

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: June 5, 2019
SUBJECT: ZC Case 19-04 – Supplemental Report for a Proposed Text Amendment to Subtitles B, C, H, K, and U

I. BACKGROUND

At its May 13, 2019 Public Meeting, the Zoning Commission did not act on Z.C. Case No. 19-04 and instead requested that the Office of Planning (OP) and the District Department of Energy and Environment (DOEE) continue to study the community solar facility issue and provide a refined proposal for consideration on June 10, 2019.

II. SUMMARY

The Zoning Commission requested that OP and DOEE continue to work to refine the proposal, including requests to reassess the 2-acre threshold, provide more guidance regarding buffering and screening, and look at restrictions based on proximity to residential uses.

OP coordinated closely with DOEE and recommends:

- The maximum permitted height limit for ground-mounted arrays be limited to twenty-feet (20 ft.); the 20-foot height maximum is consistent with the maximum permitted height for accessory buildings and would allow for a vehicle to pass under a solar canopy sited over a parking stall or drive aisle;
- A special exception be required for any ground-mounted array where: the aggregate panel face area is greater than one and one-half acres (1.5); the panels are greater than twenty feet (20 ft.) in height; the zone-specific yard and setback requirements are not met; or where a panel in the ground-mounted array is located less than 40 feet from an adjacent property in a low density residential zone (R, RF, or RA-1); and
- For ground-mounted arrays subject to special exception that a landscape buffer be provided along those sides facing public space, residential use, or parks and recreation use.

III. RECOMMENDATION

OP recommends that the Zoning Commission extend the existing Emergency and Proposed Rulemaking (Z.C. Case No. 19-04) to ensure a path forward for pending cases that may not have obtained permits prior to the June 11, 2019 expiration and would not be able to apply for permits under the pending text amendment.

OP recommends that the Zoning Commission **approve** the following text amendments to Subtitles B, C, H, K, and U of Title 11 DCMR (Zoning Regulations of 2016), as detailed in Section IV of this report.

- 1) Revision to Definitions (Subtitle B, Chapter 1) for:
 - New definition for Community Solar Facility (CSF).
- 2) Revision to Use Categories (Subtitle B, Chapter 2) for:
 - Basic Utilities to exempt a CSF.
- 3) Revision to Penthouses (Subtitle C, Chapter 15) for:
 - Penthouse General Regulations to permit solar canopies on top of a parking garage.
- 4) Revision to Use Permissions (Subtitle H, Chapter 11).
- 5) Revision to Use Permissions (Subtitle K, Chapters 4, 6, and 9).
- 6) Revision to Use Permissions (Subtitle U, Chapters 2, 6, and 8).

The proposed text amendments are as follows. Text in **bold underline** is new proposed text; the text in **bold strikethrough** is a proposed deletion.

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

Community Solar Facility: A solar energy facility that is directly interconnected with the distribution system of the electric company, as defined by D.C. Official Code § 34-207, and that does not exceed five (5) megawatts in capacity, where the monetary value of the electricity generated by the facility is credited to the subscribers, which must number at least two (2). Community solar facilities are characterized by the sharing of electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

...

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

RATIONALE: The proposed Community Solar Facility (CSF) definition is narrower than the original Community Renewable Energy Facility (CREF) definition that was initially proposed. The CSF definition is consistent with Public Service Commission regulations and the District’s Renewable Energy Portfolio Standard. The proposed definition satisfies DOEE Solar For All program requirements.

Subparagraph (4) of paragraph (f) of § 200.2 of § 100, DEFINITIONS, of Chapter 2, USE CATEGORIES of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

...

(f) Basic Utilities:

- (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;
- (2) This use commonly takes the form of infrastructure services which are provided city-wide;
- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation **other than a community solar facility**, or utility pumping station; and
- (4) Exceptions: This use category does not include **a community solar facility or** uses which would typically fall within the antennas or waste-related services use categories;

...

RATIONALE: The Zoning Administrator determined that a roof- or ground-mounted solar array where more than 50% of the power generated was dedicated to off-site use could not be considered an accessory use and would fall within the basic utility use category. A basic utility use is permitted by special exception in all zones except for Production, Distribution, and Repair (PDR) zones, where a basic utility use is permitted as a matter-of-right.

DOEE was concerned that the special exception requirement for roof- and ground-mounted arrays created uncertainty, delay, and costs that could be detrimental to the implementation of its Solar for All Program. Therefore, OP proposed defining Community Solar Facilities (CSFs) and exempting them from the basic utility use category and developing use permissions specifically tailored to CSFs.

Subsection 1500.5 of § 1500, PENTHOUSE GENERAL REGULATIONS, of Chapter 15 PENTHOUSES of Subtitle C, GENERAL RULES, is amended as follows:

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, ~~or~~ electronic equipment of a type not necessary to the operation of the building or structure, **or solar canopies on top of a parking garage**. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

RATIONALE: The Zoning Administrator determined that roof-mounted solar arrays that exceed four-feet in height, must meet the penthouse setback and screening regulations, including the requirements the mechanical equipment be placed in one enclosure. For a solar canopy mounted on the top level of a structured parking deck, it would not be feasible to meet the setback and screening requirements. Therefore, OP is proposing that solar canopies located over the uppermost level of a structured parking deck not be subject to the penthouse mechanical equipment regulations.

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (r) as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

...

(p) Transportation infrastructure; ~~and~~

(q) Daytime care; ~~and~~

(r) Community solar facility subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(i) Measures no greater than twenty feet (20 ft.) in height;

(ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;

(iii) Meets the yard and setback development standards of the zone; and

(iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.

RATIONALE: OP continues to propose a 20-foot maximum panel height. Twenty feet and two-stories is the maximum permitted height for an accessory building in the residential zones. A 20-foot maximum permitted height for ground-mounted panels would allow for a canopy installation that would provide sufficient clearance for a vehicle to pass under the panel canopy. A 20-foot maximum permitted panel height should not be visually intrusive, and OP does not recommend further limiting the maximum permitted height.

OP is proposing to limit the aggregate panel face area to 1.5 acres, which attempts to balance the DOEE Solar for All project pipeline (Attachment 1) and the Zoning Commission’s desire to limit the footprint of ground-mounted arrays.

Using the aggregate panel face area also provides a threshold unit of measurement that does not penalize large sites where existing vegetation or topography may limit the ability to install a ground-mounted array. Panel face area also can be easily measured by DCRA staff during the permit application process.

OP continues to recommend that ground-mounted arrays meet the yard and setback standards of the zone in which they are proposed to be located.

OP recommends a forty-foot (40 ft.) setback for ground-mounted panels from adjacent properties in the low-density residential zones (R, RF, and RA-1 zones). Forty feet represents a two-to-one setback based on the maximum permitted panel height of 20 feet.

OP is recommending that any ground-mounted arrays not meeting the matter-of-right criteria be subject to special exception.

Subsection 1105.1 of § 1105, SPECIAL EXCEPTION USES (NC-USE GROUP A), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (i) as follows:

1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(g) Utilities uses, other than an optical transmission node, but not including an EEF use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; **and**

(h) Animal boarding uses not meeting the conditions of Subtitle H § 1101.4 (g)(3), subject to the following: **and**

...

(9) External yards or other exterior facilities for the keeping of animals shall not be permitted;

- (i) Community solar facility not meeting the requirements of H § 1103.1(r), subject to the following conditions:**
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**
 - (i) Maintains as many existing native trees as possible;**
 - (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
 - (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

RATIONALE: OP recommends that ground-mounted arrays not meeting the matter-of-right conditions be permitted by special exception. OP proposes that the special exception conditions require the provision of a landscape buffer. The landscape buffer would be required to preserve existing native trees and to use a diverse mix of native trees, plants, and shrubs. The landscape buffer would be required adjacent to public space, residential use, and parks and recreation use, regardless of zone. Any trees planted as part of the landscape buffer would be required to be a minimum of 6 feet in height at the time of planting. OP also proposes that DOEE be provided the opportunity to review and comment on any CSF special exception application, including the proposed landscape plan.

Subsection 1107.1 of § 1107, SPECIAL EXCEPTION USES (NC-USE GROUP B), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (k) as follows:

1107.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (i) Utilities uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; **and**
- (j) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following Subtitle H-51 conditions: **and**

...

- (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;

(k) Community solar facility not meeting the requirements of H § 1103.1(r), subject to the following conditions:

- (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**
 - (i) Maintains as many existing native trees as possible;**
 - (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
 - (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**
- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

Subsection 1109.1 of § 1109, SPECIAL EXCEPTION USES (NC-USE GROUP C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (h) as follows:

1109.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (f) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:

...

- (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; **and**
- (g) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; **and**
- (h) Community solar facility not meeting the requirements of H § 1103.1(r), subject to the following conditions:**

- (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**
 - (i) Maintains as many existing native trees as possible;**
 - (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
 - (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**
- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

Subsection 410.3 of Section 410, USE PERMISSIONS (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (o) as follows:

410.3 The following uses are permitted in the HE zones:

...

- (m) Retail; ~~and~~
- (n) Service, general and financial; and
- (o) Community solar facility subject to the following conditions:**
 - (1) Roof-mounted solar array of any size; or**
 - (2) Ground-mounted solar array, subject to the following requirements:**
 - (i) Measures no greater than twenty feet (20 ft.) in height;**
 - (ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;**
 - (iii) Meets the yard and setback development standards of the zone; and**
 - (iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.**

Subsection 412.1 of Section 412, USES PERMITTED BY SPECIAL EXCEPTION (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (j) and renumbering as follows:

412.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, subject to Subtitle K § 413 and any applicable provisions of this section:

...

(j) Community solar facility not meeting the requirements of K § 410.3(o), subject to the following conditions:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(i) Maintains as many existing native trees as possible;

(ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;

(iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and

(jk) Other principal uses that are not permitted by Subtitle K § 410, but not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle X and Subtitle K § 416; provided the Zoning Commission considers that the use is appropriate in furthering the purposes of the HE zones.

Subsection 612.1 of Section 612, USE PERMISSIONS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (y) as follows:

612.1 The following uses categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

...

(w) Service, general and financial; ~~and~~

(x) Transportation infrastructure; ~~and~~

(y) Community solar facility subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(i) Measures no greater than twenty feet (20 ft.) in height;

- (ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;**
- (iii) Meets the yard and setback development standards of the zone; and**
- (iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.**

Subsection 614.1 of Section 614, USED PERMITTED BY SPECIAL EXCEPTION (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X, the criteria set forth in Subtitle K § 615.2, and subject to applicable conditions of each section as stated below:

...

- (b) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

- (6) The Board of Zoning Adjustment may approve a CBIF for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and there is no other reasonable alternative to meet the program needs of that area of the District of Columbia; **and**

(c) Community solar facility subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

- (i) Measures no greater than twenty feet (20 ft.) in height;**
- (ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;**
- (iii) Meets the yard and setback development standards of the zone; and**
- (iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.**

Subsection 911.1 of Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (n) as follows:

911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

...

(l) Retail subject to the conditions of Subtitle K § 912.10; ~~and~~

(m) Transportation infrastructure; and

(n) Community solar facility subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(i) Measures no greater than twenty feet (20 ft.) in height;

(ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;

(iii) Meets the yard and setback development standards of the zone; and

(iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.

Subsection 913.1 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

913.1 The following uses shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and subject to the applicable provisions of each section:

...

(b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

(6) The Board of Zoning Adjustment may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District; and

- (c) Community solar facility not meeting the requirements of K § 612.1(y), subject to the following conditions:**
 - (1) Provision of a landscaped at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**
 - (i) Maintains as many existing native trees as possible;**
 - (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
 - (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

Subsection 913.2 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (g) as follows:

913.2 The following uses shall be permitted as a special exception WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (f) All motor vehicle related uses are prohibited except motor vehicle sales, which may be permitted as a special exception subject to the following conditions:

...

- (7) The Board of Zoning Adjustment shall find that the use does not impair the overall pedestrian or retail environment of the neighborhood; **and**

- (g) Community solar facility not meeting the requirements of K § 612.1(y), subject to the following conditions:**

- (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**

- (i) Maintains as many existing native trees as possible;**
- (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
- (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**

- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

Subsection 913.3 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

913.3 The following uses shall be permitted as a special exception WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 913.1(b); **and**

(c) Community solar facility not meeting the requirements of K § 612.1(v), subject to the following conditions:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(i) Maintains as many existing native trees as possible;

(ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;

(iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.

Subsection 201.1 of Section 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (c) as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(a) A principal dwelling unit shall be permitted as follows:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an attached building; **and**

(b) Clerical and religious group residences for no more than fifteen (15) persons; **and**

(c) Community solar facility subject to the following conditions:

- (1) Roof-mounted solar array of any size; or**
- (2) Ground-mounted solar array, subject to the following requirements:**
 - (i) Measures no greater than twenty feet (20 ft.) in height;**
 - (ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;**
 - (iii) Meets the yard and setback development standards of the zone; and**
 - (iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.**

Subsection 203.1 of Section 203, SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (r) as follows:

203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

- ...
- (q) Any use within a District of Columbia former public school building that does not comply with the matter of right conditions of Subtitle U § 252 subject to the special exception conditions of Subtitle U § 252; and**
- (r) Community solar facility not meeting the requirements of K § 612.1(v), subject to the following conditions:**
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**
 - (i) Maintains as many existing native trees as possible;**
 - (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
 - (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (f) as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

...

(d) Parking subject to the following conditions:

...

(3) Parking garage on a lot not containing another use shall meet the following conditions:

...

(C) The building shall open directly onto an alley; **and**

(e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

...

(5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment; **and**

(f) Community solar facility subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(i) Measures no greater than twenty feet (20 ft.) in height;

(ii) Has an aggregate panel face area of one and one-half (1.5) acres or less;

(iii) Meets the yard and setback development standards of the zone; and

(iv) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.

Subsection 801.1 of Section 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, MATTER-OF-RIGHT USES (PDR) of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (cc) as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

- (aa) Waste incineration, including for conversion to energy subjects to the Standards of External Effects in Subtitle U §804, and the use shall not be permitted on any lot located in in whole or in part within one hundred feet 100 ft.) of a residential zone; **and**
- (bb) Wholesale or storage establishment, including open storage, except a junk yard; **and**
- (cc) Community solar facility subject to the following requirements:**
 - (1) Roof-mounted solar array of any size; or**
 - (2) Ground-mounted solar array, subject to the following requirements:**
 - (i) Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone.**

RATIONALE: In the PDR zones, OP proposes permitting Community Solar Facilities (CSFs) as a matter-of-right with no restrictions based on aggregate panel face area. Ground-mounted CSFs adjacent to R, RF, or RA-1 zoned property would be permitted by special exception.

Subsection 802.1 of Section 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, MATTER-OF-RIGHT USES (PDR) of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (k) as follows:

802.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section:

...

(B) Large format retail that would occupy a project with a completed review under the large tract review regulations (Title 10-B DCMR, Chapter 23) as of September 6, 2016; except that a modification to a completed large tract review that would result in a project with fifty thousand square feet (50,000 sq. ft.) or more of retail use shall also require approval under this section prior to certificate of occupancy for a use meeting the definition of large format retail;:

- (k) Community solar facility not meeting the requirements of U § 801.1(cc), subject to the following conditions:**
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:**
 - (i) Maintains as many existing native trees as possible;**

- (ii) Includes a diverse mix of native trees, shrubs, and plants and avoids planting a monoculture;**
- (iii) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and**
- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.**

RATIONALE: For those ground-mounted Community Solar Facilities (CSFs) adjacent to R, RF, or RA-1 zones that would be by special exception, OP proposes the same landscape buffer requirement as other zones.

Attachment: DC Solar for All FY 2019 Project Pipeline

JS/emv

DC SOLAR FOR ALL FY 2019 PROJECT PIPELINE

#	Zoning	Lot Size (Acres) *NOT array size	Project Size (Panel face) (Acres)	Projected System Size (DC kW)	Ground Mount	Rooftop Mount
1	RA-1	15.40	3.80	2650	√	
2	RF-3	3.5	1.25	600	√	
3	R-2	5.98	0.20	97	√	
4	R-1-B WR-1 WR-2	11.82	1.50	1100		√
5	PDR-6 PRD-7	8.23	--	350		√
6	R-2	5.43	--	292		√
7	MU-4	4.62	--	182		√
8	RA-1	3.60	--	236		√
9	RA-1	3.01	--	445		√
10	RA-2 RF-1	2.48	--	431		√
11	RA-1	2.40	--	219		√
12	RF-1	2.18	--	63		√
13	R-1-B	1.86	--	118		√
14	MU-14	1.78	--	87		√
15	RA-2	1.76	--	137		√
16	RA-2	1.73	--	140		√
17	RA-1	1.70	--	25		√
18	R-1-B	1.59	--	57		√
19	RA-1	1.51	--	250		√

#	Zoning	Lot Size (Acres) *NOT array size	Project Size (Panel face) (Acres)	Projected System Size (DC kW)	Ground Mount	Rooftop Mount
20	RA-1	1.45	--	350		√
21	RA-2	1.03	--	96		√
22	RF-1	0.85	--	70		√
23	R-3	0.84	--	125		√
24	PDR-2 PDR-4	0.81	--	30		√
25	R-3	0.70	--	38		√
26	R-3	0.69	--	60		√
27	R-2	0.64	--	40		√
28	PDR-2 PDR-4	0.62	--	255		√
29	PDR-4	0.51	--	132		√
30	RA-1	0.44	--	74		√
31	MU- 3A R-2	0.44	--	50		√
32	PDR-4	0.41	--	55		√
33	PDR-4	0.38	--	126		√
34	RA-1	0.38	--	215		√
35	PDR-4	0.37	--	89		√
36	R-2 RA-1	0.37	--	72		√
37	PDR-4	0.36	--	78		√
38	RA-1	0.36	--	25		√
39	RA-1	0.35	--	44		√
40	PDR-4	0.35	--	81		√
41	RA-1	0.34	--	1294		√

#	Zoning	Lot Size (Acres) *NOT array size	Project Size (Panel face) (Acres)	Projected System Size (DC kW)	Ground Mount	Rooftop Mount
42	RA-4	0.34	--	112		√
43	RF-3	0.32	--	50.2		√
44	RA-1	0.31	--	33.32		√
45	R-3	0.29	--	89		√
46	RF-1	0.28	--	35		√
47	RA-2	0.21	--	289.08		√
48	RA-1	0.21	--	40		√
49	RF-1	0.17	--	31		√
50	RA-4	0.16	--	24.14		√
51	R-3	0.13	--	32		√
52	RF-1	0.13	--	46		√
53	RA-1	0.09	--	17.34		√
54	R-3	0.03	--	19		√
	Total	54 projects			12,046 KW, 12.04 MW	
					219.02 KW: Average size of all projects	
					Total Rooftop: 8.70 MW	
					Total Ground: 3.34 MW	