

[APPLICANT'S PROPOSED DRAFT ORDER]

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-08A**

Z.C. Case No. 23-08A

**Application of The Wesley Theological Seminary of the United Methodist Church for
Further Processing Approval of its 2025-2035 Thrive in Place Campus Plan at
4500 Massachusetts Avenue, N.W.**

Square 1600, Lots 6 (818 and 819), 7, 8 and 9.

December ____, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on November 24, 2025, to consider an application of The Wesley Theological Seminary of the United Methodist Church (the “Seminary”, “Wesley”, “Wesley Seminary”, or the “Applicant”) for the review and approval of a Further Processing Application for the elements of 2025 Thrive in Place Campus Plan for the period 2025-2035 (Z.C. 23-08(1)) (“Campus Plan”). The Commission considered the Application pursuant to Subtitle X, Chapter 1 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (Zoning Regulations of 2016, the “Zoning Regulations,” to which all section references are made unless otherwise specified). The public hearings were conducted in accordance with the provisions of Subtitle Z, Chapter 4. For the reasons stated below the Commission approves the Application, subject to the conditions set forth.

FINDINGS OF FACT

Notice

1. On May 20, 2025, the Seminary mailed a Notice of Intent to Advisory Neighborhood Commissions (“ANC”) 3D, and 3E and the owners of all property within 200 feet of the perimeter of the subject property as required by Subtitle Z § 302.6. (Exhibit [“Ex.”] 3D). In accordance with Subtitle Z § 302.8, representatives of the Seminary made presentations to ANC 3D at its public meetings on February 3, 2021, November 3, 2021, December 8, 2021, March 2, 2022, April 6, 2022, June 1, 2022, September 2, 2022, November 2, 2022, April 4, 2023, May 3, 2023, July 5, 2023, August 14, 2023, September 6, 2023, February 7, 2024, March 6, 2024, April 3, 2024, May 1, 2024, July 10, 2024, January 8, 2025, April 2, 2025, May 7, 2025 and November 18, 2025; and to ANC 3E at its public meetings on April 21, 2022, July 25, 2023, April 11, 2024, September 23, 2024, May 8, 2025, and November 13, 2025 (Ex. 16). Between July 30, 2019 and December 3, 2025, the Seminary met with the established Community Liaison Committee twenty-two (22) times. (Ex. 16).

2. On August 20, 2025, the Office of Zoning (“OZ”) sent notice of the November 24, 2025 virtual public hearing for this application to:
 - The Applicant;
 - The affected ANC 3D and adjacent ANC 3E;¹
 - The affected ANC Single Member District (“SMD”) 3D02;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Department of 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 2022 Campus Plan property. (Ex. 5).
3. Pursuant to Subtitle Z § 402.1, OZ also published notice of the November 24, 2025 virtual public hearings in the *D.C. Register* on August 29, 2025 (72/35 DCR 009285, *et seq.*) as well as through the calendar on OZ’s website. (Ex. 4).
4. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearings on the Property on October 14, 2025, and maintained such notices in accordance with the Zoning Regulations. (Ex. 15, 25).

Parties in Support and Opposition

5. On November 14, 2025, Spring Valley Neighborhood Association (“SVNA”) filed a request for party status in support of this Application. (Ex. 18). The Commission granted SVNA’s request for party status. (Transcript [“TR”] from November 24, 2025 hearing at pp. ____).
6. On September 26, 2025, 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. 13). The Commission granted the NLC/SVWHCA joint request for party status at the Commission’s Public Meeting on October 23, 2025. (TR from October 23, 2025 at pp. ____).

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

The Site

7. The property that is the subject of the Application is the Seminary's 8.78 acre Spring Valley Campus ("Campus") at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6 (818 and 819), 7, 8, and 9) ("Campus"). (Ex.3, 16). The Campus Property is owned exclusively by the Seminary. (Ex. 10).
8. The Campus is located in the RA-1 Zone. The Seminary is surrounded by the American University Campus on the east and south and along University Avenue directly abuts the Spring Valley Neighborhood. On the opposite side of Massachusetts Avenue is the American University Park neighborhood. (Ex. 3, 16).

The Application

9. On August 8, 2025, the Seminary filed the Further Processing Application for review and approval of all the elements of the 2025 Campus Plan approved by the Commission on July 31, 2025 in Z.C. Case No. 23-08(1), including the following:
 - Raze Old President's House and Restore Site with Enhanced Landscaping and Neighborhood Playground
 - Raze Carroll and Straughn Halls, Maintenance Building, and Surface Parking Lot
 - Construct New University Housing for Wesley and American University Students, Faculty, and Staff
 - Maintain and Enhance Green Open Space with Additional Landscaping Plan
 - Implement Traffic Demand Management Plan and Performance Monitoring Plan
 - Construct Public Space Improvements Requested by DDOT
 - Implement Campus Security Plan
 - Implement Construction Management Memorandum of Understanding
 - Cooperation with American University
 - Establish and Fund Ward 3 Inclusionary Zoning Fund to be Administered by Local Initiatives Support Corporation with Appropriate and Enforceable Monitoring Mechanisms
10. The proposed elements of the Further Processing Application are consistent with the locations for those elements that were reviewed and approved by the Commission in connection with the Seminary's 2025 Campus Plan proceedings (Z.C. Order No. 23-08(1)).

11. The Seminary filed a Comprehensive Transportation Review, including on-street parking analysis (“CTR”) in support of the Applications (Ex. 14, 14A, 14B). The CTR was based on a 2025 evaluation and included traffic and parking counts taken in September 2025. The CTR dated October 10, 2025 was submitted to DDOT on that date. After receiving input from DDOT, Wesley filed an Updated CTR on October 31, 2025. (Ex. 17, 17A). The Updated CTR concluded that the 2025 Campus Plan and this Application will not have a detrimental impact on the surrounding transportation network assuming that the proposed site design elements are implemented. Id.
12. DDOT on November 14, 2025 submitted a report with no objection to the Campus Plan Based on the previously approved TDM and PMP Plans in the Campus Plan ZC 3-08(1) provided that 19-dock Capital Bikeshare station and scooter corral be installed prior to the certificate of occupancy for the New University Housing. (Ex. 19).

Community Engagement and the Development of the Campus Plan

13. Beginning in July 2019 and through the pandemic, the Seminary engaged the community in the development of the proposed 2025 Campus Plan, including the established Community Liaison Committee (“CLC”), ANC 3D and ANC 3E, other neighborhood groups and other interested parties. This included twenty-one (21) CLC meetings, twenty-three (23) ANC 3D meetings, seven (7) ANC 3E meetings, and numerous more informal discussions. (Ex. 3, 16). As a result of this process, the Seminary revised its plans and developed a detailed set of conditions which were adopted as part of the Campus Plan. (Ex. 3, 16).

Raze Old President’s House and Restore Site with Landscaping

14. The Old President’s House is located on the three lots on University Avenue. (Ex. 3, 82). This two-story, 4,538 square-foot building is no longer habitable and has not been used for its intended purpose for twenty years. The building and associated paved parking area and University Avenue driveway curb cut will be demolished. This area will be re-landscaped including a small community playground to maintain and enhance the existing Green Open Space along University Avenue. (Ex. 3, 16).

Raze Carroll and Straughn Halls and Surface Parking Lot

15. The two 1960 – era original dorms, Carroll Hall (27,533 square feet) and Straughn Hall (29,866 square feet) that surround the existing surface parking will be demolished. (Ex. 3, 82). Together, these two-story buildings provide ninety (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 . (Ex. 3, 16).
16. At the center of the Campus, the surface parking lot with 143 spaces and adjacent one-story maintenance building will also be demolished. (Ex. 3, 16).

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

17. The new university housing is exclusively for Wesley and AU students, faculty and staff needing local housing and will be located in the area of the existing surface parking lot. (Ex. 3, 16). The building will be seven stories with an approximate height of 74 feet, 8 inches and nestled between the existing Seminary buildings and the immediately adjacent and taller AU buildings. (Ex. 3, 16). This purpose-built student housing will contain approximately 281,911 square feet of gross floor area and have approximately 185 furnished living units configured in studio, one, two, four and five bedroom units with not more than 659 student beds (studio – 7 units; one-bedroom – 14 units, two-bedroom – 34 units, four bedroom – 80 units, five-bedroom – 50 units). Each furnished unit will provide common living space including kitchens for the student resident’s flexibility is requested on the final mix of unit types subject to a maximum of 659 beds. No units will be specifically designated for occupancy by Wesley students, faculty and staff. Each unit will be furnished and provide a kitchen, and the units will include an additional common area as well as private key entry bedrooms and baths.
18. At the urging of the community, the top levels of the building facing University Avenue have been further setback 27.5 - 32.5 feet from the University Avenue face of the building by eliminating four units with twenty beds. Additionally, the layout of the top-level units was rotated ninety-degrees so that windowless walls now face University Avenue. (Street View Renderings, Exhibit G). Most recently, the top level/habitable penthouse originally proposed was removed reducing the profile and gross floor area of the building. (Ex. 3, 16).
19. The building will have two levels of underground parking with 264 parking spaces, a reduction of 99 spaces as originally proposed, and internal loading and trash facilities. At least 77 of the parking spaces are replacement spaces for Wesley’s exclusive use. (Ex. 3, 16).
20. The new building will be first-class student housing with amenities, including purpose designed study areas with group and individual spaces, computer lounge, activity club room and outdoor interior courtyard. All Wesley students, faculty and staff will have access to the amenities in the New University Housing.
21. The building design will focus on sustainability and will achieve at least LEED Mid-Rise Residential Gold certification, including extensive storm water mitigation measures, green roof, rooftop solar panels, space for composting, all electric building (except natural gas emergency generator), EV charging stations, limited rooftop mechanical equipment, and dark sky compliance. (Ex. 3, 16). Landmark Properties has contracted with a sustainable design consultant to advise and assist in the implementation of its sustainability program. The sustainability consultant has evaluated whether net zero is not feasible and determined that for a building of the proposed size and design that cost, space limitations and integration limitations make achieving net zero not reasonably achievable. (Ex. 3, 16).

22. The new student housing will be developed through a long-term (99 year) ground lease for a portion of the Campus (Lot 819) between Wesley Seminary and Landmark Properties. Wesley Seminary will receive a lump sum initial payment and annual guaranteed ground rent payments. Landmark will be responsible for the construction and operation of the new building. Use of the ground lease property will be strictly and perpetually limited to first-class student housing and subject to approval of the Campus Plan and this Application by the Zoning Commission. At the conclusion of the ground lease, ownership of the building will revert to Wesley Seminary. For colleges and universities nationwide, it is now common practice to rely on private companies to provide customary campus services, including housing, food service, bookstores and personal and convenience services. (Ex. 3, 16).
23. The new student housing will be limited exclusively to Wesley Seminary and American University students, faculty and staff in good-standing. All residents will be subject to Landmark Rules and Regulations developed in careful consultation with Wesley Seminary, including restrictions on noise, unruly behavior, large gatherings, drug and alcohol use, and off-campus parking in the surrounding neighborhood. Wesley students will also be subject to the Seminary's Student Covenant. (Ex. 3,16). AU students will also be subject to American University's Code of Conduct which is equally enforceable on and off-campus under its "Good Neighbor Guidelines" and Office of Campus Life. 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. *Id.* Both institution's Codes of Conduct are derived from their common identity as Methodist-related institutions. (Ex. 3, 162).

Increased District Tax Revenue

24. The Seminary is currently tax exempt for its real estate and operations in the District of Columbia. Under the proposed recorded ground lease for the New University Housing (Lot 819), Landmark will not be tax exempt and will be liable for substantial annual District taxes on the land, improvements and operations for the New University Housing . (Ex. 3, 16).

Cooperation with American University

25. Over the past year, Wesley and A.U. have met on multiple occasions to discuss matters related to the 2025 Campus Plan and this Further Processing Application. Such discussions have been open and productive and will continue to address specific topics related to further processing, including but not limited to operational, construction, and other issues that affect the A.U. community and its Campus Plan. A.U. submitted a letter to the record confirming the ongoing discussions and that "we remain committed to open communication and collaboration with our institutional neighbor." (Ex. 22).

No Development of University Avenue Residential Lots

26. The three residential lots on University Avenue (Lots 7, 8 and 9) were re-incorporated in the Spring Valley Campus at the request of the community in 2012 in Zoning Commission

Case Number 05-40A. (Ex. 12H-P). After the razing of the Old President's House, there is no plan to develop these lots for Campus use, except for the proposed neighborhood playground. The three lots will remain part of the Green Open Space along University Avenue. (Ex. 3, 16).

Maintain "Hilltop" Campus

27. Under this Plan, the established building perimeter formed by the 2014 Dorm, Kresge Hall, Trott Hall, Chapel, Library and AU Campus is maintained. (Ex. 3, 16). The Hilltop Campus is surrounded by and isolated from the adjoining neighborhood by the substantial Green Open Space on Massachusetts Avenue and University Avenue. (Ex. 3, 16).

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

28. The Green Open Area that defines the Spring Valley Campus will be maintained and enhanced. No development is proposed for the Green Open Space which is notable for its abundant Heritage and Special Trees and landscaping that was previously enhanced under the 2012 Campus Plan. Under this Plan, even more landscaping will be added at the former Old President's House site, along University Avenue, at the University Avenue driveway and at the Massachusetts Avenue entrance. The existing Green Open Space and enhancements will create a more substantial and durable buffer to the neighborhood, especially on University Avenue. From the 2014 Dorm to the east curb of University Avenue it is 171 feet, and to the west curb of University Avenue 205 feet. From the New University Housing, it is 300 feet (a football field length) to the east curb of University Avenue. Fully fifty-three (53) percent of the Spring Valley Campus area (205,000 square feet; 4.8 acres) will remain undeveloped and devoted to Green Open Space. (Ex. 82, 96).
29. The entire Wesley campus and especially the perimeter Green Open Space enjoys a mature and well-maintained forestation and landscaping, including a remarkable twenty-seven (27) Heritage and seventy-six (76) Special Trees. (Ex. 3, 16, 16A). The updated Landscape Plan preserves, protects and builds upon the existing landscaping and enhances that landscaping with targeted new landscaping. The New University Housing 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 street frontage and at the location of the Old President's House and new Neighborhood Playground. Exhibit A. The impact of this new landscaping is to enhance the natural buffer between the Campus and the Spring Valley neighborhood. The tree replacement ratio is 4.5 new trees for every one tree removed. No Heritage trees are to be removed. The project is currently planning to preserve 177 existing trees (to include 27 heritage trees and 76 special trees) and remove 22 trees with this project. The Landscape/GAR plan is proposing to replant a minimum of 100 trees (combination of canopy trees and understory trees) to achieve a GAR of at least 0.60. (Ex. 16, 16A). Wesley will coordinate landscaping activity with the Ward 3 Arborist at DDOT – Urban Forestry Division.

Wesley Bell Tower

30. The Bell Tower is ninety (90) feet in height and located on the northern perimeter of the central courtyard of the hilltop campus formed by the surrounding Wesley buildings, including Kresge Academic Hall, Trott Administration Building and Chapel, and the Library. The Bell Tower is located approximately 172 feet from Massachusetts Avenue and approximately 236 feet from the face of the New University Housing . The Bell Tower is taller than the proposed New University Housing . The face of the New University Housing 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. 16).

300,870 Square Feet of Unused Gross Floor Area

31. By maintaining the substantial Green Open Space and limiting the size and location of new development, Wesley Seminary has not utilized a substantial amount of the permitted 1.8 FAR for the Campus. As proposed, total development is limited to about 387,040 square feet or 1.013 FAR. As a result, more than 300,870 square feet of development potential will remain unused. (Ex. 3, 16).

Traffic Demand Management and Performance Monitoring Plans

32. As part of this Further Processing Application, Wesley has submitted the Updated Comprehensive Transportation Review (“CTR”) to DDOT and filed with the Commission (Ex. 17, 17A1-5). The CTR relied on traffic and parking surveys conducted in September 2025. The CTR, which was based on Existing Conditions, Background Conditions and Total Future Conditions (including Wesley operations, and the New University Housing) concluded that the “project will not have a detrimental impact to the surrounding transportation network.” Id.
33. As part of its approved Campus Plan (ZC 23-08(1)), Wesley accepted and will implement the “robust” Transportation Demand Management (TDM) Plan developed in consultation with DDOT in order to reduce travel demand or to redistribute demand to other times or spaces. TDM elements typically focus on reducing the demand of single-occupancy, private vehicles during peak period travel times or on shifting single-occupancy vehicular demand to off-peak periods. Beyond the enumerated TDM, Wesley will explore other innovative TDM strategies and will coordinate the implementation of those strategies with goDCgo and DDOT’s TDM Team.
34. The Performance Monitoring Plan (PMP) is Wesley Theological Seminary’s plan to track progress towards its Transportation Demand Management (TDM) goals. The PMP is comprised of mode split surveys of students, internal Wesley 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 about which TDM measures, if any, need to be adjusted to meet TDM goals. (Ex. 16, 17, 17A)

35. Beginning the first spring semester following opening of the New University Housing, 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 committed to in the 2025 PMP, a trip goal for the campus is 101 vehicle trips in either the weekday morning (AM) or weekday evening (PM) peak hours.
36. Wesley will be considered in compliance with the PMP if the vehicle trip goal of 101 peak hour trips is met.

Neighborhood Playground

37. The Spring Valley neighborhood has requested the Seminary build and maintain a small neighborhood playground on the Wesley Campus as a community amenity. In addition to its much enjoyed “Sledding Hill”, Wesley Seminary has committed to provide space and finance this new neighborhood serving project. The proposed neighborhood playground would be setback back approximately forty feet from University Avenue in the area of the three residential lots. The playground will measure approximately 40 feet by 95 feet and have an area of approximately 3,800 square feet with a natural double shredded hardwood mulch safety surface surrounded by a 48 inch tall vinyl-coated chain link perimeter fence. It will include benches and play equipment suitable for toddlers and young children and bicycle rack. The playground will have a public point of entry adjacent to University Avenue, N.W. by means of an accessible sidewalk. It will be fenced and open to the public only during daylight hours. The final design of the playground will be substantially in accordance with Exhibits 3, 4, 82, 96.

Construct Public Space Improvements Requested by DDOT

38. Prior to issuance of the final residential certificate of occupancy for New University Housing, Wesley will fund and construct the following pedestrian improvements:
 - A sidewalk along the east side of University Avenue NW between Massachusetts Avenue and Rodman Street, subject to DDOT approval, with a lead walk into campus along at least one side of the site driveway;
 - Install signage, crosswalk, and ADA curb ramps on the south leg of University Avenue at the Rodman Street intersection, subject to DDOT approval; and
 - Install signage, 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, subject to DDOT approval.
 - Subject to obtaining future approval from American University to use the existing gate, install wayfinding signage on the Wesley Seminary campus directing students to the gated connection to the American University campus.

Enhanced Campus-Wide Security Plan

39. At the public hearing, NLC/SVWHCA testified for the need for additional campus security measures and requested that Wesley hold a community meeting to allow further discussion. On December 3, Wesley held a CLC meeting focused entirely on reviewing the current campus wide security plan submitted to Commission and whether enhanced security measures were appropriate. (Ex. 50). As a result of this productive meeting and long-standing discussions, Wesley and NLC/SVWHCA have entered into a December 5, 2025 Campus Plan Security agreement (“Agreement”). (*Id.*) Specifically, Wesley requests the Commission to incorporate the enhanced Campus Security Plan as a condition to its approval of this Application, including three significant enhancements to the current Campus Security Plan, including:

- Addition of a 6-foot-high black metal ornamental Security Fence along University Avenue with pedestrian gates at the playground and University Avenue driveway. The Security Fence, including enumerated access restrictions, will provide additional safeguards for the campus from potential external and internal threats with minimal visibility and without impacting the use and enjoyment of the neighborhood playground or the Green Open Space. The Security Fence is similar in design, height and purpose to the existing American University fence along University Avenue.
- Addition of a security camera for the neighborhood playground. The integrated campus-wide security camera network will have at least 26 cameras that will be monitored in real time 24/7 through Landmark.
- After the occupancy of the new university housing, Wesley will conduct an Annual Campus Security Review Meeting with the community, including at least ANC 3D, ANC 3E, NLC/SVWHCA, SVNA, CLC and other neighbors.

Implement Construction Management Memorandum of Understanding

40. The Seminary, Landmark, ANC 3E, and NLC/SVWHCA have executed, with the support of ANC 3D, a Memorandum of Understanding for Construction Management (“MOU”). (Ex. 30). The MOU is based on respect for its neighbors and minimizing the impact of construction activities, including establishment of a neighborhood construction management committee, pre-construction meetings and notice, limiting the use of University Avenue except as absolutely required, 24-hour point of contact, construction worker and construction vehicle parking prohibited on neighborhood streets, minimize on-street truck idling, stormwater management and erosion control, and remediation of any construction related damages.

Inclusionary Zoning Requirement

41. This Campus Plan raised for the first time, a question not previously contemplated in the Zoning Regulations, of IZ applicability to housing developed by or on behalf of a university

that is not exclusively for its students, faculty or staff. Subtitle C, § 1001.6 (c) provides a clear exemption from IZ for “[h]ousing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff.” Clearly, student housing was intended to be exempt from IZ, but the proposed university housing to be occupied also by students, faculty and staff from a different university was never contemplated.

42. The Zoning Regulations and DHCD never envisioned a situation where a dormitory would house students from more than one institution or that the Inclusionary Zoning (“IZ”) would be applicable to a student housing project. In fact, DC Code does not allow college or university students to be eligible for IZ without a parent or guardian:

§ 6-1041.06. Ineligibility of Students - Notwithstanding § 2-1402.21, a person enrolled as full-time student in a college or university shall not be eligible to apply to rent or purchase an inclusionary unit unless the annual income of his or her parent or guardian would qualify under the eligibility standards established by the Mayor, or unless the student is a part of a household that otherwise qualifies for the inclusionary unit.

43. Faced with this unique scenario, Wesley offered to meet the spirit of IZ compliance through a privately administered and DHCD supervised student only affordable housing plan for the proposed new university housing. ANC 3E and others raised concerns about the operation and need for on campus student affordable housing. Beyond these objections, ANC 3E has championed a solution which Wesley proposes to implement as part of this Application. Specifically, ANC 3E has requested that Wesley provide support for the required quantity and affordability of IZ units at an off-site location within the boundaries of its Commission or more broadly in Ward 3.

Compliance with Subtitle C, Sec. 1006.10

44. The Commission finds that Wesley has demonstrated “good cause” to authorize compliance with Sec. 1006.10 by alternatives means set forth below.
45. As acknowledged by the Zoning Commission during their deliberations on the Text Amendment (ZC 24-09), Wesley and Landmark are not affordable housing developers and as such cannot directly develop the offsite affordable housing. In collaboration with ANC 3E, Wesley made its best ongoing efforts to identify a Ward 3 development project(s) that would be willing to provide the offsite IZ units.
46. For a variety of reasons, this search proved unsuccessful. In addition to the high cost of Ward 3 affordable housing, limited potential sites, and increased cost of limited capital, Wesley encountered several obstacles that proved insurmountable. First, ongoing Ward 3 development projects were unwilling to increase their IZ programs due to the risks and delays that would be required to modify already secured project financing and in some cases the need to modify previous discretionary zoning approvals. The former Super Fresh site is one example of a seemingly good candidate, but the developer would not risk another judicial appeal after finally resolving a previous one after a lengthy zoning approval

process with persistent opposition from a small community element. One developer of an ongoing Ward 3 project with its own substantial IZ component advised that substantially increasing IZ undermines the marketability of the project's market rate units. Finally, we learned from a number of developers, including Patrick McAnancy of Somerset Development, that the timing of financial support offered by Wesley that would not be available until Wesley obtains its final zoning approvals would be too late or uncertain to impact a planned or ongoing development project.

Applicable IZ Requirements

47. The New University Housing will be Type 3 Construction which under Subtitle C, § 1003.1 (a) requires a minimum of ten percent (10%) of the net residential gross floor area (224,411 sf) be set aside for Inclusionary Zoning units. In calculating the required level of IZ (22,441 sf), Wesley has not exempted any of the area for exclusively Wesley units in the new building (30,519 sf.). Also, unlike other IZ projects with the affordable housing subsidized by an up to 20% bonus density, Wesley has not requested or realized any bonus density. The Commission was provided an Inclusionary Zoning Analysis for the New University Housing. (Ex. 16) Wesley originally proposed to provide the value of almost 11% in the form of an \$8 Million Dollar proffer which exceeds the minimum 10% required, without any exemption for Wesley units or benefit of bonus density.
48. Based on testimony and submissions by OP, DHCD and agreement with ANC 3E, \$10 Million Dollars is reasonably expected to provide funding for the required level of Ward 3 Inclusionary Zoning units and/or square footage. (Ex. 20, 47, 4, 49, 50).

OP Support for Application

49. By Hearing Report dated November 14, 2025 (Ex. 21), OP recommended approval of the Further Processing application for the New University Housing and campus improvements would not be inconsistent with the Comprehensive Plan Future Land Use for institutional use, and with the Generalized Policy Map designation of the surrounding area for neighborhood conservation, not inconsistent with many of the policies and actions of the Comp Plan Citywide Elements and the specific recommendations for the Rock Creek West Area Element. OP also, concluded that the Application was not inconsistent with the approved Campus Plan and not likely to become objectionable to neighboring properties. In addition to conditions requested by DDOT and DOEE and accepted by Wesley, OP recommended the following conditions:

“1. To meet their off-site IZ requirement, Wesley shall provide to the Department of Housing and Community Development (DHCD) \$8 million to deliver a minimum of 22,436 net square feet of affordable housing;

2. The affordable units shall be:

- At 60% MFI for rental or 80% MFI for homeownership units;

- • Set aside for the life of the project; and
- • Located in Ward 3.

3. DHCD shall have the option to use any of the following methods to generate the affordable units:

- DHCD's preferred option is the creation of a home purchase assistance fund available to low-income purchasers who want to buy an existing dwelling unit in Ward 3. Affordable ownership opportunities in Ward 3 are even more scarce than affordable rental properties. The funds would be available via lottery to households earning 80% MFI or less, who have received a Home Purchase Assistance Program (HPAP) notice to proceed. The funds would then be used to supplement the HPAP award toward the purchase of a home in Ward 3. In addition to the Fund, DHCD would seek a first mortgage lending partner such as the DC Housing Finance Agency (HFA). A covenant would be placed on the property requiring long-term price controls comparable with the IZ price schedule. Long term price controls would also enable reduced property tax assessment through the Office of Tax Assessments (OTA).
- New construction of either affordable rental or ownership housing. This approach would include merging the funds with applications for DHCD's Housing Production Trust Fund, Low-Income Housing Tax Credits and other DHCD sources. This approach reduces the burden on DHCD's other sources and enables DHCD to finance more affordable units overall.
- Conversion of existing housing to long-term affordable rental or ownership housing. This approach would include funding the acquisition of existing properties or refinancing of existing debt in order to convert the properties into long-term affordable housing. There are several properties that could potentially benefit from this approach.
- Each approach would be enforced by covenants.

4. Wesley shall provide to DHCD a the first four million dollars (\$4 million) minimum no later than the issuance of permits or two years from the date of the order.

5. DHCD shall provide a written report to the Zoning Commission on the progress the fund makes in meeting the 22,436 square feet requirement within forty-five (45) days after the one year anniversary of DHCD having received the funds and each year after that until the funds are expended.

6. Flexibility to vary the unit mix by bedrooms needed to meet the 22,436 net square feet.

7. Flexibility to vary the unit mix in the dormitory provided there be no more than 659 beds.”

50. OP submitted a Supplemental Hearing Report on December 8, 2025 providing additional guidance to the Commission based on input from DHCD and acknowledging that the Seminary had increased the IZ contribution from \$ 8 Million to \$10 Million. Based on this amount, OP concluded that this amount would produce the minimum or greater amount of square footage IZ Requirement. (Ex. 48).

51. By letter dated December 4, 2025, Colleen Green, the Director of DHCD requested the Zoning Commission approve Wesley Theological Seminary's (the Applicant) contribution to DHCD of \$10 million toward affordable housing in Ward 3. DHCD believes the proposed increase from \$8 million to \$10 million, or approximately \$333,000 per required unit, is an appropriate contribution. (Ex. 47). DHCD highlighted several key factors for the Commission's consideration:

- **Efficiency:** Allocating the \$10 million contribution to DHCD eliminates the need for affordable housing developers to apply to multiple entities in order to construct affordable housing in Ward 3. Testimony clearly demonstrated that affordable housing often needs multiple sources of subsidy to be successful. Allocating the funds to DHCD reduces the burden, uncertainty, and associated costs of developers having to apply and wait for approval from multiple funding sources. In addition, DHCD would not charge any fees for use of the special fund.
- **Production:** DHCD is the primary source for affordable housing gap financing for the District of Columbia. As of the date of this letter, the District is very close to meeting the Mayor's seven-year goal of 12,000 affordable units by 2025. DHCD was a key source of financing for over 6,100 units, or more than half of the 12,000 units delivered since 2019.
- **Flexibility:** DHCD requests the Commission amend or provide relief from §1006.10's requirement that affordable units be provided through new construction. DHCD has no wish to hold up the process, but if flexibility can be granted quickly, it enables DHCD to maximize both homeownership and cost efficiency. DHCD's preferred approach will ultimately depend on the timing and cadence with which the funds are transferred to DHCD. (*Id.*)

52. DHCD reiterated its commitment to use the funds to:

- Deliver a minimum of 22,146 net square feet of affordable housing;
- At 60% MFI for rental or 80% MFI for homeownership units;
- Set aside for the life of the project;
- Located in Ward 3;

- Selected through a competitive and transparent Notice of Funding Availability (NoFA) for project financing; or by a random lottery of low-income homebuyers approved for DHCD's Homeownership Purchase Assistance Program (HPAP). And,
- Annual reporting to the Zoning Commission within 45 days after the first anniversary of DHCD's receipt of the funds. (*Id.*).

Department of Transportation (“DDOT”)

53. DDOT filed its report on November 14, 2025. (Ex. 19). In its report and public hearing testimony, DDOT confirmed that the agency had no objection to the approval of this Application with the following comments and findings:

- The proposal results in a net increase in intensity on campus by 569 dormitory beds and 121 parking spaces;
- The campus is missing sidewalk, curb ramps, crosswalks, and leadwalk along the east side of University Avenue NW. To improve pedestrian connectivity and access to the campus the Applicant has committed installing these missing pedestrian facilities and wayfinding signage;
- The October 24, 2025, Comprehensive Transportation Review (CTR) study (collectively, Exhibits 17A1, 17A2, and 17A3) indicated that none of the study intersections met DDOT’s delay-related threshold for mitigation;
- The CTR also included an on-street parking analysis for the surrounding residential neighborhood that indicated the on-street parking occupancy rate does not exceed 29% in the study area; and
- The CTR did not recommend modifications to the existing TDM Plan and Performance Monitoring Plan (PMP) included in the WTS Campus Plan approved in 2025 through ZC Case No. 23-08(1) for the period of 2022-2032.

54. DDOT concluded by recommending approval with the following additional conditions: that the 19-dock Capital Bikeshare station and scooter corral noted in the TDM Plan for the approved 2022-2032 WTS Campus Plan be installed in conjunction with this project, prior to issuance of a certificate of occupancy.

55. The Applicant accepted DDOT’s additional conditions in its hearing presentation (Tr. ___) and incorporated the requirements in the revised conditions submitted to the Commission and set forth in the conditions to this order.

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

56. The Wesley Campus had been located within the boundaries of ANC 3D for at least 20 years, prior to the 2023 redistricting.
57. ANC 3D has been active participant and party to all the Wesley Campus Plan cases dating back to the original campus plan in 2005 (ZC 05-40, et. seq.).
58. On January 1, 2023, the new ANC district boundaries became effective. As a result, the Wesley campus is now within the boundaries of ANC single member district 3E07, but immediately adjacent to ANC 3D02 located on the opposite side of University Avenue and ANC 3E08 on the adjacent AU campus.
59. ANC 3D is the most affected ANC and, in fact, the most immediately impacted ANC based on its geographic location, proximity to the campus and long-term relationship with the Seminary.
60. During the course of the current Campus Plan process dating back to at least 2019, ANC 3D has worked closely and productively with the Seminary, including 23 ANC 3D meetings and more numerous informal discussions. This ongoing cooperation between ANC 3D developed a detailed set of proposed Conditions which have been incorporated into the Campus Plan and this Application.
61. By letter dated November 18, 2025, ANC 3D emphasized its long-standing support for the Campus Plan, including this Application. ANC 3D also supported the ongoing negotiations between the Seminary and the ANC 3E to “maximize the investment in affordable housing in Ward 3.” ANC 3D concluded by stating that the proposed new dormitory will have no objectionable impact on the residents of Spring Valley whom we represent. (Ex. 23).
62. At the November 24, 2025 public hearing, ANC 3D Chair, Tricia Duncan, testified in support of the Campus Plan application and submitted written testimony in the record. (Tr. 47-__). Chair Duncan stated:

“our overall support for the Wesley campus plan further processing, specifically mentioning that we do not believe this project will have an objectionable impact on the community if it is approved... this building will hardly be visible when one is not standing in the Wesley campus. Furthermore, it is immediately adjacent to two of the tallest buildings on AU's campus. It sits right across the boundary from Leonard Hall, which I believe is eight stories. Occasionally, representatives from the Spring Valley Wesley Heights Citizens Association, NLC -- and the NLC have come to our meetings at our urging, but notably, they did not come to our meeting to discuss the further processing phase of this project. Let me assure you that except for these two organizations, concerns expressed by other neighbors have been rare. In short, based on our experience at the ANC, we can only conclude that their comments stem primarily not from

neighbor concerns, but from their own philosophical views about the zoning regulations, which they have every right to express. It is therefore the strong and concerted view of our Commission 3D that there will be no objectionable impacts on the Spring Valley neighborhood which we represent. Lastly, regarding noise, the issue has never been brought up to ANC 3D. If it had, our own Commissioner Elkins, who you are familiar with, could have put the neighbors concerned about noise from this facility at ease since in his prior career, he was the Director of the National Noise Control Program and knows about noise and its propagation into neighborhoods. In our view, noise is a nonissue for this proceeding.”

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

63. Effective January 1, 2023, the Seminary became located within the boundaries of ANC 3E07. Throughout the original (ZC 22-13) and the current Campus Plan, ANC 3E has been actively and constructively involved in this process.
64. On November 14, 2025, ANC 3E submitted a report requesting a larger IZ contribution and additional consideration of how to utilize these funds to support Ward 3 affordable housing and resolution (Ex. 20). Which stated:
 - “1. ANC 3E respectfully asks the ZC to ensure that the Applicant provides extraordinary affordable housing benefits in light of the extraordinary relief it has received. The actual dollar amount should reflect the estimates provided by the expert report and testimony ANC 3E will provide as well as a premium reflecting the extraordinary benefits Wesley/Landmark received.
 2. The ZC should require additional time and a subsequent hearing before deciding which institution and program should receive the funds Wesley/Landmark will be required to provide.
 3. ANC 3E authorizes Commissioners Jonathan Bender, Tom Quinn, and Elizabeth Graff to testify for the ANC at any proceedings connected to the above-referenced application and to submit or reply to any filings on behalf of the ANC at any proceedings connected to this case.
65. At the November 24, 2025 public hearing, ANC 3E Chair Jonathan Bender testified that a \$10 million IZ contribution was appropriate given the “extraordinary relief” requested by the Seminary. ANC 3E also presented testimony from Kris Adhikari regarding cost analysis for affordable housing in lieu of fees. (Ex. 44)
66. In a post-hearing submission submitted, ANC 3E provided additional information from Mr. Adhikari requested by the Zoning Commission regarding affordable housing costs and calculations. (Ex. 49).

Spring Valley-Neighborhood Association (“SVNA”)

67. In its Request for Party Status in support (Ex. 18), and testimony at the public hearing by William Clarkson, Board Co-Chair and Co-President supported Wesley and this Application. SVNA represents homeowners in the Spring Valley neighborhood surrounding the Wesley Campus, and actively participated in the CLC process dating back to 2019. SVNA supports the Campus Plan and the Seminary’s continued long-term presence and vitality in the neighborhood, subject to the proposed conditions which specifically address the community concerns, including traffic, parking, and development impacts in order to effectively avoid or mitigate any potential objectionable impacts on the Spring Valley neighborhood. SVNA also strongly supports the Seminary’s commitment to a community playground and a new sidewalk on University Avenue. (Id.)

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

68. During the course of these proceedings, NLC/SVWHCA made numerous written submissions (Ex. 6, 8, 12, 13, 24, 27, 34, 35 and 46), (including several procedural motions which were all opposed by Wesley and denied by the Commission) and testified at the public hearings through its representative, Blaine Carter. As set forth below, the Commission will address each of the relevant issues raised by NLC/SVWHCA.
69. The size, location, design and scale of the proposed New University Housing is compatible with the existing Wesley campus, adjoining AU campus which features taller and larger buildings, and most significantly with the adjoining neighbors on University Avenue and does not create any objectionable conditions that are not adequately addressed in the Conditions to this order. As set forth in detail, the Wesley hilltop configuration, existing campus buildings, especially the 2014 Dorm, Green Open Space and enhanced landscaping, and substantial setback from the neighborhood provide a physical and visual screen isolating the campus from the neighborhood. Wesley’s architect, Jack Boarman, testified that the scale, design and materials of the New University Housing are in harmony and compatible with the existing Wesley buildings.
70. On the full record, the Commission does not find that the Campus Plan taken, as a whole, will create objectionable conditions for noise, parking, campus security, number of students on campus, and stormwater management. The conditions set forth here and to be more fully implemented at further processing will positively respond to these issues and provide a long-term monitoring and mechanism to address unforeseen issues that may arise over the duration of the Campus Plan.
71. The Commission finds that OP and DDOT have documented that their evaluation, recommendations and support for the Campus Plan were based on the total intensity of use of the Campus, including Wesley students, faculty and staff and all residents and employees in the New University Housing and that no objectionable conditions will result.

72. Approval of this specific Campus Plan and this Application will not set a City-wide precedent for expanding permitted uses on college campuses unrelated to the educational mission of that school that will negatively impact other neighborhoods. This concern is misplaced and underestimates the Commission commitment and ability to judge every case on its individual circumstances. In this case, the establishment of additional and needed student housing that will be used by two immediately adjacent campuses is a unique situation and opportunity, not likely to be repeated anywhere else, and worthy of the Commission's consideration.
73. The Seminary has demonstrated determination and perseverance in pursuing its Thrive in Place Campus Plan. It is not the Commission's role to substitute its judgment for Wesley's on how to pursue its educational mission or to consider alternatives suggested by NLC/SVWHCA.
74. The Commission rejects characterization of the New University Housing as a "luxury apartment building". The evidence in the record is clear that the New University Housing by design will be built, occupied and operated as "purpose built" student housing on a college or university campus subject to Campus Plan approval.
75. The Commission finds that American University is clearly well-informed about this Campus Plan and Further Processing Application and has not opposed or objected to this Application. (Ex. 22). Claims by unrelated third parties claiming that AU will be harmed by this plan or oppose it are unsupported by any credible evidence.

Public Hearing of November 24, 2025

76. The Commission held a public hearing on the Application pursuant to notice and convened via video conference at 4:00p.m. on November 24, 2025. (Tr. from November 24, 2025 hearing at p. 1-226).
77. As previously noted, at the November 24, 2025 public hearing, the Commission granted SVNA party status in support and granted NLC-SVWHCA party status in opposition (FOF _____).

Applicant's Testimony

78. 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 Daniel Solomon, AICP, Principal, Gorove Slade Transportation Planners and Engineers (transportation consultant), Sara Link, PE, and Travis Frank, LA, of Bohler Engineering. Mr. Boarman was accepted by the Commission as an expert in architecture, Ms. Elliott was accepted as an expert in zoning and planning, Mr. Solomon was accepted by the Commission as an expert in transportation

engineering, Mr. Karcha was accepted as an expert in construction management, Ms. Link was accepted as an expert in civil engineering and Mr. Frank was accepted as an expert in landscape architecture.

79. Rev. McAllister-Wilson testified that the Seminary celebrating its 141st Anniversary and more than sixty years on its Spring Valley campus, is committed through this Campus Plan to “Thrive in Place.” The Campus Plan fulfills the Seminary’s physical and financial needs in support of its educational mission, location and service to the District, including commitment to racial equity, public service and community engagement.
80. Rev. McAllister-Wilson concluded that taken as a whole, the “Thrive in Place” campus plan is integral to fulfilling its educational mission on its Spring Valley campus. The Plan will provide modern, flexible housing for its students, provide needed “on-campus” housing for AU students needing local housing, strengthen and deepen the historical ties with AU, provide resources to provide subsidies for tuition and housing for its students to avoid lifetime crushing student debt, attract and retain the best faculty and students, and elevate the status of the Seminary within theological education.
81. 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.
82. Ms. Elliott concluded that the Campus Plan with the detailed proposed Conditions, including the New University Housing 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 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.
83. 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.
84. Mr. Karcha testified that proposed Administration Building had been eliminated and New University Housing 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 300 feet.

85. 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.
86. Additional landscaping will be installed along University Avenue, the University Avenue exit and the Massachusetts Avenue entrance.
87. At the 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. In a post hearing submission, Ms. Link has confirmed the tree replacement ratio of 4.5 new trees for every one tree removed. No Heritage trees are to be removed. The project is currently planning to preserve 177 existing trees (to include 27 heritage trees and 75 special trees) and remove 22 trees with this project. The current landscape/GAR plan is proposing to replant a minimum of 100 trees (combination of canopy trees and understory trees). (Ex. 104).
88. Mr. Boarman testified on the program and design of the proposed New University Housing , including housing for Wesley and AU students faculty and staff only, 7 stories, 75 feet 8 inches in height, 659 beds in 185 units configured in studio, 1, 2, 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.
89. Mr. Boarman described the evolution of the New University Housing design that was a result of community input, including most recently the elimination of the top/penthouse level of the New University Housing and reduction in the underground parking. The design and materials were intended to relate to existing Wesley buildings. The massing and setback were revised to limit the visibility and impact on University Avenue. The top floors were setback, units eliminated and windows rotated.
90. Mr. Boarman noted that the first five floors of the New University Housing 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. Given the distance from the neighborhood, no street facing balconies, enclosed courtyard and height of the building, objectionable noise will not be created for the nearest residences on University Avenue.
91. Mr. Solomon 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.
92. The CTR concluded that the Campus Plan will have not have a detrimental impact. The new development, including specifically the New University Housing , will create only a

minimal increase in vehicular trips: 14 new net trips in the morning and 31 new net trips in the evening based on similar residential dormitories located close to the campus involved. The primary point of access will remain Massachusetts Avenue for two-way traffic with a restriction on left turns for exiting vehicles. Further review of this left turn restriction will be undertaken in consultation with DDOT and the community. Access from University Avenue is currently restricted to specific service and delivery vehicles and emergency vehicles and will continue. At the request of the ANC and community, use of the University Avenue exit for vehicles will not be permitted. Two-way circulation throughout the Campus will be maintained and a pickup and drop off designated area on campus for ride sharing vehicles will be established. Also, an on-campus parking location will be designated for rental bikes and scooters.

93. At the public hearing, the Seminary and Landmark presented testimony and exhibits outlining the Campus-Wide Security Plan, including operation and staffing of the New University Housing, 26 cameras installed throughout the campus and monitored 24/7 through Landmark, overlapping codes of conduct, Good Neighbor Parking Policy, Nighttime campus patrols, graduated enforcement, reporting of incidents and coordination with local law enforcement.

Persons in opposition

94. At the public hearing on November 24, 2025, Mr. Robert Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. (Ex. 41). Mr. Scholz raised three issues of concern, including: 1) height and impact of the New University Housing; 2) parking; 3) AU not involved and impact on that school; and 4) long term viability of the Seminary
95. At the public hearing on November 24, 2025, Mrs. Josie Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. (Ex. 40). Mrs. Scholz raised several issues of concern, including: 1) no data provided to support Wesley financial need; 2) no alternatives provided for Wesley to raise additional funds; 3) no coordination with AU on campus security and other issues; 4) potential impacts on Wesley academic community from AU students living on campus; and 5) \$8 Million IZ contribution is insufficient.
96. The Commission recognizes that Mr. and Mrs. Scholz may be in closest proximity to Wesley, but disagrees that their concerns raise objectionable conditions that have not been addressed or effectively mitigated. The Commission notes that the New University Housing is less than the permitted 90-foot height on campus, top level has been removed and design reconfigured to minimize visibility, hilltop campus configuration, existing buildings, maintained and enhanced landscaping and green open space and substantial set back from University Avenue all minimize and mitigate any objectionable impacts on their property. Although on-campus parking has been reduced, parking enforcement, TDM and PMP, and DDOT support will minimize and mitigate any negative impacts. The Commission also notes that AU is fully aware of the Campus Plan and has not seen fit to

oppose or raise any specific concerns. AU's ongoing participation is well-documented by the school's submission to the Commission. (Ex. 22)

97. At the public hearing, Shelly Repp, Chair of the Committee on 100 on the Federal City, provided testified and provided written testimony. (Ex. 39). Mr. Repp expressed concerns about the PUD process and the scope and nature of OP recommended proposed off-site IZ program, including: 1) financial contribution is insufficient, 2) DHCD should not administer the program, 3) plan is too vague.

Cross-Examination of the Applicant's Testimony by Parties

98. Mr. Carter, on behalf of NLC-SVWHCA, cross-examined the Seminary's witnesses, including Rev. McAllister-Wilson, Mr. Elliott, Mr. Boarman, Mr. Karcha, Mr. Solomon, OP, DDOT and ANC 3D.
99. The Seminary submitted a post-hearing submission on December 8, 2025. (Ex. 50). As requested by the Commission at the conclusion of the public hearing, the Seminary accepted the recommendation of ANC 3E to increase the contribution for affordable housing from \$8 Million to \$10 Million, a twenty-five percent (25%) increase. The amount was offered in good faith to reach consensus and resolve the dispute between Wesley and ANC 3E within the limited resources of the Seminary and substantial impact on the economic viability of its Thrive in Place mission. The Seminary "showed the math" by providing cost documentation from numerous recent and local affordable housing projects that showed the \$325/sf cost cited by Wesley exceeded other similar projects. An accounting under the Arlington County off-site affordable housing regulations showed the \$10Million contribution greatly exceeded the Arlington requirement. Based on the \$325/sf cost, the \$10 Million Dollar contribution equals almost 14%, well above the minimum 10% IZ requirement for the New University Housing. The Seminary also confirmed its acceptance of the OP recommendation that DHCD is the best qualified, most efficient and cost-effective party to accept, administer and supervise the off-site Ward 3 affordable housing program and leverage all available resources to support qualified projects. Finally, after holding a special CLC meeting to review campus security issues, the Seminary and NLC/SVWHCA entered into a Campus-Wide Security Plan and Non-Appeal Agreement and submitted an Enhanced Campus Security Plan, including Security Fence, to be made a condition of this approval

CONCLUSIONS OF LAW

1. The Commission is authorized under the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)) to grant campus plan approvals consistent with the requirements set for forth in Subtitle X § 101 and Subtitle Z § 302. Pursuant to Subtitle X §101.9, the Commission shall evaluate an application for further processing of a campus plan as a special exception.
2. In reviewing an application for special exception relief, the Commission's discretion is "limited to a determination whether the exception sought meets the requirements of the

regulation.” (*Glenbrook Road Ass’n v. District of Columbia Board of Zoning Adjustment*, 605A.2d 22, 30 (D.C. 1992).) In this case, the Applicant has the burden of showing 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; and “if the applicant meets its burden the [Commission] ordinarily must grant the application.” (*First Washington Baptist Church v. D.C. Bd. Of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. (1981) (quoting *Stewart v. D.C. Bd. Of Zoning Adjustment*, 305 A. 2d 516, 518 (D.C. 1973)).)

3. Based upon the record before the Commission, the Commission concludes that the Applicant has satisfied all applicable standards set forth in Subtitle X § 101, as well as the general standard for granting a special exception in Subtitle X § 901 that the requested relief for further processing of the 2025 Campus Plan to construct the New University Housing and related campus improvements can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map; and will not tend to adversely affect the use of neighboring property. (FF Nos. 19, 31.)
4. Based on the findings of fact, the Commission concludes that the Applicant has satisfied the burden of proving that the construction and operation of the enumerated elements of the approved Campus Plan buildings will satisfy the Subtitle X §101.2 requirements, as they are not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. (FF Nos. 19, 30.) The Commission also determines, as required by Subtitle C § 601.6, that this Application is compliant with the intent of the GAR Regulations. (FF No. 46.)
5. Based on the findings of fact and particularly OP’s report, the Commission concludes that the Application would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens; would not be inconsistent with the Comprehensive Plan Maps; and would further policies of the Citywide Elements and the Rock Creek West Area Element. (FF Nos. 25, 29; see also Ex. 14, 20.) The Commission finds that the racial equity analyses provided by OP and the Applicant address the relevant components of the Commission’s Racial Equity Analysis Tool, with respect to this Application. (FF Nos. 26, 29; Ex. 14, 20.) The Commission notes and commends the Applicant’s thorough and robust community outreach and engagement efforts. (FF Nos. 11, 53, 54, 77, 84, 85.)
6. The Commission recognizes the constructive dialogue that has occurred between the Seminary and residents of the surrounding community in connection with the development and implementation of the 2025 Campus Plan, including this Application. The Commission believes that the adoption of the conditions listed below regarding the Project, the Construction Management Plan, and the Campus Security Plan are appropriate mechanisms to mitigate any adverse impacts of the Application on the neighboring residential properties.

“Great Weight” to the Recommendations of OP

7. Pursuant to § 5 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 (2018 Repl.) and Subtitle Z § 405.8, the Commission must give “great weight” to the recommendations of OP. (*Metropole Condo. Ass’n v. D.C. Bd. Of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
8. OP submitted a written report recommending approval of the further processing Application (Ex. 20) and supplemental report (Ex. 48). The Commission finds persuasive, the analyses in OP’s reports, and its recommendation that the Commission approve the Application and therefore concurs in that judgment, subject to the \$10 Million contribution to DHCD and the requirements set forth.

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

9. 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) (2012 Repl.) 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 that was approved by the full ANC at a properly noticed meeting that was open to the public. 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*, 141 A.3d at 1087.) 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 (1978).
10. ANC 3D submitted a written report and provided testimony recommending approval of the Application (Ex. 11). The Commission finds persuasive ANC 3D’s recommendation that the Commission approve the Application and therefore concurs in that judgment that this Application will not create objectionable conditions to residents of ANC 3D in the immediate Spring Valley Neighborhood.
11. ANC 3E testified and submitted a written report recommending a \$10 Million contribution for Ward 3 affordable housing to be administered by DHCD. (Ex. 42.) The Commission finds persuasive ANC 3E’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

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 further processing application, subject to the following guidelines, conditions, and standards:

Project

1. The New University Housing and related campus improvements (collectively, the “Project”) shall be constructed in accordance with the plans prepared by BKV Architects, dated April 4, 2023, and included in the record as Ex. 2K1 and 2K2 as supplemented by Ex. 14B-14E.
2. Prior to the issuance of a certificate of occupancy for the New University Housing, the Seminary shall provide the Zoning Administrator with evidence that the Project has or will achieve the requisite number of prerequisites and points necessary to secure LEED Gold certification from the U.S. Green Building Council.
3. Prior to the issuance of a certificate of occupancy for the New University Housing, the Seminary shall deposit \$10 Million Dollars (\$10,000,000.00) with DHCD and provide a receipt for those funds to the Zoning Administrator with a copy provided to both ANC 3D and ANC 3E.

Construction Management

4. The General Contractor, and all subcontractors, for the Project will follow DDOT truck routes based on the December 2020 DDOT Truck Map brochure.
5. The Seminary, Landmark and its general contractor and all subcontractors, will comply with the terms of the Memorandum of Understanding (Construction Management) included in the record as Ex. 30.

Campus Development:

6. The total build out of the campus facilities (including existing buildings) shall not exceed 386,911 square feet of gross floor area or 1.013 FAR during the term of the Campus Plan. Based on the 1.8 FAR permitted for university campuses located in the RA-1 zone pursuant to Subtitle X, Section 101.5, unused gross floor area of approximately 300,740 square feet shall remain undeveloped.
7. 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 and 31 surface parking spaces will be located elsewhere on the campus in accordance with Exhibits 17, 17A1-6.

8. 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 and 76 student beds in the existing 2014 Dorm.
9. The Applicant will implement a campus-wide Security Plan, including Security Fence and at least 26 security cameras in accordance with Exhibit 50. The Security Fence will be installed and operational, including the enumerated access restrictions, prior to the issuance of the certificate of occupancy for the New University Housing. After occupancy of the New University Housing, Wesley will conduct an Annual Campus Security Review Meeting, including at least ANC 3D, ANC 3E, NLC/SVWHCA, SVNA and CLC. 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 :

10. The New University Housing 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.
11. The New University Housing 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 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.
12. **For the life of the Project**, the New University Housing will include an access security system and security cameras will be installed on the campus as generally shown in Exhibit 50.
13. Resident leases for the New University Housing 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, graduated fines, lease nonrenewal and/or termination in accordance with D.C. laws.
14. The New University Housing will include approximately 185 units configured in studio, one, two, three, four and five bedroom units with not more than 659 beds. Each furnished unit will contain a kitchenette and larger units will be designed as co-living units with separately leased bedrooms and common kitchen and living areas.

15. AU students, faculty and staff residing in the New University Housing will have access to all Seminary facilities, including the library and dining facilities.
16. 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** a checklist evidencing that the New University Housing has been designed to achieve the equivalent of LEED Mid-Rise Residential Gold certification.
 - b. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing**, 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:

17. The Applicant will maintain and **prior to the final residential Certificate of Occupancy for the New University Housing** 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 16A. Designated green open space of approximately 205,000 square feet of land area is to be preserved and not available for future development.
18. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing**, the Applicant will build and maintain for the life of the New University Housing a small community playground to be set back from University Avenue as shown in Exhibit 16A. The playground will measure approximately 40 feet by 95 feet and have an area of approximately 3,800 square feet with a natural double shredded hardwood mulch safety surface surrounded by a 48 inch tall vinyl-coated chain link perimeter fence. It will include benches and play equipment suitable for toddlers and

young children. The playground will have a public point of entry adjacent to University Avenue, N.W. by means of an accessible sidewalk. It will be fenced and open to the public only during daylight hours. The final design of the playground will be substantially in accordance with Exhibit 16A.

19. The Applicant will implement the Landscape Plan in substantial accordance with Exhibit ____.
20. 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.

Transportation and Parking:

21. The Applicant shall implement, over the life of the Campus Plan, a Transportation Demand Management Plan, contained in Exhibit 16 to reduce and manage traffic and parking. Residing on the Campus will not qualify anyone for Residential Permit Parking decals from the District of Columbia. The TDM Plan will include periodic performance monitoring requirements. Applicant shall install in New University Housing a transit screen that is visible inside and outside the building that displays arrival information on Metrobus and AU transit busses, Capital Bikeshare availability and any other micro-mobility options which are available in the area. In the first monitoring report following the opening of the New University Housing, the Applicant will conduct a traffic signal warrant analysis for the driveway to Massachusetts Avenue NW. If DDOT's Traffic Engineering and Safety Division (TESD) determines a traffic signal or pedestrian beacon is warranted, the Applicant will design, fund, and commence installation within one year of DDOT approval, subject to the availability of the traffic signal equipment.
22. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing**, 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.
23. **Prior to the issuance of the final Certificate of Occupancy for the New University Housing**, the Applicant will construct the following pedestrian improvements subject to any required public space and DC Department of Transportation ("DCDOT") approvals:
 - A sidewalk along the east side of University Avenue NW between Massachusetts Avenue and Rodman Street with a leadwalk into campus along at least one side of the site driveway;
 - Install signage, a crosswalk, and ADA curb ramps on the south leg of University Avenue at the Rodman Street intersection;

- Install signage, a crosswalk, and ADA curb ramps on the east leg of the campus driveway at the University Avenue and Sedgwick Street intersection or construct the crossing as a continuous sidewalk; and

The Applicant, will undertake an effort to seek AU's approval for the reopening of the gated connection at the southeastern corner of the property that links AU and the Seminary and if AU consents to re-opening the gate Wesley will not obstruct access via the gate except for security reasons. The Seminary will attempt to coordinate with AU on the installation of wayfinding signage on the campus directing students to the gated connection to the AU campus upon receiving AU's approval for the opening of the connection.

24. After occupancy of the New University Housing, the Seminary will perform a traffic monitoring survey in accordance with the performance monitoring plan in Exhibit ___ annually for the first two (2) years and report the results to DDOT, ANC 3D, ANC 3E and the Community Liaison Committee. If warranted by the traffic survey, the Seminary will implement additional TDM measures in consultation with DDOT, ANC 3D, ANC 3E, and the CLC. Annual traffic monitoring will be extended by DDOT until such time as the TDM and traffic mitigation goals have been met for two consecutive years.
25. Vehicles will be able to enter and leave the Seminary through the Massachusetts Avenue entrance/exit. The Seminary will request DDOT to assess the feasibility, including potential traffic impacts of installing a traffic signal at the Massachusetts Avenue entrance/exit or allow left turn for exiting vehicles on a limited basis. Any studies or changes to access, including installation of traffic signal equipment, will be supplied, designed, funded and installed by the Applicant, not DDOT, and shall commence installation within one year of approval by DDOT, subject to the availability of the traffic signal equipment.
26. 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.
27. 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.
28. The Applicant will encourage all Wesley students, on-campus residents, staff, faculty, and visitors to park on Campus with quarterly electronic communications and signage.
29. 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.

30. 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.
31. The New University Housing 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.
32. The New University Housing will include a designated on-campus ride-sharing pick-up and drop-off area generally located in front of the proposed building, and on-campus rental bike and scooter parking area generally located near the future Capital Bikeshare Station as shown in Exhibit 16C.

Environmental Issues:

33. 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.
34. In conjunction with filing a permit application with the D.C. Department of Buildings (DOB) for ground clearance, excavation, or other construction, the Seminary will submit the final stormwater management plan to the DOEE for review and report the outcome of that review to ANC 3D, ANC 3E, and the Community Liaison Committee.
35. Throughout the term of the Campus Plan, the Applicant shall work directly with residents and the Community Liaison Committee to provide information to ensure that the construction does not have unanticipated stormwater impacts on residents' property and shall address any impacts should they occur. Residents will be consulted on a quarterly basis to ensure that unanticipated stormwater impacts are addressed.

Other Issues:

36. The Seminary shall maintain a Community Liaison Committee that meets at least three times annually and includes neighborhood resident representatives of ANC 3D, ANC 3E, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable Community, Spring Valley Neighborhood Association, and individual residents of Spring

Valley living within 200 feet of the Seminary's property line at University Avenue. Other interested residents and neighborhood groups are invited to participate in the CLC's public meetings.

37. 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.
38. 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.
39. 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.
40. The Seminary will not sell or lease any part of the Spring Valley Campus (excluding any units in the New University Housing) 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) to AU will constitute a Modification with Hearing under Subtitle Z, § 703 requiring a public hearing before the Zoning Commission.
41. The Applicant will file any proposed change in any of the conditions of this Campus Plan as a Modification with Hearing requiring a hearing pursuant to Subtitle Z, § 704, unless ANC 3D and ANC 3E both agree that such modification can be filed as a Minor Modification or a Modification Without Hearing.
42. 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.

43. 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.
44. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
45. 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.
46. The Applicant shall have Campus Plan design flexibility in the following areas:
 - a. Number of Beds in the New University Housing. To reduce the number of beds in the New University Housing up to minus ten percent (10%).
 - b. Parking Configuration. To make refinements to the approved parking configuration, including layout, number of parking spaces plus or minus 10%, and/or other elements, and to vary the allocation of Wesley and Landmark parking spaces.
 - c. Interior Components. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, kitchens and toilet rooms, provided that the variations do not change the exterior configuration of the building.
 - d. Exterior Materials and Color. To vary the final selection of the exterior materials within the color ranges and material types as proposed on Sheet ___ of the Approved Plans (titled, "Material Palette"). In the event the Applicant desires to change the exterior materials, type or color beyond the parameters of the Material

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.

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2025, the foregoing Applicant's Draft Order was delivered via electronic mail to the following:

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