

December 4, 2020

**VIA ELECTRONIC MAIL**

Clerk, Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, California 94612  
Attention: Anika Campbell-Belton  
Email: [CBS@acgov.org](mailto:CBS@acgov.org)

Re: Applicant Appeal of Board of Zoning Adjustment Condition of Approval; Aramis Solar Project; Conditional Use Permit PLN2018-00117

To Whom It May Concern:

This is an addendum to an appeal dated December 2, 2020 by the applicant, IP Aramis, LLC, additionally appealing another condition approved by the Board of Zoning Adjustment for Conditional Use Permit PLN2018-0017, which authorized development of a solar facility at 1815 Manning Road and 4400 North Livermore Avenue. This appeal is filed pursuant to Alameda County Code Section 17.54.670.

Upon receipt of Resolution No. Z-20-23 provided on December 3, and upon review of the final text of the conditions of approval added to the project's Conditional Use Permit by the Board of Zoning Adjustments during its November 24<sup>th</sup> virtual public webinar meeting, the condition requiring increased setbacks and agricultural plantings are infeasible. This addendum serves to appeal the conditions, copied below:

*“WHEREAS, based on facts in the record regarding the significant effects of the project on scenic qualities and preservation of agriculture as a quality of open space, the Board determined that [sic] an additional condition of approval is necessary and proper providing for increased setbacks of 100 feet from the public rights-of-way of North Livermore Avenue and Manning and Hartman Roads, and 80 feet from the western project boundary, within which, instead of decorative trees and landscaping the project developer shall plant agricultural crops such as olive trees and/or grape vines to the extent that such species are native to California, drought-resistant, avoid excessive irrigation requirements and maintain the prevailing visual and and [sic] agricultural character...”*

Detailed rationales for the infeasibility of each component of this condition are enumerated below.

### **1. Newly required setbacks eliminate 8 acres and 2 MW of the project's capacity**

The additional setbacks of 100 feet from North Livermore Avenue and Manning Road public rights of way, plus 80 feet from the project's western project boundary, would eliminate at least 8 acres of an already highly constrained project footprint. With these additional setbacks, the project cannot meet its full potential to generate, store, and dispatch 100 MW of clean power to local residents. The Board of Zoning Adjustments approved the Resource Management Avoidance Alternative to balance the achievement of the project's full generation potential while minimizing significant environmental impacts. However, the new condition requiring setbacks significantly erodes the benefits embodied by the project's full generation potential.

The project, as proposed, already includes minimum setbacks of 50 feet from the public rights of way to the solar panels, providing ample allowance to accommodate 20 feet of open space, 20 feet of planting, a fence, and a 10-foot internal access road setback. An additional 50 feet offers no supplemental benefit to the public, but rather detracts from the public benefits embodied by the project's full renewable energy generation potential.

### **2. Newly required agricultural plantings on the western project boundary offer no aesthetic benefit to the public**

The western project boundary is adjacent to a combination of grazing land and agricultural fields and screening is not appropriate. The O'Brien property is located west of the western boundary of the northernmost portion of the project. However, because the O'Brien property is located at an elevated position relative to the approved solar field, landscaping installed at the lower elevation project boundary will offer no screening benefits to the O'Briens. The applicant has privately offered to fund and install landscaping at the O'Brien property, which would achieve complete screening of the facility from their property.

Furthermore, the applicant has proposed to dedicate land for a hiking trail to the public along the western project boundary of the primary project parcel. The hiking trail will offer views of the solar panels, and we envision STEM educational signage for students of renewable energy, ecology, and climate. The new requirement to plant agricultural crops on the western project boundary would eliminate the educational benefit of the hiking trail by attempting to screen views of the project facility.

### **3. The applicant has committed to plant pollinator-enhancing landscaping, which can no longer be achieved**

Working closely with the Alameda County Beekeepers Association, the Natural Resources Defense Council, and the Audubon Society, the applicant has long proposed to ensure all landscape plantings are pollinator enhancing, to provide habitat for both native and managed pollinators, which are essential to both our natural and agricultural ecosystems in California. The

applicant would like to fulfill this commitment, but the new condition requiring agricultural plantings would preclude our ability to do so.

**4. Agricultural crops provide insufficient visual screening of the solar facility compared with ornamental landscaping**

Grapes are deciduous and offer significant foliage in the spring and summer months but lose their leaves for 5-6 months of the year, offering poor screening capabilities. Olives are slow growing, taking around 10 years to mature, and at maturity offer little foliage at ground level, providing poor screening for a solar facility. Other permanent agricultural crops like fruit trees are also deciduous, losing their foliage for significant portions of the year.

Evergreen ornamental landscaping offers maximum visual screening benefits while also including a wide range of drought tolerant options from which to select. The project's proposed landscaping plan (see Final EIR Appendix J) and proposed plant list were carefully selected by professional landscape architects familiar with the soil and water constraints of the area to ensure maximum screening, enhanced aesthetics, and optimal survivability.

**5. Agricultural crops require additional irrigation water compared with drought-tolerant ornamental landscaping plants**

The soils at the project site are unsuitable for unirrigated agricultural crops. The project's proposed landscaping plan and plant list were carefully selected to require only minimal irrigation to become established in the first three years, after which time they would require no additional irrigation water. Agricultural crops on this particular site are doomed to failure because the soils lack the capability to support permanent dryland crops. Planting agricultural crops therefore negatively impacts the project's ability to conserve water.

**6. Agricultural crops often rely on pesticide use for survival, and the applicant has committed to no pesticide use**

In addition to irrigation water, most agricultural crops require the use of pesticides to ensure they do not become diseased. Permanent agricultural crops subjected to drought conditions tend to suffer from increased disease compared with well irrigated crops. Because the applicant has long committed to not use pesticides to protect and enhance wildlife and honeybee habitat, agricultural plantings are not appropriate at the project site.

**7. California native agricultural crops are inappropriate for this use**

Agricultural crops have been domesticated from their wild ancestors, which largely originate from Europe and Asia. There are few species that could be considered native California agricultural crops, but acorns, prickly pear, and pine nuts top the list. Oaks, cacti, and pines are inappropriate

for screening a solar facility from public views, as they offer insufficient foliage between ground level up to 15 feet. Grapes and olives are both Middle East natives.

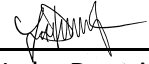
Sincerely,

**IP ARAMIS, LLC,**  
a Delaware limited liability company

By: IP Pipeline Portfolio Holdco, LLC,  
a Delaware limited liability company,  
its sole member

By: IP Portfolio I, LLC  
a Delaware limited liability company,  
its sole member

By: IP Renewable Energy Holdings LLC,  
a Delaware limited liability company  
its sole member

By:   
Name: Luke Dunnington  
Title: Vice President

cc: Chris Bazar, Community Development Director, [chris.bazar@acgov.org](mailto:chris.bazar@acgov.org)  
Albert Lopez, Planning Director, [Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)  
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