



July 29, 2019

RE: ZC Case 19-04 – Proposed Text Amendment to Subtitles B, C, H, K, and U of Title 11 DCMR, ZONING REGULATIONS OF 2016 – Defining Community Solar Facility (CSF), Locating Zones in which a CSF is a Permitted or Special Exception Use, and Establishing Development Standards for a CSF

Dear Zoning Commissioners Hood, Miller, Shapiro, Turnbull, and May,

MDV-SEIA is the trade association solar installers and developers with operations and employees in the District of Columbia. We have over 150 member companies that employ over 10,000 solar workers in the Mid-Atlantic, with over 1,000 employed in the solar industry here in the District. We are writing in support of the final text amendment and proposed rulemaking to the Zoning Regulations regarding community solar installations. We believe these regulations will ensure best practices by the solar industry and will ensure solar developers and installers will have a long term, community-minded approach to construction, stormwater management, community outreach, and maintenance.

Community solar is a vital component to providing solar energy to residents who could not otherwise access solar power. Given the District's preponderance of apartment buildings, community, or shared, solar makes it possible for anyone with an electric bill to access solar energy by allowing individuals or businesses to subscribe to offsite solar arrays. This expands solar access to renters, low- and middle-income residents, and homeowners and businesses who lack access to their roofs or are in buildings unsuitable for solar installations. MDV-SEIA has advocated for community solar programs in DC, Maryland, Delaware and Virginia as a mechanism to bring the cost savings of solar power to *all* households.

The emergency text amendment has had detrimental impacts on proposed community renewable energy facilities throughout the District, causing developers to scrap projects or significantly downsize their scale, limiting the benefits the Solar for All program will ultimately have on District residents.

The interpretation of the Zoning Regulations prior to the emergency text amendment and aspects of the proposed rulemaking will have a significant impact on Solar for All, a nationally-recognized program which seeks to provide one-hundred thousand (100,000) low-income residents with solar power generated in the District by 2032. This interpretation of the Zoning Regulations will effectively render the Solar for All program untenable, given the District's time requirements, budget cycle, matched with developers' time requirements.



While many of the amendments in the current emergency text amendment and proposed rulemaking are conducive to the development of community renewable energy facilities (CREFs), the height and setback requirements are onerous for siting to residential zones, regardless of their size. Specifically, that the facility measures no greater than twenty feet (20 ft.) in height and panels are sited no less than forty feet (40 ft.) from an adjacent property in the R, RF, or RA-1 zone).

This language is present in the following sections: Revision to Use Permissions (Subtitle H, Chapter 11); Revision to Use Permissions (Subtitle K, Chapters 4, 6, and 9); and Revision to Use Permissions (Subtitle U, Chapters 2, 6, and 8). Community Solar Facilities are already subject to the height, yard and setback development standards of the zone in which they are located. Adding a setback requirement is superfluous.

Should the Zoning Commission still find the requirements should remain, we urge for them to place them into the relevant "Special Exception Uses" subsections of the regulations.

In addition, the inclusion of the Special Exception Requirements regarding tree planting and Department of Energy and Environment (DOEE) review for projects that do not comply with the Matter-of-Right standards seem to negate the very reason for the special exception and Board of Zoning Adjustment (BZA) process. The BZA process is intended for developers and community members to engage in a dialogue on potential projects and their impact on neighbors and community members. It is through this process that the various stakeholders can agree on a plan that works for all involved. Prescribing rigid requirements subverts the very process and should be excluded from the final rulemaking.

Furthermore, planting trees adjacent to solar arrays is detrimental to the production of the project. Shade will negatively impact production, and as a result, project financing and development. If trees need to be planted, they should be at the north side of the project minimize reductions to energy generation.

Thank you for your consideration of our comments. Please do not hesitate to reach out to MDV-SEIA or our membership for further detail or information.

Sincerely,

A handwritten signature in black ink that reads "David Murray".

David Murray
Executive Director
MDV-SEIA



MDV-SEIA
