

July 25, 2019

Zoning Commission of the District of Columbia
441 Fourth Street, N.W., Suite 200-S
Washington, DC 20001

Dear Commissioners,

I have resided and worked in the District for decades and appreciate the opportunity to express my views to the Zoning Commission on the Office of Planning's proposed text amendments under Case No. 19-04 concerning community solar facility (CSF). I have serious concerns about the proposed text amendments and, therefore, oppose the approval of the text amendments as written. I am submitting the following comments and edits for your consideration.

- The rulemaking is so broadly defined that it includes solar projects that are not providing any financial relief to low income residents for their electric bills. This undermines the initial premise for the emergency order because it includes solar facilities that are not funded by DOEE Solar for All program. This is a disincentive for businesses to develop solar projects that would benefit low income residents, when solar companies know that they can obtain the same benefits and cost saving without assisting the District's low income residents.
- Because of the proposed text amendments, residents near the CSF will lose their ability to access the BZA Special Exception process to mitigate any concerns and risks. Moderate income households and low income households will be unduly burdened when these CSF are located near their homes. This accommodates solar businesses, so they can begin constructing the solar facilities in a shorter time, while burdening District residents for decades, as they live beside an unwanted utility.
- An acre of land is readily available universal unit of measurement that should be employed in the text language. Residents can verify acres of land through public records, or closely estimate the acres through online mapping website. This would provide the public some level of comfort in determining the threshold limits for CSF. The proposed threshold unit of measure, "aggregate panel face area" cannot be readily determined by the public. The solar installation companies may refuse to provide information on their panel size or number of panels for confidential reasons until the project is approved. Likewise, the Department of Consumer and Regulatory Affairs (DCRA) and other District agencies will likely refuse to provide information to residents until the permit is approved. This will again render the residents voiceless in the development of their neighborhood.
- What prevents a solar company from installing multiple CSF on a single property lot, where each facility is below the matter-of-right threshold, thus bypassing the Special Exception review process? If multiple CSFs are located on a single property and the total acres meet the threshold requirement, the CSF should be subject to the Board of Zoning Adjustment (BZA) Special Exception review process.
- CSF should not be exempt from the Basic Utility Category, when over 50% of solar power generated is used offsite. Smaller CSF would likely use the majority of its power onsite, so they would be exempt from the Basic Utility Category. These larger CSF, encompassing acres, can potentially impact neighborhoods and their home property values, like other large utilities; therefore, they should be subject to the BZA Special Exception review like the other types of utilities.

- Under the proposed text amendment, a solar facility only needs two subscribers to be considered a CSF. What is the rationale for the number of subscribers required to define a CSF? The number of subscribers should at minimal equal the number of households within the 200-foot perimeter of the CSF. Also language should specify that subscribers are located in the District of Columbia.
- How has the city protected its residents against the costs of disposing of decommissioning solar panels and other accessories? Solar panels over time lose their efficiency, like tires wear out. Based upon [If Solar Is So Clean, Why Do They Produce So Much Toxic Waste?](#) by Forbes, the disposal of solar panels is a concern in the near future. Will the companies that are installing CSF bear the disposal costs for panels, or will these cost be passed on to District residents? For companies that are leasing land to construct CSF, are these companies required to establish bonds to cover future costs, as other jurisdictions have required? Has the city set time limits, such as 6 months, when solar panels that are no longer operational must be removed offsite and properly disposed?
- Do the current zoning laws require solar access for solar utilities? If a neighbor's property "blocks" solar access for a CSF, will homeowners have to remove trees and structures on their property to accommodate the CSF, particular those CSF that are built as matter-of-right? Will CSF restrict ability of homeowners to plant trees on their property to screen view of solar panels or to take advantage of the cooling effect of trees, if it limits the solar access of solar facility? Is this in conflict with the District's goals to increase the tree canopy by 2032?
- It was encouraging that Zoning Commission has added language to the original proposed text amendments that includes maintaining existing trees. All ground mounted solar panel facilities should require buffering and screening, particularly, if they are located in residential neighborhoods, or near parks, daycares facilities, and schools.
- All ground mounted solar facilities should be prohibited from spraying herbicides, particularly glyphosate containing compounds like Roundup or Aqueneat, during the installation process or for maintenance of their facilities. There are safer, less toxic methods to remove grass, albeit, not as cheap as spraying these commercial herbicides. While the solar companies may apply toxic herbicides as a standard practice for their large projects in rural and low density areas, those practices are not appropriate in densely populated areas, especially with homes, daycares, schools, local and national parks.

The suggested edits are recommended for the text below and similarly worded sections.

1105.1 (i) (1) (A) Maintain as many existing native and/or non-invasive trees, particular those trees designated a special tree and heritage trees based upon the criteria stated in the District's regulations for Urban Forestry as possible;

1105.1 (i) (1) (B) Includes a diverse mix of native and/or non-invasive trees, shrubs, and plants, and avoids planting a monoculture; and

1105.1 (i) (1) (C) Ensures all trees measure a minimum of six eight feet (68 ft.) in height at the time of planting; and

1103.1 (r)(2)(B) has an aggregated panel face of one and one half (1.5) one quarter acres or less of land;

1103.1(r)(2)(C) The application, including landscape plan and tree inventory, shall be referred to the District Department of Energy and Environment and the District Department of Transportation for review and report.

- Existing trees that are non-invasive, or cultivars of native trees should be maintained onsite for their environmental benefits. These mature existing trees are currently reducing greenhouse gases, controlling storm water runoff, remove pollutants from air, and conserving electricity for cooling. Often developers promise to plant significantly smaller trees to offset the mature established trees. However, it would likely take decades for the newly planted trees to provide the environment benefits of the established mature trees. See [National Tree Benefit Calculator](#).
- The Urban Forestry Division (UFD) in the Department of Transportation should be involved early in the permitting process for solar utilities. UFD should review all landscape plans and tree inventories to ensure that the District's goal to cover 40% of the District with a healthy tree canopy by 2032 is met. Since Department of Energy and Environment (DOEE) does not implement the regulations relating to tree management, a review of all landscape plans should include a review and report by UFD. The progress toward the District's goal was questioned in the article [DC Says Its Tree Canopy Is Growing. Federal Researchers Disagree](#). To maximize solar access companies that install solar panels regularly cut down mature trees that fall within the solar panel footprint. Nearby trees that could shade the panels are also removed. It will take careful planning by a diverse group of experts to accomplish the District's goal of 40% tree canopy and increased solar energy simultaneously, particularly if ground mounted CSF are installed in green spaces and parks. Relying heavily on the solar installation businesses to make the appropriate call on the need for tree removal should be reconsidered.

I appreciate the opportunity to submit comments on this important text amendment, as its impacts can be far reaching.

Sincerely,



Joyce Chandler
Washington, DC 20018