

STAFF REPORT

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: February 14, 2019

SUBJECT: BZA #19927 – 2800 Otis ST NE– Special Exception Relief to install a solar array.

I. RECOMMENDATION

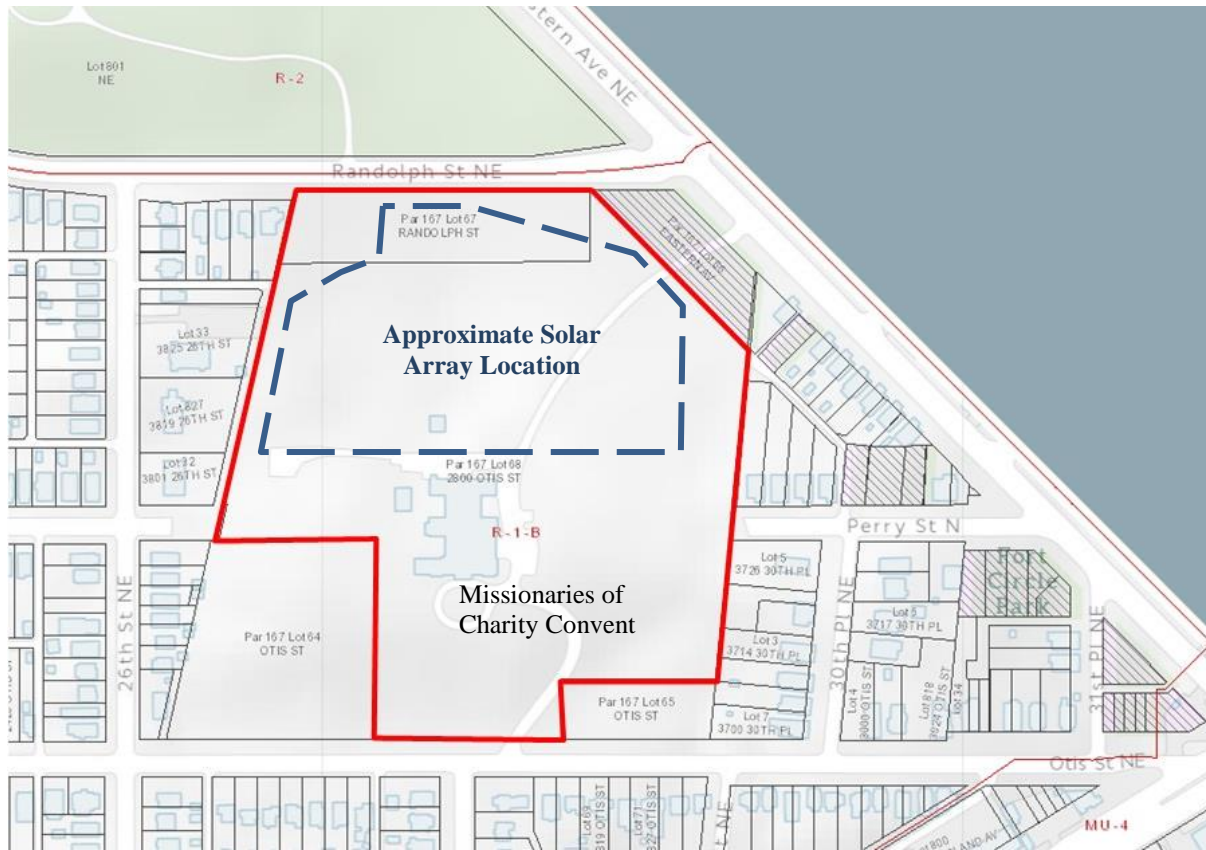
The Office of Planning (OP) recommends approval of the following special exception relief pursuant to Subtitle X § 901.2:

- Subtitle U §203.1; Utility Use permitted as a Special Exception

II. LOCATION AND SITE DESCRIPTION

Applicant	Catholic Charities of the Archdiocese of Washington, DC
Address	2800 Otis ST NE
Legal Description	Parcel 167 Lots 67 & 68
Ward / ANC	Ward 5; ANC 5C
Zone	R-1-B
Historic District or Resource	None
Lot Characteristics	The proposed solar array would be on 14.15-acre site composed of lot 68 and a portion of lot 67. Lot 68 is a large irregular shaped lot that has direct access to Otis ST NE to the south and contains the Missionaries of Charity Convent. Lot 67 is a rectangular shaped lot to the north of lot 68 and borders Randolph ST. There are no buildings currently on this lot.
Existing Development	Religious institution, with existing buildings on Lot 68
Adjacent Properties	The adjacent properties are predominantly single-family detached residential houses.
Surrounding Neighborhood Character	The surrounding neighborhood is mostly single-family detached. Barnard Hill park is immediately north of the site across Randolph ST NE.

III. LOCATION MAP



2800 Otis ST NE

IV. BACKGROUND

The Mayor, through the Clean Energy DC Omnibus Act of 2018, set a mandate of 100% renewable energy by the year 2032. OP supports making the District’s energy system more sustainable.

At the time this application was filed, the Zoning Administrator had determined that this would be considered a “Utility” use, which is permitted only by special exception in this zone. Since then, the Zoning Commission, in case 19-04, took emergency action to approve, and to set down for a public hearing, a text amendment that would allow a Community Renewable Energy Facility by right. If the subject solar array were to be considered a Community Renewable Energy Facility, the relief requested would not be needed and the case could be withdrawn. However, OP’s understanding is that this facility may not meet the definition for Community Renewable Energy Facility, so the text amendment may not apply. It is OP’s understanding that the applicant is working with the Zoning Administrator’s office to definitively determine whether this new provision would apply.

OP’s analysis of this case is consistent with the relief requested.

V. PROPOSED DEVELOPMENT

The Applicant plans to install a solar array facility which would consist of approximately 5,000 solar panels, a transformer, and 15 solar inverters. The array’s solar panels would be mounted on

the ground, 12 ft high and take up 5 acres of the northeastern portion of the site. It would be bisected by the site’s existing service road. Along with the solar panels there would also be switch gear equipment on Randolph Road to connect the solar array to the city’s electrical grid. The applicant intends to use the solar array to off-set a majority of the electricity costs for its 12 properties in the District.

VI. ZONING

Zone – R-1-B	Regulation	Proposed¹	Relief
Lot Area D§ 302	5,000 sq.ft	15.15 ac., of which about 5 acres would be occupied by the solar array.	Conforming
Lot Width D§ 302	50 ft. max	50 ft.	Conforming
Height D§ 303	40 ft. max.	12 ft (solar panel max. height)	Conforming
Rear Yard D § 305	25 ft. min.	496 ft	Conforming
Side Yard D § 306	8 ft. min.	21 ft.	Conforming
Utility Use U § 203	Utility Uses permitted as special exceptions	Utility Use	Special Exception Relief Requested

VII. Analysis

U §203 Special Exception Uses- R-Use Groups

U §203.1(p) Utility uses subject to the following conditions:

(1) An electronic equipment facility shall not be permitted;

Electronic Equipment Facility (EEF) Definition

*A facility or space used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer equipment that provides: (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term “Electronic Equipment Facility” includes, but is not limited to, Data Center, Server Farm, Co-Location Facility, Telecommunications Switching Center, Tech Hotel, Telco Hotel, and Telecommunications Central Office. **B §100.1***

The proposed solar array does not fall within the definition of an electronic equipment facility.

(2) Any requirements for setbacks, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood; and

The proposal includes setbacks, screening, landscaping, and stormwater management mitigation to minimize potential impact of the solar array on the surrounding neighborhood. The solar array would be setback substantially from the adjoining residential properties, at least 20 feet. The proposed

¹ “Proposed” information provided by the Applicant

landscape plan includes both preserving some of the existing trees around the site's perimeter and planting 109 trees around the site's perimeter to provide screening between the solar array and the adjacent residences.

The Applicant notes that stormwater runoff is an existing issue on the site. They plan to address it through landscaping and bioretention systems, so the existing situation should be improved. The Applicant is working with DOEE to make sure that the project meets all District stormwater management requirements at the time of permitting.

.(3) Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping and there shall be no advertisement on the structure; and

The proposal does not include a freestanding structure for use as an optical transmission node.

X §901 Special Exception

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed solar array would be in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Maps. It is considered a utility use and utility uses are permitted in the R-1-B Zone, provided that they meet the above special exception criteria. The array, along with its landscaping and setbacks, satisfies these criteria.

The proposal would also appear to be consistent with the intent, if not the wording, of the recent Zoning Commission action pertaining to

Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The solar array should have relatively minimal noise impact on the surrounding neighborhood. The Applicant's noise study, which is discussed in their burden of proof, shows that the level of noise generated would be at a maximum 65-decibel level, which is the noise-equivalent to a normal conversation level. The array with the proposed landscaping and setback should minimize this noise and any other potential impacts that the array may have on the surrounding neighboring properties.

VIII. COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report, no District Agency comments have been submitted to the record.

IX. COMMUNITY COMMENTS

As of the writing of this report, one letter of support has been submitted to the record (Exhibit 29E), and a request for party status in opposition has been filed from a neighbor to the east of the site (Exhibit 33).

As of the writing of this report, no report from ANC 5C has been submitted to the record.