



**District of Columbia Zoning Commission**

April 1, 2019

**Case Number: 19-04**

**(Text Amendments to Subtitles B, C, H, K, & U - Community Renewable Energy Facility - CREF)**

**SUPPORT**

To Chairperson Hood and the Members of the Zoning Commission,

GRID Alternatives Mid-Atlantic (GRID Mid-Atlantic), a non-profit solar installer based in the District of Columbia, submits these comments in support of the text amendments to the Zoning Regulations to distinguish community solar facilities from “Basic Utilities” and to permit community solar as a matter-of-right use in all zones except MU-11 and SEFC-4, subject to the requirements of each zone.

GRID Mid-Atlantic envisions a future where clean, renewable energy is accessible to everyone. To achieve that future, GRID Mid-Atlantic works exclusively with low-income and underserved communities to bring these communities the many benefits of solar, which include access to hands-on job training opportunities in fulfilling renewable energy careers, as well as lower energy burdens, reduced greenhouse gas emissions, and a cleaner, healthier environment. Because many low-income households do not have access to rooftop solar even with income-based incentives—whether because they rent, live in multifamily housing, or have roofs that have structural issues or are shaded—community solar is an important way to ensure that all low-income households can have access to the benefits of solar.<sup>1</sup> For this and other reasons, the District’s Solar for All Program, established by the Renewable Portfolio Expansion Amendment Act of 2016,<sup>2</sup> relies in part on the expansion of community solar projects to meet its ambitious statutory mandate of providing the benefits of solar energy to 100,000 low-income households by 2032 and substantially reducing those households’ energy bills.<sup>3</sup>

GRID Mid-Atlantic strongly supports the community solar text amendments proposed by the Office of Planning in conjunction with the Department of Energy & Environment (DOEE). The need for these text amendments arose recently when the existing Zoning Regulations were interpreted to encompass ground-mounted community solar installations within the definition of “Basic Utilities,” which require a special exception to operate. The special exception process would add immense uncertainty, delay, and expense to every community solar project in the District, likely making some projects infeasible. The special exemption process would especially burden community solar projects under the Solar for All program which face grant funding deadlines at the end of this fiscal year. By burdening community solar under the Solar for All program, the “Basic Utilities” interpretation would take money out of the pockets of low-income District residents who otherwise could start reducing their energy bills through

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<sup>1</sup> See, e.g., Wood Mackenzie (GTM Research) for Vote Solar, *The Vision for U.S. Community Solar: A Roadmap to 2030* (2018), available at <https://votesolar.org/policy/policy-guides/shared-renewables-policy/csvisionstudy/>.

<sup>2</sup> D.C. Law 21-154; 63 DCR 10138.

<sup>3</sup> See, e.g., DC DOEE, *Solar for All Community Solar and Strategic Partnerships*, <https://doee.dc.gov/node/1049202>.

community solar subscriptions. It would also preclude the many co-benefits of community solar, such as job training and workforce development; education around solar and energy efficiency; community engagement in, and sense of ownership of, the District’s clean energy transition; and increased pride in the neighborhood for its advanced clean energy. The text amendments would solve these important problems and avoid an inequitable outcome for low-income communities.

Besides the results-oriented reasons to support text amendment, the language of the text amendment is simply a better fit for community solar than the prior Zoning Regulations interpretation, which is an inappropriate categorization. As noted by the D.C. Office of Planning in its pre-hearing report, “[t]he Zoning Regulations contemplate a ‘Basic Utility’ use and define it as the commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information. The Basic Utility use commonly takes the form of infrastructure services, which are provided city-wide....”<sup>4</sup> Community renewable energy facilities are not a new form of this type of city-wide energy infrastructure. Instead, they are a new way to get the benefits of renewable energy to specific, nearby system subscribers, rather than limiting the renewable energy to a single system owner or oftaker.

The Office of Planning also notes that “[a]lthough the solar power generated by community renewable energy facilities would not be solely used by the owner of the property where the solar panels are installed, the solar system would be indistinguishable from a solar system generating power for on-site consumption.”<sup>5</sup> Whether a solar system is structured to directly benefit one oftaker or an entire community of subscribers, the question of who ultimately receives the benefits of a renewable energy facility should have no bearing on the zoning requirements for such a facility, since that does not impact the basic structures that the facility’s neighbors could see--solar panels, racking, edge landscaping and buffers, and the like. Ground-mounted solar arrays greater than four feet in height still would be considered structures and still would have to comply with any applicable development standards. GRID Mid-Atlantic emphasizes that strong community outreach and engagement will continue to be essential components of any community solar project regardless of any “Basic Utility” special exception process.

In the big picture, D.C. cannot afford not to adopt these text amendments. U.S. carbon emissions grew a devastating 3.1 percent in 2018, as global emissions reached a record high.<sup>6</sup> We must work together to stop and reverse this trend to avoid the very worst impacts of climate system breakdown, which would unjustly hurt most those who are already the most vulnerable in society. Broad access to renewable energy is one of the most important solutions. The District of Columbia must continue to show leadership in responding equitably, rapidly, and at scale to the climate crisis, but it cannot do so if its Solar for All projects become needlessly bogged down by ill-fitting zoning requirements. The text amendments already approved by this Zoning Commission offer a clear fix to this significant problem. They also beneficially align the agencies of the District government with each other, and with the Clean

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<sup>4</sup> Case 19-04, Exhibit 2, page 5.

<sup>5</sup> *Id.*, page 7.

<sup>6</sup> Nina Chestney, *Global carbon emissions hit record high in 2018: IEA*, REUTERS (March 25, 2019), available at <https://www.reuters.com/article/us-iea-emissions/global-carbon-emissions-hit-record-high-in-2018-iea-idUSKCN1R7005>.

Energy DC Omnibus Act<sup>7</sup> and the Mayor's climate commitments.<sup>8</sup> The Zoning Commission should continue these text amendments.

Please adopt the community solar text amendments proposed by the Office of Planning.

Sincerely,



Nicole Steele  
Executive Director, GRID Alternatives Mid-Atlantic

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<sup>7</sup> DC Law 22-0257; 66 DCR 1344.

<sup>8</sup> DC Office of the Mayor, *Mayor Bowser Commits to Bold Next Steps at Global Climate Action Summit* (September 13, 2018), <https://mayor.dc.gov/release/mayor-bowser-commits-bold-next-steps-global-climate-action-summit>.