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District of Columbia
The Honorable Muriel Bowser

Chairman
Council of the District of Columbia
The Honorable Phil Mendelson

Executive Director
Marcel Acosta

**IN REPLY REFER TO:
NCPC File No. ZC 19-04**

JUL 11 2019

**Zoning Commission of the
District of Columbia
441 4th Street, NW
2nd Floor, Suite 210
Washington, DC 20001**

Members of the Zoning Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the revised text amendment regarding the Community Renewable Energy Facility definition and its permitted use in various zones would not be inconsistent with the Comprehensive Plan or any other federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

**Marcel C. Acosta
Executive Director**

Enclosure

cc: Andrew Trueblood, Director, District of Columbia Office of Planning
Anthony Hood, Chairman, Zoning Commission



Delegated Action of the Executive Director

PROJECT
Text Amendment Regarding Community Renewable Energy Facility Definition and Permitted Use Location - DC Office of Planning

Washington, DC

REFERRED BY
Zoning Commission of the District of Columbia

NCPC FILE NUMBER
ZC 19-04

NCPC MAP FILE NUMBER
00:00(06.00)44892

DETERMINATION
Approval of report to the Zoning Commission of the District of Columbia

REVIEW AUTHORITY
Advisory
per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

The Zoning Commission has referred a revised emergency text amendment to the Zoning Regulations that would apply city-wide and facilitate implementation of community solar installations, known as Community Renewable Energy Facilities (CREF). The revised text amendment both defines the CREFs and identifies which zoning districts in which they would be permitted. These installations would provide the benefits of solar energy to residents who are not able to install solar on their residences due to physical limitations or cost. It accomplishes this by allowing members to receive a credit on their electricity bill each month for their share of a solar installation not located on their residence. The District states that community solar installations are a key component of efforts to meet the target of 100% renewable energy by 2032 included in the Clean Energy DC plan to implement the Clean Energy DC Omnibus Act of 2018. As part of these efforts the District Department of Energy and the Environment (DOEE) launched its Solar-for-All program to reduce the electric bills of at least 100,000 District low-income households with high energy burdens by at least 50% prior to December 31, 2032. DOEE has issued \$13 million in grants under the Solar-for-All program for community solar installations which must be completed prior to the end of this fiscal year on September 30, 2019.

The Office of Planning notes as background in the revised text amendment that "...the Zoning Regulations do not specifically regulate solar arrays as a use, community solar installations have been deemed to fall within the "Basic Utility" use category requiring a special exception to operate. DOEE is concerned that requiring community solar installations to obtain a special exception adds delay and expense and would adversely impact DOEE and the District's achievement of the solar and renewable energy targets of the Clean Energy DC plan by potentially jeopardizing the 22 megawatts of planned community solar projects funded by DOEE's Solar-for-All program."

Since this was first reviewed by NCPC in March 2019, the Office of Planning has continued to revise the text with input from the Department of Energy and the Environment, the Zoning Commission and others and has introduced additional language that will place greater limitations on the overall height, distance from existing structures, and other criteria to reduce impacts to

adjacent neighboring properties. Specifically, the height of these structures will be limited to 20 feet, buffers of 40 feet are required in specific zones, setbacks are required in every zone, and the Board of Zoning Adjustment must review and approve any solar panel array greater than 1.5 acres. Staff notes that larger solar arrays could negatively impact important viewsheds, especially from federal parklands and the Civil War Defenses of Washington. Project applicants should try to avoid impacts to this federal interest when siting and screening new solar arrays.

This revised text amendment affects several zoning districts citywide by allowing solar energy system as a use. Since no specific locations are identified with the text amendment and the Federal Element Comprehensive Plan includes policies that support the use of alternative energy sources, staff continues to support the amendment.

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Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the revised text amendment regarding the Community Renewable Energy Facility definition and its permitted use in various zones will not be inconsistent with the Comprehensive Plan or any other federal interests.



Marcel Acosta
Executive Director

7/3/2019
Date