

January 18, 2019

Applicant's Statement of Burden of Proof
Board of Zoning Adjustment

Application of Grid Alternatives Mid-Atlantic on behalf of the District of Columbia
Square 6274 Lots 800, 801 and 802
ANC 8D

This statement is submitted by Grid Alternatives Mid-Atlantic ("GRID"), on behalf of the District of Columbia Government, pursuant to 11 DCMR Subtitle X § 901.2 in support of its petition for special exception approval to locate a Basic Utility—Facility for Renewable Energy Generation ("Proposed Use") in the RA-1 Zone District exceptions under the use provisions of Subtitle U § 420(a).

Pursuant to Subtitle Y § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment ("BZA" or the "Board") no fewer than twenty-one days prior to the public hearing for the application. In this statement and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception and variances. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

I. Background

A. Description of Site and Surrounding Area

The 15.44-acre site consists of three lots within Square 6274, Lot 800, 801 and 802 which were subject of an administrative transfer of jurisdiction to the District from the National Park Service in 1972. ("Subject Property"). The applicant is working to combine the three lots and will do so prior to submission of building permits.

The Subject Property is vacant and is primarily gently sloping grassy land; with steeper slopes along eastern edge of lot 802, which run along a stream bank along the Maryland border and Oxon Run Drive. Along South Capitol Street, several one-story retail buildings are located to the northeast of the property. The site is separated from residential properties to the west by Oxon Run and its stream buffer. The Subject Property is surrounded by RA-1 zoning on all sides, with the exception of MU-7 zoning along South Capitol Street, which is occupied by one-story retail buildings. The property across Oxon Run Drive in Maryland is used as a retail shopping center.

B. Existing Zoning

The RA-1 zone district permits utility uses as a special exception.

II. Project Description

The District of Columbia Department of General Services (“DGS”) issued a Request for Proposal for Design-Build Services for Community Renewable Energy Facility in July of 2017, with the goal of reducing energy consumption from existing energy sources while lowering energy costs for District residents. GRID Alternatives Mid-Atlantic (“GRID”) was awarded the project’s letter contract on March 22, 2018. As the winning bidder, GRID is responsible for designing, construction, commissioning and utility interconnection of the community solar facility. After construction, DGS will assume management of the facility while ongoing Operation and Maintenance provided by contractor as option years to the contract.

GRID, a regional affiliate of GRID Alternatives, serves low-income communities throughout D.C., Maryland, Virginia, and Delaware with single-family rooftop, multifamily affordable housing and community solar installations that target a 50% monthly electricity bill savings for each low-income participant. GRID’s work in the multifamily affordable housing area and the development of community solar facilities has also serves low-to-moderate income clients who live in multifamily buildings or in homes that are not suitable for solar. In addition to direct bill impacts, GRID also provides educational and subscriber management services to residents and managers of multifamily buildings and community solar subscribers, encouraging the entire community to take advantage of the benefits of solar.

As shown on the attached plan, this will be a ground mounted community solar facility, with no occupiable buildings or structures. The solar arrays will be laid out in modules that are 13 feet wide separated by nine-foot wide mowing strips. In addition to the solar arrays, facilities on the site will include transformers and invertors. An eight-foot tall fence will be located on the perimeter of the site. Access will occur from an existing curb cut on from the end of the existing Southern Avenue right of way. A gravel drive and yard will be provided for maintenance vehicles.

The proposed use will conform with the Development Standards for the RA-1 outlined in Chapter 3 of the Zoning Regulations.

- The use is not subject to the maximum floor area limitations of the zone, as solar panel and invertors comprise use.
- The panels are approximately 6’ tall, lower than the RA-1 height limit of 40’.
- Based on the definition of lot occupancy and building area, the proposed solar arrays would not count in lot occupancy. However, if the structures did count in lot occupancy, you would be at 25%, which is below the 40% permitted in the RA-1
- The solar panels are setback a minimum of 20’ feet from all existing and proposed exterior property lines, which meets both the minimum Rear Yard Requirement of 20’ and 8’ minimum side yard requirement.
- As the proposed use is comprised of non-occupiable structures and not buildings, the proposed use is not subject to the Green Area Ratio requirements.

With 360w solar modules, this project is anticipated to produce 3,582,360 kWh of electricity. The energy produced on site will first be available to income-qualified consumers from Ward 8. It is anticipated that between 850 and 885 households will be subscribed to the system and that on

average subscribers will use approximately 4,000 kWh per year, resulting in a financial savings of between \$220 and \$230 per year for subscribed households.

The Proposed Use will generate minimal traffic as there are no daily visits to the site. Maintenance will occur monthly for site clearing and mowing, potential troubleshooting of array issues and module cleaning.

Approximately 75% of the solar arrays will face south and 25% will face southwest away from the residences along 1st Street SW, which are further protected from glare by existing vegetation. There are no residences to the south and the businesses across the Maryland border along Oxon Run Drive will be protected by glare by existing vegetation.

The site will be fenced in entirely for security.

III. Special Exception Requirements

A. Applicant's Request

The Applicant seeks special exception approval pursuant to Subtitle U Section 203.1(p) to allow a community solar facility as a basic utility in the RA-1 zone.

B. Board of Appeal's Authority to Grant Special Exception Approval

1. Pursuant Subtitle X Section 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, "[t]he Board's discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation." *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

The Project is in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, since the proposed use will have minimal traffic impact and is a quiet use of an underutilized tract. The project will promote the District of Columbia's sustainability goals and provide less expensive, clean energy to families in the area.

2. The project satisfies the special conditions for special exception approval under Subtitle 420.1. These requirements are as follows.

- a. *An electronic equipment facility shall not be permitted;*

Not applicable

- b. *Any requirements for setbacks, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood; and*

As shown on the attached plan, the Proposed Use will be properly setback and screened from the area either by existing buildings, the existing tree buffer of Oxon Run and a fence along the street frontages.

- c. *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;*

Not applicable.

IV. Community Outreach

According to the ANC 8D's procedures and guidelines the Department of Energy & Environment (DOEE) and/or GRID will present the project at ANC 8D's next available public meeting after submission.

V. Conclusion

For the reasons above, the Proposed Use meets the applicable standards for special exception approval under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant approval of the application.