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September 29, 2014

DC Office of Zoning
441 4th Street NW Suite 200S
Washington, DC 20001
In Re: Case No. 14-13 (Rooftop Penthouses)
By E-mail: ZCsubmissions@dc.gov

To the Members of the Zoning Commission
of the District of Columbia:

This is written on behalf of members of DC Solar United Neighborhoods and solar homes generally. We are an unincorporated association of solar cooperatives located in all eight wards of DC. Our mission is to make solar accessible to all, and to make it affordable.

We are concerned that before any additional Zoning Regulations are rewritten and adopted, DC should enact solar access rights legislation that will protect solar homeowners who install solar photovoltaic and/or solar thermal systems from having those systems shaded by subsequent vertical expansion by neighboring property owners.

Before the DC Office of Planning proposes changes to the Zoning Regulations, the Offices of Planning and Zoning should meet with *solar end users as well as the Solar Energy Industry Association* to discuss how to adopt regulations that promote Distributed Generation, rather than proscribing it.

We believe that there should be no additional increases, or additional allowances or incentives for pent-houses in matter-of-right height allowances until such solar access rights are in place.

Since DC's solar coops lobbied for the enactment of the Clean and Affordable Energy Act of 2008 (Public Law #17-250) the revenue generated by solar systems is helping DC residents afford to stay in their homes and creating businesses, jobs and new tax revenues:

1. DC currently has nearly 1,000 solar systems installed on rooftops throughout the city, representing a total investment of approximately \$14,000,000.¹ The expected yearly financial benefit to these 1000 installation

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District of Columbia

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EXHIBIT NO. 11

¹ Conservatively assumes an average system size of 4kw at \$3.50/watt.

owners is over \$500,000 per year.² And with an expected lifetime of 20 years, these systems will provide residents and companies with over \$10,000,000 in revenue over the next 20 years.

2. This \$24,000,000 investment in solar systems were installed with financial support from DC Department of the Environment Renewable Energy Incentive Program, which was paid for with funds collected on monthly gas and electric bills of DC residents.

² Assumes estimated average generation of 5,156 kWh at a conservative net-metering rate of \$0.10 per kWh. Estimated production is based on the National Renewable Energy Lab's PVWatts calculator, with uses TMY3 data from Reagan National Airport. This number does not account for rate increases.

3. Today there are over 20 solar installations business in DC, at least five of which are minority owned, serving this growing industry.
4. Unexpected shading caused by height expansion of residential buildings located next door to rooftop solar systems causes a significant, identifiable, and quantifiable harm and damage to DC residents who have abided by DC Government investments and policies encouraging installation of solar systems.
- 5 5 DC SUN was also able to enact the "Community Renewables Act of 2013" which, when implemented will enable renters and others to subscribe to solar production to reduce costs of staying in their home, church or business. As rooftop community solar gains momentum, solar developers and multifamily and commercial building owners who use or lease space for community solar will likewise demand protection of their solar access rights.

DC SUN repeatedly requested support from the DC Office of Planning to pursue the adoption of solar access rights legislation, during the Sustainable DC program development and legislative drafting process. Likewise, we requested in writing to DDOE and DCRA that they include such proposals in recently adopted (2014) plans to streamline and reduce costs of solar permitting. We have also made this case in testimony before the Council of the District of Columbia during budget hearings for the DC Office of Planning and the DC Office of Zoning.

Finally, DC SUN has provided the DC Office of Planning with the Solar Access Rights guidelines provided by the *Database of State Incentives for Renewables and Efficiency*, of the Interstate Renewable Energy Council; as well as *A Comprehensive Review of Solar Access Laws in the US. Suggested Standards for a Model Statute and Ordinance*, prepared by Colleen McCann Kettles.

Solar Access Rights are a key tool if DC is to achieve the legislative mandates found in DC's Renewable Energy Portfolios Standards as found in the *Distributed Generation Amendment Act of 2013* (Public Law #19-036)

Thank you for your consideration in this matter

Sincerely,

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Robert Robinson
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