



# **WESLEY SEMINARY**

**Z.C. Case No. 24-09**

**Zoning Commission**

**November 18, 2024**

**ZONING COMMISSION**  
District of Columbia  
CASE NO.24-09  
EXHIBIT NO.36

# **INTRODUCTION**

**Rev. David McAllister-Wilson**

**President, The Wesley Theological Seminary of the  
United Methodist Church**

**John Patrick Brown, Jr.**

**Greenstein DeLorme & Luchs, P.C.**

**Ms. Brandice Elliott (Expert Witness)**

**Director of Planning Services, Holland & Knight**

# **WESLEY FAMILY MOVIE NIGHT**

**September 14, 2024  
“Sing 2”**



# **REV. DAVID** **MCALLISTER-WILSON**

- **Appreciation to Commission, OP, ANC 3D and 3E, and Neighbors.**
- **Introduction to Wesley Past, Present and Future.**
- **Thrive In Place Strategic Plan to Support Educational and Religious Mission.**
- **Emphasis on Maintaining Our 65 Year Presence in Spring Valley.**
- **Utilize Our Resources to Maintain Campus Open Space, Provide Modern Housing and Provide Long-term Financial Resources.**
- **Fall 2024 Enrollment and Housing Update.**
- **Pivotal Moment in this Protracted Process to Establish Path Forward.**
- **Wesley Commitment to Racial Equity and Affordable Housing.**

# **PATRICK BROWN**

## **Introduction and Context**

- **Text Amendment Process Arose Through Detailed Zoning Commission Review and Deliberations.**
- **Directly Addresses Disputed Issues.**
- **Not Viewed in Isolation.**
- **Targeted Site Specific.**
- **Avoid Broader Precedent.**
- **Not Self-Executing.**
- **First Step of Two-step Process Controlled by Zoning Commission.**
- **Final Review and Approval Through Campus Plan.**

# **INCLUSIONARY ZONING** **CHALLENGE**

- **Current IZ Regulations Never Anticipated Joint Student Housing on One Campus.**
- **Students Generally not Eligible for IZ.**
- **DHCD not Capable of Implementing Student Only IZ Program.**
- **Dormitory not Suited to Non-Student IZ Lottery Occupants.**
- **Alternative Private Only Affordable Housing Program Rejected.**
- **ANC 3E Preference for Support for Ward 3 Off-Site IZ Support.**

# **INCLUSIONARY ZONING** **PROPOSAL**

- **Site Specific Exemption.**
- **Facilitate Direct Support for Ward 3 Off-Site IZ.**
- **Compliance with Established IZ Requirements.**
- **Final Approval through Campus Plan as Enforceable Condition.**

# **REVIEW OF DRAFT LANGUAGE**

- **Proposal has Evolved as a Result of Ongoing and Productive Input from Wesley, OP and ANC 3E and ANC 3D.**

<b>PUBLIC HEARING NOTICE</b>
1001.6 The requirements of this chapter shall not apply to: ... (c) Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff, <u>or housing developed on Square 1600, Lot 819 exclusively for Wesley Theological Seminary and American University students, faculty, or staff if approved by the Zoning Commission as part of a campus plan</u> ; and
<b>APPLICANT'S PRE-HEARING SUBMISSION ALTERNATE</b>
<b>1006.10</b> The requirements of Subtitle C, §§ 1006.1 - 1006.3(a), may be waived for off-site inclusionary units located in Ward 3 or financial subsidies therefor that are substantially equivalent, but not less than Subtitle C, §1003.2 requirements for housing developed on Square 1600, Lot 819 exclusively for Wesley Theological Seminary and American University students, faculty and/or staff as a condition to a Campus Plan and subject to the requirements of Subtitle C, §§ 1006.5 - 1006.9.
<b>OP PROPOSED ALTERNATE</b>
<b>1006.10</b> Wesley Theological Seminary shall provide off-site IZ located in Ward 3 as an enforceable condition to its 2022-2032 Campus Plan further processing to construct a dormitory, provided that the requirements of Subtitle C, §§ 1006.1 - 1006.3(a)-(g), may be waived by the Zoning Commission for the off-site IZ. Depending on construction type, the off-site IZ provided shall be no less than Subtitle C, §1003.1 or §1003.2 requirements, as applicable, and subject to the requirements of Subtitle C, §§ 1006.5 - 1006.9.

# **EVALUATION OF DRAFT LANGUAGE**

- **General Support for OP Proposal.**
- **Meet or Exceed IZ Requirements.**
- **Maintain Reasonable Flexibility for Provision and/or Support for Off-Site IZ by/through Qualified Third Parties.**
- **Subject to Zoning Commission Review, Approval and Enforcement.**
- **Recognize that Wesley is not Capable of Direct Provision of Off-Site IZ.**

# **COMMERCIAL ACTIVITY** **PROPOSAL**

- **Wesley Maintains Dormitory as Residential, Not Commercial.**
- **Ongoing Dispute over Proposed Dormitory as Residential or Commercial Activity.**
- **Text Amendment Provides Zoning Commission Ability to Resolve the Dispute in Limited and Specific Circumstances of Campus Plan.**
- **Wesley Accepts the OP Recommendation.**

1) Proposed text amendment to Subtitle X, §101

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

# Dormitory

- Residential use category is defined as “[a] use offering habitation on a continuous basis of at least thirty (30) days. The continuous basis is established by tenancy with a minimum term of one (1) month or property ownership.” Examples include single dwelling unit, multiple dwelling units, and dormitories. 11-B DCMR § 200.2(aa).
- Education, College / University use category permits dormitories. 11-B DCMR § 200.2(j).
- Zoning Administrator determination that “student residents project which includes units featuring private baths and kitchens, and offering occupancy to non WTS students, can be considered a dormitory use.”
- “Commercial activities” in other campus plans include retail, eating and drinking establishments, and other services. These uses are aligned with the service, retail, or office use categories.

# Comprehensive Plan Review

- The Zoning Commission must find that the [text amendment] is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text. 11-X DCMR § 1300.2.

## Not Inconsistent

- In its decision-making, the Zoning Commission must make a finding of “not inconsistent with the Comprehensive Plan.” To do so, the Zoning Commission must consider the many competing, and sometimes conflicting, policies of the Comprehensive Plan, along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the Zoning Commission to consider and balance those policies relevant and material to the individual case before it in its decision-making, and clearly explain its decision-making rationale. 10-A DCMR § 224.8.

## Zoning Commission Tools

- The Zoning Commission may [p]repare and implement tools, including training, to assist District agencies in evaluating and implementing the Comprehensive Plan's policies and actions through an equity, particularly a racial equity lens. This shall specifically include a process for the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis. 10-A DCMR § 2501.8.

## Racial Equity Lens

- Comprehensive Plan (GPM, FLUM, Citywide / Area Elements)
- Mayor's Housing Equity Report

# Generalized Policy Map

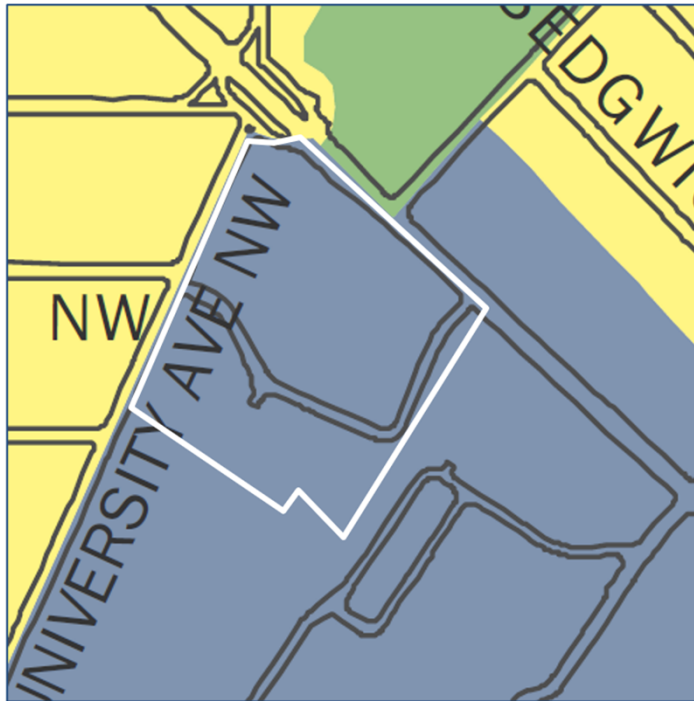
## Institutional Category

Much of the land identified as institutional on the map represents colleges and universities; change and infill can be expected on each campus consistent with campus plans. Other institutional sites, including hospitals and religious orders, likewise may see new buildings or facilities added. Policies in the Land Use and the Educational Facilities Elements address the compatibility of such uses with surrounding neighborhoods.

10-A DCMR § 225.22



# Future Land Use Map



## Institutional Land Use Designation

This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories.

10-A DCMR § 227.18

# Racial Equity Tool



Part I: Guidance Regarding the Comprehensive Plan

Part II: Community Outreach and Engagement



Part III: Disaggregated Data

Part IV: Evaluate the Zoning Action through a Racial Equity Lens



# Part I: Comprehensive Plan Policies

## Rock Creek West

- RCW-1.1.1: Neighborhood Conservation
- RCW-1.1.4: Infill Development
- RCW-1.1.8: Managing Institutional Land Uses
- RCW-1.1.9: Conserving Common Open Space
- RCW-1.1.12: Reduce Single Occupancy Vehicle Trips

## Land Use

- LU-1.4.6: Development Along Corridors
- LU-1.5.1: Infill Development
- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods
- LU-2.1.5: Support Low-Density Neighborhoods
- LU-2.2.4: Neighborhood Beautification
- LU-2.3.5: Institutional Uses
- LU-3.3.1: Transportation Impacts of Institutional Uses
- LU-3.3.2: Corporate Citizenship

## Transportation

- T-1.1.8: Minimize Off-Street Parking
- T-2.4.1: Pedestrian Network
- T-2.4.2: Pedestrian Safety
- T-3.1.1: TDM Programs

## Housing

- H-1.1.8: Production of Housing in High-Cost Areas

*\*Identified in OP's Equity Crosswalk as advancing equity.*

- H-1.1.9: Housing for Families
- **H-1.2.9: Advancing Diversity and Equity of Planning Areas**
- H-1.2.1: Inclusive Mixed-Income Neighborhoods
- H-1.3.5: Student Housing
- H-1.5.1: Land and Building Regulations

## Environmental Protection

- **E-1.1.2: Urban Heat Island Mitigation**
- E-2.1.2: Tree Requirements in New Development
- E-2.1.3: Sustainable Landscaping Practices
- E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff

## Educational Facilities

- EDU-3.2.2: Corporate Citizenship
- EDU-3.2.4: Universities as Community Partners
- EDU-3.3.2: Balancing University Growth and Neighborhood Needs
- EDU-3.3.3: Universities as Large Landowners and Campus Plan Requirements
- EDU-3.3.4: Student Housing
- EDU-3.3.5: Transportation Impacts of Colleges and Universities
- EDU-3.3.6: Faculty Housing
- EDU-3.3.10: University-Community Task Force
- EDU-3.3.11: Access to Recreational, Educational, and Cultural Opportunities

# Part I: Comprehensive Plan Policies (NLC-SVWHCA)

## LU-1.2.4: Urban Mixed-Use Neighborhoods

- This policy is specific to a list of targeted areas, none of which include the Wesley campus or its surrounding neighborhood. Therefore, it does not apply to the proposed dormitory development. While not a targeted mixed-use zone, the proposed text amendment would allow a project that enhances the university's educational facilities in a way that respects neighborhood character and land use compatibility.

## LU-2.1.1: Variety of Neighborhoods

- This policy encourages the preservation of neighborhood character while accommodating appropriate new development. The proposed dormitory is tailored to the campus environment and designed to meet student housing needs without introducing incompatible commercial uses, thus maintaining the integrity of the neighborhood's low-density residential character. The proposed text amendment would allow the development of on-campus housing, minimizing the need for students to seek housing in nearby residential areas, which helps to balance the community's needs and contribute to a variety of neighborhood types within the District.

## LU-2.3.7: Nonconforming Institutional Uses

- The proposed text amendment allowing for the development of a dormitory does not create a nonconforming use, as it is designed for student housing and is consistent with the current institutional zoning of the campus. Therefore, it does not conflict with the policy's intent to control nonconforming uses in residential neighborhoods.

# Part I: Comprehensive Plan Policies (NLC-SVWHCA)

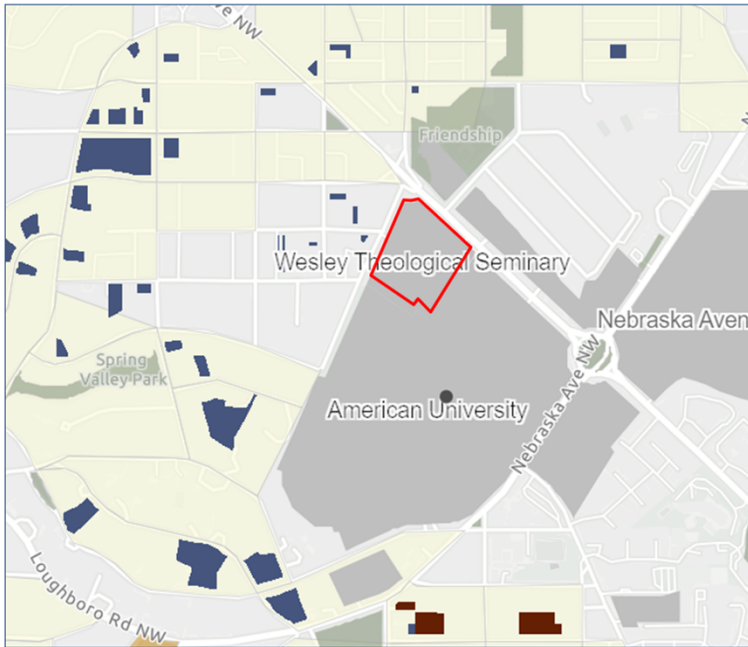
## LU-2.3.8: Nonconforming Commercial and Industrial Uses

- This policy pertains to nonconforming commercial and industrial uses, which do not apply to Wesley's campus or the proposed text amendment that would allow the dormitory project, as the dormitory is an institutional and educational facility that does not generate the adverse effects typically associated with commercial or industrial uses. The development of a dormitory housing facility poses no risk of noise, pollution, or traffic commonly associated with nonconforming commercial uses, making it consistent with maintaining neighborhood compatibility.

## EDU-3.3.2: Balancing University Growth and Neighborhood Needs

- The proposed text amendment would allow the development of a dormitory that exemplifies a balanced approach to university growth. By providing on-campus housing for students, it reduces pressure on local rental markets, potentially freeing up housing stock for non-student residents in the area and easing rental market demands. Additionally, the dormitory supports Wesley's educational mission while remaining mindful of neighborhood conservation goals. Its design respects neighborhood character, ensuring that university expansion supports both institutional needs and the community's desire to maintain a stable residential environment.

## Part II: Past and Present Discrimination / Harm to the Community



- The Federal Housing Administration Map of 1937 graded areas of the District for loan approvals using race as a criterion, with many of the highest graded categories concentrated in Rock Creek West.
- The Planning Area has a history of displacement of Black communities, such as in Reno City and the George Pointer settlement.
- Rock Creek Park was conceived, in part, as a barrier to Black settlement to the west, and many of the neighborhoods in that section of the District were subsequently developed to be economically exclusive via covenants and zoning that favored more expensive, detached housing.
- In 1940, racial covenants served to confine the vast majority of DC's expanding Black population to older housing near the city center, near waterfront employment along the Potomac and Anacostia rivers, and to the remote sections of far Northeast and Southeast DC.
- The Rock Creek West Planning Area continues to be majority white, making up 77.2% of the area's population.

## **Part II: Community Engagement**

- Over 40 meetings with the community and ANCs.
- Continues to meet as necessary to discuss the provision of affordable housing in Ward 3.

## Part III: Disaggregated Data – Rock Creek West Planning Area

- **Wesley's Mission and Community Impact:** Wesley actively promotes racial equity through its mission, producing graduates who work in fields that serve diverse communities, including as leaders in non-profit organizations and churches across the District.
- **Community Engagement and Social Justice:** Wesley provides training for community engagement and organizes internships within District churches, promoting real-time support for racial and social justice initiatives.
- **Diverse Student and Faculty Body:** Approximately 34% of Wesley's students and significant portions of faculty and staff are Black, contributing to diversity in the area.
- **Housing Market Impact:** The proposed dormitory may indirectly benefit the local housing market by potentially freeing up nearby rental units, helping stabilize prices for local residents.
- **OP found no anticipated adverse racial equity impacts from the text amendment.**

## Part IV: Evaluate the Zoning Action through a Racial Equity Lens

Indicator	Outcome
Direct Displacement	<ul style="list-style-type: none"> <li>The new dormitory will not displace any students.</li> <li>Replaces two existing dorms that currently provide 90 beds, with a new facility offering 659 beds.</li> <li>Offers on-campus housing to help reduce travel costs, making living arrangements more affordable.</li> <li>Includes student activity spaces that foster a sense of community.</li> <li>Provides a setting for cultural and academic engagement.</li> <li>Encourages collaboration among students living nearby.</li> </ul>
Indirect Displacement	<ul style="list-style-type: none"> <li>Indirect displacement is not anticipated.</li> </ul>
Housing	<ul style="list-style-type: none"> <li>Project includes approximately 149-162 market-rate living units, with options from studio to five-bedroom configurations.</li> <li>On-campus student housing will free up more local housing for District residents in nearby neighborhoods.</li> <li>Project includes a contribution to affordable housing off-site in Ward 3.</li> <li>43 family-sized units are incorporated into the new dormitory design, prioritizing family-friendly housing options.</li> </ul>
Physical	<ul style="list-style-type: none"> <li>Landscaping will be added along University Avenue, with extensive infrastructure improvements.</li> <li>Environmental features: green roofs; stormwater management; LEED Gold, bioretention facilities; permeable surfaces.</li> <li>Streetscape improvements to enhance landscaping and create a pedestrian-friendly environment.</li> <li>Recreational amenities: neighborhood playground; 210,000 sq. ft. of green space.</li> <li>Student influx and shared dormitory spaces will enrich campus life and promote community collaboration.</li> </ul>
Access to Opportunity	<ul style="list-style-type: none"> <li>Student housing location: within ½ mile of the Tenleytown-AU Metro station and other public transit; connects students to jobs, dining, etc.</li> <li>Employment and training support: maintains and potentially increases campus employment opportunities; temporary increase in construction jobs; supports career training in religious and social services.</li> <li>Access to amenities and recreation: close to Wisconsin Avenue corridor for shopping and dining; new on-campus playground for community use; proximity to nature reserves such as Rock Creek Park.</li> </ul>
Community	<ul style="list-style-type: none"> <li>Reduction in the number of beds and building height.</li> <li>Rotation of the top floor to position windowless units toward the street.</li> <li>Increased setbacks on the upper floor to enhance privacy and minimize impact.</li> <li>Continued negotiations concerning the provision of affordable housing in Ward 3.</li> </ul>

# Potential Comprehensive Plan Inconsistencies

Potential Inconsistency	Outweighing Policy	
<p>LU-2.1.4: Rehabilitation Before Demolition</p> <p>T-1.2.3: Discouraging Auto-Oriented Uses</p> <p>H-1.6.5: Net-Zero, Energy Efficient Housing</p>	<p>FLUM</p> <p>GPM</p> <p>RCW-1.1.1: Neighborhood Conservation</p> <p>RCW-1.1.4: Infill Development</p> <p>RCW-1.1.8: Managing Institutional Land Uses</p> <p>RCW-1.1.9: Conserving Common Open Space</p> <p>RCW-1.1.12: Reduce Single Occupancy Vehicle Trips</p> <p>LU-1.4.6: Development Along Corridors</p> <p>LU-1.5.1: Infill Development</p> <p>LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods</p> <p>LU-2.1.5: Support Low-Density Neighborhoods</p> <p>LU-2.2.4: Neighborhood Beautification</p> <p>LU-2.3.5: Institutional Uses</p> <p>LU-3.3.1: Transportation Impacts of Institutional Uses</p> <p>LU-3.3.2: Corporate Citizenship</p> <p>T-1.1.8: Minimize Off-Street Parking</p> <p>T-2.4.1: Pedestrian Network</p> <p>T-2.4.2: Pedestrian Safety</p> <p>T-3.1.1: TDM Programs</p> <p>H-1.1.8: Production of Housing in High-Cost Areas</p> <p>H-1.1.9: Housing for Families</p>	<p><b>H-1.2.9: Advancing Diversity and Equity of Planning Areas</b></p> <p>H-1.2.1: Inclusive Mixed-Income Neighborhoods</p> <p>H-1.3.5: Student Housing</p> <p>H-1.5.1: Land and Building Regulations</p> <p><b>E-1.1.2: Urban Heat Island Mitigation</b></p> <p>E-2.1.2: Tree Requirements in New Development</p> <p>E-2.1.3: Sustainable Landscaping Practices</p> <p>E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff</p> <p>EDU-3.2.2: Corporate Citizenship</p> <p>EDU-3.2.4: Universities as Community Partners</p> <p>EDU-3.3.2: Balancing University Growth and Neighborhood Needs</p> <p>EDU-3.3.3: Universities as Large Landowners and Campus Plan Requirements</p> <p>EDU-3.3.4: Student Housing</p> <p>EDU-3.3.5: Transportation Impacts of Colleges and Universities</p> <p>EDU-3.3.6: Faculty Housing</p> <p>EDU-3.3.10: University-Community Task Force</p> <p>EDU-3.3.11: Access to Recreational, Educational, and Cultural Opportunities</p>

## Conclusion

- The text amendment is not inconsistent with the Comprehensive Plan as viewed through a racial equity lens.
- Any potential inconsistencies with individual Comprehensive Plan policies are far outweighed by:
  - Consistency with the FLUM and GPM;
  - Consistency with other competing Comprehensive Plan priorities relating to Land Use, Transportation, Housing, Environmental Protection, Educational Facilities, and Rock Creek West Area Elements.

# **REBUTTAL SUMMARY**

- **Spot Zoning** - The text amendments do not constitute spot zoning. If there is a reasonable basis for a zoning action and it is not inconsistent with the Comprehensive Plan, then spot zoning does not apply. Comprehensive Plan consistency, including the Plan's racial equity objectives, have been documented by the Applicant. Whether zoning has an adverse impact on the surrounding community is an additional factor to be considered in determining whether spot zoning is an issue. The opposition has not identified any actual adverse land use impacts. In fact, ANC 3D has explicitly stated that their support for the proposed dorm is based on their assessment of no adverse impacts.
- **Commercial Use** - First and foremost, contrary to the opposition, the Applicant has not conceded that the proposed dormitory is a commercial use. To the contrary, we have been clear that the dorm does not become commercial because it is being developed and managed by a non-university entity. True commercial uses which have been approved within campus plan boundaries include retail and food service uses which are inherently commercial in nature. A dormitory is not. The proposed text amendment is intended to make clear that it does not become a commercial use if it is approved as part of Wesley's campus plan with appropriate conditions.
- **IZ Exemption** - The basis for the IZ exemption emanates from conflicting IZ authorities which makes it impossible for Wesley to comply on-site. The Zoning Regulations exempt dormitories from IZ but includes language which makes it inapplicable to Wesley's plan to include AU students. On the other hand, DHCD's regulations prohibit students from participating in IZ. Wesley's initial proposal was to provide a privately administered affordable program for students but that proposal. Notwithstanding DHCD's receptivity to that plan and willingness to oversee it, the opposition found fault and asserted that private management could not be trusted. Alternatively, the text amendment provides an IZ exemption but also mandates off-site compliance. It has found support from OP and ANC-3D.