MDV-SEIA

November 6, 2014

D.C. Zoning Commission
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: Zoning Commission Case No 14-13 and Text Amendments Regarding Rooftop Penthouses
Dated October 27, 2014

Members of the Commission,

I am writing on behalf of the Maryland, DC, and Virginia Solar Energy Industries Association (MDV-SEIA) to comment on the proposed rules for Rooftop Penthouses. MDV-SEIA is a regional trade association representing more than 4,500 jobs. Our members include installers, electricians, equipment manufacturers, distributors, component suppliers and professional service providers.

First, I want to thank the Commission for this opportunity to be a part of the process and provide our comments. We want to express our concerns regarding proposed text amendments contained in the Public Hearing Report for Case Number 14-13, dated October 27, 2014 (the "Report"). Section 5 of the Report, titled "Solar Panels on Top of a Penthouse Roof" and referencing sections 400 7(e), 530.5(e), 630.4(e), 770.6(f), 840.3(d), 930.3(e), and 2906 5, contains a number restrictions on solar installations that may result in reducing solar deployment across the city and inhibit the District's ability to meet its solar goals and legislative mandates.

The District government, through the leadership of the DC Council and multiple mayoral administrations, has committed to fostering a local solar community. The Renewable Portfolio Standard, recent Sustainable DC laws, the Community Renewables Energy Act of 2013, and multiple government sustainability initiatives, all encourage solar adoption within the District. The District's commitment to solar continues to have a significant economic impact. MDV-SEIA currently has over 100 corporate members in the Washington, DC metro area, many of whom do business in the District. The Solar Foundation, a national non-profit organization based here in DC, released a report in 2013 that stated there are 810 full-time jobs in the solar industry here in the District and over 4,500 jobs across the region impacted by the DC solar market. It's also important to note that over 12 megawatts (MW) of solar have been installed in the District. Conservative estimates equate the installed MW with $42,000,000 in investment.

The key to the success of the DC solar market has been progressive solar policies, including solar friendly regulations issued by Office of Planning (OP), District Department of the

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Environment (DDOE), and the Department of Consumer and Regulatory Affairs (DCRA). These policies were developed in collaboration with the solar industry. This collaborative process is essential to continue the District's solar job growth, ensure that the District's renewable targets are met, and together achieve successes such as the continued growth of solar installations on affordable housing in DC.

We are concerned that the proposed solar related text amendments will inhibit the District's ability to meet its legislatively mandated solar requirements as well as hinder a burgeoning industry and job sector. We have outlined a few of our concerns below and would happy to discuss them in greater depth with the Office of Planning or the Zoning Commission.

- District commercial and multifamily building stocks are diverse, resulting in a range of techniques required for solar installation. The proposed language does not reflect this reality. Blanket zoning language will slow and restrict deployment and expansion of solar installations in the District.
- The proposed amendments do not account for multiple solar technologies, including, for example, solar thermal technologies (hot water heating), which are generally much taller than solar panel systems [SEE IMAGE 1, pg. 4]. The DC solar thermal market is one of the most active markets in the country and the DC Sustainable Energy Utility currently has a program to install solar water heating systems on affordable housing buildings in the District. The rules, as drafted, would effectively prohibit solar thermal systems on Penthouses [SEE IMAGE 2, pg. 4].
- With the additional usages proposed for Penthouses, it is likely that Penthouses will use the maximum roof square footage allowed, which would supplant previously usable solar rooftop space. Additionally, the proposed zoning rules on how solar can be installed on these Penthouses is more restrictive than for the roofs these Penthouses will replace.
- Without a guarantee that Penthouse roofs will have similar structural requirements as building roofs, Penthouse roofs would not be able to support solar. This could eliminate solar as an energy choice for building owners.
- Penthouses constructed in the vicinity of solar installations may create significant shading of nearby solar installations, reducing solar energy output and related revenue streams, which will negatively impact project economics and financing.

Together, the restrictions on solar that these rules impose would raise the costs of solar installations, reduce the number of rooftop spaces usable for solar installations, hurt District solar businesses, and jeopardize the District's ability to meet legislatively-mandated solar and sustainability targets. For these reasons, MDV-SEIA respectfully requests that the Zoning Commission make the following changes:

- Remove the 1:1 setback requirements for solar installations requiring that solar installations be set back from the roof edge equal the height of the solar installation.

Penthouses are already required to be set back from the edge of the roof, making line of sight issues for solar systems moot.

- Remove requirements that solar installations on top of penthouses that are constructed to the permitted height be "flat" solar panels (one with no slope)
- Remove all height restriction on solar installations to allow for systems to be installed at a range of tilts to maximize electricity generation.

Further, MDV-SEIA suggests that future zoning requirements follow these general principles:

- Do not categorize solar energy systems as mechanical systems, as is current practice. These technologies, while sited on residential and commercial rooftops, have different purposes than buildings' mechanical equipment and require direct access to the sun to maximize their benefits to the building and its occupants. They subsequently should require separate zoning guidelines from mechanical equipment.
- Define the term "solar panel" to include multiple types of solar technologies, including solar PV panels and solar thermal collectors.

Given the importance and priority that the Council and citizens of the District have placed on developing a thriving solar community, the DC solar industry strongly believes that any rules pertaining to siting solar on rooftops and Penthouses should undergo an open and comprehensive stakeholder development process. Just as the District has done with other solar related policies and regulations, MDV-SEIA recommends that in crafting solar siting rules, the Zoning Commission undertake a collaborative a process with OP, DDOE, DCRA and the solar industry, and any language relating to solar installations be removed from the Text Amendments Regarding Rooftop Penthouses Dated October 27, 2014, until the Office of Planning can convene a series of stakeholder meetings to deal with these complex issues.

Again, we would like to thank you for the opportunity to provide comments on the proposed text amendments. We look forward to working with the Commission, the Office of Planning, the District Department of the Environment, and the Department of Consumer and Regulatory Affairs to address regulations regarding solar on rooftops and penthouses.

Sincerely,

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IMAGE 1: A comparison of different solar technologies. Solar thermal system (top) vs. solar photovoltaic system (bottom).

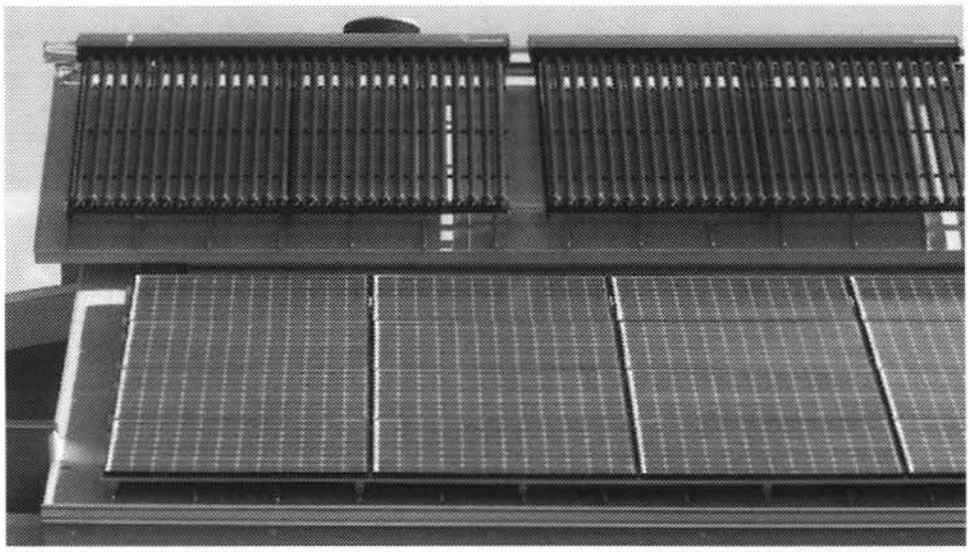

IMAGE 2: Domestic Solar Water Heating System at 3 Tree Flats, a multi-family, affordable housing building in Petworth, DC. System installed by Nextility, a DC company. Note the different slopes and racking systems required for the installation.