

Renewable Properties, LLC

655 Montgomery Street
San Francisco, CA 94111
www.renewprop.com



May 6, 2020

Suzanne Thorsen
Principal Planner
Benicia Community Development Department
250 East L Street
Benicia, CA 94510

Dear Suzanne,

RE: Lake Herman Solar Zoning Text Amendment; Application No. 19PLN-00060

In response to the comments we received at the Planning Commission hearing on February 13, 2020 for the proposed Lake Herman Solar Project (Project), we submit this letter to revise the Project description as described below. The minor revisions to the Project incorporate additional development standards associated with the proposed "solar utility" use, which are described in subsections (J), (K), and (L) of the proposed Benicia Municipal Code Section 17.70.420.

For purposes of convenience, all of the Project's zoning text amendments, including the newly proposed subsections (J) - (L) of Section 17.70.420, are outlined below.

All amendments are identified in **red font** below.

I. Amendments to Chapter 17.16 (USE CLASSIFICATIONS)

BMC § 17.16.040 Public and semipublic use classifications.

"Utilities, solar" means photovoltaic electric panels and appurtenant structures and facilities, designed to provide energy for off-site use such as a power purchase agreement, or direct sale of energy to a local utility company.

II. Amendments to Chapter 17.36 (OS OPEN SPACE DISTRICT)

BMC § 17.36.030 Land use regulations.

	OS	Additional Regulations
Public and Semipublic		
Utilities, Major	U	(F)
Waste Facility	U	(F)
Utilities, Solar	U	(I)
Utilities, Minor	P	

[footnotes for L1 – H omitted]

(I) See BMC 17.70.420, Solar utilities.

III. Amendments to Chapter 17.70 (GENERAL REGULATIONS)

BMC § 17.70.420 Solar utilities.

The following standards shall apply to all solar utilities:

- A. **Agricultural Protections.** Solar utilities shall not be sited on any land subject to a Williamson Act Contract, unless the landowner has rescinded that contract pursuant to its terms.
- B. **No Municipal Services.** Solar utilities shall not require or benefit from municipal services, such as water or sewer services.
- C. **Development Standards.** Solar arrays shall comply with all applicable setback restrictions, including creek setbacks, for the applicable zoning district.
- D. **Height.** For ground-mounted installations, the maximum height shall not exceed 15 feet from finished grade.
- E. **Noise.** Noise levels shall be in compliance with the noise regulations identified in Chapter 8.20 BMC.
- F. **Decommissioning.** Upon ceasing operations, or if the utility solar project is non-operational for a period of 12 months, the project should be decommissioned (or deactivated and removed) in an efficient and thorough manner. A Decommissioning Plan shall be submitted and approved by the Community Development Director prior to the issuance of Building Permits. Financial Assurance shall be provided to City of Benicia in a form and amount, as established by an independent engineer to secure the expense of decommissioning and restoring the project site consistent with the approved Decommissioning Plan. Financial Assurance shall be submitted and accepted by City of Benicia prior to final occupancy/finalizing the Building Permit (Project Close Out).
- G. **Stormwater Management.** All projects greater than one acre shall submit a Stormwater Pollution Prevention Plan and include erosion and sediment control best management practices into the plan.
- H. **Minimal Traffic.** Solar utilities shall not generate new daily traffic trips during normal operation outside of occasional trips for maintenance.
- I. **Solar utilities shall comply with the applicable provisions of the Travis Air Force Base Airport Land Use Compatibility Plan.**
- J. **Hillside Protection.** Solar utilities shall be prohibited on areas of greater than 20% slope.



- K. Scenic Vista and Views. Solar utilities shall not impede any scenic vistas or views as defined in the General Plan.
- L. The aggregate amount of Solar utilities allowed within the Open Space District shall be no more than 10 Megawatts AC.

IV. Amendments to Chapter 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS)

BMC§ 17.74.030 Off-street parking and loading spaces required.

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Parking Spaces: Schedule B Group Number
Utilities, Solar	As specified by use permit	1

We believe the proposed amendments to the BMC Chapters 17.16, 17.36, 17.70, and 17.74 address the City's request for providing the appropriate standards under which a conditional use permit could be issued for the development of a utility solar project, including the Lake Solar Herman Project.

Please don't hesitate to reach out with any questions and/or comments. We look forward to working with you on this project.

Sincerely,

RENEWABLE PROPERTIES

A handwritten signature in blue ink, appearing to read "Aaron Halimi", is written over a light blue horizontal line.

Aaron Halimi
President

CC: Brad Misner, Planning Director
Nira Doherty, City Attorney
Mandy Kang, Planning Consultant, M-Group