MINUTE ITEM
This Calendar Item No. C65 was approved as Minute Item No. 65 by the California State Lands Commission by a vote of 3 to 0 at its 8-19-03 meeting.

CALENDAR ITEM
C65

A 22

S 10

PRC 8475.9

08/19/03
W 25932
N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

City of Santa Clara, a chartered municipal corporation of the State of California
dba Silicon Valley Power
1500 Warburton Avenue
Santa Clara, California 95050

AREA, LAND TYPE, AND LOCATION:

7,695 square feet, more or less, of filled sovereign lands located near the Guadalupe River, along Highway 237 in the city of San Jose, Santa Clara County.

AUTHORIZED USE:

Construction, operation and maintenance of an underground transmission line (230kV), in a concrete bank (approximately 2.6' x 2.6'), consisting of nine-six inch PVC conduits (six of the conduits will have conductor cable installed, two conduits will be used for spares and one conduit will be used for communication via fiber optics between the Northern Receiving Station in the city of Santa Clara and the Los Esteros Substation in north San Jose). Together with a temporary construction easement (approximately 230' x 180') for work incidental to the construction and installation of the underground transmission line.

LEASE TERM:

49 years, beginning August 19, 2003.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance: Combined single limit coverage of $3,000,000, during construction.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.

2. An EIR was prepared and certified for this project by the city of Santa Clara. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit E and F, attached hereto.

   A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained in Exhibit E, attached hereto.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Caltrans, Union Pacific Railroad and US Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

Santa Clara Valley Water District.

EXHIBITS:

A. Land Description
B. Location Map
C. Notice of Determination
D. CEQA Findings/Mitigation Monitoring Program
E. Statement of Overriding Considerations

PERMIT STREAMLINING ACT DEADLINE:

January 12, 2004

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF SANTA CLARA AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT F, ATTACHED HERETO.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT E, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF SANTA CLARA, A CHARTERED MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA dba SILICON VALLEY POWER, OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING AUGUST 19, 2003, FOR A TERM OF 49 YEARS, FOR AN UNDERGROUND TRANSMISSION LINE (230kV) AND A TEMPORARY CONSTRUCTION EASEMENT ON THE LAND DESCRIBED ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE

PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $3,000,000, DURING CONSTRUCTION.

EXHIBIT "A"
(PAGE 1 of 3)

W25932

CITY OF SANTA CLARA
UNDERGOUND ELECTRIC LEASE
LAND DESCRIPTION

A strip of land, 20 feet in width, across State of California lands described in the document recorded December 27, 1971 in Book 9643, Page 10 of Official Records, Santa Clara County, California, and lying 10 feet on each side of a centerline more particularly described as follows:

COMMENCING at the southeast corner of land described in above said recorded document;

Thence S 85°53'25" W along the north right-of-way line of State Highway 237, a distance of 203.21 feet;

Thence S 87°33'59" W along the north right-of-way line of State Highway 237, a distance of 90.10 feet to the TRUE POINT OF BEGINNING:

Thence leaving said north right-of-way line N 12°34'39" W, a distance of 87.44 feet;

Thence, northeasterly along the arc of a tangent curve to the right, having a radius of 80.00 feet, through a central angle of 87°48'26", and an arc length of 122.60 feet;

Thence N 75°13'47" E, a distance of 246.07 feet to a point on the east line of land described in above said recorded document, the TERMINIOUS of this lease, said point bears N 4°06'35" W, a distance of 225.04 feet from the point of commencement.

The sidelines of said 20-foot wide strip shall be shortened or lengthened so as to intersect the southerly and easterly lines of land described in above said recorded document;

This strip contains 0.209 acres more or less.

TOGETHER WITH a 10-foot wide temporary construction easement, the southerly line of which is coincident with the northerly sideline of said 20-foot strip.

TOGETHER WITH a second 10-foot wide temporary construction easement, the northerly line of which is coincident with the southerly sideline of said 20-foot strip.

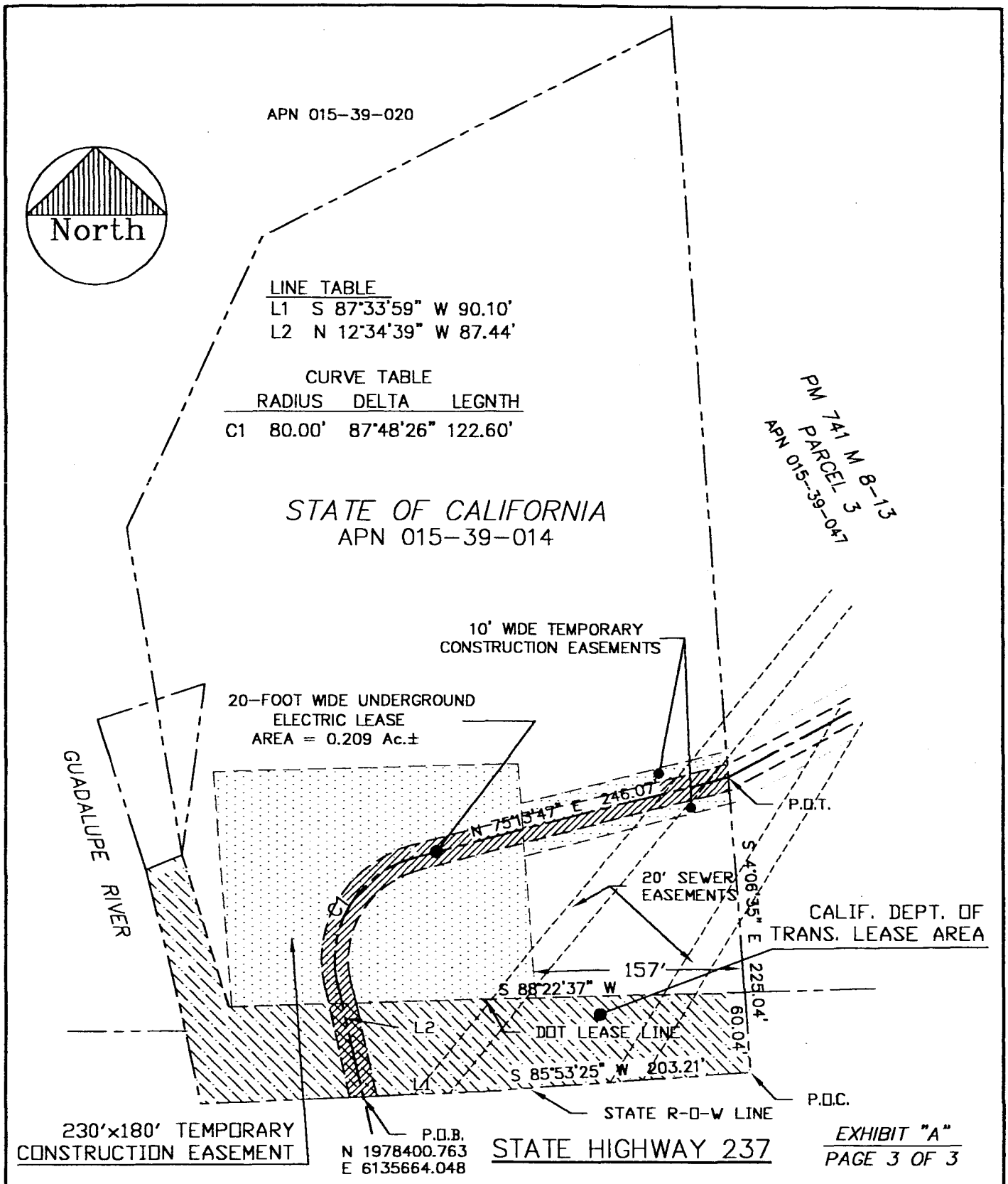
TOGETHER WITH a temporary construction easement over a 230-foot by 180-foot parcel of land, whose southerly line is coincident with the north lease line of State

Highway 237 and whose easterly line is parallel with and 157 feet distance from the easterly line of said parcel described in said document recorded December 27, 1971.

The temporary construction easements contain 1.097 acres more or less and expire on March 31, 2005.

The basis of bearings for this easement description was based on California State Coordinate System Zone 3, 1983.

This easement description was prepared in accordance with the Land Surveyors Act.



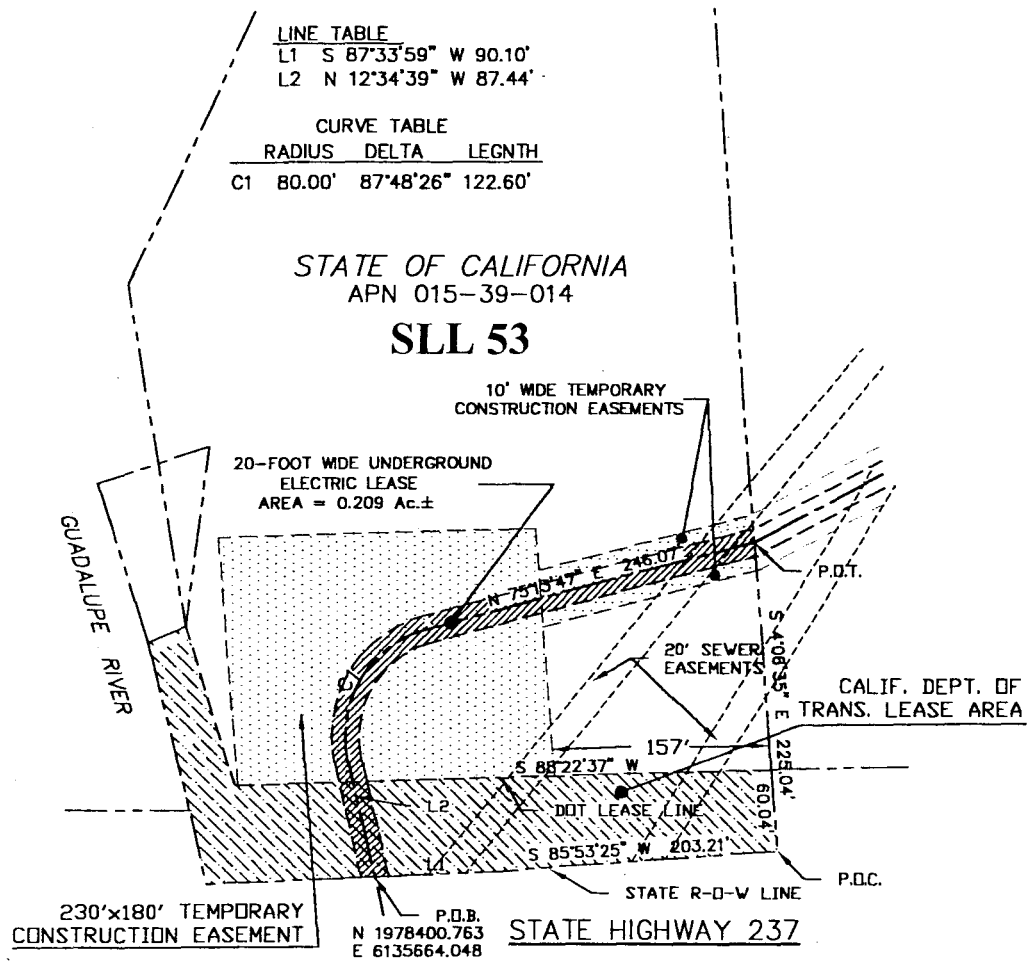
Revised:	8/2/03	CITY OF SANTA CLARA	Scale 1"=100'±
Drawn By:	S.S.		Ref.
Checked By:		UNDERGROUND ELECTRIC LEASE AND TEMPORARY CONSTRUCTION EASEMENT	Tracing No.
Approved By:	Date:		

000326
CALENDAR PAGE

001341
MINUTE PAGE

NO SCALE

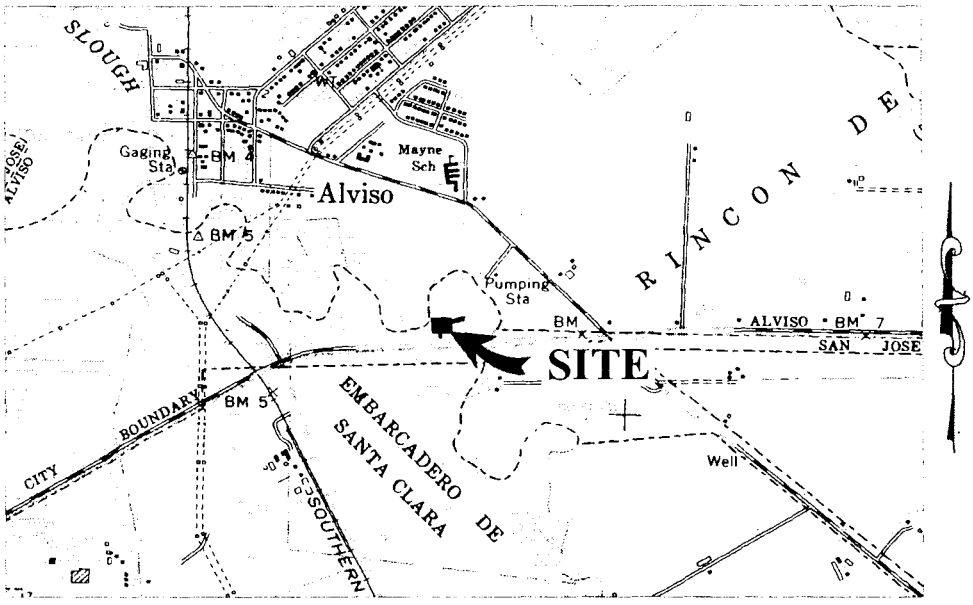
SITE MAP



State Owned Lands in Santa Clara County

NO SCALE

LOCATION MAP



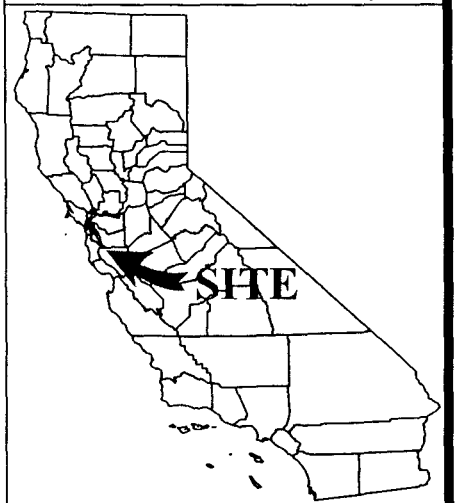
This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any state interest in the subject or any other property.

CALENDAR PAGE 000827

MINUTE PAGE 000405

EXHIBIT B
W25932

APN 015-39-014
City of Santa Clara
Public Agency Lease
Santa Clara County



DWC 08-07-03

EXHIBIT C

CEQA: California Environmental Quality Act

NOTICE OF DETERMINATION

To: ☑ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☑ County Clerk
County of Santa Clara
70 West Hedding Street
San Jose CA 95110

From: (Public Agency) City of Santa Clara
1500 Warburton Avenue
Santa Clara CA 95050

Subject: **Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

Northern Receiving Station 230kV Transmission Project
Project Title

SCH #2002032143	Kevin L. Riley AICP	408 615-2450
State Clearinghouse Number (If submitted to Clearinghouse)	Contact Person	Area Code/Telephone/Extension

Project Location: Begins at Northern Receiving Station in north Santa Clara and ends at Los Esteros PG&E Substation in North San Jose

Project Description: Construction of a 4.7 mile electrical transmission line in both overhead and underground configurations.

This is to advise that the City of Santa Clara City Council (Lead Agency or Responsible Agency) has approved the above described project on February 4, 2003 (Date) and has made the following determinations regarding the above described project:

1. The project [☑ will ☐ will not] have a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☑ were ☐ were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☑ was ☐ was not] adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
the office of the City Clerk of the City of Santa Clara, 1500 Warburton Avenue

Date received for filing and posting at OPR:

Kevin L. Riley — Principal Planner
Signature (Public Agency) — Title

02/07/03

POSTED ON [illegible] THROUGH [illegible]
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY _____ DEPUTY

E10663

Revised March 1986

000328 CALENDAR PAGE

00134 MINUTE PAGE

The proposed project is the construction of an approximately 4.7-mile 230 kV single-circuit transmission line and a Silicon Valley Power Switching Station (SVP Switching Station). The transmission line would extend between the existing Northern Receiving Station in the City of Santa Clara and the Silicon Valley Power Switching Station (SVP Switching Station) to be built adjacent to and interconnected with the approved Pacific Gas and Electric (PG&E) Los Esteros Substation in North San José. The new line would provide for the transmission of electric power from PG&E's system to Silicon Valley Power's distribution system. The proposed transmission line would include underground and overhead segments. The project proponent is Silicon Valley Power (SVP), the municipal electric utility for the City of Santa Clara.

The following is a **brief summary** of project impacts and mitigation measures addressed within this EIR. The complete project description and discussion of impacts and mitigation can be found in the text of the EIR which follows.

ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Electric and Magnetic Field Hazards and Interference Impacts	
The proposed project would not result in substantial new hazards associated electric and magnetic fields or substantial interference impacts. **Less Than Significant Impact**	Although the project would not result in significant electric and magnetic field hazards and interference impacts to existing or planned uses along the project alignment, the following measures are included in the project in order to reduce exposure to electric and magnetic fields and/or avoid possible adverse electrical effects from the proposed overhead segment of the transmission line. In accordance with good engineering design and practice, the project will incorporate the design measures to reduce exposure to electric and magnetic fields in the vicinity of the proposed transmission line. For the underground section, the phases within the duct bank will be arranged to take advantage of cancellation effects in order to reduce magnetic fields. For the overhead transmission line, mitigation options include passive shielding for electric fields. Where WPCP operations are located within 250 feet of the overhead transmission line, Silicon Valley Power will correct documented cases of cathode ray tube monitor interference associated with the transmission line by replacing the effected monitor with one not susceptible to the low levels of magnetic fields that are predicted to be present.

Electric and Magnetic Field Hazards and Interference Impacts (cont.)

Continued from previous page.

The project includes measures to avoid any possible electrical interference with sensitive cardiac pacemakers utilized by future hikers or bicyclists on the planned Bay Trail. Based upon the recommendations in an electric and magnetic fields study prepared at the time the transmission line is energized, electric shielding will be installed by SVP in areas of the Bay Trail where measured electric fields exceed 1 kV/m. Electric field shielding would be installed *prior* to public use of the Bay Trail in the area. Measures to reduce electric field exposures to less than 1 kV/m per American Conference of Governmental Industrial Hygienists recommended thresholds along Los Esteros Road and east of Zanker Road could include using shielding, such as tree plantings or covered arbors, in the potentially affected areas to reduce electric field exposure.
(Refer to DEIR pages 61-62)
Less Than Significant Impact

Biological Resources Impacts

The proposed project would not result in a substantial impact to a sensitive natural community.
Less Than Significant Impact

Although not a significant impact, the project includes the following measures to avoid impacts to seasonal wetlands, freshwater marsh, and aquatic habitats:

During the construction period, the perimeter of wetlands and other sensitive habitats along the alignment and within the 40-50 foot construction zone will be identified and marked by a qualified biologist. Construction fencing will be placed at a minimum distance of five feet from wetlands and marsh areas to prevent accidental incursion into these areas by construction equipment. Sediment control measures, such as fiber rolls, will be installed along the construction fence to prevent sedimentation of the wetland areas.

No monopole structures will be constructed within 15 feet of freshwater marsh, seasonal wetland, or riparian forest habitats. No construction activities will be allowed within five feet of these habitats. (Refer to DEIR pages 87-88)
Less Than Significant Impact

Biological Resources Impacts (cont.)

The proposed project would impact an area that currently supports approximately 2,000 Congdon's tarplants. Due to the temporary nature of the disturbance, Condgon's tarplant ability to grow in disturbed areas, and the relatively small permanent loss of habitat, these impacts will be less than significant. **Less Than Significant Impact**	Although not a significant impact, the project includes the following measures to reduce or avoid impacts to a known population of Congdon's tarplant in the Alviso area of North San José. During the construction period, a construction fence, or similar barrier, will be installed along the edge of the permanent right-of-way and any temporary construction easements to limit construction traffic and other activity in areas known to support Congdon's tarplant. Areas supporting the plant within the 40-50 foot construction zone would be flagged and/or fenced by a qualified biologist to allow for avoidance, to the extent feasible. Between roughly Station 119+50 and Structure 1, the top two inches of soil will be collected and stockpiled during excavation for the underground transmission line. When the trench is filled in following installation of the duct bank, the stockpiled soil material will be reapplied as the top two inches of surface soil. Upon completion of construction, land from the WPCP fenceline to Structure 1 and between Structures 1, 2 and 3 that is known to support Congdon's tarplant will be restored to its preexisting grade and elevation. (Refer to DEIR page 88) **Less Than Significant Impact**
The project could result in direct and indirect impacts to individual nesting raptors during construction. **Significant Impact**	Construction will be scheduled to avoid the nesting season to the extent feasible. The nesting season for most raptors in the South San Francisco Bay area extends from January through August. If it is not possible to schedule tree removal and/or construction between August and January, then preconstruction surveys for nesting raptors will be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during project implementation. These surveys should be conducted no more than 14 days prior to the initiation of construction activities during the early part of

Biological Resources Impacts (cont.)

Continued from previous page	the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other potential habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest until young birds have fledged. (Refer to DEIR pages 88-89) **Less Than Significant Impact with Mitigation**
The proposed overhead line would have a separation of more than 60 inches between conductors and would not pose an electrocution hazard for large raptors, including Golden Eagles, that regularly forage in the project area. **Less Than Significant Impact**	At the time of final design, a 60-inch minimum separation between conductors and/or grounded hardware (or insulation of hardware or conductors against simultaneous contact if such separation is not possible) will be maintained to avoid potential bird electrocutions. This will prevent simultaneous contact with two phases or between phase and ground and will eliminate electrocution risk for large raptors. (Refer to DEIR page 89) **Less Than Significant Impact**
The proposed project could result in impacts to individual Burrowing Owls during construction. **Significant Impact**	The project will involve construction within 250 feet of burrows currently used by eight to nine pairs of Burrowing Owls. The nesting season for Burrowing Owls is February 1 - August 31. No activities, including grading or other construction work, will proceed within 250 feet of breeding owls during the nesting season. During the non-nesting season prior to construction, a survey of burrows within the project construction zone (Area of Potential Impact) will be completed. Artificial and natural burrows within the project construction zone will be sealed off with one-way doors that permit exit from the burrow during the non-nesting season in order to temporarily prevent future nesting by owls. If owls are resident along the alignment during the non-nesting season (September 1-January 31), a qualified ornithologist, in consultation with and given

Biological Resources Impacts (cont.)

Continued from previous page

authorization by CDFG, will evict the owls within 250 feet of construction zones and other associated impact areas, to avoid mortality of any owls or destruction of occupied burrows.

Replacement artificial burrows will be installed in the immediate vicinity on WPCP Buffer Lands to house resident owls displaced by planned construction activities. An artificial burrow group consisting of six burrows, similar to the existing mitigation habitat in the Arzino Ranch area of the WPCP Buffer Lands, will be installed for each owl or pair of owls evicted for the project. The population of owls resident in the project area currently use artificial burrows and should readily move into new artificial burrows in the immediate vicinity.

A construction barrier or fencing or other similar marking will be installed at the edge of the established construction zone to preclude construction traffic and other activities from impacting resident owls outside the construction zone.

During construction of the underground alignment and Structures 1-4 on the WPCP Buffer Lands, construction activity will be monitored by a qualified biologist in order to avoid impacts to individual owls and occupied burrows in the vicinity of the project alignment.

Upon completion of construction of the overhead line south of Los Esteros Road, new artificial burrows will be installed to replace burrows that were removed or sealed with one-way doors prior to construction. Replacement burrows will be installed in or near their previous locations. Artificial burrows installed prior to or after construction will remain in place and available for Burrowing Owl use upon completion of the project. (Refer to DEIR pages 89-90)

Less Than Significant Impact with Mitigation

The proposed project could result in direct and indirect impacts to habitat occupied by Burrowing Owls.

Significant Impact

Within the area occupied by Burrowing Owls, one riser structure and three monopoles would be installed. If pile foundations are used at Structures 1, 2, 3 or 4, the project will limit

Biological Resources Impacts (cont.)

Continued from previous page

permanent physical impacts to nesting habitat by installing pile foundation caps a minimum of two feet below the ground surface. With implementation of this measure, permanent physical impacts to the ground area used by Burrowing Owls would be limited to roughly 80 to 260 square feet for the four overhead structures.

The project proposes to inspect the transmission line and poles one to two times per year. Inspections within designated Burrowing Owl habitat west of the Water Pollution Control Plant will be conducted on foot. Vehicles will only be used in the area in the event repairs were needed and will be preceded by a preconstruction survey for owls. Repair activity will be monitored by a qualified biologist in order to avoid impacts to individual owls and occupied burrows.

With the implementation of the mitigation measures listed above, underground portions of the project would have only temporary impacts (e.g., temporary loss of habitat near underground portions of the alignment that are subsequently revegetated). The top of the duct bank would be covered with a minimum of three feet of soil, with a plastic warning barrier approximately two feet below the surface soil along the concrete duct bank. Construction of the underground segment of the proposed transmission line would not result in substantial, permanent impacts to habitat occupied by the Burrowing Owls.

For the overhead alignment, both project construction and completed project elements may result in direct permanent loss of habitat (e.g., at and around riser or pole foundations). Indirect effects from completed project elements are also possible (e.g., aboveground structures providing elevated perches for avian predators).

Within the area of the WPCP Buffer Lands that supports a population of Burrowing Owls, the proposed riser structure, three monopole structures, and associated conductors and

Biological Resources Impacts (cont.)

Continued from previous page	insulators offer limited perch sites for avian predators of Burrowing Owls, such as Red-tailed Hawks. Porcelain insulators are slick and may be difficult or unlikely for raptors to grip. Perch guards will be installed on the riser structure, the tops of the monopoles, and on insulators to further reduce possible use of the overhead transmission line by avian predators of Burrowing Owls. These measures would substantially reduce, but may not completely preclude, the use of the proposed overhead line by avian predators. Because Burrowing Owls are known to occupy open habitats devoid of a high degree of vertical structure, the mere presence of poles after project completion may cause Burrowing Owls to discontinue use on portions of the site. Thus, indirect impacts are also possible, and may further add to potential impacts to this species. Even with implementation of the mitigation measures listed above, construction of a portion of the overhead alignment (Structures 1-4) would result in significant, unavoidable impacts to Burrowing Owl habitat. (Refer to DEIR pages 90-91) **Significant Unavoidable Impact**
The proposed overhead transmission line could result in increased bird collisions with power lines in the North San José area. **Significant Impact**	Line markers ('bird diverters" or similar devices) would be installed on conductors in the vicinity of Los Esteros Road (between Structure 1 and Structure 12). Diverters and line markers may deter some individuals or species, but these measures are not expected to completely eliminate collision hazard. The mitigation described above would reduce bird collisions with power lines, but would not reduce this impact to a less than significant level. (Refer to DEIR page 91) **Significant Unavoidable Impact**

Biological Resources and Water Quality Impacts

The proposed project could result in increased contamination in storm water runoff during the construction period, which could adversely effect the water quality of the Guadalupe River, New Chicago Marsh, or Artesian Slough.
Significant Impact

The project will comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board and the City of Santa Clara and City of San José Grading Ordinances, as described subsequently under *Water Quality Impacts*. (Refer to DEIR pages 91-93 and 99-100)
Less Than Significant Impact with Mitigation

Geology, Soils and Seismicity Impacts

The proposed project would not be exposed to geology and soil hazards that could not be mitigated by the use of standard engineering design.
Less Than Significant Impact

Seismic hazards to the proposed project can be mitigated by the use of standard engineering design.
Less Than Significant Impact

The project includes the following measures to avoid or reduce geologic and seismic impacts:

A design-level geotechnical study will be completed to develop specific design criteria for the underground duct bank and foundations of monopole structures. Geotechnical studies will include site-specific evaluations of soil conditions, ground shaking and the potential for liquefaction and lateral spreading. All geotechnical studies will be submitted to Silicon Valley Power and the City of Santa Clara Planning and Inspection Department. Geotechnical studies that cover segments of the transmission line within the City of San José, will also be submitted to the City of San José Department of Public Works, as required.

The SVP Switching Station would be designed and constructed in accordance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

A Mining and Tunneling Permit from the State of California will be obtained prior to undertaking any borings greater than 30-inches in diameter. A copy of the permit(s) will be submitted to the City of Santa Clara Planning Division prior to the initiation of boring activities. (Refer to DEIR pages 107-108).
Less Than Significant Impact

Hazardous Materials and Hazards Impacts

Development of the proposed project could require the removal and relocation of waste materials from former landfill areas. Exposure to leachate (contaminated groundwater), if present, and wind-borne dust could result in potential health risks to construction workers and the environment.

Significant Impact

Excavation of the trench for the underground segment of the transmission line could extend into the existing landfill cover system and landfill waste at the former All-Purpose Landfill in the area north of Tasman Drive and west of Lafayette Street. At locations where excavations disrupt the final cover or extend to landfill waste (refuse), the refuse will be removed and disposed off-site at an appropriate solid waste facility. The landfill cover system will then be restored in kind or in accordance with California Code of Regulations Title 27 standards. Where landfill refuse is encountered, it would be overexcavated to allow construction of adequate landfill cover layers bordering the transmission line duct bank.

The project will minimize dust generation as provided by the Bay Area Air Quality Management District's Best Management Practices for dust control, as described in Section II. I., Air Quality. Contractors will be required to prepare and implement a detailed dust control plan during all phases of waste removal. The dust control plan will be submitted to the appropriate Local Enforcement Agency for approval prior to the removal of waste materials.

Under California Code of Regulations (CCR) Title 27, all proposed postclosure land uses on landfills (other than non-irrigated open space) must be reviewed and approved by Local Enforcement Agency. Any modifications of the final landfill cover for the All-Purpose Landfill will completed in accordance with CCR Title 27. Copies of proposed modifications to the landfill cover will be submitted as an Addendum to the Closure Plan to the California Integrated Waste Management Board, the Local Enforcement Agency and the Regional Water Quality Control Board. (Refer to DEIR pages 119-120)

Less Than Significant Impact with Mitigation

Hazardous Materials and Hazards Impacts (cont.)

Installation of foundation piles through waste in the former Nine Par Landfill site to underlying soil materials could result in contamination of shallow groundwater aquifers.
Significant Impact

The installation of foundation piles that penetrate the landfill waste in the former Nine Par Landfill area will satisfy, at a minimum, the Regional Water Quality Control Board criteria for driving piles through an unlined landfill. (Refer to DEIR page 120).
Less Than Significant Impact with Mitigation

If present, methane gas migrating from nearby landfill materials could result in flammable or explosive conditions along the project alignment during construction. Toxic compounds, including volatile organic compounds, can be present in landfill gas and pose health risks to construction workers and/or maintenance workers.
Significant Impact

In the vicinity of the former All-Purpose Landfill in the City of Santa Clara and the former Nine Par and Owens Corning Landfills and undocumented dump areas in the City of San José, Health and Safety Plans or other similar construction workplace plans addressing worker safety will include, at minimum, the implementation of standard construction practices required under OSHA (Occupational Health and Safety Administration) regulations would avoid hazards associated with possible flammable or explosive conditions during construction.

Where landfill gas is present or suspected, site utility trenches will be constructed with landfill gas mitigation controls to prevent landfill gas from migrating along utility trenches.

Transmission line maintenance workers will use "confined space entry" protocols common to the electric utility industry, when appropriate, to avoid potential hazards when entering the proposed manholes along Segments 2, 3, 4 and 5. (Refer to DEIR pages 119-120)
Less Than Significant Impact with Mitigation

Contaminated soil and groundwater could be encountered by construction workers during installation of the proposed transmission line. With compliance with existing local, state and federal laws and regulations regarding the handling of hazardous waste and contaminated soil and groundwater, the project would not result in significant impacts to people, animals or the environment.
Less Than Significant Impact

A Phase I Environmental Site Assessment indicated the potential for soil and groundwater contamination in isolated areas along the line of construction. Prior to construction, soil and groundwater sampling for potential contamination will be conducted in accordance with appropriate state and/or federal sampling protocols. Copies of any additional environmental investigations will be provided to the Santa Clara Fire Department, Hazardous Materials Division, Silicon Valley Power, and other agencies as required. For areas of the alignment within WPCP property, copies of

Hazardous Materials and Hazards Impacts (cont.)

Continued from previous page

any environmental investigations will be provided to the City of San José Department of Environmental Services.

Contaminated soils brought to the surface by grading, excavation, or trenching will be managed in accordance with all applicable provisions of state and federal law. Excavated soil hauled off-site will be disposed of in accordance with California hazardous waste criteria at appropriate disposal locations. (Refer to DEIR pages 120-122).
Less Than Significant Impact

The proposed project would not result in substantial new risks associated with electric shock, fire hazards, or lightning.
Less Than Significant Impact

The design, construction, operation and maintenance of the transmission line would meet the requirements of the National Electrical Safety Code (NESC), California Public Utilities Commission (CPUC) General Order 95 which specifies Rules for Overhead Electric Line Construction, CPUC General Order 128 which species Rules for Construction of Underground Electric Supply and Communications Systems, U.S. Department of Labor, Occupational Safety and Health Standards, applicable Institute of Electrical and Electronic Engineers guidelines, and Silicon Valley Power requirements for safety and protection of property. (Refer to DEIR page 122)
Less Than Significant Impact

Visual Resources Impacts

The proposed project will substantially alter views along one-third of a mile of Los Esteros Road and views from a designated Trails and Pathways Corridor as identified in the City of San José's 2020 General Plan and Scenic Routes and Trails Diagram.
Significant Impact

The project proposes to support the overhead portion of the transmission line using monopole structures. These structures are generally considered to result in less visual intrusion than other structure configurations, such as lattice towers.

Overhead transmission lines and associated support structures, due to their height, provide limited options for screening. A reduction in structure heights or the installation of landscaping at viewpoints or near the base of the monopole structures could reduce visual impacts at some locations, although

Visual Resources Impacts (cont.)

Continued from previous page

opportunities to substantially reduce visual impacts are limited. (Refer to DEIR page 135)
Significant Unavoidable Impact

Cultural Resources Impacts

Although much of the project alignment in the vicinity of the Guadalupe River is underlain by imported fill materials, the potential exists that subsurface cultural resources could be disturbed where excavations occur in native soil.
Significant Impact

Archaeological monitoring will be conducted for all subsurface trenching associated with construction of the underground portion of the transmission line (Segments 1-7). The applicant, Silicon Valley Power, or its contractors, shall retain the services of a qualified archaeologist to monitor earth-moving activities. Monitoring shall consist of coordinating subsurface work to allow for the careful examination of vertical and horizontal soil relationships for the purpose of defining positive archaeological finds (prehistoric and/or historic). The archaeological monitor must be approved by the Director of Planning and Inspection. After written approval, the Planning Division must be notified at least 48 hours prior to start of any grading or other subsurface work on the site and the client must provide a written protocol which stipulates the manner in which the applicant shall comply with the monitoring requirements. It is anticipated that monitoring would not be required where the maximum depth of excavations will not penetrate through historically imported fill layers. The project archaeologist will remain on call throughout the project to deal with any unexpected discoveries. The monitor must maintain a field log of their presence and observations, carefully noting soil conditions. In the event that cultural resources are encountered, all work within the proximity of the find shall temporarily halt so that the archaeologist can examine the find and document its provenience and nature (through drawings, photographs, written description, etc, as necessary). The monitor will then direct the work to either proceed if the find is deemed to be insignificant or is adequately documented and resolved, or continue elsewhere, as appropriate, until adequate mitigation measures are adopted or the matter is otherwise resolved to the satisfaction of the City.

Cultural Resources Impacts (cont.)

Continued from previous page

Once a find has been made and deemed to be significant, the archaeologist will then submit a Treatment Plan to the City of Santa Clara. The key elements of a treatment plan are identified on DEIR page 138.

In the event any significant cultural materials are encountered on land within the City of San José, the San José Director of Planning, Building and Code Enforcement would be notified. The archaeologist will examine the find as described above and make appropriate recommendations regarding the significance of the find and the appropriate mitigation to both the City of San José and the City of Santa Clara. A report of findings documenting any data recovered during monitoring within the City of San José would be submitted to the City of San José Director of Planning, Building and Code Enforcement.

In the even that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The City of Santa Clara Director of Planning and Inspection or the City of San José Director of Planning, Building and Code Enforcement will also be notified immediately, as appropriate, if human skeletal remains are found on the site during development. (Refer DEIR page 137-139).

Less Than Significant Impact with Mitigation

Air Quality Impacts

Air quality impacts resulting from construction, particularly generation of construction dust, could cause significant adverse effects.

Significant Impact

The following Bay Area Air Quality Management District measures to control dust will be followed during excavation, grading and construction:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily with water sweepers all paved access road, parking areas and staging areas at construction sites.
- Sweep streets daily with water sweepers if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.
- Limit the area subject to excavation, grading and other construction activity at any one time.
- For any areas where landfill waste is encountered, the following additional measures will also be implemented: minimize drop heights when loading vehicles with excavated materials; cover or wet all materials transported on or from the

Air Quality Impacts (cont.)

Continued from previous page

site in order to suppress visible dust. (Refer to DEIR pages 145-146)

Less Than Significant Impact with Mitigation

Excavation and relocation of waste during project construction could generate objectionable odors that affect sensitive receptors.

Significant Impact

An odor-control plan will be developed prior to the onset of construction in Segment 2 with the following elements:

- Schedule construction such that the amount of uncovered/disturbed waste at one time is minimized.
- Control odors by daily covering with soil, foam or other suitable material. If needed, apply deodorant or other odor-control materials.
- Consideration of seasonal weather conditions that can concentrate odors or direct odors towards sensitive receptors.

  Provide to the residents within 1,000 feet of any waste excavation and the Planning Division of the City of Santa Clara, the name and phone number of a "project contact" who will respond to any complaints about dust, odors or other nuisances associated with waste excavation and relocation operations. (Refer to DEIR page146)

Less Than Significant Impact with Mitigation

Transportation Access and Traffic Safety Impacts

Construction traffic impacts would be temporary and are not anticipated to substantially disrupt peak hour traffic.

Less Than Significant Impact

Although not a significant impact, the project includes the following measures to avoid impacts to roadways and transit service during construction.

Construction impacts in the vicinity of the Great America Station and at associated shuttle and bus stops will be temporary and are not anticipated to substantially disrupt the use of the transit network by commuters.

Less Than Significant Impact

Construction haul routes will be established for access to construction staging areas along the project alignment. Haul routes will be limited to freeways and major streets. Residential areas will be avoided. Construction haul routes will be approved by the City of Santa Clara Department of Public Works prior to issuance of grading permits.

A construction staging plan for work within the Great America Station area will be developed in cooperation with SCVTA, Amtrak, and ACE. The work plan will consider periods of peak use

Transportation Access and Traffic Safety Impacts (cont.)

Continued from previous page

by commuters and methods to provide access during the construction period.

At the location of the proposed alignment crossing, North First Street is a major collector, although just south of Nortech Parkway it is an arterial. If requested by the City of San José, a construction staging plan for excavation work in North First Street will be developed in cooperation with the City of San José Department of Public Works. (Refer to DEIR page 150)
Less Than Significant Impact

Noise Impacts

Construction zones and construction staging areas are not located in close proximity to sensitive uses and construction of the proposed transmission line will not result in a substantial temporary change in ambient noise levels.
Less Than Significant Impact

Although not a significant impact, the project includes the following measures to avoid nuisance noise impacts to sensitive uses during construction.

The project will comply with the City of Santa Clara and City of San José Noise Ordinances for construction activities conducted in each city and provide advance written notification of planned construction activities to residents within 300 feet of the construction zone.

A construction liaison will coordinate the timing of any pile driving operations west of the WPCP with George Mayne Elementary School (Santa Clara Unified School District) to minimize conflicts when class is in session.

Construction operations nearest to residential uses (Segment 1 and Segment 5 adjacent to Oakcrest Estates) and Jubilee Christian Church (Segments 7 and 8) will be limited to normal working hours (7:00 AM to 6:00 PM) with no construction activities on Sundays or holidays.

All construction equipment will be adequately maintained and muffled. (Refer to DEIR pages 153-154).
Less Than Significant Impact

Energy Impacts

The proposed project will not result in the inefficient or unnecessary use of energy.
Less Than Significant Impact

Appendix F of the CEQA Guidelines gives guidance on preparing an EIR evaluation of energy impacts. The relevance of each of these types of mitigation for the proposed project is discussed below.

a) Silicon Valley Power has implemented a number of programs to reduce wasteful and inefficient energy use City-wide. Additional programs are planned to be implemented in the future. The final design of the transmission line will include proper conductor selection and phase spacing to limit electric transmission losses.

b) To the extent feasible, the length of the transmission line has been minimized to reduce the amount of construction materials required and to reduce energy losses along the line during operation. The location of the Los Esteros Substation determined the location of one end of the line. The Northern Receiving Station is the nearest location to Los Esteros Substation at which the other end of the line could be placed.

c) Silicon Valley Power must supply power to its customers when there is electrical demand. The proposed project would not reduce peak energy demand, but in providing a reliable means of transmission for existing and planned uses within the City, the project would reduce the need for business and industrial users to install or use less efficient diesel or natural gas fueled backup systems for use during peak periods.

d) Silicon Valley Power has invested in alternate fuel and renewable energy production, including hydroelectric and geothermal power, outside of the San Francisco Bay Area. The proposed transmission line project would facilitate the use of power from these facilities.

Development of the proposed project would contribute incrementally to the use of energy for

Energy Impacts (cont.)

Continued from previous page	construction and ongoing maintenance and operations, but would not result in inefficient or unnecessary use of energy. (Refer to DEIR pages 159-160) **Less Than Significant Impact**

Cumulative Impacts

The project could contribute to cumulative impacts to a Congdon's Tarplant population in the Alviso area of San José. **Significant Cumulative Impact**	Implementation of mitigation measures included in the Cisco Systems Site 6 Final EIR and in this EIR would reduce potentially significant cumulative impacts upon a population of Congdon's tarplant to a less than significant level. (Refer to DEIR page 164). **Less Than Significant Cumulative Impact with Mitigation**
The project would contribute to the cumulative loss of Burrowing Owl habitat and impacts to individual Burrowing Owls. **Significant Cumulative Impact**	Mitigation for the loss of Burrowing Owl habitat needs to consist of acquiring and/or protecting equivalent habitat areas. Within northern Santa Clara County, however, few sites remain that could be used to off-set impacts to local populations of Burrowing Owls. In most cases, those sites are also planned for development. Suitable habitat in northeastern Alameda County has been set aside to offset the loss of occupied nesting habitat on the former Agnews West Campus and within the Bayshore North Redevelopment Area in Santa Clara. While these set asides will not reduce effects to the Burrowing Owl population locally, it will prevent similar habitat degradation elsewhere in the owls' range. The combined effect of the U.S. DataPort, Los Esteros Critical Energy Facility, Rivermark-Agnews West Campus, and Santa Clara Gateway projects will be a significant cumulative loss of habitat to the local Burrowing Owl population. (Refer to DEIR page 164). **Significant Unavoidable Cumulative Impact**
The project would contribute to cumulative bird collision hazards in the South Bay Area **Significant Cumulative Impact**	The project includes an overhead segment in an area with a high volume of bird flights to and from the Bay and adjacent Bayland areas. Although the use of bird diverters or other measures could reduce collision hazards, installation of the overhead segment between

Cumulative Impacts (cont.)

Continued from previous page	the riser structure and Zanker Road will contribute to cumulative bird collision impacts associated with approved, but not yet built, transmission lines in the South Bay area. (Refer to DEIR pages 164-165). **Significant Unavoidable Cumulative Impact**
The project would contribute to cumulative visual impacts. **Significant Cumulative Impact**	No mitigation is currently proposed that would reduce cumulative visual resources impacts to a less than significant level (Refer to DEIR page 165). **Significant Unavoidable Cumulative Impact**

SUMMARY OF ALTERNATIVES

The CEQA Guidelines specify that an EIR should identify alternatives to the proposed project that could attain most of the project objectives but avoid or reduce the significant effects of the project. The significant impacts identified in this EIR as resulting from the proposed project include: impacts to Burrowing Owls and their habitat, bird collision impacts, potential impacts to nesting raptors, impacts on water quality during construction, hazardous materials and hazards impacts, impacts to visual resources, possible impacts to buried cultural resources, and growth inducement. This EIR analyzes seven alternatives to the proposed project, as well as a "No Project" alternative (Refer to DEIR pages 167-186). These alternatives are summarized below.

NO PROJECT/NO BUILD ALTERNATIVE

Under the "No Project" alternative, the Northern Receiving Station would continue to be served by the existing double-circuit 115 kV transmission line from the Newark Substation. This alternative would completely avoid impacts to biological resources (Burrowing Owl habitat, bird collisions with power lines, impacts to nesting raptors), water quality impacts during construction, hazardous materials and hazards impacts, visual resources impacts, possible impacts to buried cultural resources, and growth inducement.

This alternative does not meet any of the project goals of providing reliable power to electrical users in the City of Santa Clara or to provide for projected energy needs.

UNDERGROUND TO LOS ESTEROS ROAD ALTERNATIVE

This design alternative consists of the project as presently proposed, but with the underground portion of the transmission line extended to the point at which the transmission line alignment approaches Los Esteros Road. This design alternative would increase the underground portion of the transmission line by approximately 1,600 feet (0.3 mile), to approximately 2.6 miles in length. This alternative would reduce the project's impacts on biological resources and visual resources.

This alternative involves the same alignment and is feasible from a planning and land use standpoint. Under the Underground to Los Esteros Alternative, impacts to Burrowing Owls could be offset by construction timing, monitoring and measures to maintain the Burrowing

Owl population on the WPCP Buffer Lands during construction. Bird collision hazards would be reduced west of Los Esteros Road, but still remain significant where the overhead transmission line would extend parallel to Los Esteros Road. The reduction in length of the overhead portion of the transmission line alignment would reduce, but not eliminate significant visual impacts. The Underground to Los Esteros Road Alternative is environmentally superior to the proposed project. Installation of an additional 1,600 feet of underground line would increase the cost of the proposed project. The Underground to Los Esteros Road Alternative is not consistent with the project objective of building the transmission line in a cost efficient and economic manner in order to transmit power at a reasonable cost for ratepayers.

NORTECH UNDERGROUND LOCATION ALTERNATIVE

From North First Street, this alternative would extend underground along Nortech Parkway approximately 8,500 feet in an easterly direction to the approved Los Esteros Substation. The underground line would be installed in a trench under Zanker Road. The total length of this alignment would be approximately 3.5 miles. The underground duct bank would have to be designed to avoid utility lines located between North First Street and Zanker Road, including water mains from a three million gallon water tank adjacent to Nortech Parkway and a sanitary force main near the terminus of Nortech Parkway. It would also have to cross under a major sewer line that crosses the WPCP Buffer Lands in a northerly direction.

This alternative is feasible from a planning and land use standpoint. Under the Nortech Underground Location alternative, bird collision hazards would be avoided although there would still be the potential for impacts to individual Burrowing Owls during construction. This alternative would avoid visual impacts. The Nortech Underground Location Alternative is environmentally superior to the proposed project.

This alternative would meet the power transmission objectives of the project. Although the total length of the transmission line under this alternative would be shorter by approximately one mile, total construction costs could increase by one-third when compared to the proposed project. To the extent that this all-underground alternative would substantially increase construction costs, it would not be wholly consistent with the project objective of building a transmission line at a reasonable cost for ratepayers. This alternative also would not be wholly consistent with the project objective of minimizing impacts upon private properties including current private development.

SOUTHERN BUFFER LAND LOCATION ALTERNATIVE

From North First Street, this alternative would extend underground along Nortech Parkway to a riser structure approximately 400 feet east of the terminus of Nortech Parkway. An overhead line would be installed that curved towards SR 237 between the riser structure and Zanker Road. The overhead line would have to cross over an existing transmission line on the east side of Zanker Road. The total length of this alignment would be approximately 3.8 miles. As with the Nortech Underground Location Alternative, the underground duct bank would have to be designed to avoid utility lines between North First Street and Zanker Road, including water mains from a three million gallon water tank adjacent to Nortech Parkway and a sanitary force main near the terminus of Nortech Parkway. It would also have to cross under a major sewer line that crosses the WPCP Buffer Lands in a northerly direction.

This alternative is feasible from a planning and land use standpoint. Under the Southern Buffer Land Location Alternative, bird collision hazards would be substantially reduced.

Overhead lines would be at a greater distance from the Bay and Baylands and habitats with high bird use. There would still be the potential for impacts to individual Burrowing Owls during construction, although the overhead line would be located away from areas with concentrated Burrowing Owl use. This alternative would increase significant visual impacts in the vicinity of SR 237. The Southern Buffer Land Location Alternative is environmentally superior to the proposed project in terms of impacts to biological resources but would increase visual impacts for motorists on SR 237.

This alternative would meet the power transmission objectives of the project. Although the total length of the transmission line under this alternative would be shorter by approximately 0.9 mile, total construction costs for the project could increase when compared to the proposed project. To the extent that this alternative could increase construction costs, it would not be wholly consistent with the project objective of building a transmission line at a reasonable cost for ratepayers. This alternative also would not be wholly consistent with the project objective of minimizing impacts upon private properties including current private development.

ENERGY CONSERVATION ALTERNATIVE

This alternative consists of implementing energy conservation measures to stabilize energy demand within the City of Santa Clara. A new 230 kV connection between the approved Los Esteros Substation and the Northern Receiving Station would not be constructed.

As described in *Section II. M. Energy* and *Section III. Growth Inducing Impacts*, peak energy use is project to increase by approximately 100 MW by 2005 and approximately 200 MW by 2010. This increased demand includes a projected growth in jobs and residents of over 20 percent and projected increased demand of one percent per year by existing residents and businesses. An increase in current energy conservation (approximately 22 MW) and use of the Power Reduction Pool (approximately 20-30 MW) by 25 percent, would not be large enough to meet projected energy loads. In addition, the potential for increased energy conservation by electric utility customers is limited by economic factors, including the need to purchase and upgrade equipment to more energy efficient models. Projected energy conservation measures and use of the Power Reduction Pool may not be adequate to offset these projected increases in electric demand and power shortages or outages could occur under this alternative. This alternative also would not provide additional reserve transmission capacity and reliability for the local area transmission system.

Like the No Project Alternative, this alternative would completely avoid impacts to biological resources, water quality impacts during construction, hazardous materials and hazards impacts, visual resources impacts, and growth inducement. Possible impacts to buried cultural resources would also be avoided.

This alternative is feasible from a planning and land use standpoint but would be limited by the necessity for electric customers to voluntarily implement additional energy conservation measures in a timely manner. While Silicon Valley Power could offer financial incentives for users to lower electric use, it could not require customers to purchase equipment or adopt measures that would substantially reduce electric power use during peak periods. At this time, there is no mechanism for implementing an expanded program of energy conservation within the City of Santa Clara that could provide for future projected energy demand and reliability. The Energy Conservation Alternative would not provide for improved voltage or energy supply reliability. This alternative does not meet the project goals of providing

reliable power to electrical users in the City of Santa Clara or to provide for projected energy needs.

LOCAL POWER PLANTS AND DISTRIBUTED POWER ALTERNATIVE

Under this alternative, approximately 200 MW of energy production capacity would be installed locally within the City of Santa Clara by 2020. This could be in the form of City-owned power plants or a program of adding distributed power facilities at customer and utility locations throughout the City. Distributed power facilities are small energy production facilities, generally located at institutional, commercial or industrial facilities. Distributed power production can range from small gas turbines to photovoltaic cells on building roofs. Under this alternative, additional utility infrastructure, such as substations, transmission lines, and distribution lines could be required for power generating facilities within the City that supply power to the local power distribution system in the City of Santa Clara.

This alternative would avoid impacts to biological resources, water quality impacts during construction, hazardous materials and hazards impacts, visual resources impacts, and possible impacts to buried cultural resources along the proposed Northern Receiving Station 230 kV Transmission Line alignment.

This alternative may be feasible from a planning and land use standpoint, although there are limited industrial areas of the City that could be used for power plant sites without resulting in land use compatibility impacts. At this time, there is no mechanism for implementing a program of energy production within the City of Santa Clara that could provide for future projected energy demand and reliability. This alternative does not meet the project goals of providing reliable power to electrical users in the City of Santa Clara, providing for projected energy needs, or for providing power at a reasonable cost.

CISCO SITE 6 DESIGN ALTERNATIVE

This alternative involves minor changes in the underground alignment on both sides of North First Street. It may be feasible in the future if development plans change or an agreement on easements for the proposed project through the parcels is not reached with the landowner.

This alternative would have environmental impacts similar to those of the proposed project and would meet the objectives of the project.

Environmentally Superior Alternatives: Four alternatives would be clearly environmentally superior to the proposed project by reducing significant impacts to a less than significant level in one or more areas. These alternatives are the No Project/No Build Alternative, the Underground to Los Esteros Road Alternative, the Nortech Underground Location Alternative, and the Energy Conservation Alternative.

Two of these alternatives, the No Project Alternative and the Energy Conservation Alternative, would not meet the objectives of the project in terms of providing reliable energy supplies. Of the two alternatives listed above that would construct an electric transmission line, the Nortech Underground Location Alternative is the environmentally superior alternative.

The Southern Buffer Land Location Alternative would reduce biological resources impacts, but would have greater visual impacts. Overall, the Southern Buffer Land alternative would only be slightly superior to the proposed project. The Local Power Plants and Distributed Power Alternative would avoid impacts to biological resources in northern San José, but could result in new impacts to

the region, including impacts to air quality. The Cisco Systems Site 6 Alternative would have impacts similar to the proposed project and was not included in the EIR because of its ability to potentially reduce project impacts. This alternative represents a design alternative that is not currently proposed by the project, but that may be considered in the future.

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

Views of local groups and areas of controversy regarding construction of transmission line from the Northern Receiving Station to the approved Los Esteros Substation include:

- possible effects on residential property values in the vicinity of Lafayette Street;
- possible impacts on a Burrowing Owl Population in the Arzino Ranch area of the WPCP Buffer Land;
- bird collision hazards for overhead transmission lines near San Francisco Bay and nearby marshes.

EXHIBIT E

RESOLUTION NO. 7006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS OF THE NORTHERN RECEIVING STATION 230 KV TRANSMISSION LINE PROJECT (File CEQ2002-01007) IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, this City Council has certified the Final Environmental Impact Report ("Final EIR") for the Northern Receiving Station 230 kV Transmission Line Project (the "Project"); and

WHEREAS, the City Council has reviewed the Final EIR and the Draft Environmental Impact Report ("Draft EIR"). The Final EIR and the Draft EIR will collectively be referred to as the "EIR"; and

WHEREAS, the Project is the construction of an approximately 4.3 mile 230 kV single-circuit transmission line and a Silicon Valley Power Switching Station ("SVP Switching Station"). The transmission line would extend between the existing Northern Receiving Station in the City of Santa Clara and the SVP Switching Station to be built adjacent to and interconnected with the approved Pacific Gas & Electric ("PG&E") Los Esteros Substation in North San Jose. The new line would provide for the transmission of electric power from PG&E's system to Silicon Valley Power's distribution system. The proposed transmission line would include underground and overhead segments. The Project proponent is Silicon Valley Power ("SVP"), the municipal electric utility owned by the lead agency, City of Santa Clara; and

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WHEREAS, the Project Objectives include providing for the existing and future electric utility needs of residential, commercial, institutional and industrial customers of Silicon Valley Power, avoiding potential power outages associated within insufficient electric transmission capacity, increasing the interconnection capacity between Silicon Valley Power's distribution system and the area transmission system, providing reserve transmission capacity to allow power to be rerouted in the event of transmission line failure elsewhere within the local system, providing for load growth within the service area of Silicon Valley Power, reducing Silicon Valley Power's exposure to voltage fluctuations at their receiving station caused by disturbances on the area-wide transmission system and avoiding low voltage conditions and associated service interruptions for electric customers with voltage-sensitive equipment, building the transmission facility with sufficient voltage to maximize energy efficiency and reducing transmission system power losses, designing and constructing a transmission line that will minimize impacts upon the environment, and construction and ultimate location of the Project to minimize the impacts on private properties; and

WHEREAS, this City Council has adopted written findings for each significant environmental effect of the Project and required mitigation measures, which eliminate or substantially lessen the effects to a less-than-significant level; and

WHEREAS, the California Environmental Quality Act ("CEQA") requires that for each significant environmental effect identified in an EIR, the decision-making body of the lead agency for the project must make at least one of three possible findings: (1) that changes or alterations have been required or incorporated into the project which avoid or substantially lessen any significant environmental effect; (2) that changes to the project or mitigation measures are the responsibility of and within the jurisdiction of another agency and have been or can and should be adopted by another agency; (3) that specific economic, legal, social, technological or other considerations make

infeasible the mitigation measures or project alternatives identified in the final EIR; and

WHEREAS, this City Council has identified those significant effects which are unavoidable as changes to the project or mitigation measures that are the responsibility and within the jurisdiction of another agency and have not been adopted by that agency; and

WHEREAS, CEQA requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project; and

WHEREAS, CEQA mandates that if the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable"; and

WHEREAS, CEQA requires that when the lead agency approves a project resulting in the occurrence of significant effects, which are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and other information in the record; and

WHEREAS, the City Council has considered the comments submitted on the Draft EIR, response to those comments and comments entered into the record during the public hearing held before the City Council on this Project; and

WHEREAS, the documents or other materials which constitute the record upon which the City Council's decision on the Project is based are located at the offices of the City Clerk, City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050. The custodian of these documents is the City Clerk or designee; and

WHEREAS, the City Council has evaluated the Project and the possible Project alternatives and concluded that the Southern Buffer Land Location Alternative C-2 is hereby adopted as it is the best

alternative for SVP and the City, based upon the Project objectives, environmental impacts and fiscal impact; and

WHEREAS, the City Council finds that the implementation of the C-2 Alternative, when compared to the Project proposed in the Draft EIR, would reduce environmental impacts while meeting the project objectives. The C-2 Alternative avoids disturbing the existing Burrowing Owl mitigation in the Arzino Ranch area of the Water Pollution Control Plant (WPCP) Buffer Lands that currently supports nine pairs of Burrowing Owls. The C-2 Alternative avoids the installation of new potential raptor perches (monopoles) in an area known to be inhabited by Burrowing Owls and avoids the removal of trees that could be used by nesting raptors in the vicinity of Los Esteros Road and Zanker Road. This option also reduces potential bird collisions with power lines by moving the overhead segment of the transmission line ½ to ¾ mile further away from the Bay and wetland areas and shortening the overall length of the overhead portion of the transmission line. The C-2 Alternative avoids project and cumulative impacts to a population of Congdon's tarplant, a special-status plant species, found between Disk Drive and Los Esteros Road on the WPCP Buffer Lands.

The Project may have a small impact upon potential Burrowing Owl habitat. The Project includes extensive mitigation measures to reduce the effect of the transmission lines on the Burrowing Owl. Due to the presence of tall vertical structures in the area, the addition of the Project's transmission towers will not affect the potential habitat. The design of the footings of the towers has been altered to reduce the impact on possible future Burrowing Owl habitat. Surveys will be conducted to determine where, if any, Burrowing Owls are located and construction activity will not take place during the nesting season. If no Burrowing Owls are discovered within 250 feet of the impacted areas, then no further mitigation measures are required. If the survey does discover Owls within 250 feet of the alignment, specific mitigation measures will be followed to remove the birds from the

construction area. A qualified biologist will monitor all Burrowing Owl mitigation measures. The Burrowing Owl impact is part of the cumulative impacts of the Project.

The C-2 Alternative avoids the removal of landfill materials or driving piles through landfill waste associated with constructing monopole foundations in the area of the former Nine Par landfill and the possible need to shield future users of the Bay Trail with cardiac pacemakers from electric fields. Finally, this route for the transmission line reduces visual resources impacts along the planned Bay Trail alignment by relocating the overhead portion of the transmission line away from the planned trail and avoids the introduction of additional visual clutter from an additional overhead power line parallel to roadways used by the residents of Alviso.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1. The City Council finds that the EIR has been completed in compliance with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000, et seq., as amended) and with the Guidelines (12 California Code of Regulations Section 15000 et seq. as amended) for implementation of CEQA, as promulgated by the Secretary for Resources and in compliance with the environmental procedures of the City of Santa Clara.

SECTION 2. The City Council has reviewed and considered the information contained in the EIR. The EIR and this resolution reflect the independent judgment of the City Council.

SECTION 3. The City Council makes the following findings regarding each of the identified environmental effects and imposes conditions which require implementation of suitable mitigation measures. The City Council further finds that, for those impacts that are deemed to be significant by the EIR, but where mitigation measures are found infeasible, or where mitigation is not sufficient to adequately address those effects, this Statement of Overriding Considerations shall be adopted.

SECTION 4. That the unavoidable adverse environmental effects remaining after the implementation of all feasible mitigation measures and feasible alternatives have been balanced against the Project's overriding economic, legal, social or other benefits.

SECTION 5. The City Council finds the remaining effects to be "acceptable" due to the following overriding considerations of the Project.

SECTION 6. STATEMENT OF OVERRIDING CONSIDERATIONS.

After extensive review of the entire administrative record, including the EIR, the staff reports, the oral and written testimony and the conditions of approval, the City Council hereby finds that, for the reasons set forth below, the legal, economic, safety and socially beneficial considerations of the Project contained in the EIR as mitigated outweigh the unavoidable project and cumulative impacts on visual and biological resources identified in the Findings. With respect to the Findings and in recognition of those facts which are included in the record, the City Council has determined that the Project would cause significant unavoidable biological resources, visual resources and growth inducing impacts and would contribute to significant cumulative impacts associated with bird collisions with power lines, loss of Burrowing Owl habitat and visual resources. The benefits justify the approval of the C-2 Alternative in spite of the existence of these significant environmental effects that cannot be fully mitigated and in spite of other alternatives that might be environmentally superior.

The C-2 Alternative relocates the alignment to avoid the primary bird flight path in the area to reduce bird collisions with the transmission lines. However, the C-2 Alternative would still contribute to cumulative bird collision hazards in the South Bay Area.

The C-2 Alternative will also result in a significant impact to the visual resources. As mitigated, the Project alternative incorporates monopoles to support the overhead portion of the transmission line,

which will reduce the visual impact. In addition, relocating the alignment to an area where transmission lines are nearby will minimize visual impacts. However, the C-2 Alternative will still alter views along the 237 Highway corridor, adding to the existing transmission line view. Consequently, this is a cumulative impact of constructing the transmission line.

The cumulative impacts of the C-2 Alternative also include a small increment to the overall loss of potential Burrowing Owl habitat. Although the preferred route of the alignment avoids known, occupied Burrowing Owl habitat, the area is still potential habitat for the Burrowing Owls. Few sites are available to be used to mitigate impacts to the local population of Burrowing Owls by acquiring and/or protecting the equivalent habitat area. The approved and planned development in northern San Jose and Santa Clara will result in a cumulative loss of habitat to the local Burrowing Owl population.

The C-2 Alternative will cause growth inducing impacts by removing electric power supply as a barrier to future growth. The increased population and businesses in the greater Santa Clara area are the projected consumers for this project. The impacts of the growth that would be served by the transmission line potentially include traffic congestion, air pollution emissions to affect air quality, loss of vegetation and wildlife resources, loss of cultural resources, water quality degradation and loss of agricultural land and open space in the region. The impact of future growth can be mitigated by project specific mitigation measures adopted at the time of approval of future growth.

The Findings supporting the Certification of the EIR adopted concurrently are incorporated herein as though set forth in full. The specific overriding considerations include the following:

1. **Consistency with the City of Santa Clara General Plan and its Programs and Policies**

The Project is consistent with the legal goals and furthers the purposes and objectives of the City's General Plan Policies. These aims include the creation of additional infrastructure to support the

expected growth of the City's population in the next five years.

Specifically, the EIR cites the Project's overall consistency with the General Plan's Land Use, Environmental Quality and Public Facilities & Services Elements. In addition, the Project is generally consistent with the 1982 Bay Area Air Quality Plan, the 2000 Clean Air Plan (ABAG), the San Francisco Bay Region Water Quality Control Plan, the Santa Clara Valley Urban Runoff Pollution Prevention Program, National Park Service Plan for the Juan Bautista de Anza Trail, and the Santa Clara Countywide Trails Master Plan.

The Project, of which a substantial part is located in the City of San Jose, is also consistent with local plans, including City of San Jose 2020 General Plan, the Alviso Master Plan, and the San Jose Bay Trail Master Plan. An electric transmission line complies with the relevant General Plan sections of the Land Use/Transportation Diagram, Urban Design Policy, Trails and Pathways Policy, Riparian Corridors and Upland Wetland Policy, Soils and Geological Conditions Policy, and Noise Policy. The Project fits within the parameters of the Alviso Master Plan Trail Circulation Objective, Utilities Policies, and Land Use Policies. The Project is generally consistent with the Alviso Master Plan Environmental Protection Objective and Policies and the San Jose Bay Trail Master Plan.

The property along and over which the Project is to be constructed varies, including major and minor streets, a public golf course, a former landfill, a levee of a watercourse, a State highway, the Water Pollution Control Plant and related facilities and undeveloped fields. The Project is not located adjacent to any sensitive land uses, including residences or schools. The approval of this Project would not interfere with existing or future uses allowed under the land use designations along the alignment.

The City's objective, as described in the General Plan, is to promote the goals of providing efficient public facilities and services to serve the community. It is also the City's aim to continue to develop

and encourage within economic capabilities, needed facilities and services that contribute to the City's safety, convenience, amenity, educational, cultural and recreational opportunities. With regards to Santa Clara's anticipated growth between 1990-2005, the City can expect a proportionate increase in demands on public facilities and services, especially electricity. The Project would implement these goals by ensuring a safe and reliable source of power.

2. **Overriding Economic Considerations**

The Project will ensure that the City of Santa Clara can maintain the economic well being of its constituents by providing a safe, reliable and efficient infrastructure to deliver electricity. The Project will provide for current and future electrical service needs in the community. Without the proposed transmission line, economic growth is limited. The Project will remove this limitation to increase the amount of electricity available for not only the City, but also the region, by increasing the overall capacity of the electric grid. The various factors affecting electric usage show an increase of approximately 51% by the year 2020. In order to provide for the increased use by commercial and industrial users and the corresponding economic growth, the Project increases the available infrastructure for delivering electricity. The Project will result in a cost efficient, economic and environmentally sensitive design at a reasonable cost.

3. **Overriding Social Considerations**

The Project will provide public and commercial amenities to serve the City and the Santa Clara County area. The additional transmission capacity will reduce voltage fluctuations at the receiving station caused by disturbances on the area-wide transmission system and avoid low voltage conditions and associated service interruption for electric customers with voltage sensitive equipment. The Project also provides reserve capacity to allow power to be rerouted in the event of transmission line failure elsewhere within the local area transmission system and load growth within

the service area of Silicon Valley Power. Overall, the project will ensure that the infrastructure is able to support the population and businesses in a safe and cost efficient manner.

The Project would support the City's safety goals and strengthen the City's power infrastructure base by increasing the interconnection capacity between Silicon Valley Power's distribution system and the area transmission system. The additional transmission capacity provided by the Project will avoid potential power outages associated with insufficient electrical transmission capacity at peak periods. Temporary power losses can be life threatening to people with certain medical conditions and public safety can be compromised when traffic signals and security alarms do not operate. Hospitals and industrial facilities can be negatively impacted during the time required to start back-up power. The Project would prevent these probable hazards.

Other public benefits will also be realized with this Project, including the transmission of cost efficient, economic and reasonably priced electricity for ratepayers. The Project will result in a transmission facility that maximizes energy efficiency and minimizes power losses and impacts to the environment. In addition, the transmission facility reduces the impacts on private property and developments and limits conflicts with planned future improvements to the Water Pollution Control Plant. This Project uses a cost efficient, economic and environmentally sensitive design to increase the City's ability to serve the existing and future electric needs of residential, commercial and institutional customers of Silicon Valley Power, the electric utility of the City of Santa Clara, at a reasonable cost.

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SECTION 7. Based on the aforementioned benefits of the Northern Receiving Station 230 kV Transmission Line Project, the City Council hereby finds that after a careful balancing of factors, the legal, economic and social benefits of the C-2 Alternative sufficiently outweigh its unavoidable or unmitigatable environmental effects. The City Council adopts this Resolution in conjunction with the *Resolution in Support of Certification of the EIR.*

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE **28th** DAY OF JANUARY, 2003, BY THE FOLLOWING VOTE:

AYES:	COUNCILOR:	**Caserta, Diridon, Kolstad, Matthews, McLemore, Parle and Mayor Mahan**
NOES:	COUNCILOR:	**None**
ABSENT:	COUNCILOR:	**None**
ABSTAINED:	COUNCILOR:	**None**

ATTEST: J. E. Boccignone
J. E. BOCCIGNONE
City Clerk
City of Santa Clara

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EXHIBIT C

CEQA: California Environmental Quality Act

NOTICE OF DETERMINATION

To: ☑ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☑ County Clerk
County of Santa Clara
70 West Hedding Street
San Jose CA 95110

From: (Public Agency) City of Santa Clara
1500 Warburton Avenue
Santa Clara CA 95050

Subject: **Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

Northern Receiving Station 230kV Transmission Project
Project Title

SCH #2002032143 | Kevin L. Riley AICP | 408 615-2450
State Clearinghouse Number (If submitted to Clearinghouse) | Contact Person | Area Code/Telephone/Extension

Project Location: Begins at Northern Receiving Station in north Santa Clara and ends at Los Esteros PG&E Substation in North San Jose

Project Description: Construction of a 4.7 mile electrical transmission line in both overhead and underground configurations.

This is to advise that the City of Santa Clara City Council (Lead Agency or Responsible Agency) has approved the above described project on February 4, 2003 (Date) and has made the following determinations regarding the above described project:

1. The project [☑will ☐will not] have a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☑were ☐were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☑was ☐was not] adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

the office of the City Clerk of the City of Santa Clara, 1500 Warburton Avenue

Date received for filing and posting at OPR:

Kevin L. Riley — Principal Planner
Signature (Public Agency) — Title

02/07/03

POSTED ON FEB 07 2003 THROUGH MAR 09 2003
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY _____ DEPUTY

E10663

Revised March 1986

000363 CALENDAR PAGE

001378 MINUTE PAGE

The proposed project is the construction of an approximately 4.7-mile 230 kV single-circuit transmission line and a Silicon Valley Power Switching Station (SVP Switching Station). The transmission line would extend between the existing Northern Receiving Station in the City of Santa Clara and the Silicon Valley Power Switching Station (SVP Switching Station) to be built adjacent to and interconnected with the approved Pacific Gas and Electric (PG&E) Los Esteros Substation in North San José. The new line would provide for the transmission of electric power from PG&E's system to Silicon Valley Power's distribution system. The proposed transmission line would include underground and overhead segments. The project proponent is Silicon Valley Power (SVP), the municipal electric utility for the City of Santa Clara.

The following is a **brief summary** of project impacts and mitigation measures addressed within this EIR. The complete project description and discussion of impacts and mitigation can be found in the text of the EIR which follows.

ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Electric and Magnetic Field Hazards and Interference Impacts	
The proposed project would not result in substantial new hazards associated electric and magnetic fields or substantial interference impacts. **Less Than Significant Impact**	Although the project would not result in significant electric and magnetic field hazards and interference impacts to existing or planned uses along the project alignment, the following measures are included in the project in order to reduce exposure to electric and magnetic fields and/or avoid possible adverse electrical effects from the proposed overhead segment of the transmission line. In accordance with good engineering design and practice, the project will incorporate the design measures to reduce exposure to electric and magnetic fields in the vicinity of the proposed transmission line. For the underground section, the phases within the duct bank will be arranged to take advantage of cancellation effects in order to reduce magnetic fields. For the overhead transmission line, mitigation options include passive shielding for electric fields. Where WPCP operations are located within 250 feet of the overhead transmission line, Silicon Valley Power will correct documented cases of cathode ray tube monitor interference associated with the transmission line by replacing the effected monitor with one not susceptible to the low levels of magnetic fields that are predicted to be present.

Electric and Magnetic Field Hazards and Interference Impacts (cont.)

Continued from previous page.

The project includes measures to avoid any possible electrical interference with sensitive cardiac pacemakers utilized by future hikers or bicyclists on the planned Bay Trail. Based upon the recommendations in an electric and magnetic fields study prepared at the time the transmission line is energized, electric shielding will be installed by SVP in areas of the Bay Trail where measured electric fields exceed 1 kV/m. Electric field shielding would be installed *prior* to public use of the Bay Trail in the area. Measures to reduce electric field exposures to less than 1 kV/m per American Conference of Governmental Industrial Hygienists recommended thresholds along Los Esteros Road and east of Zanker Road could include using shielding, such as tree plantings or covered arbors, in the potentially affected areas to reduce electric field exposure.
(Refer to DEIR pages 61-62)
Less Than Significant Impact

Biological Resources Impacts

The proposed project would not result in a substantial impact to a sensitive natural community.
Less Than Significant Impact

Although not a significant impact, the project includes the following measures to avoid impacts to seasonal wetlands, freshwater marsh, and aquatic habitats:

During the construction period, the perimeter of wetlands and other sensitive habitats along the alignment and within the 40-50 foot construction zone will be identified and marked by a qualified biologist. Construction fencing will be placed at a minimum distance of five feet from wetlands and marsh areas to prevent accidental incursion into these areas by construction equipment. Sediment control measures, such as fiber rolls, will be installed along the construction fence to prevent sedimentation of the wetland areas.

No monopole structures will be constructed within 15 feet of freshwater marsh, seasonal wetland, or riparian forest habitats. No construction activities will be allowed within five feet of these habitats. (Refer to DEIR pages 87-88)
Less Than Significant Impact

Biological Resources Impacts (cont.)

The proposed project would impact an area that currently supports approximately 2,000 Congdon's tarplants. Due to the temporary nature of the disturbance, Condgon's tarplant ability to grow in disturbed areas, and the relatively small permanent loss of habitat, these impacts will be less than significant. **Less Than Significant Impact**	Although not a significant impact, the project includes the following measures to reduce or avoid impacts to a known population of Congdon's tarplant in the Alviso area of North San José. During the construction period, a construction fence, or similar barrier, will be installed along the edge of the permanent right-of-way and any temporary construction easements to limit construction traffic and other activity in areas known to support Congdon's tarplant. Areas supporting the plant within the 40-50 foot construction zone would be flagged and/or fenced by a qualified biologist to allow for avoidance, to the extent feasible. Between roughly Station 119+50 and Structure 1, the top two inches of soil will be collected and stockpiled during excavation for the underground transmission line. When the trench is filled in following installation of the duct bank, the stockpiled soil material will be reapplied as the top two inches of surface soil. Upon completion of construction, land from the WPCP fenceline to Structure 1 and between Structures 1, 2 and 3 that is known to support Congdon's tarplant will be restored to its preexisting grade and elevation. (Refer to DEIR page 88) **Less Than Significant Impact**
The project could result in direct and indirect impacts to individual nesting raptors during construction. **Significant Impact**	Construction will be scheduled to avoid the nesting season to the extent feasible. The nesting season for most raptors in the South San Francisco Bay area extends from January through August. If it is not possible to schedule tree removal and/or construction between August and January, then preconstruction surveys for nesting raptors will be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during project implementation. These surveys should be conducted no more than 14 days prior to the initiation of construction activities during the early part of

Biological Resources Impacts (cont.)

Continued from previous page	the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other potential habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest until young birds have fledged. (Refer to DEIR pages 88-89) **Less Than Significant Impact with Mitigation**
The proposed overhead line would have a separation of more than 60 inches between conductors and would not pose an electrocution hazard for large raptors, including Golden Eagles, that regularly forage in the project area. **Less Than Significant Impact**	At the time of final design, a 60-inch minimum separation between conductors and/or grounded hardware (or insulation of hardware or conductors against simultaneous contact if such separation is not possible) will be maintained to avoid potential bird electrocutions. This will prevent simultaneous contact with two phases or between phase and ground and will eliminate electrocution risk for large raptors. (Refer to DEIR page 89) **Less Than Significant Impact**
The proposed project could result in impacts to individual Burrowing Owls during construction. **Significant Impact**	The project will involve construction within 250 feet of burrows currently used by eight to nine pairs of Burrowing Owls. The nesting season for Burrowing Owls is February 1 - August 31. No activities, including grading or other construction work, will proceed within 250 feet of breeding owls during the nesting season. During the non-nesting season prior to construction, a survey of burrows within the project construction zone (Area of Potential Impact) will be completed. Artificial and natural burrows within the project construction zone will be sealed off with one-way doors that permit exit from the burrow during the non-nesting season in order to temporarily prevent future nesting by owls. If owls are resident along the alignment during the non-nesting season (September 1-January 31), a qualified ornithologist, in consultation with and given

Biological Resources Impacts (cont.)

Continued from previous page

authorization by CDFG, will evict the owls within 250 feet of construction zones and other associated impact areas, to avoid mortality of any owls or destruction of occupied burrows.

Replacement artificial burrows will be installed in the immediate vicinity on WPCP Buffer Lands to house resident owls displaced by planned construction activities. An artificial burrow group consisting of six burrows, similar to the existing mitigation habitat in the Arzino Ranch area of the WPCP Buffer Lands, will be installed for each owl or pair of owls evicted for the project. The population of owls resident in the project area currently use artificial burrows and should readily move into new artificial burrows in the immediate vicinity.

A construction barrier or fencing or other similar marking will be installed at the edge of the established construction zone to preclude construction traffic and other activities from impacting resident owls outside the construction zone.

During construction of the underground alignment and Structures 1-4 on the WPCP Buffer Lands, construction activity will be monitored by a qualified biologist in order to avoid impacts to individual owls and occupied burrows in the vicinity of the project alignment.

Upon completion of construction of the overhead line south of Los Esteros Road, new artificial burrows will be installed to replace burrows that were removed or sealed with one-way doors prior to construction. Replacement burrows will be installed in or near their previous locations. Artificial burrows installed prior to or after construction will remain in place and available for Burrowing Owl use upon completion of the project. (Refer to DEIR pages 89-90)

Less Than Significant Impact with Mitigation

The proposed project could result in direct and indirect impacts to habitat occupied by Burrowing Owls.

Significant Impact

Within the area occupied by Burrowing Owls, one riser structure and three monopoles would be installed. If pile foundations are used at Structures 1, 2, 3 or 4, the project will limit

Biological Resources Impacts (cont.)

Continued from previous page

permanent physical impacts to nesting habitat by installing pile foundation caps a minimum of two feet below the ground surface. With implementation of this measure, permanent physical impacts to the ground area used by Burrowing Owls would be limited to roughly 80 to 260 square feet for the four overhead structures.

The project proposes to inspect the transmission line and poles one to two times per year. Inspections within designated Burrowing Owl habitat west of the Water Pollution Control Plant will be conducted on foot. Vehicles will only be used in the area in the event repairs were needed and will be preceded by a preconstruction survey for owls. Repair activity will be monitored by a qualified biologist in order to avoid impacts to individual owls and occupied burrows.

With the implementation of the mitigation measures listed above, underground portions of the project would have only temporary impacts (e.g., temporary loss of habitat near underground portions of the alignment that are subsequently revegetated). The top of the duct bank would be covered with a minimum of three feet of soil, with a plastic warning barrier approximately two feet below the surface soil along the concrete duct bank. Construction of the underground segment of the proposed transmission line would not result in substantial, permanent impacts to habitat occupied by the Burrowing Owls.

For the overhead alignment, both project construction and completed project elements may result in direct permanent loss of habitat (e.g., at and around riser or pole foundations). Indirect effects from completed project elements are also possible (e.g., aboveground structures providing elevated perches for avian predators).

Within the area of the WPCP Buffer Lands that supports a population of Burrowing Owls, the proposed riser structure, three monopole structures, and associated conductors and

Biological Resources Impacts (cont.)

Continued from previous page	insulators offer limited perch sites for avian predators of Burrowing Owls, such as Red-tailed Hawks. Porcelain insulators are slick and may be difficult or unlikely for raptors to grip. Perch guards will be installed on the riser structure, the tops of the monopoles, and on insulators to further reduce possible use of the overhead transmission line by avian predators of Burrowing Owls. These measures would substantially reduce, but may not completely preclude, the use of the proposed overhead line by avian predators. Because Burrowing Owls are known to occupy open habitats devoid of a high degree of vertical structure, the mere presence of poles after project completion may cause Burrowing Owls to discontinue use on portions of the site. Thus, indirect impacts are also possible, and may further add to potential impacts to this species. Even with implementation of the mitigation measures listed above, construction of a portion of the overhead alignment (Structures 1-4) would result in significant, unavoidable impacts to Burrowing Owl habitat. (Refer to DEIR pages 90-91) **Significant Unavoidable Impact**
The proposed overhead transmission line could result in increased bird collisions with power lines in the North San José area. **Significant Impact**	Line markers ('bird diverters" or similar devices) would be installed on conductors in the vicinity of Los Esteros Road (between Structure 1 and Structure 12). Diverters and line markers may deter some individuals or species, but these measures are not expected to completely eliminate collision hazard. The mitigation described above would reduce bird collisions with power lines, but would not reduce this impact to a less than significant level. (Refer to DEIR page 91) **Significant Unavoidable Impact**

Biological Resources and Water Quality Impacts

The proposed project could result in increased contamination in storm water runoff during the construction period, which could adversely effect the water quality of the Guadalupe River, New Chicago Marsh, or Artesian Slough.
Significant Impact

The project will comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board and the City of Santa Clara and City of San José Grading Ordinances, as described subsequently under *Water Quality Impacts*. (Refer to DEIR pages 91-93 and 99-100)
Less Than Significant Impact with Mitigation

Geology, Soils and Seismicity Impacts

The proposed project would not be exposed to geology and soil hazards that could not be mitigated by the use of standard engineering design.
Less Than Significant Impact

Seismic hazards to the proposed project can be mitigated by the use of standard engineering design.
Less Than Significant Impact

The project includes the following measures to avoid or reduce geologic and seismic impacts:

A design-level geotechnical study will be completed to develop specific design criteria for the underground duct bank and foundations of monopole structures. Geotechnical studies will include site-specific evaluations of soil conditions, ground shaking and the potential for liquefaction and lateral spreading. All geotechnical studies will be submitted to Silicon Valley Power and the City of Santa Clara Planning and Inspection Department. Geotechnical studies that cover segments of the transmission line within the City of San José, will also be submitted to the City of San José Department of Public Works, as required.

The SVP Switching Station would be designed and constructed in accordance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

A Mining and Tunneling Permit from the State of California will be obtained prior to undertaking any borings greater than 30-inches in diameter. A copy of the permit(s) will be submitted to the City of Santa Clara Planning Division prior to the initiation of boring activities. (Refer to DEIR pages 107-108).
Less Than Significant Impact

Hazardous Materials and Hazards Impacts

Development of the proposed project could require the removal and relocation of waste materials from former landfill areas. Exposure to leachate (contaminated groundwater), if present, and wind-borne dust could result in potential health risks to construction workers and the environment.

Significant Impact

Excavation of the trench for the underground segment of the transmission line could extend into the existing landfill cover system and landfill waste at the former All-Purpose Landfill in the area north of Tasman Drive and west of Lafayette Street. At locations where excavations disrupt the final cover or extend to landfill waste (refuse), the refuse will be removed and disposed off-site at an appropriate solid waste facility. The landfill cover system will then be restored in kind or in accordance with California Code of Regulations Title 27 standards. Where landfill refuse is encountered, it would be overexcavated to allow construction of adequate landfill cover layers bordering the transmission line duct bank.

The project will minimize dust generation as provided by the Bay Area Air Quality Management District's Best Management Practices for dust control, as described in Section II. I., Air Quality. Contractors will be required to prepare and implement a detailed dust control plan during all phases of waste removal. The dust control plan will be submitted to the appropriate Local Enforcement Agency for approval prior to the removal of waste materials.

Under California Code of Regulations (CCR) Title 27, all proposed postclosure land uses on landfills (other than non-irrigated open space) must be reviewed and approved by Local Enforcement Agency. Any modifications of the final landfill cover for the All-Purpose Landfill will completed in accordance with CCR Title 27. Copies of proposed modifications to the landfill cover will be submitted as an Addendum to the Closure Plan to the California Integrated Waste Management Board, the Local Enforcement Agency and the Regional Water Quality Control Board. (Refer to DEIR pages 119-120)

Less Than Significant Impact with Mitigation

Hazardous Materials and Hazards Impacts (cont.)

Installation of foundation piles through waste in the former Nine Par Landfill site to underlying soil materials could result in contamination of shallow groundwater aquifers.
Significant Impact

The installation of foundation piles that penetrate the landfill waste in the former Nine Par Landfill area will satisfy, at a minimum, the Regional Water Quality Control Board criteria for driving piles through an unlined landfill. (Refer to DEIR page 120).
Less Than Significant Impact with Mitigation

If present, methane gas migrating from nearby landfill materials could result in flammable or explosive conditions along the project alignment during construction. Toxic compounds, including volatile organic compounds, can be present in landfill gas and pose health risks to construction workers and/or maintenance workers.
Significant Impact

In the vicinity of the former All-Purpose Landfill in the City of Santa Clara and the former Nine Par and Owens Corning Landfills and undocumented dump areas in the City of San José, Health and Safety Plans or other similar construction workplace plans addressing worker safety will include, at minimum, the implementation of standard construction practices required under OSHA (Occupational Health and Safety Administration) regulations would avoid hazards associated with possible flammable or explosive conditions during construction.

Where landfill gas is present or suspected, site utility trenches will be constructed with landfill gas mitigation controls to prevent landfill gas from migrating along utility trenches.

Transmission line maintenance workers will use "confined space entry" protocols common to the electric utility industry, when appropriate, to avoid potential hazards when entering the proposed manholes along Segments 2, 3, 4 and 5. (Refer to DEIR pages 119-120)
Less Than Significant Impact with Mitigation

Contaminated soil and groundwater could be encountered by construction workers during installation of the proposed transmission line. With compliance with existing local, state and federal laws and regulations regarding the handling of hazardous waste and contaminated soil and groundwater, the project would not result in significant impacts to people, animals or the environment.
Less Than Significant Impact

A Phase I Environmental Site Assessment indicated the potential for soil and groundwater contamination in isolated areas along the line of construction. Prior to construction, soil and groundwater sampling for potential contamination will be conducted in accordance with appropriate state and/or federal sampling protocols. Copies of any additional environmental investigations will be provided to the Santa Clara Fire Department, Hazardous Materials Division, Silicon Valley Power, and other agencies as required. For areas of the alignment within WPCP property, copies of

Hazardous Materials and Hazards Impacts (cont.)

Continued from previous page	any environmental investigations will be provided to the City of San José Department of Environmental Services. Contaminated soils brought to the surface by grading, excavation, or trenching will be managed in accordance with all applicable provisions of state and federal law. Excavated soil hauled off-site will be disposed of in accordance with California hazardous waste criteria at appropriate disposal locations. (Refer to DEIR pages 120-122). **Less Than Significant Impact**
The proposed project would not result in substantial new risks associated with electric shock, fire hazards, or lightning. **Less Than Significant Impact**	The design, construction, operation and maintenance of the transmission line would meet the requirements of the National Electrical Safety Code (NESC), California Public Utilities Commission (CPUC) General Order 95 which specifies Rules for Overhead Electric Line Construction, CPUC General Order 128 which species Rules for Construction of Underground Electric Supply and Communications Systems, U.S. Department of Labor, Occupational Safety and Health Standards, applicable Institute of Electrical and Electronic Engineers guidelines, and Silicon Valley Power requirements for safety and protection of property. (Refer to DEIR page 122) **Less Than Significant Impact**

Visual Resources Impacts

The proposed project will substantially alter views along one-third of a mile of Los Esteros Road and views from a designated Trails and Pathways Corridor as identified in the City of San José's 2020 General Plan and Scenic Routes and Trails Diagram. **Significant Impact**	The project proposes to support the overhead portion of the transmission line using monopole structures. These structures are generally considered to result in less visual intrusion than other structure configurations, such as lattice towers. Overhead transmission lines and associated support structures, due to their height, provide limited options for screening. A reduction in structure heights or the installation of landscaping at viewpoints or near the base of the monopole structures could reduce visual impacts at some locations, although

Visual Resources Impacts (cont.)

Continued from previous page

opportunities to substantially reduce visual impacts are limited. (Refer to DEIR page 135)
Significant Unavoidable Impact

Cultural Resources Impacts

Although much of the project alignment in the vicinity of the Guadalupe River is underlain by imported fill materials, the potential exists that subsurface cultural resources could be disturbed where excavations occur in native soil.
Significant Impact

Archaeological monitoring will be conducted for all subsurface trenching associated with construction of the underground portion of the transmission line (Segments 1-7). The applicant, Silicon Valley Power, or its contractors, shall retain the services of a qualified archaeologist to monitor earth-moving activities. Monitoring shall consist of coordinating subsurface work to allow for the careful examination of vertical and horizontal soil relationships for the purpose of defining positive archaeological finds (prehistoric and/or historic). The archaeological monitor must be approved by the Director of Planning and Inspection. After written approval, the Planning Division must be notified at least 48 hours prior to start of any grading or other subsurface work on the site and the client must provide a written protocol which stipulates the manner in which the applicant shall comply with the monitoring requirements. It is anticipated that monitoring would not be required where the maximum depth of excavations will not penetrate through historically imported fill layers. The project archaeologist will remain on call throughout the project to deal with any unexpected discoveries. The monitor must maintain a field log of their presence and observations, carefully noting soil conditions. In the event that cultural resources are encountered, all work within the proximity of the find shall temporarily halt so that the archaeologist can examine the find and document its provenience and nature (through drawings, photographs, written description, etc, as necessary). The monitor will then direct the work to either proceed if the find is deemed to be insignificant or is adequately documented and resolved, or continue elsewhere, as appropriate, until adequate mitigation measures are adopted or the matter is otherwise resolved to the satisfaction of the City.

Cultural Resources Impacts (cont.)

Continued from previous page

Once a find has been made and deemed to be significant, the archaeologist will then submit a Treatment Plan to the City of Santa Clara. The key elements of a treatment plan are identified on DEIR page 138.

In the event any significant cultural materials are encountered on land within the City of San José, the San José Director of Planning, Building and Code Enforcement would be notified. The archaeologist will examine the find as described above and make appropriate recommendations regarding the significance of the find and the appropriate mitigation to both the City of San José and the City of Santa Clara. A report of findings documenting any data recovered during monitoring within the City of San José would be submitted to the City of San José Director of Planning, Building and Code Enforcement.

In the even that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The City of Santa Clara Director of Planning and Inspection or the City of San José Director of Planning, Building and Code Enforcement will also be notified immediately, as appropriate, if human skeletal remains are found on the site during development. (Refer DEIR page 137-139).

Less Than Significant Impact with Mitigation

Air Quality Impacts

Air quality impacts resulting from construction, particularly generation of construction dust, could cause significant adverse effects.

Significant Impact

The following Bay Area Air Quality Management District measures to control dust will be followed during excavation, grading and construction:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily with water sweepers all paved access road, parking areas and staging areas at construction sites.
- Sweep streets daily with water sweepers if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.
- Limit the area subject to excavation, grading and other construction activity at any one time.
- For any areas where landfill waste is encountered, the following additional measures will also be implemented: minimize drop heights when loading vehicles with excavated materials; cover or wet all materials transported on or from the

ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES

Air Quality Impacts (cont.)

Continued from previous page

site in order to suppress visible dust. (Refer to DEIR pages 145-146)

Less Than Significant Impact with Mitigation

Excavation and relocation of waste during project construction could generate objectionable odors that affect sensitive receptors.

Significant Impact

An odor-control plan will be developed prior to the onset of construction in Segment 2 with the following elements:

- Schedule construction such that the amount of uncovered/disturbed waste at one time is minimized.
- Control odors by daily covering with soil, foam or other suitable material. If needed, apply deodorant or other odor-control materials.
- Consideration of seasonal weather conditions that can concentrate odors or direct odors towards sensitive receptors.
  Provide to the residents within 1,000 feet of any waste excavation and the Planning Division of the City of Santa Clara, the name and phone number of a "project contact" who will respond to any complaints about dust, odors or other nuisances associated with waste excavation and relocation operations. (Refer to DEIR page146)

Less Than Significant Impact with Mitigation

Transportation Access and Traffic Safety Impacts

Construction traffic impacts would be temporary and are not anticipated to substantially disrupt peak hour traffic.

Less Than Significant Impact

Although not a significant impact, the project includes the following measures to avoid impacts to roadways and transit service during construction.

Construction impacts in the vicinity of the Great America Station and at associated shuttle and bus stops will be temporary and are not anticipated to substantially disrupt the use of the transit network by commuters.

Less Than Significant Impact

Construction haul routes will be established for access to construction staging areas along the project alignment. Haul routes will be limited to freeways and major streets. Residential areas will be avoided. Construction haul routes will be approved by the City of Santa Clara Department of Public Works prior to issuance of grading permits.

A construction staging plan for work within the Great America Station area will be developed in cooperation with SCVTA, Amtrak, and ACE. The work plan will consider periods of peak use

Transportation Access and Traffic Safety Impacts (cont.)

Continued from previous page

by commuters and methods to provide access during the construction period.

At the location of the proposed alignment crossing, North First Street is a major collector, although just south of Nortech Parkway it is an arterial. If requested by the City of San José, a construction staging plan for excavation work in North First Street will be developed in cooperation with the City of San José Department of Public Works. (Refer to DEIR page 150)
Less Than Significant Impact

Noise Impacts

Construction zones and construction staging areas are not located in close proximity to sensitive uses and construction of the proposed transmission line will not result in a substantial temporary change in ambient noise levels.
Less Than Significant Impact

Although not a significant impact, the project includes the following measures to avoid nuisance noise impacts to sensitive uses during construction.

The project will comply with the City of Santa Clara and City of San José Noise Ordinances for construction activities conducted in each city and provide advance written notification of planned construction activities to residents within 300 feet of the construction zone.

A construction liaison will coordinate the timing of any pile driving operations west of the WPCP with George Mayne Elementary School (Santa Clara Unified School District) to minimize conflicts when class is in session.

Construction operations nearest to residential uses (Segment 1 and Segment 5 adjacent to Oakcrest Estates) and Jubilee Christian Church (Segments 7 and 8) will be limited to normal working hours (7:00 AM to 6:00 PM) with no construction activities on Sundays or holidays.

All construction equipment will be adequately maintained and muffled. (Refer to DEIR pages 153-154).
Less Than Significant Impact

Energy Impacts

The proposed project will not result in the inefficient or unnecessary use of energy.
Less Than Significant Impact

Appendix F of the CEQA Guidelines gives guidance on preparing an EIR evaluation of energy impacts. The relevance of each of these types of mitigation for the proposed project is discussed below.

a) Silicon Valley Power has implemented a number of programs to reduce wasteful and inefficient energy use City-wide. Additional programs are planned to be implemented in the future. The final design of the transmission line will include proper conductor selection and phase spacing to limit electric transmission losses.

b) To the extent feasible, the length of the transmission line has been minimized to reduce the amount of construction materials required and to reduce energy losses along the line during operation. The location of the Los Esteros Substation determined the location of one end of the line. The Northern Receiving Station is the nearest location to Los Esteros Substation at which the other end of the line could be placed.

c) Silicon Valley Power must supply power to its customers when there is electrical demand. The proposed project would not reduce peak energy demand, but in providing a reliable means of transmission for existing and planned uses within the City, the project would reduce the need for business and industrial users to install or use less efficient diesel or natural gas fueled backup systems for use during peak periods.

d) Silicon Valley Power has invested in alternate fuel and renewable energy production, including hydroelectric and geothermal power, outside of the San Francisco Bay Area. The proposed transmission line project would facilitate the use of power from these facilities.

Development of the proposed project would contribute incrementally to the use of energy for

Energy Impacts (cont.)

Continued from previous page	construction and ongoing maintenance and operations, but would not result in inefficient or unnecessary use of energy. (Refer to DEIR pages 159-160) **Less Than Significant Impact**

Cumulative Impacts

The project could contribute to cumulative impacts to a Congdon's Tarplant population in the Alviso area of San José. **Significant Cumulative Impact**	Implementation of mitigation measures included in the Cisco Systems Site 6 Final EIR and in this EIR would reduce potentially significant cumulative impacts upon a population of Congdon's tarplant to a less than significant level. (Refer to DEIR page 164). **Less Than Significant Cumulative Impact with Mitigation**
The project would contribute to the cumulative loss of Burrowing Owl habitat and impacts to individual Burrowing Owls. **Significant Cumulative Impact**	Mitigation for the loss of Burrowing Owl habitat needs to consist of acquiring and/or protecting equivalent habitat areas. Within northern Santa Clara County, however, few sites remain that could be used to off-set impacts to local populations of Burrowing Owls. In most cases, those sites are also planned for development. Suitable habitat in northeastern Alameda County has been set aside to offset the loss of occupied nesting habitat on the former Agnews West Campus and within the Bayshore North Redevelopment Area in Santa Clara. While these set asides will not reduce effects to the Burrowing Owl population locally, it will prevent similar habitat degradation elsewhere in the owls' range. The combined effect of the U.S. DataPort, Los Esteros Critical Energy Facility, Rivermark-Agnews West Campus, and Santa Clara Gateway projects will be a significant cumulative loss of habitat to the local Burrowing Owl population. (Refer to DEIR page 164). **Significant Unavoidable Cumulative Impact**
The project would contribute to cumulative bird collision hazards in the South Bay Area **Significant Cumulative Impact**	The project includes an overhead segment in an area with a high volume of bird flights to and from the Bay and adjacent Bayland areas. Although the use of bird diverters or other measures could reduce collision hazards, installation of the overhead segment between

Cumulative Impacts (cont.)

Continued from previous page	the riser structure and Zanker Road will contribute to cumulative bird collision impacts associated with approved, but not yet built, transmission lines in the South Bay area. (Refer to DEIR pages 164-165). **Significant Unavoidable Cumulative Impact**
The project would contribute to cumulative visual impacts. **Significant Cumulative Impact**	No mitigation is currently proposed that would reduce cumulative visual resources impacts to a less than significant level (Refer to DEIR page 165). **Significant Unavoidable Cumulative Impact**

SUMMARY OF ALTERNATIVES

The CEQA Guidelines specify that an EIR should identify alternatives to the proposed project that could attain most of the project objectives but avoid or reduce the significant effects of the project. The significant impacts identified in this EIR as resulting from the proposed project include: impacts to Burrowing Owls and their habitat, bird collision impacts, potential impacts to nesting raptors, impacts on water quality during construction, hazardous materials and hazards impacts, impacts to visual resources, possible impacts to buried cultural resources, and growth inducement. This EIR analyzes seven alternatives to the proposed project, as well as a "No Project" alternative (Refer to DEIR pages 167-186). These alternatives are summarized below.

NO PROJECT/NO BUILD ALTERNATIVE

Under the "No Project" alternative, the Northern Receiving Station would continue to be served by the existing double-circuit 115 kV transmission line from the Newark Substation. This alternative would completely avoid impacts to biological resources (Burrowing Owl habitat, bird collisions with power lines, impacts to nesting raptors), water quality impacts during construction, hazardous materials and hazards impacts, visual resources impacts, possible impacts to buried cultural resources, and growth inducement.

This alternative does not meet any of the project goals of providing reliable power to electrical users in the City of Santa Clara or to provide for projected energy needs.

UNDERGROUND TO LOS ESTEROS ROAD ALTERNATIVE

This design alternative consists of the project as presently proposed, but with the underground portion of the transmission line extended to the point at which the transmission line alignment approaches Los Esteros Road. This design alternative would increase the underground portion of the transmission line by approximately 1,600 feet (0.3 mile), to approximately 2.6 miles in length. This alternative would reduce the project's impacts on biological resources and visual resources.

This alternative involves the same alignment and is feasible from a planning and land use standpoint. Under the Underground to Los Esteros Alternative, impacts to Burrowing Owls could be offset by construction timing, monitoring and measures to maintain the Burrowing

Owl population on the WPCP Buffer Lands during construction. Bird collision hazards would be reduced west of Los Esteros Road, but still remain significant where the overhead transmission line would extend parallel to Los Esteros Road. The reduction in length of the overhead portion of the transmission line alignment would reduce, but not eliminate significant visual impacts. The Underground to Los Esteros Road Alternative is environmentally superior to the proposed project. Installation of an additional 1,600 feet of underground line would increase the cost of the proposed project. The Underground to Los Esteros Road Alternative is not consistent with the project objective of building the transmission line in a cost efficient and economic manner in order to transmit power at a reasonable cost for ratepayers.

NORTECH UNDERGROUND LOCATION ALTERNATIVE

From North First Street, this alternative would extend underground along Nortech Parkway approximately 8,500 feet in an easterly direction to the approved Los Esteros Substation. The underground line would be installed in a trench under Zanker Road. The total length of this alignment would be approximately 3.5 miles. The underground duct bank would have to be designed to avoid utility lines located between North First Street and Zanker Road, including water mains from a three million gallon water tank adjacent to Nortech Parkway and a sanitary force main near the terminus of Nortech Parkway. It would also have to cross under a major sewer line that crosses the WPCP Buffer Lands in a northerly direction.

This alternative is feasible from a planning and land use standpoint. Under the Nortech Underground Location alternative, bird collision hazards would be avoided although there would still be the potential for impacts to individual Burrowing Owls during construction. This alternative would avoid visual impacts. The Nortech Underground Location Alternative is environmentally superior to the proposed project.

This alternative would meet the power transmission objectives of the project. Although the total length of the transmission line under this alternative would be shorter by approximately one mile, total construction costs could increase by one-third when compared to the proposed project. To the extent that this all-underground alternative would substantially increase construction costs, it would not be wholly consistent with the project objective of building a transmission line at a reasonable cost for ratepayers. This alternative also would not be wholly consistent with the project objective of minimizing impacts upon private properties including current private development.

SOUTHERN BUFFER LAND LOCATION ALTERNATIVE

From North First Street, this alternative would extend underground along Nortech Parkway to a riser structure approximately 400 feet east of the terminus of Nortech Parkway. An overhead line would be installed that curved towards SR 237 between the riser structure and Zanker Road. The overhead line would have to cross over an existing transmission line on the east side of Zanker Road. The total length of this alignment would be approximately 3.8 miles. As with the Nortech Underground Location Alternative, the underground duct bank would have to be designed to avoid utility lines between North First Street and Zanker Road, including water mains from a three million gallon water tank adjacent to Nortech Parkway and a sanitary force main near the terminus of Nortech Parkway. It would also have to cross under a major sewer line that crosses the WPCP Buffer Lands in a northerly direction.

This alternative is feasible from a planning and land use standpoint. Under the Southern Buffer Land Location Alternative, bird collision hazards would be substantially reduced.

Overhead lines would be at a greater distance from the Bay and Baylands and habitats with high bird use. There would still be the potential for impacts to individual Burrowing Owls during construction, although the overhead line would be located away from areas with concentrated Burrowing Owl use. This alternative would increase significant visual impacts in the vicinity of SR 237. The Southern Buffer Land Location Alternative is environmentally superior to the proposed project in terms of impacts to biological resources but would increase visual impacts for motorists on SR 237.

This alternative would meet the power transmission objectives of the project. Although the total length of the transmission line under this alternative would be shorter by approximately 0.9 mile, total construction costs for the project could increase when compared to the proposed project. To the extent that this alternative could increase construction costs, it would not be wholly consistent with the project objective of building a transmission line at a reasonable cost for ratepayers. This alternative also would not be wholly consistent with the project objective of minimizing impacts upon private properties including current private development.

ENERGY CONSERVATION ALTERNATIVE

This alternative consists of implementing energy conservation measures to stabilize energy demand within the City of Santa Clara. A new 230 kV connection between the approved Los Esteros Substation and the Northern Receiving Station would not be constructed.

As described in *Section II. M. Energy* and *Section III. Growth Inducing Impacts*, peak energy use is project to increase by approximately 100 MW by 2005 and approximately 200 MW by 2010. This increased demand includes a projected growth in jobs and residents of over 20 percent and projected increased demand of one percent per year by existing residents and businesses. An increase in current energy conservation (approximately 22 MW) and use of the Power Reduction Pool (approximately 20-30 MW) by 25 percent, would not be large enough to meet projected energy loads. In addition, the potential for increased energy conservation by electric utility customers is limited by economic factors, including the need to purchase and upgrade equipment to more energy efficient models. Projected energy conservation measures and use of the Power Reduction Pool may not be adequate to offset these projected increases in electric demand and power shortages or outages could occur under this alternative. This alternative also would not provide additional reserve transmission capacity and reliability for the local area transmission system.

Like the No Project Alternative, this alternative would completely avoid impacts to biological resources, water quality impacts during construction, hazardous materials and hazards impacts, visual resources impacts, and growth inducement. Possible impacts to buried cultural resources would also be avoided.

This alternative is feasible from a planning and land use standpoint but would be limited by the necessity for electric customers to voluntarily implement additional energy conservation measures in a timely manner. While Silicon Valley Power could offer financial incentives for users to lower electric use, it could not require customers to purchase equipment or adopt measures that would substantially reduce electric power use during peak periods. At this time, there is no mechanism for implementing an expanded program of energy conservation within the City of Santa Clara that could provide for future projected energy demand and reliability. The Energy Conservation Alternative would not provide for improved voltage or energy supply reliability. This alternative does not meet the project goals of providing

reliable power to electrical users in the City of Santa Clara or to provide for projected energy needs.

LOCAL POWER PLANTS AND DISTRIBUTED POWER ALTERNATIVE

Under this alternative, approximately 200 MW of energy production capacity would be installed locally within the City of Santa Clara by 2020. This could be in the form of City-owned power plants or a program of adding distributed power facilities at customer and utility locations throughout the City. Distributed power facilities are small energy production facilities, generally located at institutional, commercial or industrial facilities. Distributed power production can range from small gas turbines to photovoltaic cells on building roofs. Under this alternative, additional utility infrastructure, such as substations, transmission lines, and distribution lines could be required for power generating facilities within the City that supply power to the local power distribution system in the City of Santa Clara.

This alternative would avoid impacts to biological resources, water quality impacts during construction, hazardous materials and hazards impacts, visual resources impacts, and possible impacts to buried cultural resources along the proposed Northern Receiving Station 230 kV Transmission Line alignment.

This alternative may be feasible from a planning and land use standpoint, although there are limited industrial areas of the City that could be used for power plant sites without resulting in land use compatibility impacts. At this time, there is no mechanism for implementing a program of energy production within the City of Santa Clara that could provide for future projected energy demand and reliability. This alternative does not meet the project goals of providing reliable power to electrical users in the City of Santa Clara, providing for projected energy needs, or for providing power at a reasonable cost.

CISCO SITE 6 DESIGN ALTERNATIVE

This alternative involves minor changes in the underground alignment on both sides of North First Street. It may be feasible in the future if development plans change or an agreement on easements for the proposed project through the parcels is not reached with the landowner.

This alternative would have environmental impacts similar to those of the proposed project and would meet the objectives of the project.

Environmentally Superior Alternatives: Four alternatives would be clearly environmentally superior to the proposed project by reducing significant impacts to a less than significant level in one or more areas. These alternatives are the No Project/No Build Alternative, the Underground to Los Esteros Road Alternative, the Nortech Underground Location Alternative, and the Energy Conservation Alternative.

Two of these alternatives, the No Project Alternative and the Energy Conservation Alternative, would not meet the objectives of the project in terms of providing reliable energy supplies. Of the two alternatives listed above that would construct an electric transmission line, the Nortech Underground Location Alternative is the environmentally superior alternative.

The Southern Buffer Land Location Alternative would reduce biological resources impacts, but would have greater visual impacts. Overall, the Southern Buffer Land alternative would only be slightly superior to the proposed project. The Local Power Plants and Distributed Power Alternative would avoid impacts to biological resources in northern San José, but could result in new impacts to

the region, including impacts to air quality. The Cisco Systems Site 6 Alternative would have impacts similar to the proposed project and was not included in the EIR because of its ability to potentially reduce project impacts. This alternative represents a design alternative that is not currently proposed by the project, but that may be considered in the future.

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

Views of local groups and areas of controversy regarding construction of transmission line from the Northern Receiving Station to the approved Los Esteros Substation include:

- possible effects on residential property values in the vicinity of Lafayette Street;
- possible impacts on a Burrowing Owl Population in the Arzino Ranch area of the WPCP Buffer Land;
- bird collision hazards for overhead transmission lines near San Francisco Bay and nearby marshes.

EXHIBIT E

RESOLUTION NO. 7006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS OF THE NORTHERN RECEIVING STATION 230 KV TRANSMISSION LINE PROJECT (File CEQ2002-01007) IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, this City Council has certified the Final Environmental Impact Report ("Final EIR") for the Northern Receiving Station 230 kV Transmission Line Project (the "Project"); and

WHEREAS, the City Council has reviewed the Final EIR and the Draft Environmental Impact Report ("Draft EIR"). The Final EIR and the Draft EIR will collectively be referred to as the "EIR"; and

WHEREAS, the Project is the construction of an approximately 4.3 mile 230 kV single-circuit transmission line and a Silicon Valley Power Switching Station ("SVP Switching Station"). The transmission line would extend between the existing Northern Receiving Station in the City of Santa Clara and the SVP Switching Station to be built adjacent to and interconnected with the approved Pacific Gas & Electric ("PG&E") Los Esteros Substation in North San Jose. The new line would provide for the transmission of electric power from PG&E's system to Silicon Valley Power's distribution system. The proposed transmission line would include underground and overhead segments. The Project proponent is Silicon Valley Power ("SVP"), the municipal electric utility owned by the lead agency, City of Santa Clara; and

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WHEREAS, the Project Objectives include providing for the existing and future electric utility needs of residential, commercial, institutional and industrial customers of Silicon Valley Power, avoiding potential power outages associated within insufficient electric transmission capacity, increasing the interconnection capacity between Silicon Valley Power's distribution system and the area transmission system, providing reserve transmission capacity to allow power to be rerouted in the event of transmission line failure elsewhere within the local system, providing for load growth within the service area of Silicon Valley Power, reducing Silicon Valley Power's exposure to voltage fluctuations at their receiving station caused by disturbances on the area-wide transmission system and avoiding low voltage conditions and associated service interruptions for electric customers with voltage-sensitive equipment, building the transmission facility with sufficient voltage to maximize energy efficiency and reducing transmission system power losses, designing and constructing a transmission line that will minimize impacts upon the environment, and construction and ultimate location of the Project to minimize the impacts on private properties; and

WHEREAS, this City Council has adopted written findings for each significant environmental effect of the Project and required mitigation measures, which eliminate or substantially lessen the effects to a less-than-significant level; and

WHEREAS, the California Environmental Quality Act ("CEQA") requires that for each significant environmental effect identified in an EIR, the decision-making body of the lead agency for the project must make at least one of three possible findings: (1) that changes or alterations have been required or incorporated into the project which avoid or substantially lessen any significant environmental effect; (2) that changes to the project or mitigation measures are the responsibility of and within the jurisdiction of another agency and have been or can and should be adopted by another agency; (3) that specific economic, legal, social, technological or other considerations make

infeasible the mitigation measures or project alternatives identified in the final EIR; and

WHEREAS, this City Council has identified those significant effects which are unavoidable as changes to the project or mitigation measures that are the responsibility and within the jurisdiction of another agency and have not been adopted by that agency; and

WHEREAS, CEQA requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project; and

WHEREAS, CEQA mandates that if the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable"; and

WHEREAS, CEQA requires that when the lead agency approves a project resulting in the occurrence of significant effects, which are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and other information in the record; and

WHEREAS, the City Council has considered the comments submitted on the Draft EIR, response to those comments and comments entered into the record during the public hearing held before the City Council on this Project; and

WHEREAS, the documents or other materials which constitute the record upon which the City Council's decision on the Project is based are located at the offices of the City Clerk, City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050. The custodian of these documents is the City Clerk or designee; and

WHEREAS, the City Council has evaluated the Project and the possible Project alternatives and concluded that the Southern Buffer Land Location Alternative C-2 is hereby adopted as it is the best

alternative for SVP and the City, based upon the Project objectives, environmental impacts and fiscal impact; and

WHEREAS, the City Council finds that the implementation of the C-2 Alternative, when compared to the Project proposed in the Draft EIR, would reduce environmental impacts while meeting the project objectives. The C-2 Alternative avoids disturbing the existing Burrowing Owl mitigation in the Arzino Ranch area of the Water Pollution Control Plant (WPCP) Buffer Lands that currently supports nine pairs of Burrowing Owls. The C-2 Alternative avoids the installation of new potential raptor perches (monopoles) in an area known to be inhabited by Burrowing Owls and avoids the removal of trees that could be used by nesting raptors in the vicinity of Los Esteros Road and Zanker Road. This option also reduces potential bird collisions with power lines by moving the overhead segment of the transmission line ½ to ¾ mile further away from the Bay and wetland areas and shortening the overall length of the overhead portion of the transmission line. The C-2 Alternative avoids project and cumulative impacts to a population of Congdon's tarplant, a special-status plant species, found between Disk Drive and Los Esteros Road on the WPCP Buffer Lands.

The Project may have a small impact upon potential Burrowing Owl habitat. The Project includes extensive mitigation measures to reduce the effect of the transmission lines on the Burrowing Owl. Due to the presence of tall vertical structures in the area, the addition of the Project's transmission towers will not affect the potential habitat. The design of the footings of the towers has been altered to reduce the impact on possible future Burrowing Owl habitat. Surveys will be conducted to determine where, if any, Burrowing Owls are located and construction activity will not take place during the nesting season. If no Burrowing Owls are discovered within 250 feet of the impacted areas, then no further mitigation measures are required. If the survey does discover Owls within 250 feet of the alignment, specific mitigation measures will be followed to remove the birds from the

construction area. A qualified biologist will monitor all Burrowing Owl mitigation measures. The Burrowing Owl impact is part of the cumulative impacts of the Project.

The C-2 Alternative avoids the removal of landfill materials or driving piles through landfill waste associated with constructing monopole foundations in the area of the former Nine Par landfill and the possible need to shield future users of the Bay Trail with cardiac pacemakers from electric fields. Finally, this route for the transmission line reduces visual resources impacts along the planned Bay Trail alignment by relocating the overhead portion of the transmission line away from the planned trail and avoids the introduction of additional visual clutter from an additional overhead power line parallel to roadways used by the residents of Alviso.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1. The City Council finds that the EIR has been completed in compliance with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000, et seq., as amended) and with the Guidelines (12 California Code of Regulations Section 15000 et seq. as amended) for implementation of CEQA, as promulgated by the Secretary for Resources and in compliance with the environmental procedures of the City of Santa Clara.

SECTION 2. The City Council has reviewed and considered the information contained in the EIR. The EIR and this resolution reflect the independent judgment of the City Council.

SECTION 3. The City Council makes the following findings regarding each of the identified environmental effects and imposes conditions which require implementation of suitable mitigation measures. The City Council further finds that, for those impacts that are deemed to be significant by the EIR, but where mitigation measures are found infeasible, or where mitigation is not sufficient to adequately address those effects, this Statement of Overriding Considerations shall be adopted.

SECTION 4. That the unavoidable adverse environmental effects remaining after the implementation of all feasible mitigation measures and feasible alternatives have been balanced against the Project's overriding economic, legal, social or other benefits.

SECTION 5. The City Council finds the remaining effects to be "acceptable" due to the following overriding considerations of the Project.

SECTION 6. STATEMENT OF OVERRIDING CONSIDERATIONS.

After extensive review of the entire administrative record, including the EIR, the staff reports, the oral and written testimony and the conditions of approval, the City Council hereby finds that, for the reasons set forth below, the legal, economic, safety and socially beneficial considerations of the Project contained in the EIR as mitigated outweigh the unavoidable project and cumulative impacts on visual and biological resources identified in the Findings. With respect to the Findings and in recognition of those facts which are included in the record, the City Council has determined that the Project would cause significant unavoidable biological resources, visual resources and growth inducing impacts and would contribute to significant cumulative impacts associated with bird collisions with power lines, loss of Burrowing Owl habitat and visual resources. The benefits justify the approval of the C-2 Alternative in spite of the existence of these significant environmental effects that cannot be fully mitigated and in spite of other alternatives that might be environmentally superior.

The C-2 Alternative relocates the alignment to avoid the primary bird flight path in the area to reduce bird collisions with the transmission lines. However, the C-2 Alternative would still contribute to cumulative bird collision hazards in the South Bay Area.

The C-2 Alternative will also result in a significant impact to the visual resources. As mitigated, the Project alternative incorporates monopoles to support the overhead portion of the transmission line,

which will reduce the visual impact. In addition, relocating the alignment to an area where transmission lines are nearby will minimize visual impacts. However, the C-2 Alternative will still alter views along the 237 Highway corridor, adding to the existing transmission line view. Consequently, this is a cumulative impact of constructing the transmission line.

The cumulative impacts of the C-2 Alternative also include a small increment to the overall loss of potential Burrowing Owl habitat. Although the preferred route of the alignment avoids known, occupied Burrowing Owl habitat, the area is still potential habitat for the Burrowing Owls. Few sites are available to be used to mitigate impacts to the local population of Burrowing Owls by acquiring and/or protecting the equivalent habitat area. The approved and planned development in northern San Jose and Santa Clara will result in a cumulative loss of habitat to the local Burrowing Owl population.

The C-2 Alternative will cause growth inducing impacts by removing electric power supply as a barrier to future growth. The increased population and businesses in the greater Santa Clara area are the projected consumers for this project. The impacts of the growth that would be served by the transmission line potentially include traffic congestion, air pollution emissions to affect air quality, loss of vegetation and wildlife resources, loss of cultural resources, water quality degradation and loss of agricultural land and open space in the region. The impact of future growth can be mitigated by project specific mitigation measures adopted at the time of approval of future growth.

The Findings supporting the Certification of the EIR adopted concurrently are incorporated herein as though set forth in full. The specific overriding considerations include the following:

1. **Consistency with the City of Santa Clara General Plan and its Programs and Policies**

The Project is consistent with the legal goals and furthers the purposes and objectives of the City's General Plan Policies. These aims include the creation of additional infrastructure to support the

expected growth of the City's population in the next five years.

Specifically, the EIR cites the Project's overall consistency with the General Plan's Land Use, Environmental Quality and Public Facilities & Services Elements. In addition, the Project is generally consistent with the 1982 Bay Area Air Quality Plan, the 2000 Clean Air Plan (ABAG), the San Francisco Bay Region Water Quality Control Plan, the Santa Clara Valley Urban Runoff Pollution Prevention Program, National Park Service Plan for the Juan Bautista de Anza Trail, and the Santa Clara Countywide Trails Master Plan.

The Project, of which a substantial part is located in the City of San Jose, is also consistent with local plans, including City of San Jose 2020 General Plan, the Alviso Master Plan, and the San Jose Bay Trail Master Plan. An electric transmission line complies with the relevant General Plan sections of the Land Use/Transportation Diagram, Urban Design Policy, Trails and Pathways Policy, Riparian Corridors and Upland Wetland Policy, Soils and Geological Conditions Policy, and Noise Policy. The Project fits within the parameters of the Alviso Master Plan Trail Circulation Objective, Utilities Policies, and Land Use Policies. The Project is generally consistent with the Alviso Master Plan Environmental Protection Objective and Policies and the San Jose Bay Trail Master Plan.

The property along and over which the Project is to be constructed varies, including major and minor streets, a public golf course, a former landfill, a levee of a watercourse, a State highway, the Water Pollution Control Plant and related facilities and undeveloped fields. The Project is not located adjacent to any sensitive land uses, including residences or schools. The approval of this Project would not interfere with existing or future uses allowed under the land use designations along the alignment.

The City's objective, as described in the General Plan, is to promote the goals of providing efficient public facilities and services to serve the community. It is also the City's aim to continue to develop

and encourage within economic capabilities, needed facilities and services that contribute to the City's safety, convenience, amenity, educational, cultural and recreational opportunities. With regards to Santa Clara's anticipated growth between 1990-2005, the City can expect a proportionate increase in demands on public facilities and services, especially electricity. The Project would implement these goals by ensuring a safe and reliable source of power.

2. **Overriding Economic Considerations**

The Project will ensure that the City of Santa Clara can maintain the economic well being of its constituents by providing a safe, reliable and efficient infrastructure to deliver electricity. The Project will provide for current and future electrical service needs in the community. Without the proposed transmission line, economic growth is limited. The Project will remove this limitation to increase the amount of electricity available for not only the City, but also the region, by increasing the overall capacity of the electric grid. The various factors affecting electric usage show an increase of approximately 51% by the year 2020. In order to provide for the increased use by commercial and industrial users and the corresponding economic growth, the Project increases the available infrastructure for delivering electricity. The Project will result in a cost efficient, economic and environmentally sensitive design at a reasonable cost.

3. **Overriding Social Considerations**

The Project will provide public and commercial amenities to serve the City and the Santa Clara County area. The additional transmission capacity will reduce voltage fluctuations at the receiving station caused by disturbances on the area-wide transmission system and avoid low voltage conditions and associated service interruption for electric customers with voltage sensitive equipment. The Project also provides reserve capacity to allow power to be rerouted in the event of transmission line failure elsewhere within the local area transmission system and load growth within

the service area of Silicon Valley Power. Overall, the project will ensure that the infrastructure is able to support the population and businesses in a safe and cost efficient manner.

The Project would support the City's safety goals and strengthen the City's power infrastructure base by increasing the interconnection capacity between Silicon Valley Power's distribution system and the area transmission system. The additional transmission capacity provided by the Project will avoid potential power outages associated with insufficient electrical transmission capacity at peak periods. Temporary power losses can be life threatening to people with certain medical conditions and public safety can be compromised when traffic signals and security alarms do not operate. Hospitals and industrial facilities can be negatively impacted during the time required to start back-up power. The Project would prevent these probable hazards.

Other public benefits will also be realized with this Project, including the transmission of cost efficient, economic and reasonably priced electricity for ratepayers. The Project will result in a transmission facility that maximizes energy efficiency and minimizes power losses and impacts to the environment. In addition, the transmission facility reduces the impacts on private property and developments and limits conflicts with planned future improvements to the Water Pollution Control Plant. This Project uses a cost efficient, economic and environmentally sensitive design to increase the City's ability to serve the existing and future electric needs of residential, commercial and institutional customers of Silicon Valley Power, the electric utility of the City of Santa Clara, at a reasonable cost.

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SECTION 7. Based on the aforementioned benefits of the Northern Receiving Station 230 kV Transmission Line Project, the City Council hereby finds that after a careful balancing of factors, the legal, economic and social benefits of the C-2 Alternative sufficiently outweigh its unavoidable or unmitigatable environmental effects. The City Council adopts this Resolution in conjunction with the *Resolution in Support of Certification of the EIR*.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 28th DAY OF JANUARY, 2003, BY THE FOLLOWING VOTE:

AYES:	COUNCILOR:	**Caserta, Diridon, Kolstad, Matthews, McLemore, Parle and Mayor Mahan**
NOES:	COUNCILOR:	**None**
ABSENT:	COUNCILOR:	**None**
ABSTAINED:	COUNCILOR:	**None**

ATTEST: J. E. Boccignone
J. E. BOCCIGNONE
City Clerk
City of Santa Clara

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