

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: May 10, 2019

SUBJECT: BZA Case 19971 (South Capitol Street SE) to permit a Basic Utility Use in the RA-1 Zone.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle U §203.1(p); Utility Use.

The Zoning Commission is considering a text amendment in ZC Case No. 19-04 that would permit certain community solar facilities as a matter-of-right. The Commission is scheduled to take proposed action on May 13, 2019.

II. LOCATION AND SITE DESCRIPTION

Address	South Capitol Street SE
Applicant	GRID Alternatives, Mid-Atlantic, on behalf of the District of Columbia
Legal Description	Square 6274, Lots 800, 801, and 802
Ward / ANC	8 / 8D
Zone	RA-1 - provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.
Lot Characteristics	The property consists of the following three irregularly shaped lots: Lot 800: 262,245 sq. ft. Lot 801: 17,099 sq. ft. Lot 802: 392,011 sq. ft.
Existing Development	The property is the site of Oxon Run Park.
Adjacent Properties	To the west and south is the Oxon Run stream valley, to the east, across Southern Avenue, SE is Maryland, and to the north is commercial development in the Mixed-Use zone.
Surrounding Neighborhood Character	The surrounding area is mostly undeveloped green space with mixed-use and residential development to the north and west.

Board of Zoning Adjustment
District of Columbia

Proposed Development	The Applicant is proposing to subdivide the three lots into a single lot of record and install a ground-mounted community solar facility, with no occupiable buildings or structures, that would be managed by the District Department of General Services.
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III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Zone – RA-1	Regulation	Existing	Proposed ¹	Relief
Lot Area F § 201.4	As prescribed by BZA	15.44 acres	15.44 acres	Conforming
Height F § 303	40 ft. max.	N/A	6 ft.	Conforming
Lot Occupancy F § 304	40% max.	N/A	25%	Conforming
Rear Yard F § 305	20 ft. min.	N/A	20 ft.	Conforming
Side Yard F § 306	3 inches/foot of building height	N/A	8 ft.	Conforming
Utility Use U § 203	Utility uses permitted as special exceptions	None	Community Solar Facility	Special Exception Requested

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle U § 203.1(p)

U § 203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

(p) Utility uses subject to the following conditions:

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

Not applicable, the proposed community solar facility would 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 Applicant is proposing to meet the required rear and side yard setbacks. The Applicant is proposing to install landscaping at the northern property line, adjacent to South Capitol Street, SE. The plant material proposed includes a mix of trees and shrubs (Exhibit 30B, dated May 1, 2019). The east, west, and south property lines would be buffered by Oxon Run and Barnaby Run.

The Applicant states that an eight-foot (8 ft.) fence will be located on the perimeter of the site (Exhibit 30, dated May 1, 2019). The location of the fence should be shown on the plans and the Applicant should provide a detail for the proposed fence.

¹ Information provided by the Applicant in Exhibit 5, dated January 18, 2019.

- (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*

Not applicable, the proposed community solar facility would not include a freestanding structure for use as an optical transmission node.

X § 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed community solar facility would further the District’s renewable energy goals and would further the District’s goals to provide the long-term financial benefits of solar energy production to low-income households. As designed, the facility would satisfy the review criteria for a utility use in this zone.

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

The proposed community solar facility would meet the required side and rear yard setback requirements of the RA-1 zone. Proposed fencing, landscaping, and the existing stream buffers would provide buffering and screening of the ground-mounted solar array.

- (c) *Will meet such special conditions as may be specified in this title.*

See analysis under Subtitle U § 203.1 above.

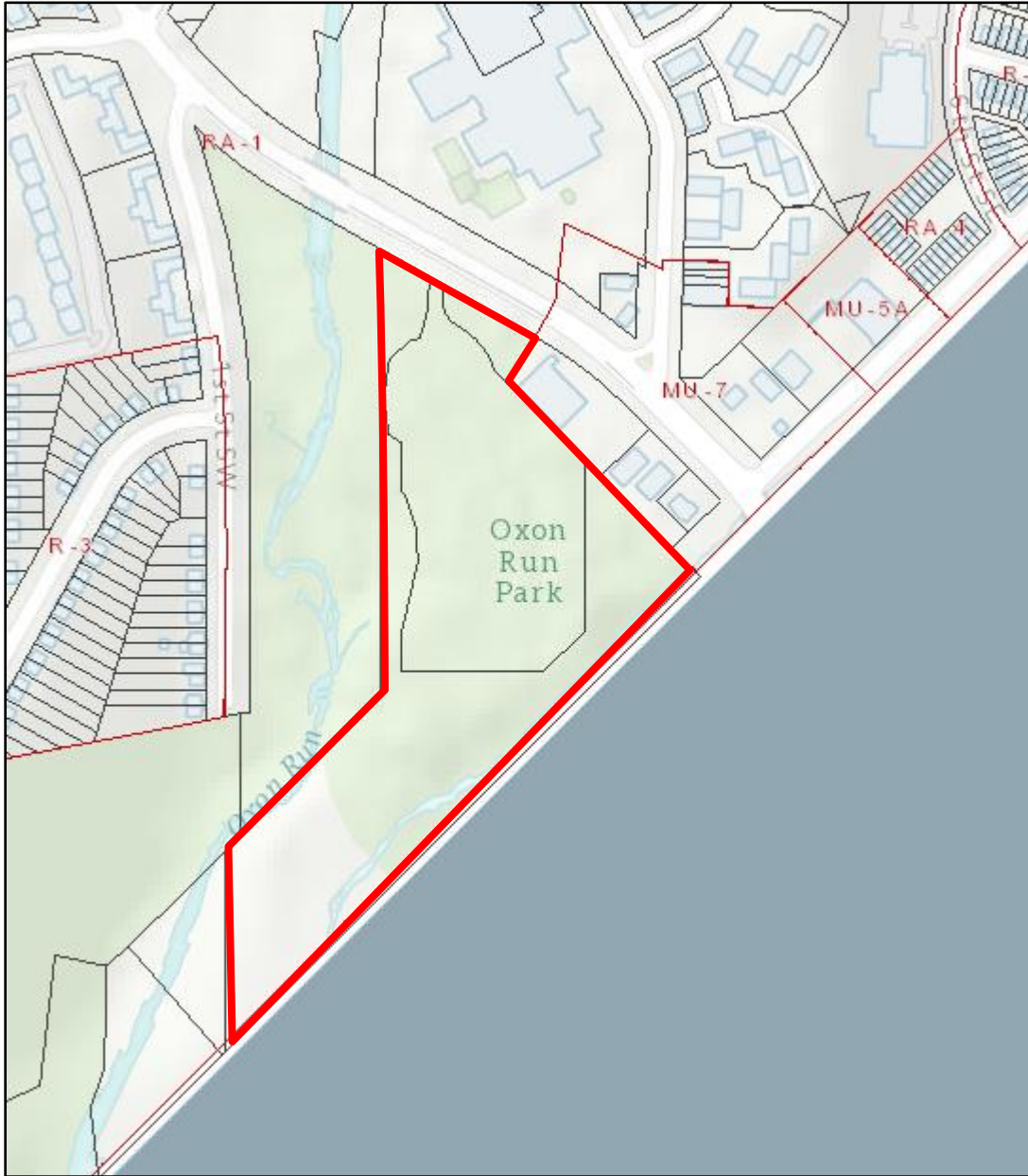
V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from District Agencies had not been submitted in the record at the time this report was written. The Applicant notes in Exhibit 30C that representatives of the District Department of Energy and Environment and Department of General Services would provide testimony at the public hearing.

VI. COMMUNITY COMMENTS TO DATE

Comments from ANC 8D had not been submitted in the record at the time this report was written.

Attachment: Location Map



Location Map: Square 6274, Lots 800, 801, and 802