

Concerned Citizens of Woodridge

Association founded July 2019 under D.C. Code § 29-1100

Governing Principles

Principles created July 2019; Unrevised

Concerned Citizens of Woodridge (CCOW) is an unincorporated non-profit citizens association reorganized per D.C. Code § 29-1100, *inter-alia*, also known as the D.C. Unincorporated Non-Profit Association Act of 2012.

Per the law, the following “Governing Principles” prescribe how CCOW operates so to meet the objectives of the association. CCOW’s Governing Principles act as an extension of, or take precedent in lieu of the specific requirements of D.C. Code § 29-1100, *inter-alia*.

Association Mission

CCOW seeks to protect and preserve the personal and property interests and welfare of DC residents, families, and those living, working, and playing in the historic and unique Woodridge neighborhood located in WARD 5 of the District of Columbia.

Association Purpose

CCOW is an unincorporated non-profit citizen association that meets in-person and/or by teleconference to discuss, evaluate, and act on basic planning science, agency reports, empirical socio-economic data, municipal planning tenants and the law, taken all together to seek to preserve and protect the personal and property interests and welfare of participating members and to mitigate against displacement pressures, negative environmental and health impacts, and other adverse effects on the Woodridge community, public services, public land and assets.

Association Structure

CCOW is a fluid and flexible citizens association with very light financial liabilities, and consists of an all-volunteer membership, unless determined that paid contractors or consultants are required on a per project basis. CCOW managers guide the general direction of the association and activities therein, and keep the members informed of association activities and other development news that may affect the membership. Active members keep abreast of the news and association activities, provide volunteer help and in-kind assistance when possible, issue consensus on major association decisions and expenditures, and can petition managers for assistance in matters where development policies, projects, and real-estate concerns may affect their quality of life.

CCOW Participants (Members)

Any resident or family living in Woodridge or the adjoining neighborhoods of Brookland, North Michigan Park, Michigan Park, Langdon, Gateway, or Fort Lincoln in the District of Columbia, can be a participating member of CCOW so as long as they agree with and support the CCOW mission and agree to receive news and updates from CCOW. Members are expected to participate in regular meetings and to vote on leadership and major decisions. CCOW members can participate through meetings, the signing of petitions, and otherwise being active in CCOW campaigns and projects. Any CCOW participant may petition CCOW Facilitators for representation at administrative hearings, through court filings, or at any other proceeding or meeting, legally-related or otherwise, regarding the protection of their personal and property interests, including that of public property, or instances that may adversely impact the health and welfare of those in the Woodridge Community. CCOW Facilitators can review said requests and Facilitators would vote on whether to proceed. CCOW members must not have a conflict of interest with CCOW's mission or activities. If CCOW members no longer support the Mission of CCOW, their membership will be revoked or they may resign. Demonstrated threats to CCOW members driven by development projects or any other activities in the District of Columbia, or from elsewhere, must be concrete, direct, and not speculative. When CCOW Facilitators reach out to CCOW participants seeking consent on a major question or decision regarding the association, affirmative consent is presumed given by default unless individual CCOW participants actively submit opposition in writing blocking the decision within the timeframe set forth with the question.

CCOW Facilitators (Managers)

The founders of CCOW are the original managers of this unincorporated non-profit citizens association per DC Code § 29-1100, *inter-alia*. CCOW managers will be known as Facilitators. Facilitators can call meetings and implement participant polls, and can conduct business on behalf of CCOW if the business involves limited financial expenditures (less than \$750.00). Facilitators can make legal representations on behalf of CCOW before administrative agencies, courts, or other such entities, and can otherwise choose who may represent CCOW before said entities. CCOW Facilitators will inform and update CCOW participants about CCOW campaigns and activities. Facilitators may resign in writing at any time by sending a note to the list of CCOW participants. Facilitators must be re-affirmed by membership at least every two years. There shall be no more than eight CCOW Facilitators operating in good-faith at any given time. CCOW Facilitators may seek consensus of CCOW participants in selecting new CCOW Facilitators. If all CCOW Facilitators resign, CCOW as an association shall dissolve and cease operations. Expenditures by the association of more than \$750.00 requires the consent of active participating CCOW participants. CCOW Facilitators may choose to hire consultants or contractors to assist the work of CCOW. Facilitators swear to uphold the mission of CCOW as stated above.

[NAMES AND SIGNATURES OF FOUNDERS ON FOLLOWING PAGE]

FOUNDERS OF CONCERNED CITIZENS OF WOODRIDGE

Deborah Holmes 7/28/19 Deborah Holmes
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Joyce Chandler 7/28/2019 Joyce Chandler * resident agent
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Karen Dumas 7/28/19 Karen Dumas
3726 30th Place, NE Washington, DC 20018

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2872 PERRY ST, NE Washington DC 20018

§ 6–641.02. Zoning regulations — Purpose.

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

§ 6–641.11. Construction.

Wherever the regulations made under the authority of this subchapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute or municipal regulations, the regulations made under authority of said sections shall govern. Wherever the provisions of any other statute or municipal regulations require a greater width or size of yards, courts, or other open spaces or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of said sections, the provisions of such other statute or municipal regulation shall govern.

Comments by Concerned Citizens of Woodridge (CCOW-DC)

Re: ZC Case No. 19-04, affecting citywide regulations as to Solar Utility approvals

July 29, 2019

The Construction of the Zoning Regulations currently seek to enforce restrictions on land use that may impair the use of and adversely affect enjoyment of existing land uses in any area of the city. See § 6–641.11.

In ZC Case No. 19-04, the Commission and Office of Planning do an end-run-around the restrictions of new industrial uses of land in sensitive residential areas such as Upper Northeast and beyond. In this case, allowing for the construction of a very large solar array utility and industrial power use within our community and doing so without public discussion and an impact analysis. The current regulations require a public hearing and special exception for such a utility use nearby a sensitive residential area. Putting a such a large new solar power facility, a utility and industrial use within the midst of people’s homes without a hearing makes a mockery of the purpose and intent of the Zoning Regulations. § 6–641.02.

Moreover, changing the regulations so that there are no required public hearings for a special exception when approving a new large utility industrial use such as a 5000+ panel solar utility and power plant facility within a residential community fails many guiding policies of the Comprehensive Plan, thus showing Case No. 19-04 is inconsistent overall with the Plan itself. This decision, while pointedly being used to authorize the immediate construction in service to one application in Ward 5 is anathema to “planning” and imperils all sensitive residential communities to new utility/ industrial facilities like this without any kind of oversight and conditions that would otherwise come from a public hearing for a special exception as required now. There is no other intent here but to weaken the laws, weaken protections, and weaken the purpose of the zoning regulations without any explanation why evaluation of the adverse affects as such citywide isn’t needed. This is abominable and unacceptable.

Case No. 19-04 must not be approved as is. We ask the Commission not implement a citywide rule change without looking at impacts of said elimination of the exception rule citywide.

ZC CASE NO. 19-04 CONTRAVENES THE FOLLOWING COMPREHENSIVE PLAN POLICIES (10A DCMR), AMONG OTHERS

Policy LU-2.1.5: Conservation of Single Family Neighborhoods – Protect and conserve the District stable, low density neighborhoods and ensure their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low character, preserve open space, and maintain neighborhood scale.

19-04 proposed text amendment changes would not allow for careful management and development for maintaining the low density neighborhoods and ensure zoning reflects their established low density character because the matter-of-right installation to have community input and the opportunity to mitigate adverse impacts and compliance through the BZA Special Exception Process is eliminated. CSF are known to decrease property values on residences close to the solar utility.

Policy LU-2.3.1: Managing Non Residential Uses in Residential Areas – Maintain zoning regulations and development review procedures that: (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood.

19-04 proposed text changes allows matter-of-right installation of large scale ground mounted solar arrays in residential zones in the city. This also eliminates oversight against encroachment of large scale utilities in residential neighborhoods. Currently these ground mounted solar projects are designated as a “utility”. The proposed changes and CSF land size and footprint is too large to be allowed by matter-of-right in residential areas. The size is out of scale for CSF utility in the residential area. Managing the incorporation of non residential solar utilities, twenty foot high ground mounted CSF solar panels across 1.5 acres of aggregate panel face area, is needed. Impact mitigation is needed. The changes to regulations would put no limits on the lot sizes and the potential for multiple solar ground arrays to be built on a single piece of property. These types of proposed large scale solar arrays – a utility and industrial use – must not be exempt from the Basic Utility Category and should go through the BZA process with the ANC.

19-04 is not in compliance with the Comprehensive Plan for managing non-residential uses not compatible with residential uses. Without the BZA exception process and productive community input these neighborhoods cannot limit the scale and extent of non-residential uses that are not compatible with residential uses in size and scope of CSF.

Policy UNE-1.1.10: High impact Industrial Uses – Strongly discourage the further proliferation of junkyards, scrap yards, and other high impact industrial uses within the area, since these activities do not enhance the quality of life in either the city as a whole or the surrounding residential areas of Upper Northeast. Take appropriate action to reduce the potential uses to encroach into established residential and commercial areas within Upper Northeast, and address environmental health and safety issues for employees and for those who live or work nearby.

19-04 proposed text changes allows matter-of right of large scale ground mounted solar arrays in residential zones in the city. The proposed change is to allow ground mounted CFS’s as a matter-of-right in these zones as long as they are less than 20’ high, take up more than 1.5 acres of panel face areas and meet height requirements for the zone. This is non compliant with The Comprehensive Plan. Currently BZA application (BZA Case No. 19927) Catholic Charities has a permit and is in the development phase of installing more than 5,000 solar panels on approximately 5 acres in a residential neighborhood without receiving “Special Exception” Board of Zoning approval of ground-mounted CSFs in Upper Northeast. The ANC voted “NO” and Catholic Charities still moved forward. The work-around of impact assessments and mitigation attempted here is non-compliance with the regulations purpose and disregards Plan policies concerned about the additional high impact industrial uses in Northeast. The BZA Case No. 19927 is also in non compliance with many of the environmental policies of the Comprehensive Plan. For example the spraying of a Roundup like substance without addressing environmental health and safety issues with the people who work or live nearby. The community currently does not have any voice in BZA 19927.

Policy UNE-1.2.7: Institutional Open Space – Recognize the particular importance of institutional open space to the character of Upper Northeast, particularly in and around Brookland and Woodridge.

In the event that large institutional uses are redeveloped in the future, pursue opportunities to dedicate substantial areas as new neighborhood parks and open spaces. Connections between Upper Northeast open space between McMillan Reservoir and Fort Totten also should be pursued.

19-04 proposed text changes is inconsistent with the Comprehensive Plan because the matter-of-right to move forward without the BZA special exception process unfairly eliminates the opportunity to publicly and transparently discuss the project and mitigation plan prior to approval and construction of the CSF.

Policy IM-1.1.1: Mitigation of Development Impacts & Policy IM-1.3.3: Consultation of Comprehensive Plan in Zoning Decisions & Policy IM-1.3.5: District Government Compliance

19-04 proposed text changes is inconsistent with the Comprehensive Plan because of the matter-of-right for large CSF projects will not have a BZA process to address this policy. It eliminates oversight and prevents an honest and transparent discussion as to mitigating impacts on surrounding neighbors.

19-04 proposed text changes is in non compliance with the Comprehensive Plan because of the matter-of-rights. This section of the Comprehensive Plan for CSFs would not be adhered to. Most Solar projects would be on automatic pilot and this requirement would not be enforced.

Policy E-1.5.3 Habitat Management on Private Land – Encourage environmentally sound landscaping and gardening techniques by DC homeowners and institutional landowners to maximize the habitat value of privately owned land. Such techniques should include reduction of herbicide and pesticide use; the selection of disease, drought-resistant, and native species; the removal of invasive plants; the use of rain gardens to reduce urban runoff; and landscaping that provides food and cover for wildlife.

Case No. 19-04 and future cases will likely conflict with Policy E-1.5.3 as ground mounted solar utilities typically use toxin herbicides, such as Roundup and Aqua neat, to control vegetation including trees around their solar utilities. This spraying to “kill the turf” at the Catholic Charities property despite the cancer-inducing affects of these chemical in its proximity to the surrounding homes and people.

Policy E-3.1.2 Using Landscaping and Green Roofs to Reduce Runoff – Promote an increase in tree planting and landscaping to reduce storm water runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.

Case # 19-04 could provide matter of right to solar utilities to increase runoff. Solar utilities require the removal of trees to maximize solar access. Comments from solar installation company, i.e. seem to imply that tree plantings do not align with the goals of solar utilities. Excerpt from Exhibit 38 for Case #19-04. “From a very practical sense, planting trees adjacent to solar arrays is potentially detrimental to the production of the project. Shading from said trees can negatively impact production and ultimately, could jeopardize its financing.”

Policy E-3.4.2 Transparency of Environmental Decision-Making – Ensure that discussions and decisions regarding environmental impacts and mitigation measures occur through a transparent process in which the public is kept informed and given a meaningful opportunity to participate.

Case #19-04 is in conflict with Policy E-3.4.2. Case #19-04 will allow matter-of-right for many solar utilities across the city next to sensitive residential areas and homes like ours. Under the current Board of Zoning Adjustment (BZA) process for Special Exceptions the neighbors within 200 feet of the proposed project are notified of the proposed project. Under the proposed Case #19-04 the public would not be notified of the project or allowed any input into the decision-making process for solar utilities under a certain size. They would not be able to discuss environmental impacts or possible mitigation measures for CSF. They would not be informed and have a voice in these project discussions and decisions regarding environmental impact and mitigation measures. This is not a transparent process.

Without the BZA process and notification under the matter-of-right, residents will not be aware of the environmental assessments for proposed CSF near their homes. They will be precluded from reviewing the assessments and exercising their right to communicate with decision-makers before any decision is made. Case #19-04 would negate the intent benefits of environmental assessments for the public.

Policy IM-1.5.4: Transparency in Decision-Making – Strongly encourage transparent decision-making in all land use and development matters, making information available and accessible to residents and maintaining open lines of communication with the public as plans are developed.

ZC Case No. 19-04 completely flips the above policy on its head unjustly. A permit issuance as to the Catholic Charities project was made in June 2019 granting the applicant permission to bypass the BZA Special Exception process and begin construction of a large solar utility in a residential neighborhood in the District without informing neighboring residents of the decision.

The projects that these zoning changes would unleash, like that of Cathloic Charities 5000+ solar panel array power plant utility fails: Policy LU-1.4.3: Zoning of Infill Sites, Policy LU-1.4.1: Infill Development, Policy UD-2.2. 1: Neighborhood Character and Identity, Policy UD-2.2.7: Infill Development, Policy UD-2.2.9: Protection of Neighborhood Open Space.

These comments timely submitted by Concerned Citizens of Woodridge on July 29, 2019, through IZIS to the Secretary and Zoning Commission.