university housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819... if approved by the Zoning Commission as part of a campus plan." The Commission acknowledges that the land use definition of educational, college/university, under Subtitle B § 200.2(j)(1), does not contemplate facilities for students beyond students seeking a degree at the university where their degrees are conferred, but Subtitle B § 200.2(j)(2) includes dormitories as examples of permitted uses. Nonetheless, the Commission finds the proposed university housing building to align more with the educational, college/university land use definition than it aligns with Webster's definition of commercial. Therefore, the Commission concludes that the university housing building is a permissible use under the educational, college/university land use definition in Subtitle B § 200.2(j) (FF Nos. 73-75, 132). The Commission believes that what distinguishes the university housing building use is that everyone living

there will be students, faculty, or staff of a university irrespective of the fact that AU students will also reside in the building and enter into lease agreements to occupy the building (FF No. 165). The Commission has consistently maintained throughout this proceeding and prior iterations that this proposed arrangement of AU students living in university housing with Wesley students on Wesley's campus is unique and driven by the factual circumstances of the two universities being immediately adjacent (FF No. 165, 167). Likewise, the Commission has readily acknowledged that there are potentially alternative options to this proposed arrangement that could have been more straightforward, but the Commission is charged with reviewing the proposal before it²³. For these reasons, the Commission purposely drafted the text amendment language in new Subtitle X § 101.5 to create a limited exclusion to accommodate these specific, unique factual circumstances (FF No. 28). The Commission acknowledges that during previous iterations and during this proceeding some Commissioners did express reservations about whether the proposed university housing building is consistent with Wesley's educational mission, as required under Subtitle X § 101.4. Based on the hearing testimony, both at the September 11, 2023 and May 12, 2025 hearings, and the submissions to the case record, the Commission was ultimately persuaded that the revenue generated from the proposed university housing building would further Wesley's educational mission to the extent it allows Wesley to stay in a location that attracts students faculty and staff from all over the world, and provides funding for programming to educate Wesley's students, provides financial aid to Wesley's students, and provides support to underserved communities/missions at Wesley's current scale. Despite the fact that the proposed university housing building will primarily house AU students, the revenue generated from it will directly support Wesley's educational mission (*see* FF Nos. 34, 123, 125, 128-129, 143, 165, 167, 169);

- b. The Commission considered the opposition arguments listed above under FF No. 185(e)(i-iii), Issues Related to *Durant*²⁴ arguing that the proposed university

²³ *See Spring Valley–Wesley Heights Citizens Ass’n v. District of Columbia Zoning Comm’n.*, 88 A.3d 697, 704 (D.C. 2013) (concluding that it is “not the function of the Commission to consider all the possible alternatives”)

²⁴ *Durant v. District of Columbia Zoning Commission* refers to the following three D.C. Court of Appeals decisions regarding a proposed PUD and related map amendment to authorize construction of a six-story building on a parcel mostly designated on the FLUM for low density residential use with parts of the parcel designated for low-density and moderate density mixed-use: *Durant v. District of Columbia Zoning Commission*, 65 A.3d 1161 (D.C. 2013) (“*Durant I*”); *Durant v. District of Columbia Zoning Commission*, 99 A.3d 253 (D.C. 2014) (“*Durant II*”); and *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880 (D.C. 2016) (“*Durant III*”) (collectively, “*Durant*” hereinafter). In *Durant I* and *Durant II*, the D.C. Court of Appeals remanded the Commission’s approval of the proposed PUD for the Zoning Commission to further explain its reasoning for why the proposed PUD project should properly be characterized as a moderate density development/use consistent with the Comprehensive Plan. In *Durant III*, the D.C. Court of Appeals set aside the Commission’s approval of the PUD and denied the application holding that the proposed six-story apartment building was not moderate density residential development under the FLUM as it would not be comparable to the smaller-scale structures in the definition of moderate-density residential use; and the Commission placed unwarranted reliance on the moderate-density FLUM definition reference to the R-5-B district to support classifying the proposed PUD as moderate density residential use when the proposed building would not ordinarily be permissible in the R-5-B district.

housing building is inconsistent with the Court's holding in *Durant* and with the Property's Institutional FLUM designation because it is a commercial use. The Commission addresses these issues below:

- i. The proposed university housing building is a commercial use that is not consistent with Property's Institutional designation on the FLUM;
- ii. The proposed university housing building is inconsistent with the Property's Institutional designation on the FLUM based on the holding in *Durant* because the "actual physical characteristics" of the proposed land use is primarily to house AU students solely for financial gain not to house Wesley students; and
- iii. The size of the proposed university housing building is inconsistent with the underlying RA-1 zone and therefore inconsistent with the holding in *Durant*.

Commission Response: Because the three issues listed above are interrelated, the Commission addresses them together in a single response. The Commission must first note that its evaluation of Comprehensive Plan consistency in a campus plan is a more limited evaluation than in a PUD²⁵. In a campus plan, the Commission's Comprehensive Plan evaluation is limited to "the campus plan [not serving] as a process to create general commercial activities or developments . . . that would be inconsistent with the Comprehensive Plan" and the Commission's consideration of "to the extent relevant, the policies of the District Elements of the Comprehensive Plan." (Subtitle X §§ 101.4, 101.12). The Commission does not find NLC-SVWHCA's arguments regarding the *Durant* holding persuasive. The Commission notes that the Property in this case is designated institutional on the FLUM and the institutional FLUM category states:

"This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories." (10-A DCMR § 227.18; FF No. 20, 82).

In *Durant*, part of the subject property was designated moderate density residential and the moderate density residential FLUM category included descriptive language of moderate density residential that conflicted with the proposed six-story building

²⁵ The PUD evaluation standard requires the Commission to find that a PUD is not inconsistent with the Comprehensive Plan, does not result in unacceptable project impacts that are not capable of being mitigated or acceptable given the quality of the project public benefits, and includes specific public benefits and project amenities that are not inconsistent with the Comprehensive Plan (Subtitle X § 304.4) Further, in deciding a PUD, the Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any adverse effects according to the specific circumstances of the case (Subtitle X § 304.3)

in that PUD and related map amendment application. Consequently, the D.C. Court of Appeals concluded that the actual physical characteristics of the proposed six-story building conflicted with it being characterized as moderate density residential. Specifically, the moderate density residential FLUM category language included examples of types of moderate density development and cited specific zones that would be consistent with the moderate density residential category. *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880, 883-884 (D.C. 2016) (“*Durant III*”)

Opponents argue that the facts in this case align with *Durant* because the actual physical characteristics of the proposed university housing building are to primarily house AU students for financial gain and this fact makes the proposed building commercial and inconsistent with the institutional FLUM category. However, unlike the facts in *Durant*, the institutional FLUM category does not include any descriptive language about the physical characteristics of institutional or language that conflicts with the proposed university housing building like the moderate density residential category did in *Durant*. This is evidenced by the entirety of the language in the institutional FLUM category provided immediately above. In *Durant*, the D.C. Court of Appeals could point to the language in the moderate density residential FLUM category and conclude that the proposed six story building was inconsistent with the examples of moderate density residential development and with other descriptive language in the category. *Id.* In this case, the institutional FLUM category language does not include the descriptive detail that the moderate density residential FLUM category, which applied in *Durant*, did. For these reasons, the Commission is not persuaded that the actual physical characteristics of primarily housing AU students for financial gain in the proposed university housing conflicts with the institutional FLUM category. Nor is the Commission persuaded that the proposed university housing building is a commercial use that is inconsistent with the institutional FLUM category. (FF No. 167).

Opponents also argue that the D.C. Court of Appeals relied on the fact that underlying zoning would not permit the proposed six story building to conclude that it was inconsistent with the moderate density residential FLUM category. This is not an accurate characterization of the Court’s rationale in the Commission’s view. In *Durant*, the moderate density residential FLUM category cited specific zones as being consistent with the moderate density residential category; and the Court noted that one of those cited zones, which the Zoning Commission relied on in its order, would not permit the proposed six story building. *Id.* at 884. In this case, opponents argue that the proposed university housing building would not be permissible based on the Property’s underlying RA-1 zoning to contend that the facts in this case are similar to *Durant*. However, unlike *Durant*, the institutional FLUM category does not cite any specific zones as being consistent with the institutional category; and the proposed university housing building is permissible under the RA-1 zone. The proposed university housing building meets all the development standards of the RA-1 zone, including height, except for the 35 foot

setback required for a small portion of the building abutting AU's property line, for which Wesley requested area variance relief to provide a 27 foot setback (FF Nos. 77-79, 98). Thus, the proposed university housing building is permissible in the underlying RA-1 zone but more significantly, there is no language in the institutional FLUM category citing specific consistent zones. Further, contrary to opponents' assertion, the Court did not rely on the underlying zoning of the property in *Durant* to justify its rationale. *Id.* at 880-884. Accordingly, the holding in *Durant* is not based on facts that are similar to this case. For all the reasons stated immediately above, the Commission is not persuaded by opponents' contention that the holding in *Durant* does not support approval of this Campus Plan application, including the proposed university housing building (FF 167).

9. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied the burden that the Campus Plan is not inconsistent with the policies of the District Elements of the Comprehensive Plan, to the extent relevant (Subtitle X § 101.12). As previously noted, the Commission utilizes a Racial Equity Tool in evaluating a zoning action's consistency with the Comprehensive Plan. (FF No. 90). The Commission concludes that the Campus Plan would not be inconsistent with the Comprehensive Plan on the whole, including the Property's Institutional designations on the GPM and FLUM; and would further Comprehensive Plan policies of the Land Use, Educational Facilities, Transportation, Housing, Environmental Protection, Parks, Recreation, and Open Space, and Economic Development District Elements as well as policies of the Rock Creek West Area Element, including when viewed through a racial equity lens. (FF Nos. 80-94, 99-102, 133, 148). The Commission bases this conclusion on the Comprehensive Plan consistency analyses, inclusive of Racial Equity analyses, provided by the Applicant and OP (FF Nos. 80-94, 99-102). Based on the case record, the Commission finds that the Campus Plan, including the proposed university housing building, is compatible with the existing neighborhood character, particularly after building design modifications in response to community concerns; maintains green open space of the Campus and generous buffers from the adjacent neighborhood; provides multimodal options that include pedestrian improvements; incorporates sustainable and thoughtful design elements; and expands the on-campus student housing supply in an area where there is a significant need for housing (80-94, 99-102, 133, 148):

- a. Racial Equity – The Commission notes that, in accordance with the requirements of the Racial Equity Tool, the Applicant's Racial Equity Analysis included evidence of extensive community outreach and engagement; and OP's Racial Equity Analysis included disaggregated race and ethnicity data for the Rock Creek West Planning Area, in which the Property is located (FF Nos. 39, 91, 100-101). Specifically, the Applicant provided evidence of its community outreach and engagement efforts, which included meetings with neighbors, the CLC, and ANCs 3D and 3E, and based on these meetings, the Applicant revised the site design, building orientation, and TDM plan (FF Nos. 39, 48, 113, 138-139, 167). OP provided data for the Rock Creek West Planning Area showing that 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 (FF No. 100). The Commission concludes that the information provided by the Applicant and OP satisfies the requirements of the Commission's Racial Equity Tool and that the revised and updated 2025 Campus Plan responds to Comprehensive Plan racial equity goals. (FF Nos. 67, 91-93, 100-102);

- b. Potential CP Inconsistencies – The Commission acknowledges that the Campus Plan may be potentially or inconsistent with Comprehensive Plan policies that have not been identified herein; to the extent any Comprehensive Plan inconsistencies have not been identified, the Commission finds them to be outweighed by the Comprehensive Plan policies that would be advanced by the Campus Plan (FF No. 94);
- c. The Commission considered the opposition arguments listed above under FF No. 185(f)(i-ii), Issues Related to the Comprehensive Plan Policy Inconsistencies arguing that the proposal is inconsistent with policies of the Land Use Element and policies of the Educational Facilities Element. The Commission addresses these issues below.
 - i. The proposal is inconsistent with policies of the Comprehensive Plan Land Use Element, including Policy LU-2.1.1, which encourages new housing development on underused property; Policy LU-2.1.5, which encourages maintaining established low-density neighborhoods and related zones; Policy LU-2.3, which stresses maintaining institutional land use compatibility with surrounding residential neighborhoods; Policy LU-2.3.1, which stresses preventing encroachment of inappropriate commercial uses into residential neighborhoods; Policy LU-2.3.7, which stresses that institutions should ensure that their use conforms to the underlying zone of the site; Policy LU-2.3.8, which states that institutional use on property should conform to underlying zoning and the District should limit non-conforming uses by institutions; and Policy LU-3.3.3, which encourages institutional uses occupying large sites within residential areas to minimize objectionable impacts on adjacent communities; and
 - ii. The proposal is inconsistent with policies of the CP Educational Facilities Element emphasizing the importance of universities being good neighbors and limiting new developments to those compatible with surrounding neighborhoods, and Policy EDU-3.3.2, which discourages university actions that would adversely affect the character or quality of life in surrounding residential areas.

Commission Response: The Commission notes that the Comprehensive Plan states that the Land Use Element integrates and balances competing policies of all the other District Elements and should be given greater weight than other elements (*see* 10-A DCMR § 300.3) The Commission acknowledges that the proposal may be potentially inconsistent and/or inconsistent with policies of the Land Use Element that encourage new housing development on underused property; maintaining established low-density neighborhoods and related zones; maintaining institutional land use compatibility with surrounding residential neighborhoods; preventing encroachment of inappropriate commercial uses into

residential neighborhoods; ensuring that institutional use conforms to the underlying zone of the site; institutional use on property to conform to underlying zoning and the District to limit non-conforming uses by institutions; and institutional uses occupying large site within residential areas to minimize objectionable impacts on adjacent communities. The Commission acknowledges that NLC-SVWHCA specifically cited the following Land Use policies to demonstrate these Comprehensive Plan inconsistencies:

Policy LU-2.1.1: Variety of Neighborhood Types; Policy LU-2.1.5: Support Low-Density Neighborhoods; LU-2.3 Residential Land Use Compatibility; Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas; Policy LU-2.3.7: Nonconforming Institutional Uses; Policy LU-2.3.8: Nonconforming Commercial and Industrial Uses; Policy LU-Nonprofits, Private Schools and Service Organizations.

While these cited policies may be potentially inconsistent or inconsistent with the Campus Plan proposal, there are several competing Land Use Element policies that would be advanced by the proposal, as noted in the Applicant and OP's Comprehensive Plan consistency analyses (*see* FF Nos. 84, 99). Including Land Use Element policies cited in OP and/or the Applicant's analyses that: support development compatible with the general design character and scale of the existing neighborhood and preserve civic and open space; consider appropriate height design, density and operational standards to provide appropriate transitions between districts and enhance neighborhood character in each district; encourage projects that improve the visual quality of neighborhoods including landscaping, tree planting, parking improvements, and public realm enhancements and activations; recognize importance of institutional uses and ensure that when institutional uses are permitted in residential neighborhoods their design and operation is sensitive to neighborhood issues and neighbors' quality of life; support ongoing efforts by institutions to mitigate their traffic and parking impacts; and encourage institutions to be role models to improve physical environment through high-quality architecture and design, expanded use of green building methods and low-impact development (*see* Policies LU-2.1.5, 2.2.4, 2.3.4, 2.3.5, 3.3.1, 3.3.2; *See also* FF Nos. 84, 99). The Commission recognizes that these policies are overlapping and competing with those identified by NLC-SVWHCA. Based on case record, the Commission concludes that, despite the Land Use Element policy inconsistencies identified by NLC-SVWHCA, on balance the Campus Plan proposal would not be inconsistent with the Land Use Element and would advance several of its stated policy goals and objectives. Accordingly, the Commission finds that any Land Use Element policy inconsistencies are outweighed by the policies that would be advanced by the Campus Plan proposal.

The Commission acknowledges that the proposal may be potentially inconsistent and/or inconsistent with policies of the Educational Facilities Element that emphasize the importance of universities being good neighbors and limiting developments to those compatible with surrounding neighborhoods and that discourage actions that would adversely affect the character or quality of life in surrounding residential areas. The Commission also acknowledges that NLC-SVWHCA specifically cited Educational Facilities Element Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs to demonstrate these Comprehensive Plan policy inconsistencies. While this cited

policy may be potentially inconsistent or inconsistent with the Campus Plan proposal, there are several competing Educational Facilities Element policies that would be advanced by the proposal, as noted in the Applicant and OP's Comprehensive Plan consistency analyses (*see* FF Nos. 88, 99). Including Educational Facilities Element policies cited in OP and/or the Applicant's analyses that: encourage universities to partner students and faculty with members of the local community to help inform thinking on community-driven topics; encourage continuing to require campus plans for colleges and universities located in residential zones and require them to address issues raised by the surrounding community; encourage 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; and support efforts by colleges and universities to mitigate their traffic and parking impacts by promoting varied transportation demand management measures and the provision of adequate on-site parking for institutional uses (*see* Policies EDU-3.2.5, 3.3.3, 3.3.4, 3.3.5; *See also* FF Nos. 88, 99). The Commission recognizes that these policies are overlapping and competing with those identified by NLC-SVWHCA. Based on case record, the Commission concludes that, despite the Educational Facilities Element policy inconsistencies identified by NLC-SVWHCA, on balance the Campus Plan proposal would not be inconsistent with the Educational Facilities Element and would advance several of its stated policy goals and objectives. Accordingly, the Commission finds that any Educational Facilities Element policy inconsistencies are outweighed by the policies that would be advanced by the Campus Plan proposal.

10. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the requirements of Subtitle X § 101.17 were met, and further processing to authorize construction of the proposed university housing building was not filed simultaneously with this full Campus Plan application. The Commission deliberated on this Campus Plan and took final action to approve this application at its July 31, 2025 public meeting. A further processing application to authorize construction of the proposed university housing building was not filed prior to the Commission taking final action on this Campus Plan; therefore, the applications were not filed or considered simultaneously. The Commission finds the process of reviewing 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 uses proposed in the 2025 Campus Plan, as subject to the Conditions of Approval adopted in this Order, are not likely to become objectionable to neighboring property. Therefore, the Commission concludes that the Applicant has met the burden of proof for approval of the 2025 Campus Plan.

Other Contested Issues

11. The Commission considered the opposition arguments listed above under FF No. 185(a)(i-iii), Issues Related to IZ citing both the inadequacy of Wesley's proposed \$8M financial contribution to satisfy off-site IZ and other issues related to administration and

benefits of the proposed Ward 3 Inclusionary Zoning Revolving Fund. The Commission addresses these issues below:

- The proposed \$8M financial contribution to satisfy IZ requirements off-site is insufficient and should be calculated based on the fair market value of DC IZ units and produce a higher set-aside than the 10.97% Wesley proposes;
- The off-site IZ proposal is too vague and lacking in detail to demonstrate compliance with new Subtitle C § 1006.10, under Z.C. Order No. 24-09; and
- The off-site IZ financial contribution would not benefit students from either Wesley or AU nor is it likely to result in any new affordable housing for the adjacent neighborhood as it is not tied to any specific project.

Commission Response: The Commission addresses the three issues above in one single answer as they all relate to off-site IZ. At the beginning of the May 12, 2025 public hearing, the Commission announced that it would address satisfaction of off-site IZ requirements with the new Subtitle C § 1006.10 as part of the further processing to authorize construction of the proposed university housing building (FF No. 126). The Commission believes that testimony associated with satisfaction with the off-site IZ requirement should be heard and considered simultaneous with the adoption of conditions to enforce the off-site IZ requirement, which will occur at further processing in accordance with Subtitle C § 1006.10. For these reasons, the Commission will defer consideration of the issues raised regarding satisfaction of off-site IZ until the further processing.

12. The Commission considered the opposition arguments listed above under FF No. 185(b)(i-ii), Issues Related to AU arguing that AU's lack of engagement and coordination on various logistical issues associated with its students living on Wesley's campus is reason for the Commission to deny the application. The Commission addresses these issues below.

- AU's lack of engagement and endorsement is reason for rejecting the Campus Plan; and
- There has been a lack of coordination with AU on various issues, including campus safety, neighborhood parking enforcement, process to verify AU enrollment for university housing building residents, AU shuttle route, etc.

Commission Response: Since these two issues are interrelated, the Commission addresses them together. The Commission has consistently expressed preference for AU to be more actively involved and engaged in this Campus Plan proceeding. However, AU is not required to be actively engaged in this application, and the Commission has no authority or basis to mandate its involvement or engagement. Accordingly, the Commission is not persuaded that AU's lack of involvement is reason alone to deny this Campus Plan application (FF Nos. 68-69). As previously noted by the Commission, AU did authorize submission of a letter to the record expressing a neutral position regarding the 2023 Campus Plan (*see* FF No. 71). The Commission agrees with the assertion that coordination with AU is necessary to facilitate several logistics associated with AU students being housed on Wesley's campus. The Commission therefore strongly encourages Wesley to

work closely and collaboratively with AU to address issues related to the following: monitoring AU enrollment of its university housing residents; enforcing parking restrictions in the surrounding neighborhood, which is a condition of approval of this Order; confirming whether the AU shuttle will stop on Wesley's Campus; and facilitating a process for AU student tenant disputes. The Commission recognizes that coordination between Wesley and AU will be ongoing, and notes that the Conditions of Approval in this Order address some of the necessary coordination.

13. The Commission considered the opposition arguments listed above under FF No. 185(g)(i-iv), Issues Related to the CTR arguing: the CTR is old, includes outdated and incomplete data that cannot be relied on, and should be updated for the 2025 Campus Plan; the reduction in parking spaces is not supported by the CTR and the CTR does not provide mitigations for two nearby intersections operating at unacceptable levels of service; and Wesley has not complied with reporting requirements under its current campus plan. The Commission addresses these issues below.

- The CTR is based on old and outdated data (i.e., the same CTR as submitted in Z.C. Case No. 22-13), is limited to transportation issues tied to the proposed university housing building rather than the Campus Plan as a whole, and should be updated and not relied on for the 2025 Campus Plan;
- The 2025 Campus Plan reduction in parking spaces is not supported by the CTR or any other current data and is likely insufficient to support the Campus as a whole;
- The CTR, including its lack of parking utilization data, is evidence of Wesley's non-compliance with the reporting requirements of the current campus plan; and
- The CTR identifies two nearby intersections operating at unacceptable levels of service for which the TDM does not provide mitigations.

Commission Response: The four issues above are interrelated and the Commission addresses them in a single response. The Commission held a limited scope public hearing on July 2, 2025 to discuss the CTR in this case. Based on the testimony at that hearing and the case record, the Commission concludes that an updated CTR is not necessary in this case (FF Nos. 176-181). The Commission is persuaded by DDOT's testimony provided at the limited scope hearing clarifying that the CTR did include data for the whole Campus; and DDOT's rationale for not requiring an updated report when the application was revised in March 2025 (FF Nos. 178, 180). Likewise, the Commission is persuaded that the reduction in parking spaces is supportable based on DDOT's testimony in support of the parking reduction; and the robust TDM proposed by Wesley and supported by DDOT, which provides transportation demand measures to discourage use of cars (FF Nos. 32, 65, 104, 140). The Commission is not persuaded that updating the CTR data to provide more current data would be conclusive in supporting a need for increased parking spaces on campus nor is the Commission persuaded that the CTR should have included current parking utilization data. The Commission finds that 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 TDM program coupled with the Conditions of Approval in this Order related to transportation and parking. 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. The Commission finds the Seminary's TDM program adequate to address current traffic attributable to the Seminary. Moreover, a CTR is an evaluation of current and future transportation operations and does not require a comparison between past and current transportation data (FF Nos. 32, 104, 140-141, 173, 178, 180, 183).

The Commission is persuaded by the Applicant's testimony provided at the limited scope hearing and concludes that the CTR and the TDM were not required to provide mitigations for the two nearby intersections that operate at unacceptable levels of service because the conditions of those intersections are existing conditions not the result of the 2025 Campus Plan or its proposed university housing building (FF No. 177).

Finally, the Commission takes the assertion that Wesley is not in compliance with the reporting requirements of the current campus plan seriously. Adherence to reporting requirements is a mandate under campus plan orders. With the issuance of this Order, Wesley will have a new Campus Plan; the Commission expects Wesley to comply with all reporting requirements that are Conditions of Approval in this Order.

14. The Commission considered the opposition arguments listed above under FF No. 185(h)(i), Issues Related to Financial Need arguing that Wesley's evidentiary burden in this case requires evidence to demonstrate that there is a financial need for the university housing building. The Commission addresses this issue below.

- i. There is no evidence in the record to demonstrate Wesley's financial need to justify the proposed university housing building.

Commission Response: The Commission concludes that the burden of proof in this case is for Wesley to demonstrate compliance with the applicable requirements of the Zoning Regulations for the requested relief, which includes a campus plan and an area variance (FF Nos. 29-31, 76-94, 96-102). The Commission disagrees with opponents' assertion that Wesley is required to provide evidence of financial need to justify the proposed university housing building and meet its evidentiary burden in this case. Wesley is not required to provide such evidence.

Area Variance Relief

15. Based on the Findings of Fact, the Commission concludes that the area variance relief requested from the setback requirements of Subtitle F § 203.7 to provide a 27 foot setback for a small portion of the proposed university housing building that abuts the AU property line where at 35 foot setback is required meets the area variance standard requirements of Subtitle X §§ 1000.1, 1002.1(a) (FF Nos. 77-79, 96, 98). 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.

Issues Related to Other Objectionable Impacts

16. In regard to the new development proposed in the 2025 Campus Plan, the Commission concludes that all of the elements are appropriate for a further processing application. The Commission notes that during the further processing application for all of the elements (but in particular the new university housing building) 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 opponents regarding potential impacts related to the campus security plan and stormwater management/containment. The Commission believes that those concerns will be more appropriately and fully addressed during the further processing application elements, when the specific attributes of the development will be presented to the Commission and to the community (FF No. 146).

“Great Weight” to the Recommendations of OP

17. 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 § 405.9, 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)).
18. OP submitted a written reports recommending approval of the 2025 Campus Plan, subject to certain conditions, which the Applicant has agreed to and are included as Conditions of Approval of this Order (FF Nos. 96-102). The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

“Great Weight” to the Written Reports of ANC’s 3D and 3E

19. 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)).

20. ANC 3D submitted numerous written reports recommending approval of the 2025 Campus Plan (FF Nos. 108-110). ANC 3D most recently filed an additional written report and testimony of Commissioner Tricia Duncan for the May 12, 2025 public hearing. The Commission finds persuasive ANC 3D’s recommendations that the Commission approve the Application and therefore concurs in that judgment.
21. ANC 3E submitted numerous written reports responding to the 2025 Campus Plan, most of which raised opposition issues and concerns related to satisfaction of off-site IZ, and will be addressed at further processing to authorize construction of the university housing building (FF Nos. 112-114).

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the campus plan application and the area variance from the setback requirements of Subtitle F § 203.7, subject to the following guidelines, conditions, and standards:

1. Approval of the Campus Plan shall be valid for 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 University Housing. Additionally, not more than 12 employees (full and part-time) will be separately employed to manage and operate the New University Housing, but excluding any student resident assistants/community ambassadors living in the student residential buildings.

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 101.6, 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 university housing building and 31 surface parking spaces will be located elsewhere on the campus in accordance with Exhibit 96.
7. The Applicant shall provide a maximum of 735 total beds on the campus to include not more than 659 beds in the new university housing building 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 82F, 96. 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 University Housing Building:

9. The new university housing building 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 university housing building 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 university housing building 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 university housing building will include an access security system and security cameras will be installed on the campus as generally shown in Ex. 82F and 96.
12. Resident leases for the new university housing building 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 a Residential Parking Permit. Enforcement will include a system of warnings, fines and lease nonrenewal or expulsion in accordance with D.C. laws.

13. The new university housing building 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 private bathrooms and common kitchen and living areas.
14. AU students, faculty and staff residing in the new university housing building 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 University Housing Building** a checklist evidencing that the new university housing building 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 University Housing Building**, the Applicant shall demonstrate to the Zoning Administrator that it has incorporated the following into the design of the Project:
 - i. Green roofs;
 - ii. Rooftop Solar;
 - iii. Space for composting;
 - iv. All electric building with the exception of natural gas emergency generator;
 - v. EV Charging Stations;
 - vi. Stormwater management;
 - vii. Limited rooftop mechanical equipment; and
 - viii. 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 University Housing Building** 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 82D, 84, 96, and 104. Designated green open space of approximately 205,000 square feet of land area is to be preserved and not available for future development.
17. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing Building, the Applicant will build and maintain for the life of the new university housing building** a small community playground to be set back from University Avenue (Ex. 82D, 96). 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 bike racks design of the playground will be substantially in accordance with Ex. 96.

18. The Applicant will implement the Landscape Plan in substantial accordance with Ex. 82D, 84, 96, and 104.
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:

20. During Further Processing, Applicant shall demonstrate compliance with new Subtitle C § 1006.10.

Transportation and Parking:

21. The Applicant shall implement, over the life of the Campus Plan, a Transportation Demand Management Plan and a Performance Monitoring Plan to reduce and manage traffic and parking, as detailed below. 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 the New University Housing Building a transit screen that is visible inside and outside the building that displays arrival information on Metrobus and AU transit buses, 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 University Housing 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 within one year of DDOT approval.

Transportation Demand Management Plan (TDM)

22. **For the life of the Campus Plan**, the Applicant shall implement the following TDM measures applying to the New University Housing Building and to the Wesley Campus as a whole and will coordinate the implementation of other innovative TDM strategies with goDCgo and DDOT's TDM Team:
 - Unbundle the cost of vehicle parking from the lease for each residential unit and charge a minimum rate based on the average market rate within a quarter mile. Only monthly or by semester rates will be charged. Free parking, validation, or discounted rates will not be offered;
 - Of the 264 parking spaces within the Project's garage, at least five will have electrical vehicle charging stations per DDOT's recommendation of one charging station for every 50 parking spaces;

- Will work with American University to allow WTS students, faculty, and employees to use the AU shuttle to the Metrorail Station;
- Will fund and install an electronic screen displaying transit, shuttle, and bikeshare information in the lobby of the new building;
- Identify a Transportation Coordinator for the WTS campus. The Transportation Coordinator will act as a point of contact with DDOT, goDCgo, and Zoning Enforcement;
- Will provide Transportation Coordinator's contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
- Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
- Transportation Coordinator will receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan and PMP;
- Provide residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;
- Will meet ZR16 long-term bicycle parking requirements by providing at least 62 long-term spaces free of charge to residents. At least 50% of long-term spaces (at least 31 spaces) will be located horizontally on the floor of the bike room. At least 10% of long-term spaces (at least 6 spaces) will be served by electrical outlets for e-bikes/scooters. At least 5% of long-term spaces (at least 3 spaces) will be designed to accommodate larger cargo/tandem bikes (10 feet by 3 feet size). Each bike storage room will include a repair station;
- Will meet ZR16 short-term bicycle parking requirements by providing 12 short-term spaces via exterior bike racks on campus;
- Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.
- Transportation Coordinator will subscribe to goDCgo's residential newsletter.
- Post all TDM commitments on the WTS website and resident message board, publicize availability, and allow the public to see what commitments have been promised.
- Offer a free SmarTrip card to every new resident and a complimentary Capital Bikeshare coupon good for one ride.
- Fund and install a 19-dock Capital Bikeshare (CaBi) station with 12 bikes and fund one-year of maintenance and operations costs on the campus, or at a location to be selected by DDOT.
- Applicant shall install three 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.

- Applicant shall install the scooter corral as depicted on the April 28, 2025, site plan (Attachment 1 to DDOT Supplemental Report at Exhibit 86 and 110J of Z.C. Case 23-08(1) record) so that it is out of the path of turning vehicles;
- Additional scooter parking will be available outside the Wesley Library within a designated scooter corral; and
- A ride share turn around area is proposed for convenient pick-up/drop-off operations.

Performance Monitoring Plan (PMP)

23. **For the life of the Campus Plan**, the Applicant shall track progress toward its Transportation Demand Management by implementing a Performance Monitoring Plan comprised of mode split surveys of students, internal WTS data, and manual counts of vehicle and bicycle parking inventory and occupancy which will be compiled into monitoring reports submitted to DDOT. The purpose of the monitoring reports is to make data-driven decisions above which TDM measures, if any, need to be adjusted to meet TDM goals:

- a. **Beginning the first spring semester following opening of the new dorm, monitoring will be performed, and reports will be prepared and submitted to DDOT annually until the trip goal has been met for two (2) consecutive years and then every other year for the duration of the term of the Campus Plan.** As detailed in the April 29, 2022 Comprehensive Transportation Review for the currently proposed campus plan, the proposed changes are expected to result in a net increase in vehicular trips of 14 additional morning peak hour trips and 33 additional afternoon peak hour trips. **Thus, increasing the trip goal for the campus to 101 vehicle trips in either the weekday morning (AM) or weekday evening (PM) peak hours. WTS will be considered in compliance with the PMP if the vehicle trip goal of 101 peak hour trips is met.** The monitoring reports will include details regarding the following:
 - Count of the number of morning and afternoon peak hour vehicular trips arriving at and departing from the campus;
 - o Morning Peak Hour: Highest 1-hour between 6:30 AM – 9:30 AM
 - o Afternoon Peak Hour: Highest 1-hour between 4:00 PM – 7:00 PM
 - o **Whether the campus is compliant with the PMP goals by generating no more than 101 peak hour vehicle trips during any of these periods.**
 - Survey to identify mode split, broken down by students and employees;
 - Number of student, staff, and faculty parking permits issued;
 - Student, staff, and faculty parking permit rates;
 - Number of registered carpools;
 - Number and location of any car-sharing spaces, alternative fuel vehicle parking spaces, carpool/vanpool spaces, and electric vehicle charging stations on campus;
 - Inventory and occupancy of all on-site vehicular parking;
 - Inventory and occupancy of long-term and short-term bicycle parking spaces; and

- Documentation of any changes to the overall transportation demand management (TDM) program from the previous year, including new or innovative policies being implemented but not explicitly required in the TDM plan agreed to during Zoning Commission approval.

This information will be collected using mode split surveys of students and employees, internal WTS data, and manual counts of vehicle and bicycle parking inventory and occupancy. Details regarding these data sources and collection techniques is provided in Exhibit 110I, pp. 6-8 of the Z.C. Case 23-08(1) case record.

24. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing Building**, 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.
25. **Prior to the issuance of the final Certificate of Occupancy for the New University Housing Building**, 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, N.W. 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.
26. After occupancy of the New University Housing Building, the Seminary will perform a traffic monitoring survey in accordance with the performance monitoring plan requirements herein and in Ex. 110I annually for the first two 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.

27. 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.
28. 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.
29. 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.
30. The Applicant will encourage all Wesley students, on-campus residents, staff, faculty, and visitors to park on Campus with quarterly electronic communications and signage.
31. 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.
32. 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.
33. The New University Housing Building 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.
34. The New University Housing Building 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 96.

Construction Management:

35. 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 razing of the Old President's House and planned restoration and landscaping of that area and installation of Community Playground.

36. The Applicant, as part of Further Processing, 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 CLC 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 maintaining the construction site. The Applicant will be responsible for implementing the Construction Management Plan approved during Further Processing and serve as the primary point of contact for the community.
37. 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 CLC.

Environmental Issues:

38. 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.
39. 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 CLC.
40. Throughout the term of the Campus Plan, the Applicant shall work directly with residents and the CLC 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:

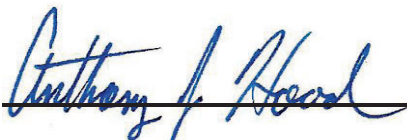
41. The Seminary shall maintain a CLC that meets at least three times annually and includes neighborhood resident representatives of ANC 3D, ANC 3E, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable Community, Spring Valley Neighborhood Association, and individual residents 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.
42. 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.
43. 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.
44. 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.
45. The Seminary will not sell or lease any part of the Spring Valley Campus (excluding any units in the New University Housing Building) 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 University Housing Building) to AU will constitute a Modification with Hearing under Subtitle Z, § 704 requiring a public hearing before the Zoning Commission.

46. 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 Modification Without Hearing, pursuant to Subtitle Z § 703.
47. 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.
48. 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.
49. 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.
50. The Applicant shall have Campus Plan design flexibility in the following areas:
 - a. Number of Beds in the New University Housing Building. To reduce the number of beds in the New University Housing Building up to minus 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. 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.

VOTE (July 31, 2025): 5-0-0

Robert E. Miller, Gwen Wright, Anthony J. Hood,
Joseph S. Imamura, and Tammy Stidham to
APPROVE).

In accordance with the provisions of Subtitle Z § 604.9, this Order No.23-08(1) shall become final and effective upon publication in the District of Columbia Register; that is, on June 19, 2026.



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.