

# Comment Set E



**CITY OF SAN JOSÉ, CALIFORNIA**

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CITY MANAGER

November 27, 2000

Brad Whetstone, CPUC  
 C/o Aspen Environmental Group  
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 San Francisco, CA 94104

**SUBJECT: SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT FOR PG&E COMPANY'S APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR NORTHEAST SAN JOSE TRANSMISSION REINFORCEMENT PROJECT -(APPLICATION NO. 99-09-029)(SCH# 2000042073)**

Dear Mr. Whetstone:

The City of San Jose appreciates the opportunity to review and comment on the above referenced Supplemental Draft EIR (SDEIR) for the NE SJ Transmission Reinforcement Project (Project). These comments focus on the areas of the Supplemental Draft EIR that are of specific concern to the City of San Jose, namely, the location of the proposed Los Esteros Substation, and the location of the transmission line alignment south of Dixon Landing Road.

Substation Location

The City of San Jose generally agrees with the conclusion in the SDEIR that "there is very little difference" between the Proposed Substation Site and the US Dataport Alternative Site, and that "similar impacts" would result from development of the Project on either site (SDEIR p. 16). The SDEIR correctly recognizes that one environmental advantage to the US Dataport Alternative site is that it would require no demolition of improvements or displacement of housing (Id.) However, we believe that the SDEIR incorrectly implies that development of the Project on the US Dataport Alternative Site would result in greater environmental impacts than development on the Proposed Site due to the closer proximity of the US Dataport Alternative Site to the proposed Bay Trail, and to impacts of development of the US Dataport Alternative Site on the recycled water capabilities of the San Jose/Santa Clara Water Pollution Control Plant (WPCP) (Id.)

The Bay Trail will be negatively impacted by the Project regardless of whether the Proposed Site or the US Dataport Alternative Site is selected. The same mitigation measure, adoption of a landscaping plan, must be required to mitigate impacts regardless of which substation site is chosen. Moreover, regardless of which site is selected, PG & E should be required to integrate

Brad Whetstone, CPUC  
 November 27, 2000  
 Page 2

public access (the Bay Trail) into its design for access to the site. If the Project is located on the US Dataport Alternative Site, this could be easily accomplished by setting substation facilities far enough back from the existing access road to allow development of both the Trail and landscape area. Similarly, on the Proposed Site, PG & E should be required to acquire sufficient right of way for both its own access needs and the Proposed Bay Trail. The City of San Jose 2020 General Plan Trails & Pathways Policy #2 states: "When new development occurs adjacent to designated Trails and Pathways Corridor, the City should encourage the developer to install and maintain the trail."

E-1

The impact on the WPCP of development of the Project on the US Dataport Alternative Site could be mitigated if PG & E would agree to acquisition of only a leasehold interest in this City owned site, and would further agree to pay full fair market value for the leasehold interest. The City has offered to allow PG & E to lease, or condemn a lease in, the site for fifty-five (55) years on a fair market value basis. At the end of the fifty-five year period, if PG & E still needed the site for substation purposes, it could condemn a fee interest in the site. Limiting PG & E to acquisition of a leasehold interest in the City owned property would ensure that if the site is no longer needed for substation purposes, it would revert to the City for potential alternate public use. A lease at full fair market value would ensure that the City has the resources to develop recycled water opportunities to replace those lost on the US Dataport Alternative Site.

E-2

One disadvantage to the Proposed Site that is not recognized in the SDEIR is that the Project may be substantially delayed. While US Dataport has indicated that it will vigorously oppose any use of the Proposed Site by PG & E, the City has offered to enter into a fixed price lease, which reflects a property value substantially below PG & E's own appraisal of the City property, or to allow a court to set the value of a leasehold interest in the City property.

E-3

Southerly Transmission Line Segment

As indicated above, San Jose is interested in the transmission line routing south of Dixon Landing Road. We agree with the SDEIR that the McCarthy Blvd. Alternative Segment is environmentally superior to the Proposed Project Alignment along the WPCP sludge drying beds (from Milepost 4.7 to Milepost 5.6.) However, we note that the SDEIR has failed to consider an even more superior alternative, and a potential mitigation measure for the negative impacts of the McCarthy Blvd. Alternative, namely undergrounding the McCarthy Blvd. Alternative Segment. We also have two areas of disagreement with the analysis of the Southerly Underground Alternative in the SDEIR

E-4

1. First, the SDEIR fails to analyze a combined underground/overhead alternative, with the transmission line undergrounded as indicated in the SDEIR, but with the Coyote Creek crossing overhead. The US Fish & Wildlife Service comments dated November 24, 2000 also request consideration of this alternative. The SDEIR fails to explain why a 100 foot wide swath of mature riparian vegetation would have to be removed to accomplish this overhead crossing. We note that no such constraints on an overhead crossing were noted in the original DEIR for the Coyote Creek overhead crossing that is proposed for the Trimble-Montague segment of this Project. We also agree with the Fish & Wildlife Service comment

E-5

## Comment Set E, page 2

Brad Whetstone, CPUC  
 November 27, 2000  
 Page 3

that a more extensive analysis of the vegetative impact of an overhead crossing, along with an analysis of the potential mitigation is necessary for a complete evaluation of this alternative.

E-5

2. Secondly, the SDEIR fails to offer any concrete information (recent geotechnical data) concerning the "liquefaction potential" of soils in this area. The SDEIR references lateral movements observed in 1868 and 1906 earthquakes to the west of Coyote Creek, yet this alternative would put the line east of Coyote Creek, and there have been much more recent earthquakes than the two cited. The original DEIR (section C.5, "Geology, Soils and Paleontology") does not support the conclusion that liquefaction potential is a reason for selecting an overhead transmission line west of the Creek. Indeed, the original DEIR emphasizes the need for "design-level geotechnical investigations" and "site specific assessment for each transmission tower along [west of] Coyote Creek and at the proposed substation site" (DEIR, p. C.5-20). The substantial recent construction activity east of the Creek, referenced elsewhere in the SDEIR, indicates that the liquefaction potential may be different than west of Creek. The SDEIR should evaluate the specific risk or undergrouding, and mitigation measures available to avoid these risks, by comparing the placement of underground lines in this area to the numerous other locations in the Bay Area where underground lines exist (e.g. Bay mud in San Francisco.) The SDEIR should elaborate on the use of "extra slack in underground cables (see original DEIR, p. C.5-14) to mitigate for the impacts of liquefaction on underground lines.

E-6

Finally, the SDEIR does not recognize that any above ground transmission line alternative will negatively impact future Bay Trail users, and may in some cases impede trail access. For example, the Bay Trail proposes the construction of an ADA (Americans with Disability Access) ramp up to the top of the levee at approximately Milepost 6.7. This is also the probable location of a transmission line tower if the Proposed alignment is selected because the line would turn at about a 90° angle at that location.

E-7

Thank you for the opportunity to comment and we look forward to reviewing the Final EIR document when it becomes available.

Sincerely,



Darrell Dearborn  
 Senior Deputy City Manager

c: M.Dent  
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