



1826 Jefferson Pl NW, Washington, DC 20036
1 (866) 48-IPSUN
info@ipsunsolar.com

July 29th, 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:

We are sending this comment from Ipsun Solar, a full-service solar installer and EPC operating in DC, Maryland, and Virginia. We write to you today in support of the final text amendment and proposed rulemaking to the Zoning Regulations regarding community solar installations.

As further background on our organization, we employ over 20 full-time staff people in roles ranging from sales and marketing to field technicians, engineering and project managers. Our DC office is located at 1826 Jefferson Place NW, Third Floor, Washington, DC 20036.



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As we understand it, the interpretation of the Zoning Regulations prior to the emergency text amendment and aspects of the proposed rulemaking directly impacts the District's Solar for All program ("SfA").

We strongly support the program's main aim to provide 100,000 low-income residents with electricity from solar energy systems located in the District of Columbia by 2032.

We are troubled to learn that this interpretation of the Zoning Regulations will effectively render the SfA program unviable given the District's time requirements, budget cycle, taken together with the realities in play with developer time requirements. We wish to weigh in regarding height, setback and special exception requirements:

While many of the amendments in the current emergency text amendment and proposed rulemaking are conducive to the development of CREFs, the height and setback requirements, which as written are: "Measures no greater than twenty feet (20 ft.) in height."

Where panels are sited no less than 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.



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We are already feeling the impacts of the emergency text amendment. NCS has already had 4 solar projects that faced significant downsizing or have become infeasible because of the existing emergency text amendment. If these requirements remain, they should be shifted into the relevant SPECIAL EXCEPTION USES subsections of the regulations.

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 very 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.

We appreciate the Commission taking stakeholder comments on this matter and look forward to seeing this body take our input into consideration.

Kind regards,

Herve Billiet, CEO, Ipsun Solar

Joseph Marhamati, VP and Co-Founder, Ipsun Solar