



Aurora Energy

Solar provider since 1994

July 24th, 2019

Anthony J. Hood
Chairman
DC Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

RE: ZC Case 19-04 – Proposed Text Amendment to Subtitles B, C, H, K, and U of Title 11 DCMR, ZONING REGULATIONS OF 2016 – Defining Community Solar Facility (CSF), Locating Zones in which a CSF is a Permitted or Special Exception Use, and Establishing Development Standards for a CSF

Dear Chairman Hood:

As the CEO of a locally owned and operated solar installer for the past twenty-five years that has installed numerous projects in Washington DC, I am writing in support of the final text amendment and proposed rulemaking to the Zoning Regulations regarding community solar installations *with some exceptions as stated below*.

In 1994, I started a solar hot water business installing systems for residential and commercial use. By 2007, we were installing residential PV systems and ten years later, phased into the commercial sector. As a company, our objective is to design, engineer and install commercial solar projects that meet our clients' financial goals and provide the best solar solution to satisfy their energy demands. We fully support strong regulations and guidelines to help individuals and businesses embrace and take advantage of all the benefits solar energy has to offer.

While many of the amendments in the current emergency text amendment and proposed rulemaking are conducive to the development of CREFs, as mentioned, **the height and setback requirements** (*Measures no greater than twenty feet (20 ft.) in height; Where panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone*), **are detrimental to the siting of CREFs adjacent to residential zones, regardless of their size**. This language is present in the following sections: Revision to Use Permissions (Subtitle H, Chapter 11); Revision to Use Permissions (Subtitle K, Chapters 4, 6, and 9); and Revision to Use Permissions (Subtitle U, Chapters 2, 6, and 8). Community Solar Facilities are already subject to the height, yard and setback development standards of the zone in which they are located. Adding a setback requirement is superfluous.

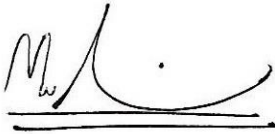
In addition, the inclusion of the Special Exception Requirements regarding tree planting and Department of Energy and Environment (DOEE) review for projects that do not comply with the Matter-of-Right standards seem to negate the very reason for the special exception and Board of Zoning Adjustment (BZA) process. The BZA process is intended for developers and community members to engage in a dialogue on potential projects and their impact on neighbors and community members. It is through this process that

the various stakeholders can agree on a plan that works for all involved. Prescribing rigid requirements subverts the process and should be excluded from the final rulemaking.

From as very practical sense, planting trees adjacent to solar arrays is potentially detrimental to the production of the project. Shading from said trees can negatively impact production and ultimately, could jeopardize its financing.

In conclusion, we support moving forward with the above-referenced text amendments, strengthened by the suggestions as stated in this correspondence. We hope you weigh these objections seriously, and move towards a District that encourages and enhances the renewable energy sector in DC's path toward 100% clean sourcing.

Kind regards,

A handwritten signature in black ink, appearing to be 'FM', written over a horizontal line.

Fariborz Mahjouri, PE
CEO