

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation

JOEL LAWSON

ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT:

MAXIMILIAN TONDRO, ESQ.

DISTRICT DEPARTMENT OF ENERGY AND THE ENVIRONMENT STAFF
PRESENT:

TOMMY WELLS, Director

EMIL KING

JAY WILSON

The transcript constitutes the minutes from
the Public Hearing held on April 1, 2019.

P-R-O-C-E-E-D-I-N-G-S

6:32 p.m.

1
2
3 CHAIRMAN HOOD: I believe we are ready to get
4 started. Okay, we are ready to get started.

5 Good evening, ladies and gentlemen. This is a
6 public hearing of the Zoning Commission for the District of
7 Columbia.

8 My name is Anthony Hood. Today's date is April
9 1, 2019. Joining me this evening are Vice Chair Miller,
10 Commissioner Shapiro, Commissioner May and Commissioner
11 Turnbull.

12 We're also joined by the Office of Zoning staff
13 Ms. Sharon Schellin, the Office of Attorney General, Mr.
14 Tondro, Office of Planning staff Ms. Steingasser and Mr.
15 Lawson and Ms. Vitale.

16 Also, the District Office of the Environment and
17 the -- Energy and the Environment, the Honorable Tommy Wells,
18 former Councilmember who's now the director and Mr. Wilson.

19 I've never sat on a dais with a councilmember
20 before so this is my first time. Okay, well some of us up
21 here have. I haven't. So welcome. We want to welcome our
22 director Mr. Tommy Wells.

23 Okay. This proceeding is being recorded by a
24 court reporter and is also webcast live. Accordingly we must
25 ask you to refrain from any disruptive noises or actions in

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1 the hearing room including the display of any signs or
2 objects.

3 Notice of today's hearing was published in the DC
4 Register and copies of that announcement are available to my
5 left on the wall near the door.

6 The hearing will be conducted in accordance with
7 provisions of 11(z) DCMR Chapter 5 as follows, preliminary
8 matters, presentation by the Office of Planning -- and I'm
9 sure they'll be doing it in collaboration with Department of
10 Energy and the Environment, the report of the ANC,
11 organizations and persons in support, organizations and
12 persons in opposition, organizations and persons who are
13 undeclared.

14 The following time constraints will be maintained
15 in this hearing. The petitioner has up to 60 minutes. I
16 don't think we need a full 60 minutes. We may have more
17 questions than anything.

18 Organizations five minutes, individuals three
19 minutes.

20 All persons wishing to testify before the
21 commission this evening in this hearing are asked to register
22 at the witness kiosk to my left and fill out two witness
23 cards.

24 The staff will be available throughout the hearing
25 to discuss procedural questions.

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1 Please turn off all electronic devices at this
2 time so as not to disrupt these proceedings.

3 At this time the commission will consider any
4 preliminary matters. Does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. So with that I do know that
8 we have some staff from DOEE. If you could just raise your
9 hand so we know who you are. Okay, welcome.

10 Did I leave any organization out? Anybody else
11 from Office of Planning? Okay, so we just wanted to
12 acknowledge everyone.

13 Okay, let's go to the Office of Planning. Ms.
14 Vitale.

15 MS. VITALE: Good evening, Mr. Chair and members
16 of the commission. Elisa Vitale with the Office of Planning.

17 On February 11th of this year the commission took
18 action to approve on an emergency basis modifications to the
19 zoning regulations that would permit community renewable
20 energy facilities as a matter of right in all zones except
21 the MU-11 and Southeast Federal Center Four Zone.

22 Since the emergency action was taken OP has
23 continued to work closely with DOEE staff and the Zoning
24 Administrator and his staff to refine the proposed
25 regulations.

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1 The text before you this evening more narrowly
2 defines and permits a community solar facility, a subset of
3 community renewable energy facilities.

4 The proposed CSF definition aligns with the Public
5 Service Commission and renewable energy portfolio standard
6 requirements, and also includes a 5 megawatt capacity limit.

7 The proposed text maintains the original matter
8 of right permission in all zones except MU-11 and SEFC-4 and
9 also maintains the requirement that CSFs meet the height and
10 yard development standards of the zone in which they are
11 proposed.

12 We are aware that there are comments in the record
13 both in support and in opposition to the proposed text
14 amendment and we're eager to hear the testimony provided by
15 the public this evening.

16 As mentioned we're pleased to have Director Wells
17 of the District Department of Energy and Environment with us
18 this evening. He's here and available for questions.

19 But first we'd like to give him the opportunity
20 to make some remarks and we're happy to take questions at the
21 end. Thank you.

22 MR. WELLS: Thank you very much. Thank you,
23 Chairman Hood and a special thank you to the commission for
24 acting so swiftly and thoughtfully on behalf of Mayor Bowser,
25 and that this is a matter of great importance to the Mayor

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1 and again, the commission's actions forthwith is greatly,
2 greatly appreciated. And thank you for inviting me and
3 allowing me to provide some comments.

4 And also just to note as Mr. Hood noted this is
5 my first time to be on this side of this dais. I think I've
6 sat at almost every other dais of Washington, DC of local
7 jurisdiction and so I'm honored to join you.

8 So, as you know a fundamental goal of the
9 Sustainable DC Plan which was started under Mayor Gray is to
10 increase the use of renewable energy to make up 50 percent
11 of the District's energy use.

12 This goal is an essential piece now of Mayor
13 Bowser's commitment to achieve a 100 percent reduction in
14 greenhouse gas emissions by 2050.

15 Pursuant to these goals on Friday, January 18
16 Mayor Bowser signed into law the Clean Energy DC Omnibus
17 Amendment Act of 2018.

18 The act increased the renewable portfolio standard
19 to 100 percent by 2032 and increased the amount of the
20 District's energy supply required to come from solar
21 installed with the District to 10 percent by 2041. That's
22 up from 5 percent.

23 DOEE seeks to clarify and streamline the
24 permitting process in anticipation of the increased
25 installation of solar throughout our city.

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1 We anticipate 50 to 70 community solar projects
2 supported by the \$10 to \$23 million in public funding to be
3 permitted and built this year.

4 This significant funding comes with the
5 requirement that the projects be completed by the close of
6 this fiscal year.

7 Many projects also include private investment
8 which may be put at risk by the added uncertainty and
9 extended time frame imposed by a special exception.

10 This year's projects are part of an even larger
11 pipeline of 22 megawatts of planned community solar projects.

12 They are funded by the Solar for All program, an
13 initiative mandated by DC law through 2021.

14 Community solar is an arrangement by which solar
15 panels are installed on one site and the monetary value of
16 the energy benefits is attributed to offsite residents,
17 subscribers.

18 This was the Council's intent in enacting the
19 Community Renewable Energy Amendment Act of 2013.

20 DOEE's Solar for All grant funded projects are
21 required to provide 100 percent of the value of the solar
22 installation's electricity to low-income households at no
23 cost.

24 This requirement can often be realized more
25 efficiently through a community solar model.

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1 The urgent need for this text amendment is a
2 result of the millions of dollars in investments the District
3 has made pursuant to the Solar for All program.

4 Under the Solar for All program the District is
5 required to provide access to and benefits of solar to at
6 least 100,000 low-income households and to cut their energy
7 bills by 50 percent by 2032.

8 Community solar is the only way the program's
9 goals will be accomplished for renters and households living
10 in multifamily buildings.

11 If these community solar systems are not built as
12 planned in Fiscal Year 2019 the funds are at risk of being
13 transferred to the General Fund and repurposed.

14 At least 2,000 households will not be served in
15 Fiscal Year 2019 and more than 6,000 households by 2021.

16 Community solar developers must often secure
17 financing within a short time frame to move forward with
18 their projects. Requiring the solar developers to obtain a
19 BZA variance would result in applications for variances for
20 the 50 to 70 community solar facilities.

21 Without this text amendment completion of these
22 projects will be in jeopardy. The proposed text amendment
23 would define community solar facilities and would permit them
24 as a matter of right subject to the height and yard
25 requirements of the zone.

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1 This critical change will clarify and streamline
2 the solar energy permitting process in anticipation of the
3 District's increasing solar deployment. Thank you.

4 CHAIRMAN HOOD: Okay. I want to thank you both.
5 I thank Ms. Vitale and also Director Wells for your
6 presentation.

7 Let's see if -- I'm sure my colleagues have -- we
8 probably have a number of questions but I won't start off
9 tonight. I'll let someone else go first. Commissioner
10 Shapiro.

11 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
12 Question for the Office of Planning. If you can go through
13 exactly what the -- the last sentence of Director Wells'
14 piece, that the purpose here is to clarify and streamline the
15 solar energy permitting process.

16 So what would this do? How does this affect the
17 height and yard requirements of the zone?

18 MS. VITALE: This wouldn't specifically affect
19 height and yard requirements. We're just saying that if
20 there was a solar installation say in an RF-1 zone, that's
21 the rowhouse zone, that if it was ground mounted and over 4
22 feet in height permanently affixed to the ground the Zoning
23 Administrator would deem it a structure and it would need to
24 meet the setback requirements. So any front yard, side yard,
25 rear yard requirements.

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1 And then it would be subject to the height limit.
2 So in RF-1 the max height is 35 feet.

3 With respect to the streamlining the issue that
4 kind of prompted this text amendment in the first place was
5 a Zoning Administrator determination that any solar
6 installation where the majority of the energy generated would
7 be used offsite, that he would call that a basic utility.

8 Basic utility uses aren't permitted as a matter
9 of right anywhere under zoning. It requires a special
10 exception.

11 So there were particularly solar installations
12 that were District funded, part of the community solar Solar
13 for All initiative that were trying to pull permits.

14 The Zoning Administrator was saying the power is
15 being used offsite, not onsite. This is a utility use and
16 it was kicking it into a special exception review process.

17 So what the proposed text amendment would do would
18 take them out of that special exception process. It would
19 basically say if you're installing solar, if it meets the
20 community solar facility definition that we're proposing it
21 would need to have a minimum of two subscribers. It would
22 have a maximum capacity of 5 megawatts. It would have to --
23 they would have to provide their interconnection agreement
24 and CREF rider at the time of building permit.

25 If you met all of those requirements stated in the

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1 definition for a community solar facility as well as the
2 development standards of the zone wherever it was being
3 located the proposed amendment would then make them matter
4 of right if they met all of those criteria.

5 COMMISSIONER SHAPIRO: So, this does not push the
6 height and yard requirements of any specific zone. This does
7 not allow for any kind of freestanding structure beyond what
8 is already permitted.

9 MS. VITALE: That's correct.

10 COMMISSIONER SHAPIRO: Thank you. That's all I
11 have, Mr. Chair, for now.

12 CHAIRMAN HOOD: All right. Any other questions
13 up here? Vice Chair Miller.

14 VICE CHAIR MILLER: Thank you, Mr. Chairman and
15 thank you to the Office of Planning for your report and
16 Director Wells for your testimony as well.

17 We have -- we'll be hearing from I think both
18 supporters and opponents in a little bit, but I was just
19 reading through the Committee of 100 letter. I'll ask two
20 of their questions and then maybe have a couple of my own
21 that I jotted down when I was reading the report.

22 So the proposed text amendment applies in every
23 zone but MU-11 and SEFC-4. I guess that's the Southeast
24 Federal Center.

25 What is the rationale for not applying it in those

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1 two zones and then would the BZA special exception process
2 apply in those two zones as opposed to the matter of right
3 with -- if it meets the development standards?

4 MS. VITALE: We pulled those two zones out. Those
5 were waterfront zones where the use permissions weren't as
6 broad as elsewhere in the zoning regulations. In those two
7 zones a special exception would be required.

8 VICE CHAIR MILLER: And other than the yard and
9 height standards would other development standards apply like
10 minimum lot width, minimum lot area, pervious surface
11 requirements and the like?

12 MS. VITALE: Lot area and lot width, I think we'll
13 actually have to think about that and take a look at that.

14 We spoke to the Zoning Administrator and also
15 spoke to DOEE because we wanted to make sure that if lot
16 occupancy or GAR or pervious surface requirements needed to
17 apply that we called those out specifically.

18 And it's our understanding that generally when
19 these are raised or sited there is spacing between the panels
20 so it would allow for the flow of rainwater between panels.

21 So we did -- the only standards that we proposed
22 to apply were height and yard.

23 VICE CHAIR MILLER: There's a provision in the
24 text amendment that -- 1500.5 regarding penthouse general
25 regulations which is the provision that says I guess

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1 mechanical equipment on a penthouse shouldn't include certain
2 things, telephone equipment, radio, television, or electronic
3 equipment of a type not necessary to the operation of the
4 building or structure. I wasn't familiar with this
5 particular provision, but what you're adding is or solar
6 canopies on top of a parking garage.

7 What is the purpose of this particular change?
8 What's the purpose of actually this existing provision of the
9 regulations? We do allow antennas on top of -- don't we
10 allow -- they're almost required by federal law to be
11 permitted on top of rooftops.

12 MS. VITALE: The antennas are regulated by a
13 different chapter in Subtitle C, Chapter 13.

14 The purpose of this change was again in
15 conversations with the Zoning Administrator and his staff
16 there have been instances where folks have wanted to do a
17 solar canopy installation on a parking garage.

18 So, say you had deck parking, structure parking
19 on the top level you could do solar over that top level. If
20 a structure was at the maximum height permitted in the zone
21 at that point the Zoning Administrator said anything above
22 that top garage parking deck would be considered penthouse.

23 If it's considered penthouse it would have to meet
24 the setback and screening requirements. Screening obviously
25 would render the solar canopy ineffective because it would

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1 block its ability to get the sunlight.

2 So the intent of the proposed revision to 1500.5
3 was to permit a solar canopy over a parking deck and to not
4 require it to be setback or have to be screened similar to
5 other rooftop penthouse mechanical equipment.

6 VICE CHAIR MILLER: I appreciate that explanation
7 because I misread the whole meaning of it. I read it the
8 other way so I'm glad to hear that.

9 I think I'll stop there, Mr. Chairman, and applaud
10 the DOEE for bringing this and OP for bringing this forward.
11 I think the goals are certainly laudable, but I think we'll
12 probably hear from some citizens with some suggestions of how
13 to mitigate maybe some impacts.

14 CHAIRMAN HOOD: Thank you, Vice Chair.
15 Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Thanks, Mr. Chair. Ms.
17 Vitale, I just want to follow up on the vice chair's comment.

18 You had said there would be no setback requirement
19 on the deck of a parking garage?

20 MS. VITALE: That's correct. These canopies over
21 parking generally have vertical supports and the spacing is
22 such that if you required a setback it wouldn't -- it
23 wouldn't cover the parking space. It would then be halfway
24 over a parking stall and then the adjacent drive aisle. So
25 spacing-wise to allow for the placement of the canopy over

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1 the spaces through conversations with DOEE about the design
2 of these facilities we determined that it would be difficult
3 for a solar canopy such as the ones mounted over deck parking
4 in a structured parking situation, it would be a challenge
5 for them to meet the setback.

6 COMMISSIONER TURNBULL: So you would see it from
7 the street. You would see it. It would come right up to the
8 front of the building, or right up to the front of the
9 garage.

10 MS. VITALE: It would align --

11 COMMISSIONER TURNBULL: With the facade.

12 MS. VITALE: I think it would be setback some
13 because there would be the garage railing essentially, the
14 concrete edge of the deck edge. It would be setback from
15 that, but it would go up to the end of the parking stall.

16 COMMISSIONER TURNBULL: Okay, thank you.

17 CHAIRMAN HOOD: Commissioner May.

18 COMMISSIONER MAY: I do have a few questions. So
19 just to clarify, you had mentioned that in these other zones
20 where it would not be allowed as a matter of right it would
21 be allowed as a matter of a special exception.

22 And is that the case throughout the city that
23 basic utilities are all just a matter of special exception?

24 MS. VITALE: Yes. I believe certain PDR zones,
25 they are matter of right. But basic utility use is a special

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1 exception use generally.

2 COMMISSIONER MAY: In residential use.

3 MS. VITALE: Yes.

4 COMMISSIONER MAY: In residential zones. Okay.

5 And when it comes to the example, I think you gave us one
6 example maybe in your report. And it showed a height of
7 structure that was up to like 5'10 feet. We're not actually
8 suggesting that that's going to be the limit or even the
9 typical installation, right? It's highly variable, is it
10 not?

11 MS. VITALE: This is just an example. It is
12 variable, but for the ground mounted arrays I don't know that
13 we've seen examples that exceed 10 to 15 feet in total height
14 with the mounting structure and the panels.

15 Certainly the panels are angled so that adds to
16 the height above the mounting structure. But I would say no
17 more than 20 feet max for a ground mounted.

18 COMMISSIONER MAY: Because at that height it's
19 going to be -- that's so you can do something underneath it,
20 right? I mean, they don't need to be 10 feet off -- or start
21 10 feet off the ground.

22 MS. VITALE: I don't believe so, no.

23 COMMISSIONER MAY: So, what square footage do you
24 need to get a megawatt of solar power?

25 CHAIRMAN HOOD: Whoever is going to answer come

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1 up to the table. Somebody from the team. Unless you're
2 going to get somebody to answer.

3 MR. WILSON: I believe our energy expert has
4 stepped outside.

5 CHAIRMAN HOOD: We'll hold that.

6 COMMISSIONER MAY: All right. So I'm going to go
7 on my own knowledge. And I'm not basing it on the solar
8 panels on my roof because that would be too complicated a
9 calculation.

10 But I did look at this question myself and it's
11 about 2 and a half acres for 1 megawatt which means that to
12 get to 5 megawatts you'd have to have 12 and a half acres.

13 So, I'm picturing there are not going to be that
14 many 5 megawatt facilities. I am very curious about what is
15 in the pipeline already and what kind of sizes they are
16 because it's even hard to imagine a 2 and a half acre
17 installation.

18 I mean, yes, there are a few parking lots that are
19 that big, but that's a lot of land. So I'm wondering what's
20 in the pipeline. What do we know about how these things are
21 and is 5 megawatts really the right limit.

22 I appreciate the fact that there's a limit, but
23 I just wonder if that's the right one.

24 MR. WELLS: Well, as you know Oxon Run is one.
25 Also, there's parking lots like Temple of Praise is looking

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1 at doing this as well. Somewhere between 5 to 7 acres or
2 more.

3 So, depending on where you are in the District
4 certainly as you go further out east there's greater expanses
5 for possibilities.

6 And I don't know if this follows or not, but we're
7 certainly looking at two sites for DC Water that will cover
8 quite a bit. Some of those over their settling pools as
9 well. Unless Mr. Wilson knows of any others.

10 MR. WILSON: I'm aware of two projects that are
11 currently in the pipeline with BZA cases pending. One is the
12 Catholic Charities case that's mentioned in one of the
13 reports here. And the other is Oxon Run.

14 COMMISSIONER MAY: Do you know how big those are,
15 what the acreage of solar panels is?

16 MR. WILSON: Our energy administration team has
17 been ushering those projects through the process and they
18 could answer that question for us.

19 MR. WELLS: And our expert has arrived.

20 COMMISSIONER MAY: So hopefully somebody will come
21 up and have answers. I could be wrong on the information I
22 got about how.

23 MR. KING: Hello.

24 MR. WELLS: What's the size of Oxon Run?

25 MR. KING: Oxon Run is 2.65 megawatts.

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1 CHAIRMAN HOOD: If you can identify yourself
2 first.

3 MR. KING: Sorry. Emil King.

4 CHAIRMAN HOOD: Is the expert. Good expert.

5 MR. KING: Emil King, DOEE. The Oxon Run project
6 is 2.65 megawatts dc. And it takes up approximately 3 and
7 a half acres.

8 COMMISSIONER MAY: Much more efficient than what
9 the internet tells me.

10 MR. KING: It's dependent upon spacing between the
11 rows.

12 COMMISSIONER MAY: Obviously, yes. Okay. Well,
13 that's helpful. I think this is one of the things that I
14 sort of struggle with because very large ones like that, it
15 really kind of calls out for having some sort of public input
16 process more so than what might happen on top of a parking
17 garage, you know. So this is why I'm curious about the sizes
18 of things.

19 Not that I'm necessarily inclined to go there, but
20 we know we're going to hear testimony to that effect.

21 Director Wells, I just had a question. You
22 mentioned -- I got a little confused in your mentioning how
23 much was in the pipeline already and how much is still is
24 coming.

25 There was a 22 megawatt figure under the Solar for

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1 All program. Is that in addition to what's already been
2 funded this fiscal year? Is that future years or did I
3 misunderstand? Is that the total?

4 MR. WELLS: I'm going to again have our expert --
5 the 22 megawatts. I know that's part of the larger pipeline,
6 Mr. King.

7 MR. KING: That's correct. That's part of the
8 larger pipeline.

9 MR. WELLS: And then how far out?

10 MR. KING: The indications that we have are based
11 on a conversation with PEPCO. So some of those projects are
12 in the next, you know, roughly the next six months.

13 The farthest out possibly 10 to 12 months. But
14 I can't be definitive with that.

15 COMMISSIONER MAY: So, if I understand what you're
16 saying in the next year there's going to be 22 megawatts of
17 solar energy added through the grant program.

18 MR. KING: Roughly, yes.

19 COMMISSIONER MAY: Okay. And how many megawatts
20 need to be added to reach the goals that Director Wells cited
21 in his testimony?

22 MR. WELLS: So the question is, Mr. King, and this
23 is -- it would be interesting to see if he has the answer,
24 but to reach 10 percent of DC's energy to be provided by
25 solar within DC.

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1 Now, this is also with the omnibus energy bill we
2 just passed to reduce the pie. So the percentage coming from
3 -- it's not a straight line. So with that about how much do
4 we need?

5 MR. KING: Correct. It's based on annual energy
6 sales. So I think we estimated roughly 700 plus megawatts.
7 That's by 2041 I believe.

8 COMMISSIONER MAY: So that's going to be somewhere
9 upwards of -- well, certainly upwards of 1,000 acres,
10 possibly quite a bit more if it is closer to the 2 and a half
11 acres on a typical installation. I mean that could be almost
12 -- that's like one-third of the area -- well, somewhere
13 between one-sixth and one-third of the area of all of the
14 national parkland in Washington. That's a lot of area. All
15 right. Thank you.

16 CHAIRMAN HOOD: Okay. Ms. Vitale, the issue that
17 I heard from some residents who are opposing this text
18 amendment was that there was no public input, no review.

19 Is there somewhere in this whole scheme of things,
20 and I've also looked at Director Wells' testimony as well,
21 and also know that the benefits probably may outweigh the
22 impacts. I'm thinking out loud now.

23 But is there a way, some kind of way that the --
24 and not going through the special exception process which I
25 understand has already been looked at.

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1 Is there a way to like large track, or some kind
2 of way that the public would have some kind of say-so or
3 input?

4 MS. VITALE: I think without the special exception
5 that would take kind of the notice and public hearing piece
6 out of it.

7 Certainly there's nothing that precludes a solar
8 installer from reaching out to neighbors at the time of
9 building permit application.

10 There's certainly -- obviously if there's a
11 building permit the site should be posted. I think there
12 would be opportunities for the community to be aware of
13 proposed solar installations and hopefully those installers
14 would be good citizens and communicate with residents in an
15 area where a project was proposed.

16 CHAIRMAN HOOD: So, let me just ask the director.
17 Director Wells, if through this process -- and I know there's
18 only so much we can do. We do this a lot here on the dais
19 a lot. We ask people to work with people, and sometimes it
20 works.

21 If DOEE and I guess the city encouraged installers
22 to work with neighbors I think that may give some of the
23 opposition a comfort level. Is that something that we
24 probably can maybe encourage?

25 MR. WELLS: Absolutely, especially in sensitive

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1 areas. The goals are incredibly ambitious, but the challenge
2 is quite great that we're finding a lot of creativity among
3 the solar developers.

4 You see on the Nats parking decks right now
5 they're now covered in solar.

6 They're looking for sites across the city. It may
7 one day -- we had a proposal along the sound barrier walls
8 along the freeway that there's -- to meet the 10 percent goal
9 is going to require a lot of creativity, and it may impinge
10 on some areas that people would not have expected to see
11 solar.

12 And I think it will become a much more common
13 sight, but without question DOEE has at least since I've been
14 there and I think before a long track record of trying to
15 work with the community to do this, especially if it engages
16 any public land such as parks.

17 Oxon Run engaged a lot of public input. So
18 whenever public land is available or is involved then the
19 ANCs as you know and everyone else that has kind of the
20 buffering relationship to give great weight will be involved.

21 CHAIRMAN HOOD: Okay, thank you. And also I
22 noticed in your testimony that it seems to be -- there's
23 quite a bit of funding that can be lost if we get bogged down
24 in all this red tape. And that concerns me as well because
25 I look at low-income homes and making this as you said for

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1 all.

2 So I see there's some potential setbacks. And
3 once we lose that, if we lose that funding where does it go?

4 MR. WELLS: Well, you know, I would never speak
5 ill of the Council having been a member, but now and then the
6 Council feels a lot of pressure to find money. And if
7 something does not actually have a contract attached to it,
8 if it's not bolted down like last year -- I won't go too deep
9 into it, but the best money the Council can find is called
10 local dollars.

11 So if you can find some special revenue funds that
12 have not been spent you can put them where the local dollars
13 were for that one year and you take the local dollars. And
14 the Council did that last year with the solar money, about
15 a million and a half in order to free up money out of our
16 Low-Income Housing Energy Assistance Program, the LIHEAP
17 program which has substantial local funding in it.

18 So that's always at a risk.

19 CHAIRMAN HOOD: Okay. My last question, Ms.
20 Vitale, or whoever can help me answer this.

21 I read the grid alternatives, the Mid-Atlantic,
22 and their issue was, and I'm going to try to -- I've read
23 this a few times and still trying to grasp it. Whether a
24 solar system is structured to directly benefit one off-taker
25 or the entire community of subscribers. The question of who

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1 ultimately receives the benefit of renewable energy
2 facilities should have no bearing on the zoning requirements
3 for such a facility.

4 Did you all review that? Somebody looked at that?

5 MS. VITALE: I believe that is speaking to the
6 issue that you could look at a solar installation and not
7 know if the power being generated was being used entirely
8 onsite, or if it was a community solar type installation
9 where the benefits of the solar gained through that
10 installation were being used offsite.

11 So I think that's just getting to the fact that
12 two installations could appear the same from the street, say,
13 but the users wouldn't necessarily be the same.

14 CHAIRMAN HOOD: Okay. Because the way I was
15 reading it it was like some kind of requirement in our
16 statute that we are looking at would have some bearing on
17 that. So I guess that is not the case. Okay.

18 All right. I think that's all I have for now so
19 thank you all. Let's see, any other follow-up questions up
20 here? Okay, not seeing any.

21 All right. I want to thank former Councilmember
22 and our director of Department of Energy and Environment and
23 the expert. I forget the expert's name. Could you repeat
24 your name again for the record?

25 MR. KING: Emil King.

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1 CHAIRMAN HOOD: Mr. King, we appreciate you and
2 also all of DOEE for coming in as well as Office of Planning
3 for their report.

4 Now we will go to the other reports of other
5 government agencies. I will definitely mention that we have
6 a letter of support from our Mayor, the Honorable Mayor
7 Muriel Bowser. And I'm just going to read the last sentence,
8 the last three sentences.

9 "If we are going to make progress in addressing
10 climate change and global warming in our country it's going
11 to be cities and states leading the way.

12 "The text amendment will help to ensure that the
13 District remains a model of sustainability for jurisdictions
14 across the nation to follow."

15 Let me ask the director this. Typically I usually
16 ask what are other cities doing, but all the data that I have
17 looked at so far it looks like we are kind of like out in
18 front. Is that a true assessment or true statement?

19 MR. WELLS: We are. We are setting the pace.
20 It's a very aggressive renewable energy goal for the city.

21 And the bill that the Council just passed, the
22 Omnibus Clean Energy DC bill is probably the most far-
23 reaching in the country right now because it puts specific
24 requirements on buildings.

25 But to reach 10 percent goal of all of our energy

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1 in the District being generated within the District by solar
2 is an extraordinarily ambitious goal.

3 CHAIRMAN HOOD: Okay. All right, thank you.
4 Again, we do have a letter of support from the Mayor. And
5 we have some other letters of support from some other, like
6 GRID Alternatives. I may be missing a few, but we have
7 definitely reviewed them. I'm trying to look at them
8 quickly.

9 Support from the Community Renewable Energy
10 Facilities. So there are a number of support letters and
11 they are in the record. And if someone sees another one that
12 I have missed. I don't want to omit anyone.

13 We appreciate all the work that people have given
14 us on this subject.

15 Okay. With that let me go to -- do we have any
16 ANC commissioners who would like to testify on this text?
17 Okay, not seeing any.

18 Okay, let me go to my witness list. We will do
19 proponents -- you know what, I'm just going to bring
20 everybody up. Alexandra Wyatt. I'm just going to bring
21 everybody up because it doesn't look like -- I didn't see
22 more than eight on the list I saw earlier. Okay, I'm down
23 to five now.

24 Alexandra Wyatt. Christopher Bradshaw. Now I'm
25 back up to six. Is everything -- is it just right here?

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1 What I'm looking at is moving.

2 Okay, let me start over. Alexandra Wyatt. Joyce
3 Chandler. Christopher Bradshaw. Bishop Shirley Holloway-
4 Stanfill. Lenwood Coleman. And Wilfredo Valladares. If I
5 messed that up forgive me.

6 And if you didn't hear your name and you'd like
7 to testify -- whoever has the young people, if you can come
8 on up as well. Whoever has the young people you can come on
9 up if I haven't called your name.

10 PARTICIPANT: My husband is on the list and he is
11 not here.

12 CHAIRMAN HOOD: He's not here yet. Are you going
13 to testify? Is he coming? Because I was going to say maybe
14 when we finish he'll be here. If not you can come up.

15 What's his name? Okay. Valladares. I apologize
16 for mispronouncing that.

17 Oh, I saw your letter. Ms. Petti, you can come
18 on up as well. Who else wants to testify? Anybody want to
19 testify just come on up. If we have enough seats. Save a
20 seat for Ms. Petti.

21 Anybody else? And I would just ask before you
22 start let us know if you are a proponent, opponent, or
23 undecided. I may have called too many people. Oh, no I
24 didn't. Come on up. The person with the young folks because
25 I want to take you first. Is tomorrow a school day? Yes.

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1 I haven't been to school in a few weeks. And I don't think
2 it's spring break so I know homework. So we want to take the
3 young lady who has the young folks first. We want to take
4 you first. So you may begin. Introduce yourself.

5 And let us know whether you're a proponent,
6 opponent, or undeclared. We're going to take you first.
7 Turn your mike on, introduce yourself and you may begin.

8 MS. BERRY-ROLLINS: Good afternoon. I'm Youshea
9 Berry-Rollins. I stay at 2872 Perry Street, Northeast. My
10 daughter is here. She's a student in the District of
11 Columbia. I have two children. And I want them to
12 understand the importance of being a community advocate and
13 that our power structures listen to the community and value
14 our input.

15 My concern with this -- I am an opponent of this
16 primarily because it takes away the vote, or the opinion and
17 the input opportunity for people like me and my family.

18 So there is as you may know Catholic Charities'
19 pending zoning case before this commission. It's been before
20 the ANC. They have decided to table making a decision on
21 this particular Catholic Charities case because they needed
22 more information.

23 We've received a lot of input from Catholic
24 Charities, reports, et cetera, because there's a process in
25 place where we can voice our opinion, voice our questions.

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1 It's not enough to say well, we will encourage the
2 developers to speak to the community. They actually need to
3 be required. Power concedes nothing without demand.

4 They will not provide us information, they will
5 not provide us the reports, they will not do all the studies
6 that they need to do if we are not demanding it and have a
7 seat at the table and have an opportunity to be heard.

8 So as you can see from the notes that I have there
9 there were a number of concerned citizens who are in the
10 Brookline area around Catholic Charities.

11 We understood that this came before the Zoning
12 Commission under emergency procedures which basically as I
13 listen to the hearing last week or a few months ago it was
14 under emergency because it was related to Solar for All.

15 I heard questions from Commissioner May that
16 specifically asked who else would be impacted by this. Are
17 there other communities. Because if there are communities
18 that are impacted I have a concern about doing this under
19 emergency procedures. I heard that.

20 The response was Oxon Run. But there are other
21 properties that are in the pipeline, other communities that
22 are engaged, other people who care about these issues and
23 we're being silenced by this amendment.

24 It doesn't limit itself to Solar for All projects.
25 It doesn't limit itself to DP or DOEE projects. It impacts

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1 every single solar project across the DC area.

2 In addition to that Catholic Charities has up to
3 5 acres, up to 15 foot tall solar units. We have a huge back
4 yard. My kids run, they play, they walk around the area.
5 We bike.

6 All those things have impact on noise, on their
7 ability to have an open area and space in northeast DC. But
8 yet we wouldn't have a voice if this goes forward.

9 And so although it was under emergency
10 consideration and expedited you need to take a step back.
11 The ANC commissioners agreed to take a step back, not rush
12 it because of the impact, far-reaching impact that it will
13 have.

14 And we ask you to do the same. This is not an
15 emergency that impacts all of DC. There is one project on
16 a brownfield, a brownfield which cannot be used for other
17 purposes.

18 And then we're saying this can move forward even
19 though it's beyond just that. And I ask your consideration
20 in opposing this.

21 CHAIRMAN HOOD: All right. Do you have to take
22 the young folks home or are you going to stick around? Or
23 how does that work?

24 MS. BERRY-ROLLINS: She's working on her homework
25 now and this is part of the civic education that I want her

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1 to see. How this process works.

2 CHAIRMAN HOOD: Okay. Do you mind if she comes
3 up? Could she come up and introduce herself and say
4 something to us?

5 MS. BERRY-ROLLINS: She's an introvert. She may.

6 CHAIRMAN HOOD: She says no. We just wanted to
7 know how was she doing in school, but if she chooses not to
8 that's fine.

9 MS. BERRY-ROLLINS: You know, it's really
10 important because she did have an opinion about this.

11 CHAIRMAN HOOD: Yes. And that's good because I
12 think -- this is not my first time. We do this all the time.
13 We see young people come in.

14 MS. BERRY-ROLLINS: What I would suggest. She is
15 an introvert and she's a quiet person, but I am 100 percent
16 honest she has very strong views about this and she's a
17 writer. If you welcome her opinions after this I'm sure she
18 is happy to write them out. I don't know that she'll speak
19 in front of this group, but she does have very strong
20 opinions and has been attending the community meetings that
21 we've been having on this. So thank you for that.

22 CHAIRMAN HOOD: I would like to see that. So
23 she's been attending the 5C meetings.

24 MS. BERRY-ROLLINS: She has. Thank you.

25 CHAIRMAN HOOD: The ANC 5C. Okay.

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1 MS. BERRY-ROLLINS: Thank you for the opportunity.

2 CHAIRMAN HOOD: I would like to see -- I would
3 like to leave the record open for that.

4 MS. BERRY-ROLLINS: Thank you.

5 CHAIRMAN HOOD: Okay. Let me start now to my
6 left. You may begin. Thank you.

7 MS. CHANDLER: Hello, my name is Joyce Chandler.
8 I live at 2870 Perry Street, Northeast. I am neighbors with
9 Ms. Youshea. I have lived in DC for over 30 years. I am
10 living in a home for over 30 years that I have invested my
11 time in staying here.

12 I am in DC for life. They will take me out feet
13 first from my home. But right now Catholic Charities has
14 proposed and I was surprised when they said what facilities
15 are in the pipeline they didn't mention Catholic Charities.

16 They are proposing 5 acres of panels next to my
17 home. It's a hillside.

18 Through this process I've been able to voice or
19 to try and voice my concerns. Otherwise they would not hear
20 me.

21 I am looking at -- to not just rush through this
22 quickly because there's a concern for money, but there are
23 other concerns for the environment.

24 It may give solar energy, but what are the
25 stormwater runoff implications? How much water is going to

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1 run into the Anacostia? How much panels, the toxicity of it.
2 None of that's being looked at or reviewed. Everything is
3 being pushed forward quickly and fast.

4 These things need to be considered because it
5 impacts us.

6 Some of the other things is that the changes will
7 silence DC residents. We should have an opportunity to speak
8 and to voice it.

9 Just because they're saying well, we have this
10 money that needs to go through right now right away. The
11 numbers that they're presenting, 100,000 low-income District
12 households.

13 From what I see on the record there's like 270,000
14 households in DC. You're telling me more than one-third of
15 DC is low-income? The numbers just aren't adding up.

16 And asking for information. There needs to be
17 transparency. Sometimes it's like pulling teeth to get
18 information. And the transparency will give people a level
19 of confidence, but if we aren't getting the transparency, if
20 it's just being rushed through it's not fair to the
21 residents. It's not fair to people who have invested time
22 in living here.

23 I have a neighbor. She wasn't able to come, but
24 she has been here for 50 years. Her and her husband moved
25 into this neighborhood in the nineteen sixties. She's

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1 concerned about the runoff issues, the water. It's been
2 going on for years.

3 And what we're getting from the Catholic Charities
4 is that it's not an issue. There's really not a runoff
5 issue.

6 We've been living here 30 -- her years, 50. Other
7 ones. We've been seeing it, but they come in quick saying
8 no, it's not. And because they say it and they want to do
9 it quickly that's what the reality is when it's not.

10 We need the opportunity to go through the process
11 to hear us because we are the residents. We make up this
12 city, not developers that come in for a minute and leave.

13 We're concerned about the environment. I worked
14 for Environmental Protection Agency for decades. That's
15 where I decided to go and use my engineering degree.

16 But I expect in this city, my home, to be able to
17 voice what our concerns are and not to be cut off.

18 CHAIRMAN HOOD: Okay, thank you. Let me pause.
19 One of us up here, I'm not sure because I know I'm not -- one
20 of us up here is on that specific case. And I would ask that
21 we keep your comments germane to the text because I'm not
22 sure who the commissioner is and I'm not going to even ask.
23 I don't even want to know who the commissioner is that's
24 going to be on that case, but I will tell you that we want
25 to keep it germane to the text.

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1 I understand what's going on on Eastern Avenue,
2 Catholic Charities. We understand all that. But I just
3 know, because I too live in the neighborhood. So I want to
4 make sure that whoever's up here we don't have any problems
5 if that case -- depending on what happens with that case.

6 So, Ms. Petti.

7 MS. PETTI: Yes, thank you for the opportunity to
8 testify.

9 As others have mentioned up here you'll recall
10 this process began as an emergency rulemaking to address the
11 Department of Energy and the Environment's concerns about
12 delays associated with an unexpected determination by the
13 Zoning Administrator that community solar facilities fall
14 within the basic utilities use category, thereby requiring
15 a BZA special exception review.

16 DOEE was concerned that the delays associated with
17 BZA reviews could jeopardize the funding for its Solar for
18 All projects.

19 Accordingly, this commission authorized the
20 immediate publication of a notice of proposed rulemaking to
21 address those concerns.

22 On February 22 proposed text amendments were
23 issued for public comment in the DC Register. The proposed
24 amendments would permit community renewable energy facilities
25 financially funded in whole or in part by the Department of

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1 Energy and the Environment as a matter of right use in all
2 but two zones.

3 A month later on March 22 OP issued a public
4 hearing report for this hearing tonight with a whole new
5 definition for community solar facilities.

6 Among other things it no longer specifies that a
7 community solar facility be one that is funded in whole or
8 in part by DOEE.

9 The OP proposal is so expansively drafted that if
10 it is approved it would allow acres and acres of huge solar
11 systems to be erected as a matter of right almost anywhere
12 in this city subject only to the yard and height development
13 standards of the underlying zone.

14 In residential neighborhoods this could mean
15 panels as high as 35 to 40 feet as I read the proposal.
16 There would be nothing to prevent that.

17 And I'm not just talking about rare hypotheticals.
18 And tonight you've been hearing about the Catholic Charities
19 proposal which is what originally drew my attention. I live
20 not too far. I'm not directly affected by it, but I live not
21 too far from that proposal.

22 Where the applicant is proposing 5,000 7 foot high
23 panels across about 5 acres of what's now grassy open space
24 in an R-1-B neighborhood.

25 Their proposal appears to meet OP's revised

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1 definition of a community solar facility. As you might
2 expect and as you've heard a little bit tonight adjacent
3 property owners are raising concerns about basic things like
4 screening, aesthetics, noise and heat.

5 And their issues should not go unheard in the
6 process. If possible, they should be mitigated. That's why
7 we have a BZA review process.

8 The BZA review process is not an onerous one.
9 Almost all but the most egregious proposals are approved
10 outright. Others are approved with mitigating conditions.

11 It's the process we have in this city for enabling
12 stakeholders to participate. It's the process we have for
13 airing concerns and for mitigating impacts.

14 It's the process we have for balancing and
15 reconciling competing land use concerns and land use issues.

16 I'd like to summarize by offering the following
17 recommendations and thoughts.

18 First of all, the zoning requirements for basic
19 utility uses have been on the books for years in residential
20 zones so it shouldn't be a surprise, and it's surprising to
21 me that a solar company that wants to site a facility using
22 5 acres of urban land would only realize at the last minute
23 that there are zoning requirements in place that might apply.

24 At least two applications are now pending in the
25 BZA review process. One is Oxon Run and one is Catholic

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1 Charities. Those should proceed through the normal course
2 of events.

3 If a true Solar for All emergency exists it should
4 be accommodated with a very narrow regulatory fix. And then
5 if for some reason additional zoning relief is needed to
6 accomplish the climate change goals of the city the Office
7 of Planning should consider an approach where zoning relief
8 is only offered -- kind of like a PUD, only offered in
9 exchange for superior benefits that wouldn't otherwise
10 accrue.

11 For example, crediting the monetary value of
12 electricity generated by the solar array only to low-income
13 residents like the DOEE program does, or doing things like
14 improvements to environmental sustainability like natural
15 ground cover for aesthetic value or for pollinator meadows.
16 Thank you.

17 CHAIRMAN HOOD: Thank you. And we have your
18 testimony. Next. Turn your mike on.

19 MS. WYATT: Thank you. Good evening and thank you
20 for this opportunity to give comments. My name is Alexandra
21 Wyatt. I am the policy and regulatory manager for GRID
22 Alternatives Mid-Atlantic and I am speaking as a proponent
23 of the text amendments.

24 GRID Alternatives Mid-Atlantic is a non-profit
25 solar installer based in the District and our vision is a

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1 future where clean renewable energy is accessible to
2 everyone. To achieve that future we work exclusively with
3 low-income and underserved communities to bring them the many
4 benefits of solar which include hands on job training
5 opportunities in fulfilling renewable energy careers as well
6 as lower energy burdens, of course reduced greenhouse gas
7 emissions and a cleaner, healthier environment.

8 Community solar is essential to reach many of
9 these lower income households that don't have access to
10 rooftop solar for any number of reasons.

11 And the District's Solar for All program which of
12 course was established by statute and its goals are statutory
13 depends again in large part on community solar to achieve
14 those statutory goals.

15 GRID Alternatives Mid-Atlantic strongly supports
16 the community solar text amendments primarily because the
17 special exception process really does add immense
18 uncertainty, delay and expense to every community solar
19 project in the District, likely making some infeasible.

20 The special exemption process is especially
21 burdensome for community solar projects under the Solar for
22 All program which face grant funding deadlines at the end of
23 this fiscal year.

24 By burdening community solar under the Solar for
25 All program the basic utilities interpretation would take

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1 money out of the pockets of low-income District residents who
2 otherwise could start reducing their energy bills through
3 community solar subscriptions and it would also preclude the
4 many co-benefits of solar that I mentioned including job
5 training and workforce development, education around solar
6 and energy efficiency, and we've seen an increased pride in
7 neighborhoods for their advanced clean energy.

8 The text amendments would solve these important
9 problems and provide an equitable outcome for low-income
10 communities.

11 In the big picture, DC can't afford not to adopt
12 these text amendments. U.S. carbon emissions grew 3.1
13 percent in 2018 as global emissions reached a record high.

14 Time is of the essence. We must work together to
15 stop and reverse this trend quickly to avoid the very worst
16 impacts of climate system breakdown which would unjustly hurt
17 most those who are already most vulnerable in society.

18 And I'm not one of the most vulnerable in society,
19 but I am a District homeowner and here for the long haul and
20 I want climate action at the appropriate speed which is very,
21 very fast in order to preserve this city for myself and my
22 family as well.

23 The District of Columbia must continue to show
24 leadership in responding equitably, rapidly and at scale to
25 the climate crisis. But it can't do so if its Solar for All

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1 projects become needlessly bogged down by ill-fitting zoning
2 requirements.

3 The text amendments offered by the Office of
4 Planning offer a clear fix to this significant problem. They
5 also beneficially align the agencies of the District
6 government with each other and with the Clean Energy DC
7 Omnibus Amendments Act and the Mayor's climate commitments.

8 The Zoning Commission should continue these text
9 amendments. Thank you.

10 CHAIRMAN HOOD: Thank you. Next.

11 MS. HOLLOWAY-STANFILL: Good evening. My name is
12 Bishop Shirley Holloway-Stanfill and I'm located at 2322 16th
13 Street. That's Ward 8.

14 And I'm here today to talk about House of Help
15 City of Hope and how it serves the community and the
16 communities around it.

17 It is my ministry and goal to provide free housing
18 or reduced housing to recovering program participants and
19 their families, to provide low housing income to individuals
20 and families and to provide support in their sister substance
21 abuse and physical abuse victims. That's what I do.

22 I'm called to speak here today because folks in
23 my community are about to benefit greatly from the
24 installation of community solar in southeast DC.

25 We are so excited for the Dupont Park Seventh Day

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1 Adventist project and other projects in line to be completed
2 so that people who I help support through my housing
3 community work can share in the city's green investment.

4 Families in my program are not able to invest in
5 solar themselves because they are not homeowners, but through
6 the DC Solar for All communities solar project access which
7 is powerful they are able to share in the benefits the city
8 creates for all low-income DC residents.

9 Community solar provides opportunities for
10 creative growth of access in low-income communities to the
11 benefit of going green. Without making the changes to allow
12 permitting to happen we would be taking away programs that
13 are already on their way to helping dozens, hundreds of
14 families.

15 I hope by speaking to the commission today that
16 in support of the community solar and the proposed amendment
17 that you all will approve the changes that will allow these
18 important projects to move forward as planned.

19 I thank you for your time and your listening.

20 CHAIRMAN HOOD: Thank you. Next.

21 MR. COLEMAN: Good evening. I'd like to first
22 thank the Council for this opportunity, DOEE under the
23 leadership of Tommy Wells for the opportunity to present
24 Groundswell's position in support of the initiative that's
25 before us today.

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1 As the vice president of solar development and
2 operations, also being a District resident over 60 some
3 years, a veteran, an activist for Ward 6 I think I've seen
4 enough around our city to know that this assistance that you
5 all can provide will help many.

6 Groundswell's position is to build communities
7 with solar energy. And in order to do that they have to have
8 a mission aligned approach of helping families, utilizing the
9 opportunity of the tools that are provided for green space
10 and solar to make that happen.

11 As you all know the least of our communities are
12 the ones that pay the biggest on the bills and the taxes.
13 Let's keep it real simple. When they get a utility bill how
14 much of that impacts the income they receive? Many times it
15 outreaches what they pay for their groceries. So, as we talk
16 today let's think about it.

17 I've listened to some of the testimony here today.
18 There are a lot of low/moderate income families in
19 Washington, DC. Let us not be confused. Five hundred
20 dollars or more under the Mayor's program that has been
21 facilitated through DOEE for Solar for All makes an impact
22 over 15 to 20 years. That is beneficial.

23 By them participating in this process Groundswell
24 has its own formula. That formula is not just to build
25 solar, but we provide workforce development, we make sure

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1 minority companies have an opportunity to get in at a level
2 to compete. Then we force -- or I shouldn't say force. We
3 demand that they give back to their communities.

4 This is extremely important. Why? If we don't
5 go into these communities with this type of a process they
6 will be left behind. You know that, we know that and so does
7 DOEE.

8 So it is our privilege to have this kind of access
9 so that we can change those communities.

10 As we look at how we do that we see using our
11 youth, workforce development, training programs that are
12 implemented not just with putting up the solar, but money
13 that is set aside for us to provide these services over the
14 next 20 years. It's not just solar, it's education and
15 changing the way we advocate how we do business in our
16 communities and make a better life for all.

17 If we don't take these opportunities now they will
18 get away from us.

19 So as I come to closure here on my response I
20 support this program. I don't think it's a rush that you all
21 are coming to our aid to make sure that we have success. It
22 is truly a responsibility for every city, every urban area
23 to learn and express the need of helping others.

24 We believe that one neighbor can help another.
25 And through this program we can do that and implement it.

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1 I ask you all to please take into consideration as residents
2 what this means to all of our communities.

3 Wards 6, 7 and 8 are some of the areas that are
4 least able to protect and generate income and have
5 assistance. We know this from years back. We can look at
6 Marion Barry. We can look at pride programs. We can look
7 at all of those.

8 We have an opportunity as we say take the wild,
9 wild west. Well, that is what solar energy is about. But
10 it also provides an opportunity for our minority companies,
11 our communities to realize some of those real dollars. I say
12 think about that sincerely as you make your decision tonight.

13 CHAIRMAN HOOD: Thank you. Next.

14 MS. YEATTS: Thank you, Chairman Hood. My name
15 is Leigh Yeatts and I am representing MDV-SEIA, the solar
16 energy industries association that represents companies in
17 the District of Columbia as well as non-profit organizations
18 such as Groundswell and GRID Alternatives Mid-Atlantic.

19 I submitted written testimony that you should have
20 as well.

21 We are here today as a proponent of the text
22 amendment. I would just like to echo DOEE's earlier comments
23 about the ambitious renewable energy targets and the Mayor's
24 support.

25 And we would like to urge you to uphold the text

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1 amendment.

2 Community projects such as CREFs, they play a
3 crucial role in expanding the benefits of solar energy to
4 District residents in all eight wards, and they efficiently
5 maximize the District's limited roof space.

6 MDV-SEIA is currently working in other capacities
7 to address permitting barriers associated with CREFs. The
8 utility used as a nation would stall the progress of projects
9 currently under development, putting as you've heard both
10 public and private capital at risk.

11 As you've also heard, Solar for All projects are
12 required to meet deadlines in order to receive financial
13 reimbursement.

14 I would also just like to add that we would urge
15 you all to uphold the text in the amendment where there is
16 no designation between DOEE funded or otherwise funded
17 projects. For the purpose of zoning there is no fundamental
18 difference between these projects.

19 In closing I would just like to emphasize that the
20 best path forward for achieving the District's sustainability
21 goals which is 10 percent by 2041 of solar supported by the
22 Mayor, increasing solar job growth and ensuring a healthy
23 Solar for All program would be to uphold the text proposed
24 in the zoning text amendment.

25 I would also like to add that our members, the

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1 developers of these projects are also required to adhere to
2 other environmental standards as a part of developing these
3 projects outside of their zoning requirements.

4 We appreciate your attention to this issue and
5 thank you to the Office of Planning as well. And we would
6 encourage your support. Thank you.

7 CHAIRMAN HOOD: Thank you. Next.

8 MR. BIHUN: Thank you, Chairman Hood and the rest
9 of the commission. My name is Nicholas Bihun and I'm here
10 on behalf of New Columbia Solar and I'm speaking in support
11 of the request for a final text amendment to the zoning
12 regulations regarding community solar installations.

13 NCS is based in the District of Columbia and was
14 explicitly established to serve the District's solar market
15 and empower the city to achieve its clean energy goals.

16 Our mission is to make it as easy as humanly
17 possible for residents and businesses in the District of
18 Columbia to benefit from solar energy.

19 NCS has been involved in the District's community
20 renewable energy facility efforts since the notion was
21 conceived as a viable policy for the District of Columbia in
22 2011, and the subsequent legislation in 2013, and finally the
23 rulemaking process of 2016.

24 NCS is a fully integrated developer, EPC financier,
25 owner and operator. We were founded in 2016 and we currently

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1 employ over 40 individuals most of whom are residents of the
2 District.

3 And as a company NCS has been involved with more
4 than 13 megawatts and nearly \$50 million of District-based
5 solar construction and financing, making us the leading
6 commercial solar developer here in the nation's capital.

7 The major components of a CREF solar system are
8 no different than those of net energy metered solar systems
9 where the electricity is exclusively intended for onsite use.
10 CREFs systems do play a critical role in enabling the
11 District to achieve its clean energy goals.

12 CREF enables District residents and businesses to
13 receive more energy through solar electricity by overcoming
14 a number of challenges unique to the market.

15 These challenges include older building stock, a
16 fraught permitting and interconnection process,
17 creditworthiness of building electricity off-takers, the
18 common utility of triple net lease arrangements across the
19 city, and relatively small market scale.

20 Moreover, current interpretation of the zoning
21 regulations will have a particularly consequential effect on
22 the District's Solar for All program which seeks to provide
23 100,000 low-income residents with electricity from solar
24 energy systems located in the District of Columbia by 2032.

25 The current interpretation of the zoning

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1 regulations will effectively render the SFA program unviable
2 given the District's time requirements, budget cycle and
3 matched with developer time requirements.

4 The classification of solar community renewable
5 energy facilities as a basic utility under the zoning
6 regulations is yet another challenge for our core business.

7 As a participant in DOEE's SFA program NCS has a
8 number of CREF projects in our pipeline that are in jeopardy
9 of being permitted which would be detrimental to the District
10 meeting its ambitious renewable portfolio standard.

11 Additionally, our inability to receive permits in
12 an economical and timely manner impedes our business workflow
13 and our fundamental ability to continue to operate in DC.
14 This has dire consequences for our employees, a majority of
15 which as I mentioned are District residents.

16 Many of our construction crew, our hourly workers
17 rely on consistent work opportunities. Their livelihood
18 relies on our ability to keep a steady flow of projects
19 moving through our pipeline in a manner consistent to
20 forecasting similar NEM projects in the District.

21 NCS has built our company to solve challenges of
22 deploying solar across the District and we have built the
23 capacity to construct and finance a large portion of the
24 solar market opportunity.

25 Because of our ability to finance CREF projects

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1 without the assistance of the Department of Energy and
2 Environment NCS would also support the removal of the
3 specific language that defines CREF as a partially or fully
4 funded DOEE funded.

5 All community solar development should be included
6 in the broader CREF definition in our opinion.

7 Ultimately as previously mentioned there is very
8 little difference from a net energy metered solar system and
9 a CREF system. To the layman viewing the system from afar
10 there would be no appreciable disparity.

11 Only upon careful study of the electrical line
12 diagram or advanced knowledge of the technical
13 characteristics of a line side/load side interconnection
14 could one determine the system type.

15 It is also important to note that the District's
16 solar industry is moving in the direction of deploying the
17 majority of solar via CREF and the current interpretation of
18 the zoning regulations will fundamentally stifle that
19 transition.

20 NCS is committed to working with the Zoning
21 Commission to overcome this obstacle and we welcome the
22 opportunity to develop a zoning pathway commensurate with the
23 District's solar energy goals which will not impede DC's
24 growing solar industry. Thank you.

25 CHAIRMAN HOOD: Thank you all very much. Let's

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1 see if we have any questions.

2 I want to ask the first young lady. And the
3 caveat, I don't want you to get mad with me. I'm going to
4 go down this line with you. And I'm also going to come to
5 you, Ms. Petti, so get ready.

6 You've heard me mention that to me when I look at
7 this, and I'm hearing about the public input. Believe me,
8 that's how I got here.

9 A lot of people a lot of times tell us that if it
10 was in your neighborhood. I tell people be careful what you
11 ask for because if you knew what was in my neighborhood you
12 might appreciate what's in yours.

13 I actually got here by trash transfer stations
14 when Mr. Barry put me here some years ago. So anyway, that's
15 how -- that was my fight. And I think I just mentioned that
16 last week. It's starting to be an every week thing so I
17 understand.

18 But let me just say that when I look at what's
19 before me because I don't like to put anybody on promised
20 land it looks to me like the benefits outweigh the adverse
21 impacts. And that's what you would look at in a special
22 exception. At least that's what I would look at in a special
23 exception.

24 And I don't want you to take this question --
25 don't get mad with me. I already caveated that.

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1 If this was not -- if a specific case was not
2 necessarily near your home. And this is not the thing, like
3 not in my back yard. Would you be supportive of what the
4 benefits are in this program?

5 MS. BERRY-ROLLINS: That's a great question.

6 CHAIRMAN HOOD: Oh, thank you. You didn't get mad
7 with me.

8 MS. BERRY-ROLLINS: No, I won't get mad at you.
9 Because I wanted the opportunity to say that in our community
10 meetings no one has said they're opposed to solar. There's
11 no one who has said that this doesn't have an important
12 impact for people in our community.

13 There are low-income, middle-income people in our
14 community and so I think the way that I view this is about
15 citizen engagement, participatory democracy, the things, the
16 ideals. We don't say hey, you have a life, but you need to
17 be quiet. We're going to put tape over your mouth so you
18 can't talk about what that looks like in your community.

19 We can't silence people because they are low-
20 income or because they are near a facility. We can't silence
21 them, mask their ability to talk about and express their
22 opinion.

23 So it's not necessarily -- it's not necessarily
24 again the project that is -- I know that's not mentioned in
25 this, the problem in this particular proposal.

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1 The problem is that it's over-broad and it's over-
2 reaching. And I've heard everyone here talk about Solar for
3 All, DOEE, DP planned, but it's written so broadly it catches
4 all of the developers and all the other instances that aren't
5 necessarily for low-income people who will be directly
6 impacted.

7 And so I think it's -- we need to really talk
8 about the distinction between what we all agree is important
9 which is solar, which is a method to combat climate change
10 and the ability for people to have a say and raise concerns
11 about what it looks like in their community. So is that
12 helpful?

13 CHAIRMAN HOOD: Very helpful. I think I'm with
14 you. I understand you wholeheartedly, believe me.

15 Again, I'm still at the question of impacts versus
16 the -- adverse impacts versus the --

17 MS. BERRY-ROLLINS: But we won't know the impacts
18 if you don't let the community and the people that are
19 involved have an opportunity to have a say. You have
20 developers --

21 CHAIRMAN HOOD: You all, in that particular case
22 you all are right now going to have an opportunity, right?

23 MS. BERRY-ROLLINS: Okay. Agreed.

24 CHAIRMAN HOOD: I think.

25 MS. BERRY-ROLLINS: Well, we don't know. That's

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1 why we're here because the way that this is written it
2 basically takes us out of that process.

3 CHAIRMAN HOOD: Okay. So that may be -- yes,
4 okay. I got you now. I have not been following that
5 purposely on purpose. So I'm not sure. Maybe, maybe not.
6 Maybe you're right in this case. But again I'm looking at
7 the benefits. But anyway, thank you.

8 Now, Ms. Petti I'm going to come to you. I've
9 been knowing you awhile so if you get mad we'll be all right
10 in a week or so.

11 Same question to you about the impacts versus the
12 benefits. And I understand the committee's testimony. I
13 understand your points. But to me as the director has
14 already mentioned we're very aggressive here. This is very
15 aggressive.

16 And I was going to ask the Office of Planning to
17 point somewhere else, but I don't even know if we can
18 probably do that. We may be able to at some point, but I
19 think we're really pressing forward and pressing hard. So
20 let me let you answer the question.

21 MS. PETTI: Well, a couple of reactions. And
22 first of all I would echo everything that this woman just
23 said.

24 But a couple of reactions. And one is in a number
25 of these instances like the Catholic Charities and if there

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1 are other systems that are built that are like it and of that
2 scale and that vastness there are just beyond a doubt going
3 to be impacts on the adjacent abutting neighbors, beyond a
4 doubt.

5 And our city's system for reconciling those
6 impacts and for weighing the costs and the benefits that you
7 describe, and I think we all agree there are benefits, our
8 city's system is the BZA process. And it's worked well. Not
9 everybody always gets their way and people often get angry
10 at it, but it's worked well for many, many years.

11 And if you can imagine there are a whole bunch of
12 uses in the zoning code that are regulated under the BZA
13 process. If every industry came in here that was subject to
14 the BZA process and made some excuse for timeliness, delay,
15 costs, the nuisance of democracy why not just do away with
16 the process.

17 I mean, for goodness' sakes, even on the Catholic
18 Charities site if they wanted to put a daycare center on that
19 site they'd have to go through a BZA process. It's not too
20 much to ask.

21 And I would argue that in terms of delay only the
22 most egregious cases are delayed or overturned by the BZA.
23 And so the delay it adds is relatively nothing compared to
24 the delay that might be added as a result of trying to do a
25 rulemaking that just basically wholesale exempts all

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1 community solar systems from the regulations.

2 CHAIRMAN HOOD: This discussion reminds me. I've
3 been here for a few minutes. This reminds me of our antenna
4 regulations and we started talking about regulating DirectTV
5 and satellite dish. I remember that whole discussion. I
6 can't remember exactly where we ended up, but we ended up
7 where some of the discussion was. Anyway, let me ponder on
8 some of this. Let me open it up to some of my colleagues.
9 Questions? Any questions, comments? Okay.

10 COMMISSIONER MAY: I'm just curious. Several
11 people have brought up Catholic Charities. Where is that
12 project?

13 MS. BERRY-ROLLINS: It's on Otis Street,
14 Northeast.

15 COMMISSIONER MAY: I know you don't want me to go
16 deeply into it, I'm just curious about where -- Otis Street,
17 Northeast?

18 CHAIRMAN HOOD: It's off of Eastern Avenue. They
19 used to call it Barnard Hill. Is that still Barnard Hill?

20 COMMISSIONER MAY: I'm sorry, your microphone is
21 not on.

22 MS. YEATTS: I'm sorry. It's -- I think it's 2800
23 Otis.

24 MS. CHANDLER: The address is 2800 Otis, but where
25 the panels will be set is at the intersection of Eastern and

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1 Randolph Street. So when you're coming down Eastern, if
2 you're going down there that whole hillside will be covered
3 with black panels.

4 CHAIRMAN HOOD: It's right by the Woodbridge Civic
5 Center.

6 MS. CHANDLER: It's right by Barnard. Barnard is
7 here --

8 (Simultaneous speaking)

9 COMMISSIONER MAY: All right. Thank you.

10 CHAIRMAN HOOD: All right. Any other questions
11 up here? All right. I want to thank you all very much. We
12 appreciate your testimony. Thank you.

13 Tell that young person -- I know they hear me.
14 Tell that young person continue to do good in school.

15 All right. Anybody else want to testify? I see
16 Mr. Valladares has not made it. Okay. All right.

17 Well, I guess that's it. Nobody else wants to
18 testify. Okay. Ms. Schellin, do we need any dates? Did we
19 ask for anything?

20 MS. SCHELLIN: Just the --

21 CHAIRMAN HOOD: Yes, the young person.

22 MS. SCHELLIN: -- young person's testimony.

23 CHAIRMAN HOOD: -- testify. Sure? Are you
24 undeclared. Come forward and identify yourself.

25 MS. MOORE: You're very gracious to allow just a

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1 couple of more thoughts.

2 CHAIRMAN HOOD: You need to come to our oversight
3 hearing. You said I was gracious. Please come to the next
4 oversight. Identify yourself and you may begin.

5 MS. MOORE: My name is Michelle Moore and I'm one
6 of Lenwood Coleman's colleagues at Groundswell.

7 And the one clarification that I wanted to share
8 because it was really thoughtful and lovely for all the folks
9 opposed and for who shared their thinking today is that for
10 these projects, the community solar or CREF projects, if any
11 of the hosts, any of the locations for these projects were
12 being hosted wanted to build solar just for their own use,
13 just behind the meter so to speak which New Columbia Solar
14 spoke to, those projects would be permissible by right.

15 And the only thing that tips community solar into
16 being a basic utility from the zoning administration
17 perspective is merely the fact that those projects are
18 connected in front of the meter which means they're being
19 shared with neighbors.

20 And from Groundswell's perspective as a non-profit
21 our inspiration in this work is really simply the charge to
22 love your neighbor as yourself. We work with a lot of faith
23 communities and that's very much the foundation of our work
24 too.

25 And so I would just encourage you all as you're

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1 deliberating your decision here to consider not just the
2 benefit to low-income communities of the extraordinary
3 leadership of the Department of Energy and the Environment,
4 and of the Mayor and of the District of Columbia, but also
5 consider the value to enabling Washingtonians, neighbors
6 including businesses who are in the neighborhoods to share
7 power with people who really need the savings.

8 Because putting solar behind the meter and using
9 it for your own use is great for the climate, it's great for
10 your bottom line, but it's a more selfish impulse.

11 And to enable that same rooftop, that same parking
12 garage, a canopy over the parking garage to be shared with
13 your neighbor is a much more generous impulse. And that's
14 something that really supports the spirit of the community
15 that I think that everybody up here shared regardless of
16 their perspective on the amendment. Thank you.

17 CHAIRMAN HOOD: Thank you very much. We have a
18 question.

19 MS. MOORE: Yes, sir.

20 CHAIRMAN HOOD: Commissioner Shapiro.

21 COMMISSIONER SHAPIRO: So, I just want to make
22 sure I understand the clarification you provided. I
23 appreciate you coming forward with that.

24 So, you're saying that this project could be
25 accomplished as a matter -- we're not talking about a

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1 hypothetical. We're actually talking about a specific
2 project in this case.

3 But in that specific project if it were
4 technically structured different it could be done matter of
5 right.

6 MS. MOORE: I'm not familiar with the Catholic
7 Charities project specifically. But Groundswell has a number
8 of community solar projects that are in process around the
9 District.

10 COMMISSIONER SHAPIRO: Of that scale.

11 MS. MOORE: No, no, no, not at that scale.
12 Significantly smaller. You know, that project is more than
13 2 megawatts. Our largest project is less than a quarter of
14 that size and typically on a rooftop or an existing
15 structure, existing parking lot.

16 And if any of those host sites, churches typically
17 for us or possibly schools, wanted to build solar for their
18 own use they would be able to do it by right.

19 It's merely the impulse to share that would
20 trigger this concern.

21 COMMISSIONER SHAPIRO: Thank you. And thank you
22 for the clarification.

23 CHAIRMAN HOOD: All right. Okay. Ms. Schellin,
24 do we have any dates or anything? Hold on a second. Sure.
25 You want to come and testify, identify yourself?

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1 And I think the young lady was right. I don't
2 like to leave anybody on promised land. This text amendment,
3 I'm not sure which one is first. But anyway, if these text
4 amendments go through I think that case is null and void.
5 I'm not sure. I'm not sure how far along they are in the
6 case.

7 Okay. Identify yourself and you may begin.

8 MS. VALLADARES: Hi. My name is Venus Valladares
9 and I live at 2815 Otis Street, Northeast, directly across
10 from the property owned by Catholic Charities.

11 And I wasn't going to testify, but my neighbor who
12 I thought -- both of my neighbors who did such an awesome and
13 eloquent job of expressing our concerns about the text
14 amendment convinced me that I should come up and say a few
15 words because in my instance our -- I just wanted to
16 reiterate that we are pro solar and renewable energy.

17 We have solar panels on our art studio at our
18 home. And our main concern for this process is just being
19 left out of the process, is capitulating our civic duty to
20 developers. And I just think that it is -- it would be a
21 travesty to have that -- this process, this amendment go
22 forward.

23 And I wanted to make sure that I registered that
24 we are opponents to that. And that's it.

25 CHAIRMAN HOOD: I'm going to ask you a question

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1 as well.

2 MS. VALLADARES: Okay.

3 CHAIRMAN HOOD: And I hope you don't get mad
4 because I'm just trying -- I'm trying to get there.

5 Maybe I'll start doing that at every hearing. Ask
6 people not to get mad at me before I say anything.

7 So you said you have solar.

8 MS. VALLADARES: Yes, we have solar.

9 CHAIRMAN HOOD: In your studio.

10 MS. VALLADARES: Yes.

11 CHAIRMAN HOOD: I'm just curious, your process --
12 I noticed the word that I used, encourage, when I asked the
13 director about encourage because I use that quite a bit down
14 here, encourage when certain things that happen that may take
15 away some input. So you know, I always encourage or strongly
16 encourage.

17 Because a lot of developers we see again. So
18 that's when I say strongly encourage. And if it didn't
19 happen then we know you didn't strongly encourage on the last
20 case.

21 But in your case how did you -- when you did yours
22 did you consult with your neighbors? What did you do?

23 MS. VALLADARES: We did not consult with our
24 closest neighbors to us, but we spoke to other community
25 members who have solar.

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1 And I just wanted to say that when we were at
2 community meetings headed by our ANC with the organization
3 that is proposing the solar project. And I know that we're
4 not supposed to be talking specifically about it.

5 CHAIRMAN HOOD: That's all right. We've been
6 talking about it all night.

7 MS. VALLADARES: Okay. But one of the questions
8 that was posed to me was about why did we decide to do solar
9 energy. And yet we are opposing this particular project.

10 And I think that that is comparing apples to
11 oranges basically because we have many concerns and Ms.
12 Chandler addressed several of them.

13 But you cannot compare the solar that you have on
14 your home to a solar farm utility that's in your front and
15 back yard.

16 And so I just want to say that we are very pro
17 solar and I hope that I answered your question there.

18 CHAIRMAN HOOD: You did. And believe me, I get
19 the public input. I get that. I get the process. And you
20 weren't required to, but I just -- you know, as someone who's
21 trying to get into it and understand it and see how the recs
22 work and all the other conversations and dialogue that goes
23 along, I was just wondering. Because I was trying to see how
24 you went about it because maybe that may be something we may
25 be able to put in place here. But that's fine. You answered

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1 the question. I thank you very much.

2 Any other questions up here? Commissioner
3 Turnbull.

4 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
5 What is your greatest fear? What is your greatest fear?
6 What it looks like? Are you worried about drainage? Are you
7 worried about water? What do you think -- what is the
8 biggest impact you see coming with this?

9 MS. VALLADARES: So, I don't know if you're
10 familiar with that area of DC, that part of DC but it is very
11 suburban like. And I have multiple issues with the project.

12 Number one, the large scale. Two, the devaluation
13 of our property values. A lot of us have --

14 COMMISSIONER TURNBULL: Are you going to be
15 looking right at it?

16 MS. VALLADARES: I face the property. Yes. I
17 think that many of us as my neighbor said, we have a -- this
18 is our largest legacy to pass on to our children.

19 And I don't think that anyone would willingly give
20 up a percentage of their family legacy for this type of
21 project. I mean, there is an impact on depreciation and that
22 is our concern.

23 I don't think that it's the right size project.
24 Not that it shouldn't be in the area, but I don't think it's
25 the right size project for our neighborhood.

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1 The aesthetics. There was a recent article in
2 Forbes magazine about the issue with toxicity of panels from
3 runoff. And so all of those things are concerning for us.

4 COMMISSIONER TURNBULL: Okay, thank you.

5 MS. VALLADARES: Thank you.

6 CHAIRMAN HOOD: All right. Any other questions?
7 Thank you very much. We appreciate it.

8 Okay, Ms. Schellin, do we have any --

9 COMMISSIONER MAY: Mr. Chairman?

10 CHAIRMAN HOOD: Yes.

11 COMMISSIONER MAY: Sorry. Before we get to the
12 dates. So I've been thinking about how we can possibly move
13 forward on this and I think the thing that gives me the
14 greatest concern that was really only apparent tonight with
15 the changes that were proposed by the Office of Planning and
16 then of course the testimony that we received is that there
17 is an issue of scale related to these projects.

18 And when we get to multiple acre projects and
19 things as large as 5 megawatts they can be really huge. And
20 yes, as much as I like solar energy and I have solar panels
21 on my roof I wouldn't want to be looking across the street
22 at a solar farm.

23 And so that's not to say that it should not be
24 something that is permissible, but the notion of having
25 public input on that process I think has a lot of value.

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1 And I also think about this in terms of my role
2 here on this commission because I'm representing the National
3 Park Service here and that one case that we're not supposed
4 to be talking about is across the street from a national
5 park.

6 And I'm not sure if the park staff was engaged on
7 this. I didn't get any notice of a BZA case related to a
8 special exception across the street, but we probably did get
9 it and I don't know where it went. Those things don't go
10 through me.

11 But I can see this being an issue across the city.
12 And one of the things that the Park Service, one of the
13 reasons why I'm here is to look out for what happens that
14 could affect park land across the city.

15 I think we need to get a little bit more
16 information from the Office of Planning or the Department of
17 the Environment, Department of Energy and the Environment to
18 understand where these projects are falling out.

19 It may be that a lot of what is proposed is
20 perfectly fine. It's going to be on rooftops that people
21 aren't going to notice. It's going to be in smaller areas.
22 It's going to be screened, whatever.

23 But I think that when it comes to these very large
24 projects there ought to be some community input. And I think
25 about the Catholic Charities one. It is very clear that

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1 there are impacts on the immediate neighbors.

2 The Oxon Run case is a little different because
3 I know that property and it's park land on both sides and
4 screened from neighbors, but then where it's not park land
5 it's behind a commercial area so it's less impactful there.

6 But that doesn't mean that we should give
7 everything a free pass.

8 I just feel like I need to get more information
9 from the Office of Planning and/or the Department of Energy
10 and the Environment in order to make an informed decision
11 about whether making these sorts of facilities a matter of
12 right very broadly is the right approach, or whether we
13 should be having some smaller threshold for matter of right
14 and then a special exception process for the larger ones.

15 And I understand that there may be risks
16 associated with this, but I don't feel like I can vote in
17 favor of these changes without understanding it a little bit
18 better.

19 CHAIRMAN HOOD: Okay. I too -- let me just say
20 this because I'm very familiar with -- since we're talking
21 about the project, with that area, very familiar.

22 But you know, here's the thing. Well, you know
23 what, let me just not go down that line because I don't want
24 to break my own rule. Let me be an example.

25 So I would agree with most of your comments,

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1 Commissioner May. I'm not sure if I'm there with you yet.
2 That's why I keep asking the question about benefits versus
3 impacts.

4 But maybe we could see Office of Planning and DOEE
5 if they can look at maybe, like you mentioned caps, or how
6 far do we go, a certain size. You know, maybe we can have
7 them go back and look at some of that and see what kind of
8 proposals that come forward.

9 I know this is aggressive and I'm not exactly
10 there with you yet. I think that's coming across loud and
11 clear from me.

12 And I probably am as far as we're concerned the
13 closest one. I'm the most familiar probably with that area.
14 But anyway, it is what it is.

15 Any other comments? Commissioner Shapiro.

16 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
17 would just join with your comments. And I share some of the
18 concerns you have, Commissioner May.

19 I don't see how we could take up any kind of issue
20 around size without taking into account the zone as well.
21 Because for me it's not so much about the size of it, but
22 something of this size in a certain area.

23 And with you, Mr. Chair, I'm very concerned about
24 the broader issues and the importance of these kinds of
25 trade-offs that sometimes need to be made. I'll leave it at

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1 that. Thank you.

2 COMMISSIONER MAY: I wouldn't disagree with that.
3 I think there are certainly some zones where it probably is
4 perfectly fine to have the larger sizes as a matter of right.

5 But you know, every residential zone across the
6 city? I'm not sure.

7 CHAIRMAN HOOD: I think this is going to be a very
8 interesting discussion because we do grapple with -- make
9 sure the public has an input.

10 That's what's unique about this city. I always
11 mention this and I'm saying this for those who are here. I
12 was in Houston and I mentioned some of their folks down there
13 who were doing some similar work and they told me Hood, don't
14 bring that mess down here. They don't take public input.

15 So in other words DC is unique and everybody's
16 input is -- everybody has a say. So I get it. I get it.
17 We're not like some of these other places where, you know,
18 when you see it it's up and done.

19 Okay. Commissioner Turnbull.

20 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
21 would agree with all of the comments. Everybody wants solar.
22 Everybody wants to have a cleaner environment, a better way
23 of collecting energy and I think that's our goal.

24 What I'm concerned about is I heard a comment
25 tonight saying the ill-fitting zoning regs don't help us.

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1 You know, that irritates the hell out of me. We spent seven,
2 eight years redoing the zoning regs --

3 CHAIRMAN HOOD: Nine.

4 COMMISSIONER TURNBULL: Nine years to protect the
5 District of Columbia residents, the people who -- and when
6 someone -- the ill-fitting zoning regs really irritates the
7 hell out of me because it doesn't get something done fast
8 enough.

9 Well, that's a bunch of -- to me that irritates
10 me. That really irritates me. We spent a hell of a long
11 time, hours. We went out into the neighborhoods, met with --
12 it's just -- and when someone says well, it doesn't help my
13 business.

14 Everybody wants business to succeed. We all want
15 solar. We all want development to go ahead. But we also
16 have to protect the rights of the residents of the city, of
17 this District.

18 And I think Commissioner May brought up a point
19 that on certain large projects we need to have some built in
20 things to protect people that they can have their comments
21 and be able to say something.

22 So I'm all in favor for development and going
23 forward, but I think on some areas in some zones we may need
24 to have something so that the citizens of the District of
25 Columbia can have some input and express their concerns to

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1 DOEE and say have you thought about this, have you thought
2 about that. Maybe it's something.

3 So I think there might be some tweaking that needs
4 to be done just to ensure that.

5 Other than that I'm okay with this, but I do
6 believe we might need, as Commissioner May said, there might
7 be some instances where we might want to step back and say
8 let's have a second look. Maybe in this case the residents
9 in the area have got a point and let's talk about it. That's
10 just my view.

11 CHAIRMAN HOOD: And let me just add. And it may
12 not even be a BZA process. I don't know.

13 COMMISSIONER TURNBULL: Right.

14 CHAIRMAN HOOD: Like I said, large track. I don't
15 know. I really don't know.

16 I will say this, though, Commissioner Turnbull.
17 And I'll put this on the record. Prince George's County when
18 they did their zoning regs I did speak with them and one good
19 advice I gave them. Don't let it take nine years. So that
20 was a plus. That's probably about all I gave them.

21 Any other questions or comments? Vice Chair
22 Miller.

23 VICE CHAIR MILLER: Well, I didn't think we were
24 going to get into stating positions here. I thought we were
25 going to wait till deliberations.

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1 But since people have. We allow matter of right
2 development all across the city if it meets certain
3 development standards. Two and a half acres in an RF zone
4 would have a lot of impacts on surrounding communities,
5 probably a lot more impacts than an array of panels in terms
6 of the traffic and parking and all the things that people
7 come down here and complain to us about.

8 So, I don't share as much concern about the size
9 of the solar array panels. I think the 5 megawatt maybe
10 could be adjusted downward and OP can look at that as the
11 commissioners seem to be interested in that.

12 But you know, if it was a 5 acre site, or a 2 and
13 a half acre site there would be a lot of townhouse
14 development that would be permitted as a matter of right, as
15 a matter of right without a public hearing process if the
16 development standards were being met.

17 So I'm not sure -- that's what our zoning
18 regulations do permit right now and I don't think that that's
19 a matter of concern necessarily. We need people to live here
20 and they need energy.

21 I have one question of the DOEE. I may have
22 missed in their presentation. It's a very simple question,
23 but I might have missed it in their presentation.

24 I heard the 10 percent solar goal by 2041 I think.
25 Ten percent of all energy being provided by solar energy by

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1 2041 which you said was a very aggressive goal.

2 MR. WELLS: That's correct.

3 VICE CHAIR MILLER: Where are we right now in
4 2019? Are we even at 1 percent?

5 MR. KING: We're a little over 1 percent. I think
6 we have about 88 megawatts installed capacity. So quite a
7 ways to go.

8 VICE CHAIR MILLER: Thank you, Mr. King.

9 CHAIRMAN HOOD: So do we have anything else? So
10 we did ask for some stuff. And again I think it's going to
11 be a very impactful discussion from what I'm seeing even
12 though -- we're just asking for stuff now, but I think it's
13 going to be a very impactful discussion.

14 Ms. Schellin, can we find out when all that stuff
15 can be gotten and turned into us and the dates and all that?

16 MS. SCHELLIN: Does OP want to try for the meeting
17 on the 29th?

18 MS. STEINGASSER: Yes. Yes, it would be no later
19 than that.

20 MS. SCHELLIN: Okay. So, if the young lady --
21 other than the student. Okay, could she do that in a week?
22 She's working on it now. Okay.

23 So we'll give her a week. If she could submit
24 that by 3 o'clock p.m. on April 8.

25 Other than that the record is closed to the

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1 public. And for OP if they could make their submission by
2 3 p.m. on the 22nd.

3 MS. STEINGASSER: Yes, we absolutely can.

4 MS. SCHELLIN: Then we can put this back on the
5 meeting agenda for the 29th.

6 CHAIRMAN HOOD: So is that enough time for
7 everybody? The 29th? Okay.

8 All right, Ms. Schellin, do we have anything else?

9 MS. SCHELLIN: No. Other than that the record is
10 closed.

11 CHAIRMAN HOOD: Other than the young lady. Who's
12 working on it now.

13 MS. SCHELLIN: She's working on it.

14 CHAIRMAN HOOD: She's an A student.

15 MS. SCHELLIN: But we'll give her until Monday.

16 CHAIRMAN HOOD: Monday. She's an A student.
17 She'll have it before she leaves. No, I'm just playing.

18 Okay. So I want to thank everyone for their
19 participation tonight and with that this hearing is
20 adjourned.

21 (Whereupon, the above-entitled matter went off the
22 record at 8:15 p.m.)

23

24

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 04-01-19

Place: Washington, DC

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