

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 12-01A  
Z.C. Case No. 12-01A  
The Catholic University of America  
(Amendment to and Further Processing of an Approved Campus Plan)  
July 12, 2018**

Application of The Catholic University of America (“University”), pursuant to Subtitles X and Z of the District of Columbia Zoning Regulations, to approve a modification of an approved Campus Plan, including modifications to the conditions of the Campus Plan, a further processing application for a surface parking lot and service building, and special exception relief from Subtitle C § 714 for the screening of the surface parking lot.

**HEARING DATES:** June 4, 2018; July 12, 2018

**DECISION DATE:** July 12, 2018 (Bench Decision)

**SUMMARY ORDER**

On March 18, 2018, the University filed this application requesting special exception approval for an amendment to the approved 2012-2027 Catholic University Campus Plan in Z.C. Order No. 12-01 to allow for parking on the North Campus where a field was approved previously and to shift the location of a service building; and a further processing to permit the construction of a new surface parking lot and service building on North Campus, as well as for a dining hall on the Main Campus. The Zoning Commission for the District of Columbia (“Commission”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*. The subject property is located within the jurisdiction of Advisory Neighborhood Commission (“ANC”) 5A, which is automatically a party to this application, and adjacent to ANCs 5B and 5E. Therefore, notice of the public hearing was provided by mail to ANCs 5A, 5B, and 5E, and to owners within 200 feet of the University’s campus. The application was also referred to the Office of Planning (“OP”) and District Department of Transportation (“DDOT”) for review and report.

The Commission first convened for the public hearing on June 4, 2018, and voted to continue the public hearing on July 12, 2018 because proper and timely notice was not provided for all the relief sought in the application. The Commission noted that additional time was necessary to provide notice of the University’s proposed modifications to certain transportation demand management (“TDM”) related conditions of Z.C. Order No. 12-01, and its request for special exception relief from screening requirements for the surface parking lot.

The University also requested a waiver for violating Condition No. 13 of Z.C. Order No. 12-01, which the Commission discussed at the June 4, 2018 proceeding. Condition No. 13 requires the University to “submit a supplemental TDM and Parking study to DDOT at least 45 days prior to submitting any further processing application that includes parking facilities.” The University violated this condition by submitting this application without providing a study to DDOT 45 days before. The Commission reprimanded the University for the violation, and for its failure to comply with all TDM conditions of the Campus Plan. Nevertheless, the Commission did not find it appropriate to deny the waiver request, and did not officially rule on the request on June 4, 2018. However, the Commission did request a written explanation from the University regarding its non-compliance with certain TDM conditions. On June 15, 2018, the University provided a response at Exhibit 32A assuring the Commission that new procedures are being implemented to rectify deficiencies and to ensure compliance with all TDM requirements moving forward.

Also on June, 15, 2018, a notice of further hearing on this application was published in the *D.C. Register*, and mailed to owners within 200 feet of the University’s campus.

At the public hearing on July 12, 2018, the Commission again discussed the University’s request for a waiver of Condition No. 13 of Z.C. Order No. 12-01. The Commission determined it did not have the authority to waive a violation, since that would be an enforcement decision solely within the enforcement authority of the Zoning Administrator. If a Commission’s order includes a condition establishing a pre-requisite to the filing of a future application, the time for seeking a waiver of that pre-requisite is before a violation occurs. The Commission nevertheless exercised its discretion and did not require the refiling of this application. The Commission may not be so generous in the future.

At the hearing, the University stated that the initial application’s proposals to construct a dining facility and relocate the gate on Bates Road, N.E. were both removed from the application.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, (“the ANC Act”) effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. ANC 5A voted on a resolution at its regularly scheduled, duly noticed meeting on November 29, 2017, stating that it was satisfied that the proposed work would not have a negative impact on the community and unanimously recommending support for the proposed site improvements. (Exhibit [“Ex.”] 2C.) The resolution cited no issues and concerns. The ANC took a second vote at its regularly scheduled, duly noticed meeting on June 27, 2018, in unanimous support of the application. (July 12, 2018 Transcript [“Tr.”], p. 12.) Because the ANC raised no issues and concerns in its written report, there is nothing for the Commission to give great weight to.

The Commission is required under § 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 (2001)), to give great weight to OP recommendations. OP submitted two written reports recommending approval of the

application. (Ex. 20, 34.) OP's first report requested more information from the University about providing pervious paving, meeting landscaping requirements for the surface parking lot, including a solar/green roof, and using fully shielded lighting fixtures for the parking lot, to which the University responded. (Ex. 32-32C.) At the hearing, OP testified that the University had addressed all of its concerns. The Commission has considered OP's recommendation in support of the application and agrees that approval is appropriate.

DDOT also submitted a written report finding no objection to the application with the conditions that the University update the TDM plan in Condition No. 8 and the performance monitoring plan in Condition No. 10 of Z.C. Order No. 12-01, and fund the restoration of curb lines on Bates Road, N.E. as well as the restoration of greenspace in the public right-of-way where a driveway is closing. (Ex. 21.) The University agreed to DDOT's conditions in Exhibit 32. DDOT testified in support of the application at the hearing noting that it had reached an agreement with the University on all updated condition language.

Since no person requested to participate as a party in this proceeding and the ANC supported the application, a decision by the Commission to grant this application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and did not require the order to include findings of fact and conclusions of law. As directed by Subtitle X §§ 101.9 and 900, the Commission required the Applicant to satisfy the burden of proving the elements of Subtitle X § 901, which are necessary to establish the case for a special exception for a college or university, as well as the elements of Subtitle C § 714, which are necessary to establish the case for special exception relief from surface parking lot screening requirements.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to Subtitle X § 901 and Subtitle C § 714 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map; and that the requested relief will not tend to adversely affect the use of neighboring property as the record reflects no objections to the application.

It is, therefore, **ORDERED** that the application be **GRANTED** and that Condition Nos. 3, 8, 10, and 13 of Z.C. Order No. 12-01 be modified as set forth below and that a new condition of the further processing application, Condition No. 17, be added as a condition of Z.C. Case No. 12-01A. All other conditions of Z.C. Order No. 12-01 remain in full force and effect.

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

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;
    - 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;
    - iii. Continue to operate a free Catholic University shuttle service to the Brookland-CUA Metro station and off-campus housing;
    - 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);
    - v. Reduce parking fees for carpool drivers. Carpool drivers shall be given priority in issuance of permits;
    - vi. Assign a staff member the role of implementing the TDM Plan and provide their contact information to DDOT and goDCgo;
    - vii. Email students, faculty and staff before the start of each semester to share transportation information and incentives;
    - viii. Provide information on the Catholic University website in a prominent and visible location regarding non-automotive travel options; and
    - ix. Provide information for non-automotive travel options in student common areas and provide at student 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);
    - ii. Increase average parking permit fees per table below:

**Table 6: FY 2019 Proposed Parking Permit Fee Schedule**

| Year                                | AY 2012 | AY 2018 | AY 2019 | Effective Annual Rate Increase (AY18-AY19) | Total Increase (AY2012-AY2019) |
|-------------------------------------|---------|---------|---------|--|--------------------------------|
| Surface Parking                     |         |         |         |  |                                |
| Staff/ Faculty                      | \$425   | \$625   | \$665   | 6.4%                                       | 56%                            |
| Evening                             | \$245   | \$345   | \$360   | 4.3%                                       | 47%                            |
| Garage (Covered) Parking            |         |         |         |  |                                |
| Staff/ Faculty                      | \$515   | \$700   | \$700   | 0.0%                                       | 35%                            |
| Evening                             | \$275   | \$375   | \$375   | 0.0%                                       | 36%                            |
| Student Parking                     |         |         |         |  |                                |
| Commuter Students per year, surface | \$425   | \$625   | \$665   | 6.4%                                       | 56%                            |
| Commuter Students per year, garage  | \$515   | \$700   | \$700   | 0.0%                                       | 36%                            |
| Resident Students per year, surface | \$485   | \$695   | \$735   | 5.8%                                       | 52%                            |
| Resident Students per year, garage  | \$565   | \$770   | \$770   | 0.0%                                       | 36%                            |
| Evening Students per year, surface  | \$245   | \$345   | \$360   | 4.3%                                       | 47%                            |
| Evening Students per year, garage   | \$275   | \$375   | \$375   | 0.0%                                       | 36%                            |

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- 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;
  - iv. Work with a carshare company to provide two carshare vehicle spaces in easily accessible locations on campus; and
  - v. Fund and install a Transit Screen in a student common area, such as the Pryzbyla Center;
- 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
- 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;
  - ii. Increase Campus Shuttle frequency during peak periods to every 10 minutes, if demand is present;
  - 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;
  - iv. Offer discounted Capital Bikeshare memberships to students;
  - v. Increase employee participation in pre-tax transit benefits;

- vi. Fund and install Transit Screens in additional student common areas;
  - vii. Provide additional carshare spaces in easily accessible locations on campus;
  - viii. Increase parking permit fees over the increases required pursuant to paragraph (b) of this condition;
  - ix. Impose limitations on the number of parking permits issued;
  - x. Target access restrictions to commuter parking; and
  - xi. Introduce new or increase existing financial incentives for alternative mode options.
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 non-automotive 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.
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.
17. Prior to the issuance of the first certificate of occupancy for the service building, the Applicant shall fund and implement restoration of curb lines on Bates Road and restoration of greenspace within public space where the existing driveway is to be closed.

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 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.

On July 12, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Commission took **FINAL ACTION** to **APPROVE** this application at the conclusion of its public





hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11-Z DCMR § 604.9 this Order shall become final and effective upon publication in the *D.C. Register* on September 7, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
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ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
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SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING