

Advisory Neighborhood Commission 3D

Government of the District of Columbia



November 6, 2024

Chairman Hood and Members of the Commission
Zoning Commission of the District of Columbia
441 4th Street NW
Washington, DC 20001

RE: Wesley Theological Seminary Text Amendments, Case #24-09

Dear Chairman Hood and Members of the Commission:

At a duly noticed monthly meeting of Advisory Neighborhood Commission 3D, our Commission, with a quorum present, voted 5-1-0 with one Commissioner absent, on November 6, 2024, to provide you the following recommendations regarding Wesley Theological Seminary's (Wesley) proposed text amendments:

SUMMARY RECOMMENDATION:

ANC3D recommends that the Zoning Commission approve these text amendments. This letter lays out ANC3D's reasoning in detail. We request that the Zoning Commission give "great weight" to ANC3D's explanation and justification for this recommendation.

INITIAL PROCEDURAL MATTERS:

Relationship to Previous Cases

It is our understanding that this rulemaking process is separate from the previous proceedings related to Wesley's proposed construction of a dormitory to house both Wesley and American University students, namely Cases #22-13, #23-08 and #23-08(1) which involved a campus plan and a Planned Unit Development.

We therefore want to make sure, out of an abundance of caution, that the results of our previous reviews of this project are made part of this rulemaking effort. This will make our previous comments available should they become relevant to your Commission's decisions regarding these text amendments and should your Commission's decisions be challenged in any subsequent proceedings. Therefore, we have attached to this letter all of our previous letters to your Commission in these previous cases and ask that they be made part of the record for this rulemaking proceeding, Attachment A.

Objectionable impacts on the nearby neighborhood:

Despite the recent redistricting, ANC3D still represents the closest neighbors to Wesley and therefore our neighborhood is especially sensitive to the possibility of any objectionable impacts from the building of this dormitory on the campus. There will certainly be impacts on the neighborhood from the building of this dormitory and the housing of more students to the campus. However, through extensive

negotiations with the neighborhood, under the auspices of the Community Liaison Committee, Wesley has committed to a number of actions that we believe will mitigate these impacts. Therefore, we have concluded that the building of the dormitory will not have such objectionable impacts on the neighborhood that we should oppose this project. In particular, Wesley has adjusted the size and the orientation of the proposed dormitory so as to decrease its visibility from the few nearby homes where it will be visible at all. While the new building will still be visible to a few homes, this visual impact compares very favorably to that of campus buildings on the nearby American University and George Washington Mount Vernon campuses.

The presence of more students on the Wesley campus will, of course, bring more students onto nearby public sidewalks, but unless such students are noisy as they return to the dormitory in the late hours of the night, we would not characterize students' walking on sidewalks as an objectionable impact on the neighborhood. For instances of misbehavior, American University has a code of conduct that deals with such situations off campus. We have asked Wesley to add a provision to its student code of conduct to cover any adverse impacts on neighbors.

While having more students and parking places on campus will lead to more traffic being generated, Wesley's agreement to keep that traffic off the nearby residential street, University Avenue, will greatly reduce any such impact. In addition, it is unlikely that these students will generate enough traffic to have a serious impact on Massachusetts Avenue traffic, especially because American University provides free transportation via a shuttle bus to the Tenleytown metro station. This shuttle bus is available to Wesley students as well.

Inclusionary zoning has also been a matter of serious discussions during the development of these plans. We believe that the general agreement stimulated by our sister ANC, ANC3E, to have Wesley make these investments off campus rather than attempt to provide these benefits to students living in this dormitory is the best course of action. While Wesley is still finalizing its plans for this investment, we believe these matters can be satisfactorily resolved during the campus plan process that would follow any approval of these text amendments.

THE PROPOSED TEXT AMENDMENTS

Case for these Amendments:

Wesley's proposed text amendments are a welcome change from its previous stance. These proposed text amendments are unambiguous about the relief that Wesley is seeking, making an up or down vote by the Zoning Commission more clear-cut than the requests asking the Commission to interpret the zoning regulations broadly enough to encompass Wesley's unique situation.

We say "unique" because it is highly unlikely that there is any situation like Wesley's elsewhere in the District of Columbia. In this case, the Wesley and American University campuses are directly adjoining, having once been one property. The two institutions have a common purpose—the education of students, and from a land-use point of view in terms of the potential impact their buildings and students have on the neighborhood, the two campuses are, effectively, one large tract of land. These two adjoining institutions when viewed together already result in large buildings that we see on our horizon as well as students on our sidewalks, in our local rental units, and in our local shops. This proposed dormitory is so close to American University that university students living in this dorm would probably

be closer to some of their classrooms than is the case for some of the students living in the University dorms. It is therefore just common sense from a land-use point of view to look at these two adjoining campuses even though institutionally they need to have separate campus plans.

American University has approximately 5000 students for whom it cannot offer housing on its own campus. These excluded students live all over the area, but many of them in our neighborhood, including the high rises along Massachusetts Avenue. These American University students, many of whom are from other parts of the United States and other countries thereby occupy housing that otherwise might house DC residents, including DC's teachers, police officers, retired persons and numerous other working District residents who find it very difficult to find housing. Frankly, we wish American University would take more responsibility for housing its own students, and we are therefore happy to see a proposal from Wesley that would begin to relieve this burden on the neighborhood and the District's housing stock.

In summary, campus plans are, essentially, a process by which educational institutions can add more buildings such as dormitories to their property. We believe the appropriate focus of the interaction between the institution and its neighbors in the development of these campus plans is whether these additions will have an objectionable impact on the surrounding neighborhoods. In this case, we conclude that dormitories are exactly the kind of building which nearby residents expect to see on educational campuses, and given both the location of this proposed dormitory and the very large amount of green space between our residential neighborhood and the proposed building, it is hard to find anything objectionable about it. In addition, the construction of this dormitory will provide a considerable benefit to our neighborhood by moving more university students onto a campus and to the District as a whole by making more housing available to long-term District residents rather than short-term students from around the country.

The Wording of these Text Amendments

Wesley has chosen to write the proposed text amendments in a way that makes it clear that this exception to the zoning regulations applies only to a specific portion of Wesley's property and only for housing. This reduces our concerns that we had previously about Wesley's PUD proposal which we feared opened up the possibility of additional development on the campus in the future with limited input from the neighborhood. We see no problems with the actual wording of the text amendments.

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Finally, we would like to address the Office of Planning's Setdown Report with regard to racial equity. While we are confident that the OP carried out the racial equity review in a diligent manner, we believe the required analysis does not capture the racial contribution of Wesley Seminary— the makeup of its student body and their contribution, upon graduation, to racial equality of our city. The demographics of Wesley's student body is majority minority and their students often go on to serve in churches within the District. Wesley's "thriving in place" is important to the city in a way beyond the immediate campus and affects the much larger community in a very positive manner.

NEIGHBORS' REMAINING CONCERNS:

Members of Neighbors for a Livable Community (NLC), two of whom live on University Avenue, but not close enough to the Wesley campus to be able to see the proposed dormitory, have raised concerns,

some of which we want to address. We would also note that the Spring Valley Neighborhood Association, a party in the zoning case (23-08), and other neighbors have expressed their support for the proposed project. There is now open dialogue between the NLC and some ANC3D Commissioners. Even though we disagree with the NLC, we ask that the Zoning Commission carefully consider the points that this organization is making since they feel so strongly about them.

The Proposed Dormitory is “Too Big”

It is clear that at the base of NLC’s objection to this dormitory that this new building would increase the density of the buildings on campus and therefore in the neighborhood. However, “too big” is a comparative term. One needs to ask, why do they consider it “too big”? In terms of the American University students whom the University currently can accommodate on its own campus, the dormitory could justifiably be made even bigger. In terms of the possible objectionable impacts of a dormitory this size on the neighborhood, as we have indicated, our analysis has concluded that there is no objectionable impact, despite the building’s size. The fact that there is so much green space on the campus between this dormitory and the neighborhood also cuts against any argument that neighbors did not expect the campus buildings to expand to take up so much of the property. Therefore, we cannot find a basis to agree with NLC that this dormitory is “too big.”

Precedent for Further Construction at Wesley

One of these issues is that in some way these text amendments might set a precedent for the construction of yet another building on the Wesley campus that could be deemed “commercial.” We understand that Wesley has no such intent to build a second building. In addition, these text amendments are explicitly applicable to only that portion of the campus on which this dormitory will be built. Therefore, once the dormitory is built, additional “commercial” buildings are not, in our view, a serious concern.

Precedent for Other Universities in the District

NLC members have told us they are concerned that a specific carve-out permitting an institution to build something otherwise not allowed under the current zoning code would create a dangerous precedent for the Zoning Commission and would open the door for other institutions to seek a similar course of action. We believe the Wesley case presents a unique situation of two adjoining campuses that justifies these text amendments. We believe the Zoning Commission has the flexibility to evaluate any future proposals on a case-by-case basis. Every case needs to be judged on whether approving a text amendment would better serve the District or harm it. In this case, ANC3D believes this project is unique and is in the best interest of the District. In this regard, your Commission may want to include wording in its order to explain the unique basis for this one exception to the zoning regulations in the case of Wesley along the lines we have presented in this letter.

Are these text amendments necessary for Wesley to “thrive”?

Because some NLC members are concerned about the above-discussed potential precedent-setting nature of these text amendments, they speculate that Wesley really does not need to construct this dormitory to “thrive” or even “survive” on this campus. They feel that there must be some other

solution that Wesley could pursue that would obviate the need to construct this dormitory. We do not have any special insights into Wesley's internal deliberations, but we do have the following observations.

- This is the third iteration of Wesley's effort to make it possible for them to "thrive" in the current conditions. It is clear that Wesley has already been seriously seeking viable alternatives.
- It is public knowledge that seminaries, such as Wesley, are having a difficult time financially because of changes in the demand for this type of graduate education. Absent a rich benefactor's coming to Wesley's rescue, we find it credible that Wesley needs to find a sizeable, steady in-flow of money in order to remain on this campus.
- There is speculation that Wesley could somehow become "affiliated" with American University and thereby solve its financial problems. Of course, we cannot rule out this possibility, but this is not what we are hearing in our discussions with American University senior management. In fact, we are hearing the opposite. This is understandable because American University is itself currently undergoing some financial difficulties and is not flush with money to take on the task of rescuing Wesley Seminary or adding to the size of their property. We have been told that in the past, when American University has been asked whether it would like to purchase the Wesley campus, the purchase price mentioned has not come close to the market value of the property.
- Some suggest that Wesley will never leave this campus because it would have to move far out of the city and would find such a location so incompatible with its mission that it would have to close. We are not experts in the real estate market, but we suspect that Wesley's beautiful and large campus, a rarity in Ward 3, would sell for a large price on the open market and that with those funds, Wesley could find another location where they could "thrive." Just as an example to make this point, we note that many former office buildings downtown have lost much of their value and might be bought or rented for a reasonable price. While we are sure that Wesley would be reluctant to give up its spacious campus for a downtown location, its educational mission could perhaps be undertaken quite adequately at such a downtown location. Many out-of-town universities have found such downtown locations suitable "satellite campuses" for their Washington-based operations, and Wesley might also. In short, if Wesley is forced to leave, we seriously doubt that it would have to close because of the large sum it could receive for its property and the range of possible locations to which it could move if forced to do so.
- Most importantly, if Wesley were to find that it had to leave and sell the property, it is our assessment that almost all of the Spring Valley neighbors would be unhappy to have lost Wesley. Wesley has been a good neighbor, and it is unlikely that the large area of green space adjoining the neighborhood would survive. Some NLC members, some of which are adjacent neighbors, have stated that if Wesley were to leave and convey the property to another party, they do not have these same concerns. Our discussions with other neighbors leads us to believe that they do not share NLC's lack of concern.

OUR CONCLUSIONS

We have taken all of the neighborhood views very seriously and have concluded as follows:

Other Viable Alternatives for Wesley:

We cannot rule out the possibility that there are other viable alternatives for Wesley, especially since we have no experience in running a seminary, and we are not privy to all the discussions between Wesley's management and its Board. However, it does appear that Wesley has been trying very hard to find a solution to their problems, and we can only assume that they have conducted a very serious investigation of alternatives, especially after NLC and Spring Valley Wesley Heights Citizens Association raised objections to the original proposal for this dormitory in the draft campus plan several years ago. In short, we are not prepared to condition our review of these text amendments on the basis of speculation that there might be a reasonable alternative that has not yet surfaced but might somehow emerge in the future.

Wesley's existence threatened if it were to leave:

Once again, we have never run a seminary and therefore must be modest in our predictions of what would happen to Wesley if it were to have to leave its current campus.

We believe it is dangerous for a neighborhood to assume that a property owner is "bluffing" when they say they will need to sell the property unless they are allowed to develop it in a manner that the neighborhood finds objectionable. We are reminded of a very painful example of our neighborhood's over-confidence that the threat of an institution's leaving was not serious. In the Palisades, not many years ago, the local Safeway store served as an anchor for many other local businesses. In addition, its large parking lot afforded easy parking for all of the surrounding businesses. Safeway proposed building a new store with residences above it. The neighborhood argued effectively for the status quo, and thereafter, Safeway left and sold the property to a Continuing Care facility, which eliminated the parking for the neighborhood businesses. While this new institution is likely to be very nice, it certainly will not serve as an anchor for the business district of the Palisades and parking for these other Palisades businesses has become problematic as a result.

In short, Institutions do leave. The property they own can be very valuable and allow the institution to put its assets to other uses. While we all hope that Wesley would not leave under any circumstances, we do not believe we should condition our review of these text amendments on such a hope and a prayer.

Would possible future development be objectionable:

Most, if not all, the neighbors like the open green space that the Wesley campus affords the neighborhood and have found Wesley, as an institution, to be an excellent neighbor. We at ANC3D believe the neighborhood is well served by ensuring Wesley's ability to "thrive in place" on the current campus, especially since, in our view, the construction of this dormitory that would house both Wesley and American University students would NOT have an objectionable impact on our neighborhood.

For all the above reasons, ANC3D recommends that the Zoning Commission approve the text amendments that Wesley has proposed, and because of the time constraints on Wesley now

that this process has taken several years, we urge the Commission to make its decision as expeditiously as possible.

Sincerely,

A handwritten signature in cursive script that reads "Tricia Duncan". The signature is fluid and elegant, with the first name "Tricia" being more prominent than the last name "Duncan".

Tricia Duncan, Chair

ATTACHEMENT A