From: Slovick, Mark
To: Koutoufidis, Nicholas; Brown, Bronwyn; Smith, Ashley
Subject: FW: [External] JVR Solar Project in Jacumba
Date: Monday, August 16, 2021 9:56:44 AM
Attachments: Eldridge 210816.pdf

FYI

Thanks,

Mark Slovick, Deputy Director
County of San Diego | Planning & Development Services
T. 619.517.8067

From: Barnett, Scott <Scott.Barnett@sdcounty.ca.gov>
Sent: Monday, August 16, 2021 9:52 AM
To: Aghassi, Sarah <Sarah.Aghassi@sdcounty.ca.gov>; Kazmer, Gregory <Gregory.Kazmer@sdcounty.ca.gov>; Shute, Madeline <Madeline.Shute@sdcounty.ca.gov>; Slovick, Mark <Mark.Slovick@sdcounty.ca.gov>
Cc: Sleeper, Maggie <Maggie.Sleeper@sdcounty.ca.gov>
Subject: FW: [External] JVR Solar Project in Jacumba

From Opponents

Scott Barnett
Chief of Staff

Supervisor Joel Anderson-District 2
Office: 619-531-5522
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Email:scott.barnett@sdcounty.ca.gov

www.supervisorjoelanderson.com

From: Mike Appelman <mikeappelman@gmail.com>
Sent: Monday, August 16, 2021 8:11 AM
To: Petterson, Cody <Cody.Petterson@sdcounty.ca.gov>
Subject: [External] JVR Solar Project in Jacumba

I wanted to follow up our conversation and provide the documents showing the proposed Jacumba solar project is not being submitted to PDS in an acute manner. I'll CC the clerk of the board so this is also part of the general record.

Thank you,
Mike Appelman

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August 16, 2021

By E-mail (Lonnie.Eldridge@sdcounty.ca.gov)

Lonnie J. Eldridge
County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: JVR Energy Park

Dear Mr. Eldridge:

I represent We Are Human Kind, LLC and Jeffrey Osborne. As several of your deputies know, I am a litigator. I understand you will be meeting with Board staff to discuss this item soon. Donna Jones and I will be submitting a longer letter for the Board, but for now I want to make a few limited points.

First, the project has a serious problem with plan consistency. This is not a question of balancing a variety of policies. The core, fundamental "Vision" for Jacumba seeks only:

> ... new development that is compatible with, and preserves the natural and historical environment, including water resources, and protects existing neighborhoods, manages growth to reinforce the rural small town character of the area, which includes agriculture, open space, and trails as important elements of the community.

Second, the notion that this is an "interim" use lacks substantial support. The proposed major use permit will have a set term, but there is nothing preventing it from being extended. The switchyard will be permanent and, because it will not be owned by the applicant, the applicant will not be able to control its termination. And the state's demand for solar power is not going to end in thirty-five years.

Finally, there are some math problems regarding which my clients will submit a memorandum from a solar power engineer, ZGlobal. According to Appendix V of the FEIR, prepared by an employee of the developer, the applicant has raised each panel's output to 540 watts (W) from 360 W. However, both the DEIR and FEIR state that the project will use 300,000 panels; the number of panels did not drop after their output per panel rose. According to Appendix V, the direct current (DC) capacity remains around 110-115 megawatts (MW) notwithstanding the use of more powerful (540 W v. 360 W) panels. According to ZGlobal, the continued use of the higher number of panels results in a DC output that is not only much larger in itself, but also unreasonably larger in proportion to the alternating current (AC) to be delivered to the system. According to ZGlobal, even with a 20% safety factor, the 90 MW project should only need 396-475 acres.

My understanding is that ground-mounted photovoltaic solar projects with battery storage and interconnection, like JVR, usually need about 4 acres to produce 1 megawatt (4 ac/MW). For example, the Viking Energy project in the Imperial Valley uses 604 acres to produce 150 MW: https://ceqanet.opr.ca.gov/2021050036. The Aramis Solar project in Livermore Valley needs 410 acres to produce 100 MW: https://ceqanet.opr.ca.gov/2020059008/5. By this standard, the JVR project would need only about 360 acres to produce 90 MW. However, even the smaller "Community Buffer Alternative" being proposed for this project supposedly requires 604 acres to produce 90 MW, i.e., 6.7 ac/MW.

This information is crucial because it shows that the project's significant, unmitigable impacts can be mitigated, either by imposing conditions or by approving (after study) an appropriate alternative. According to ZGlobal, this reduced project would still meet its objectives.

We see a number of other problems. Just as examples: Staff is recommending approval of one of the alternatives; the alternative was studied in sufficient detail for a hypothetical scenario, but not in enough detail to be approved. To avoid zoning regulations, the EIR and staff analysis are relying on a Zoning Ordinance provision (§4813) that has been overridden by another one (§6954). We anticipate the Kumeyaay tribe will identify serious flaws in the project's analysis.

I am sure you have seen similar situations in which distrust has grown. We believe the Board should not approve the project until these and the other questions raised in Ms. Jones' and my letter have been addressed.

Very truly yours,

Richard A. Schulman, A Professional Corporation
By: Richard A. Schulman, President

cc: David Smith (be e-mail: david.smith@sdcounty.ca.gov)
Client
Donna Jones