

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

Application of The Catholic University of America

ANCs 5A, 5B and 5E

**APPLICATION FOR AMENDMENT TO AN APPROVED CAMPUS PLAN  
AND FURTHER PROCESSING OF A CAMPUS PLAN FOR THE  
INSTALLATION OF AN ACCESSORY SOLAR FACILITY ON THE WEST CAMPUS  
OF THE UNIVERSITY**

**I. STATEMENT OF EXISTING AND INTENDED USE AND RELIEF SOUGHT**

This is an application of The Catholic University of America (“University”) for an amendment to its 2012-2027 Campus Plan (“2012 Campus Plan” or “Campus Plan”), approved in Zoning Commission Order No. 12-01, to permit the installation of an accessory solar facility on the West Campus of the University. This initiative is highly consistent with the University’s detailed and comprehensive Sustainability Plan FY 2021-2015 which promotes clean and efficient energy.

In recent years, the Zoning Commission has approved some significant projects that will allow the University to advance its educational mission while maintaining sustainability as a critical focus. Most recently, in Zoning Commission Order No. 12-01D dated April 19, 2021, the Commission approved a modification of the Campus Plan and further processing for the Conway School of Nursing on the Main Campus and this LEED Gold project is now underway.

**A. THE 2012 CAMPUS PLAN AND PROPOSED AMENDMENT**

The University seeks a modification of the Campus Plan and further processing approval to allow for the installation of an accessory solar facility on the University’s West Campus, a largely unimproved site located directly west of the Main Campus. The West Campus extends from Harewood Road to North Capitol Street, NE. and is fully surrounded by institutional uses.

The University purchased the unzoned 46 acre West Campus from the Armed Forces Retirement Home in 2004.<sup>1</sup> The next year the Zoning Commission established R-5-A (now RA-1) zoning for the West Campus and formally incorporated the land into the University campus. (See Zoning Commission Orders No. 04-25 and 04-25A). At that time the planned uses for the site were quite limited since the University had no immediate need for a major redevelopment of this exceptionally large site. Rather, the site was viewed as more of a long-term opportunity for the University. The uses indicated in the 2005 order were a performance pavilion, running track, environmental research area, areas of spiritual repose, maintenance and storage facilities and temporary housing units. Of these uses only the areas of spiritual repose and maintenance/storage facilities were established. Later when the Campus Plan was updated in 2012, the concept of the limited use of the West Campus continued. The Plan called for a large surface parking lot and included a new vehicular approach to the Main Campus through the West Campus from an existing access point on North Capitol Street. Since that time a rough graded road bed has been constructed but the parking lot was never established.

Since acquiring the site, the University has been an excellent steward of the property. While a large portion of the site consists of open space, there is a remnant forest in the southwestern third of the property. The University has carefully inventoried all of the special and heritage trees in the forest and on the entire West Campus. In addition, the University has established a nursery staging area in the northwestern corner of the site in connection with its partnership with Casey Trees. Finally, the University has stabilized the vacant gate house located near the access to the site along Harewood Road.

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<sup>1</sup> In 2012, the University sold a five acre portion of the West Campus to the Basilica so the West Campus now consists of 41 acres.

The proposed solar facility will occupy approximately 25 acres of the remaining 41 acres of the West Campus and will be the largest array in DC. It will occupy the entire area that was formerly designated for a parking lot. The array will directly support the District's renewable energy goals and will create research opportunities for Ward 5 high school and university students.

Because the proposed facility was not included in the Campus Plan, the University requests a modification to allow the use and make the related adjustments to the 2012 Campus Plan.

**B. The University's Commitment To Solar**

The University has made a major commitment to solar energy. While it is simply not feasible to include solar panels on some of the campus buildings, the Main Campus has installed 2600 solar panels on seven different flat-roofed buildings. The program was established through a 20-year agreement signed in 2009 between the University and Washington Gas Energy Services. Solar energy is integral to the University's approach to power.

The proposed solar facility will generate approximately 11,000 MWh per year or roughly one-fourth of the University's annual energy consumption. The University typically uses approximately 40,000 MWh per year and while there are numerous conservation measures in place, this number will increase as additional campus buildings are constructed. The power generated will be sold to the grid thereby increasing the amount of clean energy produced and distributed on the grid within the District of Columbia. This arrangement minimizes the University's interconnection costs and optimizes resiliency against unanticipated service interruptions.

**II. COMMUNITY DIALOGUE PROCESS**

On September 1, 2021, the University mailed a Notice of Intent to all owners of property within 200 feet of the campus boundaries and to the ANCs. Therefore, the filing of this application

satisfies the requirement of Subtitle Z, § 302.6. In addition, the University has reached out to the affected ANCs to present the application in accordance with Subtitle Z, § 302.8. The University has discussed the application with the Chairman of ANC 5A and is scheduled to meet with the ANC on October 27, 2021. The University also holds meetings with the community each semester though these have been curtailed during the pandemic.

**III. COMPLIANCE WITH THE REQUIREMENTS OF SUBTITLE Z § 302.10 AND SUBTITLE X §101 OF THE ZONING REGULATIONS**

The Campus Plan, approved in Zoning Commission Order No. 12-01, included the information that is required by Subtitle Z, § 302.10 for Campus Plan approval. This statement provides updated information regarding the approved Campus Plan. Section V of this Statement addresses the University's satisfaction of the conditions of approval of Zoning Commission Order No. 12-01.

As described in detail below, this proposed Campus Plan Amendment and Further Processing application satisfies the special exception standards enumerated in Subtitle X, § 101 of the Zoning Regulations.

- A. The use shall be so located so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students or other objectionable conditions (Section 101.2)

The solar facility will not have an adverse effect on neighboring properties, all of which are institutional. The site is bounded by Harewood Road to the east and North Capitol Street to the west, by a large parking lot to the south and by the 11 acre Knights of Columbus complex (St. John Paul II National Shrine) to the north. The solar use is inherently quiet and will generate almost no vehicular traffic. A portion of the facility will be located in an area that was designated for a surface parking lot in the Campus Plan. The proposed use is a far more environmentally sensitive use than surface parking

The solar panels will be ground-mounted and the entire facility will be surrounded by pollinators resulting in food and shelter for insects, birds and other wildlife and little impervious surface. The panels will be configured in a permanent angled orientation and the maximum height will be only 9.5 feet. As a result, the visual impact will be extremely limited particularly given the proposed landscape buffer along Harewood Road. The existing vegetation on the site provides screening as well. The solar facility will not be visible from North Capitol Street given the existing tree cover and visibility from Harewood Road will be quite limited.

Accordingly, no objectionable impacts will result from the installation of the new solar facility.

B. Compliance with the Maximum Bulk Requirements (Section 101.5)

The 2012 Campus Plan approved a total floor area ratio (“FAR”) of 0.39, which is well within the 1.8 FAR permitted in the RA-1 Residential District<sup>2</sup>. Even after the construction of the recently approved Residence and Dining Halls and the Conway School of Nursing, the campus FAR will be only 0.28. The solar facility is not a building and therefore will not result in building area, count toward lot occupancy or generate FAR.

C. Submission of a Plan for Developing the Campus as a Whole (Section 101.8)

The Zoning Commission approved the Campus Plan on May 25, 2012. The proposed solar facility is generally consistent with the low intensity uses indicated for the West Campus in the Campus Plan. However, since the exact use was not included in the plan, a modification is being sought. With the proposed changes to the Campus Plan, the low intensity use of the West Campus, which entails no new buildings, will continue. The University will revisit its long term plans for the West Campus when the Campus Plan is updates in 2027.

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<sup>2</sup> See Subtitle X, Section 101.5.

D. No Interim Use of Land is Proposed (Section 101.10)

No interim use of land is requested as part of this Campus Plan Amendment and Further Processing application.

E. No New Use Sought for Approved Site of Buildings Moved Off Campus (Section 101.10)

The proposed facility will not displace any use to off campus.

F. Compliance with the Policies of the District Elements of the Comprehensive Plan (Section 101.11)

The proposed solar facility complies with and furthers a number of environmental policies of the Comprehensive Plan Amendment Act of 2021 (“Comprehensive Plan”), as set forth below.

**Policy E-3.2.1: Carbon Neutrality:** *Support land use policies that move Washington, DC toward achieving Districtwide carbon neutrality by 2050. This means that the District will eliminate GHG emissions, or offset any remaining emissions, by supporting initiatives that will reduce emissions, such as tree planting, renewable energy generation, and land conservation. In the short term, the District government will develop a detailed implementation plan with clear milestones in order to achieve carbon neutrality by 2050. § 612.3*

**Policy E-3.2.3: Renewable Energy:** *Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption. § 612.5*

**Policy E-3.2.4: Energy Availability:** *Improve energy availability and buffer District consumers from fluctuations in energy supply and prices. This should be achieved through the District’s energy purchasing policies, financial assistance programs for lower-income customers, incentives for green power, and regulatory changes that ensure that local energy markets are operating efficiently. § 612.6*

**Policy E-3.2.6: Alternative Sustainable and Innovative Energy Sources:** *Support the development and application of renewable energy technologies, such as active, passive, and photovoltaic solar energy; fuel cells; and other sustainable sources such as shared solar facilities in neighborhoods and low- or zero-carbon thermal sources, such as geothermal energy or wastewater heat exchange. Such technology should be used to reduce GHGs and imported energy, provide opportunities for economic and community development, and benefit environmental quality. A key goal is the continued availability and access to unobstructed, direct sunlight for distributed-energy generators and passive solar homes relying on the sun as a primary energy source. § 612.8*

**Policy E-3.2.8: Locally Generated Electricity:** *Support locally generated electricity from renewable sources, including both commercial and residential renewable energy projects. Policies could support the option to share a solar project among several neighbors (i.e. community solar), financial incentives, research and education, and maximizing existing programs to help install solar panels and solar thermal systems throughout the District. § 612.10*

The Comprehensive Plan recognizes the significant need for sustainable energy sources and sets forth these environmental policies in order to encourage development of such renewable energy. The 25-acre facility will constitute the largest solar array in the District and will greatly strengthen this commitment to the generation of renewable energy.

G. The Proposed Buildings are Within the Floor Area Limit for the Campus as a Whole (Section 101.12)

The proposed project will not change the FAR of the campus. The total FAR of the campus will remain well within the 1.8 FAR limit for the campus.

H. Green Area Ratio C-601.6 – The GAR Requirement is not applicable.

The Zoning Administrator has determined that the GAR requirement is not applicable to the campus since the buildings constructed under the 2012 Campus Plan are exempt. The task of computing GAR for a 176-acre campus is a huge undertaking that will be completed when the Campus Plan is updated in 2027. In the meantime, the University is confident that given the extensive open space on the entire Campus and particularly the West Campus, there is full compliance with GAR.

**IV. SATISFACTION OF CONDITIONS OF CAMPUS PLAN**

This section of the Statement addresses the Applicant's satisfaction of the relevant conditions.

1. Condition No. 1: The maximum student enrollment shall be 8,035 students (headcount), which includes any person taking at least one class or course on campus.
  - University Response: The current student enrollment (Fall 2021) is 2,929 undergraduate and 2,130 graduate students (headcount), which includes any person taking at least one class or course on campus.
  
2. Condition No. 2: The maximum number of part-time and full-time faculty and staff shall be 2,130 as determined by headcount.
  - University Response: The maximum number of part-time and full-time faculty and staff is 1,820, as determined by headcount.
  
3. Condition No. 3: The maximum number of parking spaces shall be 1,920; the current total of 1,927 shall be reduced to 1,920 by the end of 2012. The University shall further eliminate at least 45 surface parking spaces on the Main Campus as part of the first development application submission. The University shall only propose new parking facilities that can be offset by elimination of an equal or greater number of parking spaces in other campus parking facilities.
  - University Response: The current parking count is 1,787 so the University complies. Conway School of Nursing which is nearing the start of construction will replace an existing surface parking lot consisting of 44 parking spaces with 42 spaces incorporated into the



proposed construction. Accordingly, the proposed parking spaces will be offset by the elimination of the existing surface parking lot and the overall parking count of the campus will be reduced by two (2) spaces.

a. The University shall further reduce the maximum number of parking spaces to 1,892 by the end of 2022.

- University Response: The University has already reduced the number of parking spaces to under 1,892.

4. The University shall continue to require freshmen and sophomores to live on campus, unless a student lives with a parent or guardian in the DC area.

- University Response: The University continues to require freshmen and sophomores to live on campus unless a student lives with a parent or guardian in the DC area.

5. The University shall establish and maintain a community liaison committee to address community concerns related to the University:

a. The committee shall meet at least once per semester, beginning with the first meeting held in the first full semester after approval of the campus plan.

- The committee shall include either the President, Vice President, or the General Counsel of the University. Representatives of ANC 5A and ANC 5C and owners of

property directly abutting the University may also become members of the committee.

- b. The committee meetings shall be open to the public; however, only those members listed in subsection (a) shall have voting power;
- c. Notice of the meetings shall be given to committee members, to ANCs 5A and 5C and to a community newspaper or similar publication, and shall be posted on the CUA Community Website; and
- d. Minutes of all meetings shall be taken, maintained and circulated among the members.

- University Response: The University has established a community liaison committee that operates under the auspices of the office of the University's General Counsel. The committee meets at least once per semester. Attendance varies but typically includes the Single Member District Representative on the ANC, other ANC representatives, representatives of area civic associations, including the Brookland Civic Association and the Greater Brookland Business Association, interested neighbors and local alumni. Meeting agendas are prepared by the General Counsel and circulated to the community for their input to ensure discussion of issues material to the community. Due to the

redistricting of the ANCs that became effective in 2013, the abutting ANCs are now 5B and 5E and not 5C.

6. The University shall implement the special events parking plan submitted into the record as Tab B of Exhibit 23 of Zoning Case 12-01.

- University Response: The University has implemented the special events parking plan submitted into the record as Tab B of Exhibit 23 of Zoning Case 12-01.

7. Campus shuttles shall only run on public streets or on-campus streets labeled as “Public Access Roads” in the Campus Plan, unless specifically requested to serve a person with disabilities.

- University Response: The current circulation plan has not been modified since the Campus Plan. Because the circulation plan approved in the Campus Plan has not been fully implemented, this condition is not yet fully applicable. Nevertheless, campus shuttles only run on public streets or on-campus streets labeled as “Public Access Roads” in the Campus Plan, unless specifically requested to serve a person with disabilities.

8. The University shall implement the following TDM and Sustainability measures, as follows:

a. Measures to be required permanently:

i. Continue employee pre-tax payroll deduction for public transit costs;

- University Response: The University complies.
- ii. Continue to prohibit freshmen residents from parking vehicles on campus, with exceptions for those students who need a car for medical purposes or are in the Reserve Officers' Training Corps;
  - University Response: The University complies.
- iii. Continue to operate a free Catholic University shuttle service to the Brookland-CUA Metro station and off-campus housing;
  - University Response: The University complies.
- iv. Maintain solar panels above 72 parking spaces in O'Boyle lot (in a manner that will not affect the O'Boyle lot parking supply);
  - University Response: The University complies.
- v. Reduce parking fees for carpool drivers. Carpool drivers shall be given priority in issuance of permits;
  - University Response: The University is studying the most efficient method of reducing fees for carpool drivers. There currently is not enough demand for permits to warrant a priority system.

- vi. Assign a staff member the role of implementing the TDM Plan and provide their contact information to DDOT and goDCgo;
    - University Response: The University complies.
  - vii. Email students, faculty and staff before the start of each semester to share transportation information and incentives;
    - University Response: The University will send the required email during the Spring 2021 semester.
  - viii. Provide information on the Catholic University website in a prominent and visible location regarding non-automotive travel options; and
    - University Response: The University complies
  - ix. Provide information for non-automotive travel options in student common areas and provide at student orientation.
    - The University provides the required information in a student common area and provided the information at the Fall 2021 orientation.
- b. Measures to be completed prior to Fall 2018 semester:
- i. Install 338 new bike spaces on campus (understanding that as of 2018, a total of 274 spaces have already been installed, leaving 64 additional spaces to be installed). At least eight inverted U-racks (16 spaces) shall be located near the Bates lot);

- University Response: All 64 bike spaces have been installed.
- ii. Increase average parking permit fees;
  - University Response: The University complies.
- iii. Eliminate provision of free faculty and staff parking permits, currently provided by various University departments, for all new faculty and staff hired after May 25, 2012;
  - University Response: The University complies.
- iv. Work with a carshare company to provide two carshare vehicle spaces in easily accessible locations on campus; and
  - University Response: The University complies.
- v. Fund and install a Transit Screen in a student common area, such as the Pryzbyla Center;
  - University Response: The University complies.
- c. Measures to be completed prior to Fall 2019 semester:
  - i. Fund and install a 19-dock Capital Bikeshare station on the University's campus and provide one year's maintenance and operation; and
    - University Response: The University completed this on August 23, 2019.
- d. Measures to be implemented, as necessary:

- i. Offer new carpool incentives and rideshare matching services to campus commuters through Commuter Connections, and/or other service providers;
  - University Response: The University is evaluating the feasibility of this.
- ii. Increase Campus Shuttle frequency during peak periods to every 10 minutes, if demand is present;
  - University Response: The University has implemented this measure.
- iii. Expand Campus Shuttle to provide rides seven days a week and operate at least 30 minutes before/after Metro opens/closes, if demand is present;
  - University Response: The University is evaluating the feasibility of this.
- iv. Offer discounted Capital Bikeshare memberships to students;
  - University Response: The University is evaluating the feasibility of this.
- v. Increase employee participation in pre-tax transit benefits;
  - University Response: The University is evaluating the feasibility of this.

- vi. Fund and install Transit Screens in additional student common areas;
  - University Response: The University is evaluating the feasibility of this.
- vii. Provide additional carshare spaces in easily accessible locations on campus;
  - University Response: The University is evaluating the feasibility of this.
- viii. Increase parking permit fees over the increases required pursuant to paragraph (b) of this condition;
  - University Response: The University is evaluating the feasibility of this.
- ix. Impose limitations on the number of parking permits issued;
  - University Response: The University is evaluating the feasibility of this.
- x. Target access restrictions to commuter parking; and
  - University Response: The University is evaluating the feasibility of this.
- xi. Introduce new or increase existing financial incentives for alternative mode options.



- University Response: The University is evaluating the feasibility of this.
9. The University shall establish parking permit policies and operational controls to restrict use of the DuFour Center parking lot by general commuters.
- University Response: The University restricts use of the DuFour Center parking lot to permit parking only. Violators of the policy receive parking tickets.
10. The University shall monitor its parking supply on an annual basis and report to DDOT on Single Occupancy Vehicle (“SOV”) mode share reductions and implementation of TDM measures, with a goal of meeting a 55% non-automotive mode split or 41% SOV mode share (per goal cited in the 2012 Catholic University Master Plan) for employees and students who commute to campus. The University commits to a performance monitoring plan that requires it to:
- a. Submit annual TDM monitoring reports to DDOT for a minimum of two consecutive years, beginning with the Fall 2018 semester;
  - b. TDM monitoring reports shall include the following at a minimum:
    - i. Student enrollment and number of faculty/staff;
    - ii. Mode splits from Catholic University Commuter Survey for the most recent semester, broken down separately for students and faculty/staff;

- iii. At a minimum, mode share data shall be collected for the following modes: single occupancy vehicles, carpool/vanpool, walk, bicycle, bus, Metrorail, commuter rail, and other/telework;
  - iv. Vehicle parking space occupancy counts;
  - v. Bicycle parking occupancy counts;
  - vi. Documentation of any changes to TDM program from previous year, including new or innovative policies being implemented not explicitly required in the TDM Plan; and
  - vii. A TDM work plan/timeline for the upcoming school year.
- c. The TDM monitoring report shall include entering and exiting vehicle traffic counts for the morning commuter and school afternoon peak hours every two years, or as specified by DDOT through future coordination or monitoring;
  - d. TDM monitoring reports will no longer be required to be submitted to DDOT when two consecutive annual reports demonstrate that the Applicant is in compliance with the 55% non-automotive travel requirement or Catholic University single-occupant vehicle mode share reaches 41% or lower; and
  - e. If the results of the Catholic University mode share data do not demonstrate at least one percentage point improvement toward either the nonautomotive or SOV mode share goals since the previous TDM monitoring report, then

the Applicant will be required to adjust and improve the TDM program gaining DDOT approval on these adjustments.

- University Response: The University completed and submitted a TDM Monitoring report to DDOT for the Spring 2019 semester. The University has maintained strong coordination with DDOT's TDM Planner regarding the monitoring process and refinements to the University's TDM programs, including COVID-19 impacts on scheduling new TDM monitoring. The University received written approval from DDOT to postpone the required analysis last year due to the pandemic and disruptions to commuting patterns. The University will undertake a monitoring report during the Spring 2022 semester.

11. The University shall assess the impact of typical University-related commuter parking on neighborhood streets in proximity to the Campus as part of the annual monitoring program and work with DDOT to mitigate impacts.

- University Response: The University will undertake a formal analysis of these impacts as a part of its monitoring program. The University's 2019 TDM Monitoring report included an evaluation of the adjacent neighborhood parking and confirmed minimal impact from University commuters parking in off-campus locations.

12. The University shall summarize its event management plan and provide modifications to the plan necessary to balance community concerns with the University's special events operations as part of the annual monitoring program.

- University Response: The University drafted and implemented an event management plan as part of the Campus Plan to address parking and transportation concerns for small, medium and large events.
13. In order to afford DDOT adequate time to assess the impacts of a project that includes parking, the University shall meet with DDOT to scope any further processing application that includes parking facilities prior to submitting the application. The University shall submit a Comprehensive Transportation Review (“CTR”) study to DDOT at least 45 days prior to the hearing. The supplemental information will be provided to justify the proposed parking facilities and demonstrate progress in decreasing SOV mode share.
- University Response: DDOT confirmed that a CTR is not required for the solar project given the minimal traffic impacts.
14. The University shall provide a status update on the Campus Plan open space improvements with each further processing application it submits to the Zoning Commission for consideration.
- University Response: The University will provide the required update in the pre-hearing submission.
15. The Campus Plan shall be valid for a period of 15 years beginning on the date that this order became final as indicated below.
- University Response: The University does not propose modifying this condition.

16. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code Sections 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

- University Response: The University does not propose modifying this condition.

## **V. EXHIBITS**

In support of this application, the following exhibits are attached to this document:

<u>Exhibit A</u>	Order No. 04-25; Order No. 04-25A; Order No. 12-01; Order No. 12-01A; Order No. 12-01B; Order No. 12-01C; and Order 12-01D
<u>Exhibit B</u>	Plans for the Solar Facility
<u>Exhibit C</u>	Agent Authorization and application forms
<u>Exhibit D</u>	Notice of Intent to File an Amendment to the Campus Plan and Further Processing Application
<u>Exhibit E</u>	Property Owner List of property within 200 feet of campus
<u>Exhibit F</u>	Surveyor's Plats

## **VI. CONCLUSION**

The proposed amendment to the Campus Plan and further processing application satisfies all relevant special exception criteria. The University looks forward to continuing to work with community stakeholders to address any additional issues related to this application and to present this case to the Zoning Commission at the earliest possible date.

GOULSTON & STORRS, P.C.

                  /s/                    
Allison Prince