

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS}Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: May 8, 2019
SUBJECT: ZC Case 19-04 – Supplemental Report for a Proposed Text Amendment to Subtitles B, C, H, K, and U

I. BACKGROUND

At its April 29, 2019 Public Meeting, the Zoning Commission did not take action on Z.C. Case No. 19-04 and instead requested that the Office of Planning (OP) provide alternatives for consideration on May 13th. The alternatives are provided in a matrix in Section III of this report.

OP has continued to coordinate with the Department of Energy and Environment (DOEE) and has determined that of the 55 projects in the pipeline for fiscal year 2019, all but four projects are projected to be roof-mounted.

II. RECOMMENDATION

OP recommends that the Zoning Commission extend the Emergency and Proposed Rulemaking (Z.C. Case No. 19-04) to ensure a path forward for pending cases that may not have obtained permits prior to the June 11, 2019 expiration and would not be able to apply for permits under the pending text amendment.

In consultation with DOEE, OP recommends:

- A fine-tuned definition of Community Solar Facility;
- The height of ground mounted arrays be limited to twenty feet (20 ft.) as a matter of right which is half the matter of right height in the R-1 and R-2 zones and should address the concerns about intrusions into views; and
- The special exception threshold be two acres and that the two acres be calculated based on the total surface area of solar panels as opposed to the boundary of a lot.

OP recommends that the Zoning Commission **approve** the following text amendments to Subtitles B, C, H, K, and U of Title 11 DCMR (Zoning Regulations of 2016), as detailed in Section IV of this report.

- 1) Revision to Definitions (Subtitle B, Chapter 1) for:
 - New definition for Community Solar Facility (CSF).
 - 2) Revision to Use Categories (Subtitle B, Chapter 2) for:
 - Basic Utilities to exempt a CSF.
 - 3) Revision to Penthouses (Subtitle C, Chapter 15) for:
 - Penthouse General Regulations to permit solar canopies on top of a parking garage.
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- 4) Revision to Use Permissions (Subtitle H, Chapter 11).
- 5) Revision to Use Permissions (Subtitle K, Chapters 4, 6, and 9).
- 6) Revision to Use Permissions (Subtitle U, Chapters 2, 6, and 8).

Should the Commission take proposed action, OP requests the flexibility to work with the Office of Attorney General to clarify the language to be included in the notice of proposed rulemaking.

III. MATRIX OF ZONING COMMISSION COMMENTS AND DECISION POINTS

Proposed Amendment: Community Solar Facility Definition
<p>Community Solar Renewable Energy Facility: A solar energy facility that is directly interconnected with the Electric Company's distribution system of the electric company, as defined by D.C. Official Code § 34-207, and that does not exceed five (5) megawatts in capacity, where the monetary value of the electricity generated by the facility is credited to the subscribers, which must number at least two (2). The generation and subsequent sharing, through virtual net metering, of renewable energy generated by a community solar energy system financially funded in whole or in part by the Department of Energy and Environment. Community solar energy systems commonly take the form of shared Community solar facilities are characterized by the sharing of electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.</p> <p>(FINAL VERSION: Community Solar Facility: A solar energy facility that is directly interconnected with the distribution system of the electric company, as defined by D.C. Official Code § 34-207, and that does not exceed five (5) megawatts in capacity, where the monetary value of the electricity generated by the facility is credited to the subscribers, which must number at least two (2). Community solar facilities are characterized by the sharing of electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.)</p>
<p><u>Zoning Commission comments:</u></p>
<ul style="list-style-type: none">• No comments.
<p><u>OP Recommendation:</u></p>
<p>Adopt Community Solar Facility (CSF) definition as proposed, including modification to define the electric company in D.C. Official Code § 34-207.</p>
<p><u>Zoning Commission Decision:</u></p>
Proposed Amendment: Exempt Community Solar Facility from Basic Utility Use Category
<p>200.2 When used in this title, the following use categories shall have the following meanings:</p>

...

(f) Basic Utilities:

...

- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation other than a community solar facility, or utility pumping station; and
- (4) Exceptions: This use category does not include a community solar facility or uses which would typically fall within the antennas, ~~community solar~~ renewable energy facility, or waste-related services use categories;

Zoning Commission comments:

- No comments.

OP Recommendation:

Adopt revisions to Basic Utility Use Category as proposed to clarify that a Community Solar Facility (CSF) is not a basic utility use.

Zoning Commission Decision:

Proposed Amendment: Penthouse General Regulations

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, ~~or~~ electronic equipment of a type not necessary to the operation of the building or structure, or solar canopies on top of a parking garage. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Zoning Commission comments:

- No comments.

OP Recommendation:

Adopt revisions to Penthouse General Regulations as proposed.

Zoning Commission Decision:

Proposed Amendment: Matter-of-Right Permission for NC, HE, STE, and WR Zones in Subtitles H and K

The following uses in this section shall be permitted as a matter of right:

Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback height development standards of the zone.

(FINAL VERSION: Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone)

Zoning Commission comments:

- Concerns about sightlines and viewsheds with the original zone-based height limit.
- Concerns about impacts to District-funded projects.

OP Recommendation:

OP recommends that the Commission adopt the 20-foot height limit to preserve viewsheds.

OP also recommends basing the 2-acre threshold on panel face rather than land area to not unduly penalize large properties. DOEE supports the 2-acre threshold and believes it would accommodate existing and proposed facilities in the pipeline.

Zoning Commission Decision:

Proposed Amendment: Special Exception Permission for NC, HE, STE, and WR Zones in Subtitle H and K

In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

Community solar facility not meeting the requirements of - § ---, subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhoodthe following:

- (1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:
 - (A) The trees shall be maintained in a healthy growing condition;
 - (B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and
 - (C) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval Subtitle J-11 according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

Zoning Commission comments:

- Look at options for buffering and screening.
- Protect adjacent residential neighborhoods.

OP Recommendation:

Adopt revisions to special exception provisions as proposed.

Zoning Commission Decision:

Proposed Amendment: Use Permissions, Subtitle U, Chapter 2 Residential House (R) Zones

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

- (c) **Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback height development standards of the zone.**

Zoning Commission comments:

- Concerns about sightlines and viewsheds with the original zone-based height limit.
- Concerns about impacts to District-funded projects.

OP Recommendation:

OP recommends that the Commission adopt the 20-foot height limit to preserve viewsheds.

OP also recommends basing the 2-acre threshold on panel face rather than land area to not unduly penalize large properties. DOEE supports the 2-acre threshold and believes it would accommodate existing and proposed facilities in the pipeline.

Zoning Commission Decision:

Proposed Amendment: Use Permissions, Subtitle U, Chapter 2 Residential House (R) Zones

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:

...

(r) Community solar facility not meeting the requirements of K § 612.1(y), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood~~the following:~~

~~(1) Provision of a fifteen-foot (15 ft.) landscaped buffer with evergreen trees planted subject to the following conditions:~~

~~(A) The trees shall be maintained in a healthy growing condition;~~

~~(B) The trees shall be a minimum of eight feet (8 ft.) high when planted; and~~

~~(C) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval Subtitle J-11 according to standards maintained by the Department of Energy and Environment's Soil Erosion and Storm Management Watershed Protection Technical Services Branch, which may require replacement of heavy or compacted soils with top soil and drainage mechanisms as necessary.~~

Zoning Commission comments:

- Look at options for buffering and screening.
- Protect adjacent residential neighborhoods.

OP Recommendation:

Adopt revisions to special exception provisions as proposed.

Zoning Commission Decision:

Proposed Amendment: Use Permissions, Subtitle U, Chapter 2, Section 250 Accessory Use Permissions R Zones

250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:

...

(g) Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback height development standards of the zone.

Zoning Commission comments:

- Concerns about sightlines and viewsheds with the original zone-based height limit.

- Concerns about impacts to District-funded projects.

OP Recommendation:

OP recommends that the Commission adopt the 20-foot height limit to preserve viewsheds.

OP also recommends basing the 2-acre threshold on panel face rather than land area to not unduly penalize large properties. DOEE supports the 2-acre threshold and believes it would accommodate existing and proposed facilities in the pipeline.

Zoning Commission Decision:

Proposed Amendment: Use Permissions, Subtitle U, Chapter 6, Matter-of-Right Uses on Alley Lots R, RF, and RA Zones

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

...

- (f) Community solar renewable energy facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback height development standards of the zone.

Zoning Commission comments:

- Concerns about sightlines and viewsheds with the original zone-based height limit.
- Concerns about impacts to District-funded projects.

OP Recommendation:

OP recommends that the Commission adopt the 20-foot height limit to preserve viewsheds.

OP also recommends basing the 2-acre threshold on panel face rather than land area to not unduly penalize large properties. DOEE supports the 2-acre threshold and believes it would accommodate existing and proposed facilities in the pipeline.

Zoning Commission Decision:

Proposed Amendment: Use Permissions, Subtitle U, Chapter 8 Matter-of-Right Uses Production Distribution and Repair (PDR) Zones

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

(cc) Community solar renewable energy facility subject only to the yard and height development standards of the zone.

Zoning Commission comments:

- General support for matter-of-right provision for CSFs in PDR zones.

OP Recommendation:

Adopt PDR use permissions as proposed without changes.

Zoning Commission Decision:

IV. PROPOSED TEXT AMENDMENTS

The proposed text amendments are as follows. Text in **bold underline** is new proposed text; the text in **bold strikethrough** is a proposed deletion.

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

Community Solar Facility: A solar energy facility that is directly interconnected with the distribution system of the electric company, as defined by D.C. Official Code § 34-207, and that does not exceed five (5) megawatts in capacity, where the monetary value of the electricity generated by the facility is credited to the subscribers, which must number at least two (2). Community solar facilities are characterized by the sharing of electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

...

Subparagraph (4) of paragraph (f) of § 200.2 of § 100, DEFINITIONS, of Chapter 2, USE CATEGORIES of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

...

(f) Basic Utilities:

- (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;
- (2) This use commonly takes the form of infrastructure services which are provided city-wide;
- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation **other than a community solar facility**, or utility pumping station; and
- (4) Exceptions: This use category does not include **a community solar facility or** uses which would typically fall within the antennas or waste-related services use categories;

...

Subsection 1500.5 of § 1500, PENTHOUSE GENERAL REGULATIONS, of Chapter 15 PENTHOUSES of Subtitle C, GENERAL RULES, is amended as follows:

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, ~~or~~ electronic equipment of a type not necessary to the operation of the building or structure, **or solar canopies on top of a parking garage**. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (r) as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

...

(p) Transportation infrastructure; **and**

(q) Daytime care; **and**

(r) Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.

Subsection 1105.1 of § 1105, SPECIAL EXCEPTION USES (NC-USE GROUP A), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (i) as follows:

1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(g) Utilities uses, other than an optical transmission node, but not including an EEF use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; **and**

(h) Animal boarding uses not meeting the conditions of Subtitle H § 1101.4 (g)(3), subject to the following: **and**

...

(9) External yards or other exterior facilities for the keeping of animals shall not be permitted: **;**

- (i) Community solar facility not meeting the requirements of H § 1103.1(r), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.**

Subsection 1107.1 of § 1107, SPECIAL EXCEPTION USES (NC-USE GROUP B), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (k) as follows:

1107.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (i) Utilities uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; **and**
- (j) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following Subtitle H-51 conditions: **and**

...

- (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;

- (k) Community solar facility not meeting the requirements of H § 1103.1(r), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.**

Subsection 1109.1 of § 1109, SPECIAL EXCEPTION USES (NC-USE GROUP C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (h) as follows:

1109.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

- (f) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:
...
 - (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; ~~and~~
- (g) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; and
- (h) Community solar facility not meeting the requirements of H § 1103.1(r), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.**

Subsection 410.3 of Section 410, USE PERMISSIONS (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (o) as follows:

410.3 The following uses are permitted in the HE zones:

- ...
- (m) Retail; ~~and~~
- (n) Service, general and financial; and
- (o) Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.**

Subsection 412.1 of Section 412, USES PERMITTED BY SPECIAL EXCEPTION (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (j) and renumbering as follows:

412.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, subject to Subtitle K § 413 and any applicable provisions of this section:

- ...
- (j) Community solar facility not meeting the requirements of K § 410.3(o), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood; and**

- (jk) Other principal uses that are not permitted by Subtitle K § 410, but not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle X and Subtitle K § 416; provided the Zoning Commission considers that the use is appropriate in furthering the purposes of the HE zones.

Subsection 612.1 of Section 612, USE PERMISSIONS (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (y) as follows:

612.1 The following uses categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

...

- (w) Service, general and financial; ~~and~~
- (x) Transportation infrastructure; ~~and~~
- (y) Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.

Subsection 614.1 of Section 614, USED PERMITTED BY SPECIAL EXCEPTION (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X, the criteria set forth in Subtitle K § 615.2, and subject to applicable conditions of each section as stated below:

...

- (b) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

(6) The Board of Zoning Adjustment may approve a CBIF for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and there is no other reasonable alternative to meet the program needs of that area of the District of Columbia; **and**

(c) Community solar facility not meeting the requirements of K § 612.1(y), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.

Subsection 911.1 of Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (n) as follows:

911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

...

(l) Retail subject to the conditions of Subtitle K § 912.10; **and**

(m) Transportation infrastructure; **and**

(n) Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.

Subsection 913.1 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

913.1 The following uses shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and subject to the applicable provisions of each section:

...

(b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

(6) The Board of Zoning Adjustment may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District; **and**

(c) Community solar facility not meeting the requirements of K § 612.1(y), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.

Subsection 913.2 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (g) as follows:

913.2 The following uses shall be permitted as a special exception WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(f) All motor vehicle related uses are prohibited except motor vehicle sales, which may be permitted as a special exception subject to the following conditions:

...

(7) The Board of Zoning Adjustment shall find that the use does not impair the overall pedestrian or retail environment of the neighborhood; **and**

(g) Community solar facility not meeting the requirements of K § 612.1(y), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.

Subsection 913.3 of Section 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (c) as follows:

913.3 The following uses shall be permitted as a special exception WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 913.1(b); **and**

- (c) **Community solar facility not meeting the requirements of K § 612.1(v), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.**

Subsection 201.1 of Section 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (c) as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

- (a) A principal dwelling unit shall be permitted as follows:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an attached building; ~~and~~

- (b) Clerical and religious group residences for no more than fifteen (15) persons; **and**
- (c) **Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.**

Subsection 203.1 of Section 203, SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (r) as follows:

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:

...

- (q) Any use within a District of Columbia former public school building that does not comply with the matter of right conditions of Subtitle U § 252 subject to the special exception conditions of Subtitle U § 252; **and**
- (r) **Community solar facility not meeting the requirements of K § 612.1(v), subject to any requirements for buffering, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood.**

Subsection 250.1 of Section 250, ACCESSORY USES (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (g) as follows:

250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:

...

- (e) An accessory apartment subject to the conditions of Subtitle U § 253; **and**
- (f) Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one (1) sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period; **and**
- (g) Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.**

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (f) as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

...

- (d) Parking subject to the following conditions:
 - ...
 - (3) Parking garage on a lot not containing another use shall meet the following conditions:
 - ...
 - (C) The building shall open directly onto an alley; **and**
- (e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:
 - ...
 - (5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment; **and**

- (f) Community solar facility, including roof-mounted solar arrays of any size or ground-mounted solar arrays measuring no greater than twenty feet (20 ft.) in height with a panel face area of two (2) acres or less, subject only to the yard and setback development standards of the zone.**

Subsection 801.1 of Section 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, MATTER-OF-RIGHT USES (PDR) of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (cc) as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

- (aa) Waste incineration, including for conversion to energy subjects to the Standards of External Effects in Subtitle U §804, and the use shall not be permitted on any lot located in in whole or in part within one hundred feet 100 ft.) of a residential zone; **and**
- (bb) Wholesale or storage establishment, including open storage, except a junk yard; **and**
- (cc) Community solar facility subject only to the yard and height development standards of the zone.**

JS/emv