

**BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application for Parcel 167, Lots 67 and 68**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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This statement is submitted by Catholic Charities of the Archdiocese of Washington, DC, Inc. (the “Applicant”), the owner of property located at Lots 67 and 68 in Parcel 167 in support of its application pursuant to Subtitle X § 901.2 to allow for the construction of solar array on the Site. The Applicant requests special exception approval for a utility use pursuant to Subtitle U § 203.1(p).

Pursuant to Subtitle Y § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or the “Board”) no fewer than 21 days prior to the public hearing for the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception approval. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

**I. Background**

A. Description of the Site and Surrounding Area

The subject property consists of Lots 67 and 68 in Parcel 167 (the “Site”). The Site is located in the northeast quadrant of the District and is bounded by residential properties, a park, and Perry Street to the east, Otis Street to the south, Randolph Street to the north, and residential properties to the west. To the north of Randolph Street is Barnard Hill Park.

The Site has a land area of approximately 14.15 acres and is zoned R-1-B. A portion of the Site is improved with a community residence facility approved pursuant to BZA Order No. 14852, a copy of which is attached as Exhibit A. The existing community residence facility provides shelter for up to 38 terminally ill men, women and children, including patients diagnosed with AIDS. The majority of the Site is open space.

B. Description of the Project

As shown in the attached Exhibit B, the Applicant proposes to construct a solar array on the Site that will consist of approximately 4,788 solar panels that will produce approximately 1.72 megawatts of renewable electricity. The solar panels have a total mounted height of 7 feet and will be setback at least 8 feet from the perimeter of the solar array.

The solar array will be bisected by a north-south service road each section of the solar array will be screened by a 6 foot tall security fence. Underneath the solar array will be

weedblock with a 4 inch to 6 inch gravel top that requires no ground maintenance. As a result, the solar array will only require maintenance twice annually.

## **II. Special Exception Approval**

### **A. Standard of Review**

Pursuant to D.C. Code §6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

Utility uses are permitted by special exception in the R-1-B Zone District, subject to the requirements for setbacks, screening, or other requirements, as the Board of Zoning Adjustment deems necessary for the protection of the neighborhood. *See* Subtitle U § 203.1(p).

This application is in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property since the Applicant is not requesting any relief from the Zoning Regulations regarding bulk, height, or setback. Moreover, the solar will be screened by a 6 foot tall security fence and the solar array has been located on the northern portion of the Site, which is just south of the Barnard Hill Park, away from the residential properties that surround the Site. The solar panels do not produce any perceptible noise, nor do they give off any odors. Any marginal amount glare from the solar panels will be mitigated by the existing tree cover on the Site, which will shield the surrounding properties. In addition, the solar array is unmanned and will only require maintenance twice a year.

Based on the foregoing, the proposed solar array is appropriately designed and scaled to be compatible within the existing community, and it will not have an adverse impact on traffic. As a result, the application meets the test for special exception approval.

### **V. Affected Advisory Neighborhood Commission**

As required under Subtitle Y § 300.8(l), the Applicant will serve a copy of this application on Advisory Neighborhood Commission (“ANC”) 5C, the Affected ANC. The Applicant will continue to coordinate with ANC 5C, the Office of Planning, and other interested stakeholders between the time of filing the subject application and the public hearing. As part of its prehearing statement, which will be filed no less than 21 days prior to the public hearing, the Applicant will include a statement describing its continued engagement with interested stakeholders.