



**July 26, 2019**

**VIA ELECTRONIC FILING AND ELECTRONIC MAIL**

Sharon Schellin  
Secretary to the Zoning Commission  
Office of Zoning  
441 4<sup>th</sup> Street NW, Suite 200S  
Washington, DC 20001

**Re: Z.C. Case No. 19-04 – Text Amendments – 11 DCMR – 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 and DC Zoning Commissioners:

On behalf of CleanChoice Energy, I am writing in support of the final text amendments and proposed rulemaking to the zoning regulations regarding community solar installations.

CleanChoice Energy (“CleanChoice”) is a DC-based renewable energy company with a mission to transform the electricity market by empowering utility customers to cut emissions and support clean energy. As a retail energy supplier, we are proud to provide exclusively 100% renewable energy supply services to more than 6,500 District residents. Constantly innovating to make clean energy more accessible and closer to our customers, during the last few years we expanded our business to support local solar development through participation in the community solar market.

In November of 2018, CleanChoice partnered with New Columbia Solar (“NCS”), one of the District’s largest solar energy companies, to bring a community solar offering to DC residents. To date, this partnership is the largest portfolio of community solar ever offered within DC. NCS is the owner and operator of these projects, while CleanChoice manages the customer relationships and subscribes residents who want to support local solar and have the opportunity to see savings on their electric bills. And crucially, these projects directly support DC’s newly established goal to reach a 100% renewable energy target by 2032 and 10% solar energy target by 2041.

There is serious concern in our industry that the interpretation of the zoning regulations without the emergency text amendments will effectively render the Department of Energy and Environment Solar for All program unviable, given restrictions that stand to diverge the synchronization between the District’s time requirements, its budget cycle, and developers’ timelines. In particular, the designation of a CSF as a “basic utility” only serves to stagnate the process in developing local renewable energy facilities. There are already many challenges within the solar development process that compound to increase project timelines, and this added impediment only slows progress and puts the successful completion of a CSF at risk.

While many of the amendments in the current emergency text amendment and proposed rulemaking are conducive to the development of CSFs, the twenty feet height restriction and forty feet setback restriction would be prohibitive to siting CSFs adjacent to residential zones. This restrictive language is found in revisions to the zoning regulations at 201.1 (c), 410.3 (o), 600.1 (f), 612.1 (y), 614.1 (c), 911.1 (n), and 1103.1 (r). Creating additional height and setback standards for community solar facilities will be redundant to the preexisting zone development standards for height, yard, and setback requirements. If these height and setback requirements must remain, then they should be moved into each chapter's special exception uses subsection.

We are also concerned by the unintended consequences presented by the amendments under 203.1 (r), 412.1 (j), 601.1 (c), 802.1 (k), 913.1 (c), 913.2 (g), 913.3 (g), 1105.1 (i), 1107.1 (k), and 1109.1 (h), requiring tree planting and Department of Energy and Environment landscape review of projects. While this may be well-intentioned in maintaining native flora, it is overly prescriptive and will be ultimately detrimental to the efforts of renewable energy in the District. Solar is sabotaged by shade. As documented by the Fairfax County Park Authority,<sup>1</sup> many tree species native to this area can reach maturity at a height of thirty feet or more. Though these amendments only require trees to be six feet tall at the time of planting, given time, community solar facilities stand to be dwarfed by them, which will reduce their efficacy in producing energy.

Of all states and districts, DC is at the forefront for renewable energy goals, confirming why we are so proud to call this place home. CleanChoice sees this amendment as a springboard in expediting development of the CSF systems that make renewable energy accessible and produce a cleaner environment for all. We encourage regulations that support this shared vision of our future and thank you for considering our feedback.

Respectfully submitted,

/s/

Jennifer Spinosi  
VP of Regulatory and Compliance  
CleanChoice Energy, Inc.

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<sup>1</sup> <https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/nature-history/greenspring/infosheets/nativetrees.pdf>