

# ALAMEDA COUNTY

## Livermore Community Solar Farm DRAFT EIR

State Clearinghouse Number: 2018092012 | Draft EIR

March 2020





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**Submitted By:**

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# 1. Executive Summary

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This summary presents an overview of the proposed Livermore Solar Community Farm, herein referred to as “Project” or “proposed Project.” This section also summarizes the alternatives to the proposed Project, identifies issues to be resolved, areas of controversy, and conclusions of the analysis contained in Chapters 4.1 through 4.11, of this Draft Environmental Impact Report (Draft EIR). For a complete description of the proposed Project, please see Chapter 3, Project Description, of this Draft EIR. For a discussion of Project Alternatives, please see Chapter 5, Alternatives to the Project.

This Draft EIR addresses the environmental effects associated with the Project. The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider environmental impacts of such projects. An EIR is a public document designed to provide the public, local, and State governmental agency decision-makers with an analysis of a project’s potential environmental impacts to support informed decision-making.

This Draft EIR has been prepared pursuant to the requirements of CEQA<sup>1</sup> and the State CEQA Guidelines<sup>2</sup> to determine if Project approval could have a significant impact on the environment. The County of Alameda, as the Lead Agency, has reviewed and revised as necessary submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable County technical personnel and review of all technical subconsultant reports. Information for this Draft EIR was obtained from on-site field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g. air quality, greenhouse gas emissions, noise, geotechnical and transportation and traffic).

## 1.1 ENVIRONMENTAL PROCEDURES

This Draft EIR has been prepared to assess the environmental effects associated with implementation of the proposed Project, as well as anticipated future discretionary actions and approvals. The six main objectives of this document as established by CEQA Section 15002(a) are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.

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<sup>1</sup> California Public Resources Code, Division 13, Section 2100, et seq.

<sup>2</sup> Title 14 of the California Code of Regulations, Division 6, Chapter 3, Section 15000, et seq.

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- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the Project in the manner the agency chose if significant environmental effects are involved.

An EIR is the most comprehensive form of environmental documentation identified in the CEQA statute and in the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts, if any, and alternatives, and adopt a Statement of Overriding Considerations if the proposed project would result in significant impacts that cannot be avoided.

### 1.1.1 EIR FORMAT

This Draft EIR is organized into the following chapters:

- **Chapter 1: Executive Summary.** Summarizes Project location, overview, and environmental consequences that would result from implementation of the Project, describes recommended mitigation measures, and indicates level of significance of environmental impacts before and after mitigation.
- **Chapter 2: Introduction.** Provides an overview of the Draft EIR document.
- **Chapter 3: Project Description.** Describes the Project in detail, including the subject property location and characteristics, Project objectives, and the structural and technical elements of the proposed action.
- **Chapter 4: Environmental Analysis.** Provides a description of the existing environmental setting, an analysis of the potential direct, indirect, and cumulative environmental impacts of the Project, and presents recommended mitigation measures intended to reduce their significance, where applicable.
- **Chapter 5: Alternatives to the Project.** Considers alternatives to the Project, including the CEQA-required "No Project Alternative."
- **Chapter 6: CEQA Mandated Sections.** Discussed growth inducement, unavoidable significant effects, and significant irreversible changes as a result of the Project.
- **Chapter 7: Organizations and Persons Consulted.** Identifies the preparers of this Draft EIR.

## EXECUTIVE SUMMARY

**Appendices.** The appendices for this document contain the following supporting documents:

- Appendix A: Notice of Preparation and Scoping Comments
- Appendix B: Initial Study
- Appendix C: Health Risk Assessment
- Appendix D: Biological Resources Studies

### 1.1.2 TYPE AND PURPOSE OF THIS EIR

This Draft EIR has been prepared in accordance with CEQA Guidelines, with the County of Alameda as the Lead Agency. This Draft EIR assesses potential environmental consequences of implementing the proposed Project and identifies mitigation measures and alternatives to the proposed Project that would avoid or reduce significant impacts where necessary. This Draft EIR is intended to inform County decision-makers, other responsible agencies, and the general public as to the nature of the proposed Project's potential environmental impacts.

## 1.2 PROJECT LOCATION

The subject property is a 71.64-acre parcel located at 4871 North Livermore Avenue in Alameda County, California, about 43 miles east of San Francisco and immediately north of the City of Livermore. The subject property is bounded by North Livermore Avenue to the west, May School Road to the south, and rural residential/agricultural parcels to the east, and north.

## 1.3 PROJECT SUMMARY

The proposed Project would develop a 58.7-acre solar photovoltaic (PV) facility with a capacity of 6 megawatt (MW) alternating current (AC) on the 71.64-acre parcel. Construction of the proposed Project is expected to occur in two phases over a one-year period. Phase I would be located on the southern portion of the subject property adjacent to May School Road and would encompass 30.8 acres. Phase 2 would be located on the northern portion of the subject property adjacent to North Livermore Avenue, and would encompass 27.9 acres. Water for Project operation and irrigation would be collected and stored from on-site stormwater and replenished from a fire hydrant located approximately 2.8 miles southeast of the subject property at the corner of Ames Street and Martingale Lane in the City of Livermore. All potable water would be delivered to the subject property approximately 80 times per year via a 10,000-gallon water truck; no connections to municipal water or sewer service are proposed. Seasonal grazing on the parcel would continue after the one-year construction period. The proposed Project would not require a change in General Plan land use designation or Zoning.

The principle components of the proposed Project are listed below. A detailed description of the Project, including maps and figures is included in Chapter 3, Project Description:

- Grading and earth work to construct the following:

## EXECUTIVE SUMMARY

- 4 concrete electrical pads, consisting of 1,370 square feet of total impervious surface
- 7 stormwater detention basins (160 feet by 303 feet each) along the eastern property boundary
- Perimeter swale with a maximum bottom width of 1-foot along the inside perimeter of the existing fence to retain rainwater for groundwater recharge
  - 2 water tanks (5,000 gallons each)
- 3-foot landscaped perimeter berm, to screen views of the Project from adjacent properties and the public right of way
- Balanced cut and fill, requiring no export or import of materials
- Installation of 268 rows of PV solar arrays, comprised of 23,316 solar modules
  - Ground screws to a 6-foot depth using lightweight drilling equipment to support solar module, with a lightweight metal frame to hold modules 5 feet above grade
  - Tracking system and motors to move solar modules to track movement of the sun (0.002 miles per hour) to a maximum 7-foot height
  - Electrical-powered video surveillance system to connect to a central system at the equipment pad
  - No security lighting proposed
  - Existing residence and outbuildings to remain unchanged

## 1.4 SUMMARY OF ALTERNATIVES TO THE PROJECT

### 1.4.1 NO PROJECT ALTERNATIVE

Consistent with Section 15126.6(e)(2) of the CEQA Guidelines, under the No Project Alternative, the property would remain in its existing condition and the existing layout would remain unchanged.

### 1.4.2 REDUCED SIZE ALTERNATIVE

Under the Reduced Size Alternative, the subject property would be developed with a photovoltaic (PV) solar farm, with 180 PV solar arrays, or roughly two thirds the size of the proposed Project, in generally the same configuration as shown on Figure 3-5, Proposed Site Plan, in Chapter 3, Project Description, with a larger (375-foot) setback along the eastern property boundary. All the components of the proposed Project would be constructed, at the appropriate scale to support operation of the PV solar arrays, including the 30-foot gravel access roads, concrete pads for the electrical converters (though potentially one fewer), detention basins, perimeter swale, rain tanks, and landscaped berm. Under this alternative, the 414 square foot seasonal wetland, located near the home would be protected through a 25-foot buffer between the proposed swale and wetland, as described in Mitigation Measure BIO-2. Access to the parcel would continue to be provided via the two driveways on North Livermore Avenue. With the number of PV arrays reduced by one third, the overall demand for water for cleaning the arrays would be reduced, thereby reducing the projected annual water truck delivery trips from 80 to 55.

## EXECUTIVE SUMMARY

### 1.5 ISSUES TO BE RESOLVED

Section 15123(b)(3) of the CEQA Guidelines require that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed Project, the major issues to be resolved include decisions by the County of Alameda, as Lead Agency, related to:

- Whether this Draft EIR adequately describes the environmental impacts of the proposed Project.
- Whether the Project is compatible with the character of the existing area.
- Whether the identified mitigation measures should be adopted or modified.
- Whether there are other mitigation measures that should be applied to the proposed Project besides those identified in the Draft EIR.
- Whether there are any alternatives to the proposed Project that would substantially lessen any of the significant impacts of the proposed Project and achieve most of the basic objectives.

### 1.6 AREAS OF CONTROVERSY

The County of Alameda issued a Notice of Preparation (NOP) for the EIR on January 11, 2019 and held a public scoping meeting on January 29, 2019 to receive agency and public comments. The scoping period for this EIR ran from January 11, 2019 through February 11, 2019, during which time responsible agencies and interested members of the public were invited to submit comments as to the scope and content of the EIR. The comments received focused primarily on aesthetics, biological resources, groundwater resources, and noise. Comments received during the public scoping meeting are included in Appendix A of this Draft EIR.

To the extent that these issues have environmental impacts and to the extent that analysis is required under CEQA, they are addressed in Chapters 4 through 7 of this Draft EIR.

### 1.7 SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

The proposed Project has the potential to generate significant environmental impacts in a few areas. Table 1-1 summarizes the conclusions of the environmental analysis contained in this Draft EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.11. The table is arranged in four columns: 1) environmental impacts, 2) significance prior to mitigation, 3) mitigation measures, and 4) significance

## **EXECUTIVE SUMMARY**

after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.11.

**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
<b>AESTHETICS</b>			
AES-1: The proposed Project would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: The proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	LTS	N/A	N/A
AES-3: Implementation of the proposed Project would have the potential to alter but not degrade the existing visual character or quality of the parcel and its surroundings. The design of the proposed landscaped berm would help to soften the view of the facility with the addition of plantings that are compatible with the rural character and natural landscape of the area. The long-term preservation of the landscape berm will ensure the visual compatibility with the adjoining land uses.	S	AES-3: In order to ensure the long-term effectiveness of the proposed landscaped berm, the Project applicant shall ensure that the proposed landscape berm is adequately irrigated to establish the long-term viability of the buffer and maintained throughout the life of the Project. Should any of the proposed landscape plantings not survive the initial planting or expire at any time during the life of the Project, the applicant shall provide replacement plantings, ranging from 8 to 15 feet in height upon maturity, to screen the proposed solar arrays within 5-years of planting.	LTS
AES-4: The proposed Project would not expose people on- or off- site to substantial light or glare which would adversely affect day or nighttime views in the area.	LTS	N/A	N/A
AES-5: The proposed Project, in combination with past, present, and reasonably foreseeable Projects, would result in less than significant cumulative impacts with respect to aesthetics.	LTS	N/A	N/A
<b>AGRICULTURE AND FORESTRY RESOURCES</b>			
AG-1: The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.	No Impact	N/A	N/A

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact



## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AG-2: The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.	LTS	N/A	N/A
AG-3: The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).	LTS	N/A	N/A
AG-4: The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.	LTS	N/A	N/A
AG-5: The proposed Project would not involve other changes in the existing environment which, due to their location or nature, would result in conversion of Farmland, to non-agricultural use.	LTS	N/A	N/A
AG-6: The proposed Project would result in less than significant cumulative impacts with respect to agricultural resources.	LTS	N/A	N/A
<b>AIR QUALITY</b>			
AQ-1: The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2: Uncontrolled fugitive dust (PM <sub>10</sub> and PM <sub>2.5</sub> ) could expose the areas that are downwind of construction sites to air pollution from ground-disturbing construction activities without the implementation of the Air District's best management practices.	S	<p>AQ-2: The applicant shall require their construction contractor to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub> during ground-disturbing construction activities:</p> <ul style="list-style-type: none"> <li>Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour.</li> <li>Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>Sweep driveway entrances and public street segments in the vicinity of the subject property (with water sweepers or similarly effective equipment) daily, or as often as needed, to keep streets free of visible soil material.</li> <li>Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).</li> <li>Limit vehicle traffic speeds on unpaved roads to 15 mph.</li> <li>Replant vegetation in disturbed areas as quickly as possible after construction in area has been completed.</li> <li>Install sandbags or other erosion control measures to prevent silt runoff from public roadways.</li> </ul>	LTS
AQ-3: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.	LTS	N/A	N/A
AQ-4: The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	LTS	N/A	N/A

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
<b>BIOLOGICAL RESOURCE</b>			
BIO-1: The proposed Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	S	<p>BIO-1.1: The following measures shall be implemented to ensure avoidance of individual California tiger salamanders (CTS) and California red-legged frogs (CRLF) as individuals of these species could disperse onto the site and occur in ground squirrel burrows in advance of or during construction. Because CTS/CRLF could occur on the subject property and could be impacted during initial ground disturbance, the Project will require consultation with the USFWS and CDFW and the development of a CTS/CRLF relocation plan. The plan shall include at a minimum:</p> <ul style="list-style-type: none"> <li>▪ A detailed exclusion-fencing plan to enclose the subject property before the onset of fall/winter rains and to remain in place throughout one entire winter rainy season (October through April) with the purpose of 1) the fence will be designed to exclude CTS/CRLF from entering the site and 2) capturing CTS/CRLF within the subject property that are emerging from burrows and moving towards breeding ponds and/or creeks.</li> <li>▪ The exclusion fence should be constructed of silt fence or other suitable barrier material. Exclusion fence material must be at least 36 inches in height (at least 30 inches above ground and buried at least 6 inches below the ground). The fence will be placed inside the subject property boundary to provide an outside buffer area of undisturbed habitat to relocate any CTS/CRLF captured inside the fence. Stakes must be placed on the inside of the project boundary (side on which work will take place).</li> <li>▪ Cover boards shall be installed every 30 feet on the inside and outside of the exclusion fence for the purpose of capturing adult and juvenile CTS/CRLF and safely relocating them under cover boards or suitable rodent burrows outside of the exclusion fence. This will allow CTS/CRLF relocated outside of the exclusion fence to disperse to aquatic breeding areas or other off-site habitat, but not return to the subject property.</li> <li>▪ Identification of qualified biologists (approved by the USFWS and/or the CDFW) to handle and relocate CTS/CRLF.</li> <li>▪ Captured CTS/CRLF will be relocated outside the exclusion fence (approved by the USFWS and/or CDFW) outside the subject property exclusion fence.</li> </ul>	LTS

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<ul style="list-style-type: none"><li>Implementation of measures to reduce the risk of spreading harmful pathogens.</li><li>Development of reporting measures for all captured and relocated CTS/CRLF, including, but not limited to, capture site (i.e., cover board location), sex, age (i.e., adult, juvenile), size, and release site.</li><li>Submittal of a final report to the USFWS and CDFW detailing all captures and relocations of CTS/CRLF.</li></ul> <p>The listed amphibian relocation plan will be developed in consultation with the USFWS and CDFW and be subject to their approval. The plan will require obtaining an incidental take permit under the California Endangered Species Act (pursuant to Fish and Game Code Section 2081 et seq.) and the federal Endangered Species Act.</p> <p>In addition, the following measures will be implemented during construction:</p> <ul style="list-style-type: none"><li>A qualified biologist (approved by the USFWS and/or CDFW) will be on-site during initial ground disturbance.</li><li>All workers shall receive environmental awareness training from the qualified biologist to inform workers of the potential occurrence of listed species, the need to avoid any inadvertent take, and procedures to follow if a CTS or other listed species is encountered.</li><li>The qualified biologist will have authority to stop work until the qualified biologist can capture and relocate the animal to a safe place off the subject property.</li><li>To avoid entrapment of animals during construction, pipes or similar structures shall be capped if stored overnight. Construction personnel shall inspect open trenches at the beginning and end of each workday for trapped amphibian individuals. If individuals are found, the individuals shall be relocated by a qualified biologist.</li><li>Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibians are not trapped. Plastic monofilament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.</li></ul>	

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<p>BIO-1.2: Even though burrowing owls were not observed on the subject property and there was no evidence (owl pellets, whitewash) of their occurrence, the numerous on-site ground squirrel burrows provide potential nesting and wintering habitat. Burrowing owls are present within 3 miles (closest 0.88 miles) of the subject property and could disperse to the subject property prior to initial ground disturbance for the Project. Conservation Action BUOW-3 in the EACCS recommends mitigation for the loss of burrowing owl nesting habitat (suitable habitat within 0.5 miles of documented nest occurrence during previous 3 years), by protecting habitat in accordance with the mitigation guidelines outlined in Table 3-10 (up to 3.5:1; preserved:impacted). Impacts to burrowing owls and/or their habitat are considered significant. However, the impact would be <i>less than significant</i> with implementation of Mitigation Measure BIO-1.2.</p> <ul style="list-style-type: none"> <li>▪ In accordance with the Staff Report on burrowing owl mitigation,<sup>3</sup> a minimum of four survey visits shall be conducted within the subject property during the burrowing owl breeding season, typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, will be conducted during the peak nesting period, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are not found on the subject property during the surveys and there are no documented nest site occurrences within 0.5 miles of the subject property during the previous three years, no compensation for habitat loss will be required.</li> <li>▪ If burrowing owls are found on the site during the surveys, mitigation will be required in accordance with EACCS guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the site, occupied burrows will not be disturbed and will be provided with protective buffers. Buffers shall be a minimum of 150-foot radius around an occupied wintering burrow and a minimum 250-foot radius around a breeding burrow. On-site occupied habitat will be mitigated at a minimum 3:1 ratio (preserved:impacted) consistent with the EACCS. Such mitigation may be conducted by acquiring parcels, through fee</li> </ul>	

<sup>3</sup> California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation, March 7.

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<p>title purchase, or conservation easement, where known nesting sites occur or where nesting sites have occurred in the previous three nesting seasons according to EACCS Conservations Actions BUOW-1 and BUOW-2.<sup>4</sup> Offsite preserved mitigation land under this MM BIO-1.2 may be “stacked” with other mitigation obligations identified in this chapter.</p> <ul style="list-style-type: none"> <li>Take avoidance surveys as described in the Staff Report<sup>5</sup> will be conducted no more than 14 days prior to any ground-disturbing activities (regardless of time of year). A qualified biologist will conduct the survey for burrowing owls. If no owls are found during this first survey, a final survey will be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site will be resurveyed (including the final survey within 24 hours of disturbance). All surveys will be conducted in accordance with Staff Report guidelines.</li> </ul> <p><b>BIO-1.3:</b> A qualified botanist shall conduct appropriately timed rare plant surveys during late April and early May to confirm the status of special-status plant species not detectable on the site during the October 2017 survey. The surveys shall focus on the special-status plant species for which suitable habitat occurs on the subject property. The surveys shall be completed, and a report of findings submitted to the County before the onset of initial ground-disturbing activity or construction associated with Project implementation. If special-status plant species are found on the subject property, the plant populations will be avoided by establishing a buffer around the plant populations that will be maintained throughout Project implementation.</p> <p>If special-status plants are found during the rare plant surveys and avoidance is not feasible, a qualified botanist/biologist will prepare a detailed rare plant mitigation and monitoring plan. The plan shall only be required if a listed species or those with a ranking of 1A, 1B, or 2 of the California Native Plant Society (CNPS) Inventory are</p>	

<sup>4</sup> EACCS Section 3.5.3.11 Burrowing Owl.<sup>5</sup> California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation, March 7.

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<p>found during the rare plant surveys. The plan will include details on seed collection and propagation, techniques to avoid the introduction of plant pathogens to the preserved area, preparing the preserved area for planting, revegetation monitoring plan, success criteria, and reporting requirements. The planting area within the preserved area will be similar in size to the area occupied by the impacted plant on the subject property. After replanting, the preserved area will be monitored for a minimum of five years. Minimum success criteria would be presence and continued reproductive success of the plant within the preserved area and with less than 80 percent areal coverage of the impacted rare plant at the end of the five-year monitoring period. Annual reports, with interim success criteria to ensure the plan is on track to meet the mitigation goals, will be prepared. At the end of each monitoring year, a report shall be prepared evaluating the success of the mitigation program and recommending remedial measures as necessary. If the success criteria have not been met at the conclusion of the five-year monitoring period, continued monitoring will be conducted until the success criteria have been achieved.</p> <p>If the success criteria have not been met at the conclusion of the five-year monitoring period, monitoring may be extended for an additional period or another population of the affected special-status plant species may be preserved. The preserved population shall provide for permanent protection of an existing population in Alameda County, which is equal or larger than that impacted on the site (minimum 1:1 replacement). Preservation may occur through land acquisition or use of a conservation easement. Off-site mitigation lands shall include establishment of a management endowment as necessary to provide for long-term management of the preserved population. Offsite preserved mitigation land under this MM BIO-1.3 may be “stacked” with other mitigation obligations identified in this chapter.</p> <p><b>BIO-1.4:</b> Ground-disturbing and/or vegetation-clearing activities shall be performed in compliance with the MBTA and relevant sections of the CDFG Code to avoid loss of active nests. This shall be accomplished by scheduling ground/vegetation-disturbing activities outside of the bird nesting season (February 1 to August 31) to avoid possible impacts on nesting birds. Alternatively, if ground/vegetation-disturbing activities cannot be scheduled during the non-nesting season (September</p>	

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<p>1 to January 31), a preconstruction nesting bird survey shall be conducted. The preconstruction nesting survey shall include the following:</p> <ul style="list-style-type: none"><li>▪ A qualified biologist shall conduct a preconstruction nesting bird (both passerine and raptor) survey within seven calendar days prior to ground-disturbing activities.</li><li>▪ If no nesting birds or active nests are observed, no further action is required. Ground-disturbing activities shall occur within seven calendar days of the survey.</li><li>▪ If any active nests are encountered, the qualified biologist shall determine an appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged (or the nest is determined to be inactive). Buffer zones vary depending on the species and the context of the nest location (i.e., typically 25 to 100 feet for passerines and up to 300 feet for raptors) and other factors such as ambient disturbance levels in the vicinity of the nest. If necessary, the dimensions of the buffer zone shall be determined in consultation with the CDFW.</li><li>▪ Orange construction fencing, flagging, or other marking methods shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone.</li><li>▪ Construction activities shall be restricted from the buffer zone until the qualified biologist has determined that young birds have fledged (or the nest is inactive) and the buffer zone is no longer needed.</li></ul> <p>A survey report of findings verifying that any young have fledged (or the nest is inactive) shall be submitted by the qualified biologist for review and approval by the County prior to initiation of any construction activities within the buffer zone. Following written approval by the County construction within the nest-buffer zone may proceed.</p>	

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
BIO-2: Implementation of the proposed Project would have the potential to have a substantial adverse effect on an approximately 0.0095-acre (414 square feet) state and federally protected seasonal wetland through direct removal, filling, hydrological interruption, or other means.	S	BIO-2: The Project applicant shall realign the proposed perimeter swale to avoid the potential wetlands and provide a 25-foot buffer between the potential wetland and the proposed swale. Prior to the initiation of ground-disturbing activities, temporary orange construction fencing shall be installed around the potential wetland features to prohibit inadvertent damage to the potential wetland features during construction activities. No construction equipment including staging and/or parking or other construction activity shall occur in the buffer zone. After construction is complete the temporary fencing can be removed.	LTS
BIO-3: The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS	N/A	N/A
BIO-4: The proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.	LTS	N/A	N/A
BIO-5: The proposed Project would not result in a significant cumulative impact with respect to biological resources.	LTS	N/A	N/A
<b>CULTURAL AND TRIBAL RESOURCES</b>			
CULT-1: The proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.	No Impact	N/A	N/A

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
CULT-2: Implementation of the proposed Project could result in a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.	S	CULT-2: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.	LTS

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
CULT-3: Implementation of the proposed Project could have the potential to disturb human remains, including those interred outside of dedicated cemeteries.	S	CULT-3: Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendant may request mediation by the NAHC.	LTS
CULT-4: Implementation of the proposed Project could have the potential to cause a substantial adverse change in the significance of a TCR, as defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.	S	CULT-4: Implement Mitigation Measures CULT- 2 and CULT-3.	LTS
CULT-5: The proposed Project would result in less than significant cumulative impacts with respect to cultural resources.	LTS	N/A	N/A
<b>ENERGY</b>			
ENE-1: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.	LTS	N/A	N/A

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Significant Impact</b>	<b>Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
ENE-2: The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	LTS	N/A	N/A
ENE-3: The proposed Project, in combination with past, present, and reasonably foreseeable Projects, would result in less than significant cumulative impacts with respect to energy conservation.	LTS	N/A	N/A
<b>LAND USE AND PLANNING</b>			
LU-1: The proposed Project would not physically divide an established community.	LTS	N/A	N/A
LU-2: The proposed Project would not cause a significant conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A
LU-3: The proposed Project would not result in significant cumulative impacts with respect to land use and planning.	LTS	N/A	N/A
<b>NOISE</b>			
NOISE-1: The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or deferral standards.	LTS	N/A	N/A
NOISE-2: The proposed Project would not generate excessive groundborne vibrations or groundborne noise levels.	LTS	N/A	N/A

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Significant Impact</b>	<b>Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
NOISE-3: For projects located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the Project would not expose people residing or working in the Project area to excessive noise levels..	LTS	N/A	N/A
NOISE-4: The proposed Project would not result in a significant cumulative impact with respect to noise.	LTS	N/A	N/A
<b>TRANSPORTATION</b>			
TRANS-1: The proposed Project would not conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	LTS	N/A	N/A
TRANS-2: The proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	LTS	N/A	N/A
TRANS-3: The proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	N/A	N/A
TRANS-4: The proposed Project would not result in inadequate emergency access.	LTS	N/A	N/A
<b>UTILITIES AND SERVICE SYSTEMS</b>			
UTIL-1: The proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	LTS	N/A	N/A

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Significant Impact</b>	<b>Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
UTIL-2: The proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.	LTS	N/A	N/A
UTIL-3: The proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.	LTS	N/A	N/A
UTIL-4: The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	LTS	N/A	N/A
UTIL-5: The proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	LTS	N/A	N/A
UTIL-6: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to water, wastewater, stormwater, electric power, natural gas, telecommunication and solid waste disposal infrastructure.	LTS	N/A	LTS
<b>WILDFIRE</b>			
FIRE-1: The proposed Project would be located in a State Responsibility Area but would not substantially impair an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	N/A

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Significant Impact</b>	<b>Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
FIRE-2: The proposed Project would be located in a State Responsibility Area, but would not exacerbate wildfire risks due to slope, prevailing winds, or other factors. Thus, proposed Project would not expose Project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire.	LTS	N/A	N/A
FIRE-3: The proposed Project would be located in a State Responsibility Area, but would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment .	LTS	N/A	N/A
FIRE-4: The proposed Project would be located in a State Responsibility Area but would not expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.	LTS	N/A	N/A
FIRE-5: The proposed Project would be located in a State Responsibility Area but would not expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.	LTS	N/A	N/A

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## 2. Introduction

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Pursuant to Section 21080(d) of the California Environmental Quality Act (CEQA)<sup>1</sup> and Section 15378[a] of the CEQA Guidelines,<sup>2</sup> the Livermore Community Solar Farm is considered a “Project” subject to environmental review because its approval is “an action [involving the issuance to a person of a permit by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences the implementation of the Livermore Community Solar Farm Project, herein referred to as “Project” or “proposed Project,” could potentially create. Additionally, this Draft EIR identifies mitigation measures and alternatives to the proposed Project that would avoid or reduce significant impacts. This Draft EIR compares the development of the proposed Project with the existing baseline condition, described in detail in Chapter 4.0, Environmental Evaluation. The County of Alameda Planning Department is the Lead Agency for the proposed Project. This assessment is intended to inform the County’s decision-makers, responsible and trustee agencies, and the public-at-large of the nature of the proposed Project and its effect on the environment.

### 2.1 PROPOSED PROJECT

The proposed PV facility would include photovoltaic (PV) panels that convert solar energy, or sunlight, into electricity. The dark colored panels that are used to capture sunlight, called modules, would be linked together to form an array. Each array requires an inverter which is necessary to convert direct current (DC) power into AC which is the form of electrical energy that consumers typically use. In total, based on the technology anticipated to be used, the proposed Project would include an estimated 23,316 PV modules, 48 inverters, four transformers,<sup>3</sup> tracking and mounting systems, connective wire, a control center, and a meteorological station. Additional on-site components include two 20,250 gallon AQUABLOX® D-Raintanks® and two 5,000 gallon water tanks.<sup>4</sup> The non-reflective equipment would be painted in neutral colors, prior to delivery.

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<sup>1</sup> The California Environmental Quality Act is found at California Public Resources Code, Division 13, Sections 21000-21177.

<sup>2</sup> The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

<sup>3</sup> Solar PV technologies are advancing rapidly. At the detailed design phase of project planning, newer technology may exist that provides greater efficiencies, cost savings or other benefits. Those newer technologies, if used, will not expand the project footprint or change the project features relevant to environmental impact analysis, but could result in changes to the number of panels, array layout, number of inverters and similar project design details.

<sup>4</sup> An AQUABLOX D-Raintank is a lightweight structural water catchment system manufactured using lightweight recycled materials, <http://www.rainxchange.com/products/aquablox.php>, accessed February 27, 2018.



## INTRODUCTION

### 2.2 EIR SCOPE

This document is an EIR that identifies and analyzes a select few environmental topics that the proposed Project could have a potential significant environmental impact on. The environmental analysis describes the physical changes in the environment that would result from the development of Livermore Community Solar Farm Project. This Draft EIR examines the specific short-term impacts (Project construction) and long-term impacts (Project operation) that would occur as a result of Project approval. This Draft EIR does not include all CEQA mandated sections for review. Rather, this Draft EIR includes analysis of select chapters that were identified in the Initial Study as having a potentially significant environmental impact needing further review, at request of the County of Alameda staff.

### 2.3 ENVIRONMENTAL REVIEW PROCESS

#### 2.3.1 DRAFT EIR

An Initial Study ("IS") was prepared for the proposed Project in September 2018. Pursuant to State CEQA Guidelines Section 15063, the County of Alameda determined that the proposed Project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21080.4 of the California Public Resources Code, the County circulated the Initial Study and Notice of Preparation (NOP) of an EIR for the proposed Project to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on Tuesday, January 11, 2019 for a 30-day review period that ended on Monday, February 11, 2019. A public Scoping meeting was held on Tuesday January 29, 2019 at 6:00 p.m. at the Zone 7 Water Agency public hearing room (100 North Canyons Parkway, Livermore, CA). The NOP and scoping process solicited comments from identified responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. "Responsible agencies" are public agencies that carry out or approve a project for which a lead agency is conducting CEQA review; responsible agencies are all agencies other than the lead agency with discretionary approval power over the Project. "Trustee agencies" are certain State agencies with jurisdiction over natural resources affected by the Project. Appendix A of this Draft EIR includes the NOP, Initial Study, and comments received in response to the NOP.

The scope of this EIR was established by the County of Alameda, Planning Department through the EIR scoping process and includes an analysis of both the direct and cumulative impacts of the proposed Project. The CEQA Guidelines provide that an IS may be used to assist in the preparation of an EIR by focusing the EIR's analysis on a project's effects determined to be significant.<sup>5</sup> The IS concluded that the proposed Project would have no impact or a less than significant impact on certain resources. Accordingly, the Draft EIR concentrates on the following resources, and specific thresholds, which the IS (and public comments) identified as having potentially significant impacts.<sup>6</sup>

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<sup>5</sup> CEQA Guidelines § 15063(c)(3)

<sup>6</sup> "Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed." (CEQA Guidelines § 15143.)

## INTRODUCTION

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Land Use and Planning
- Noise
- Transportation
- Utilities and Service Systems
- Wildfire

Topics evaluated in the IS that were previously studied are geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, public services, and recreation. These impacts are not evaluated further in this Draft EIR because they were found to have no impact.

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period. During the comment period, the public is invited to submit written or e-mail comments on the Draft EIR or the proposed Project to the County of Alameda, Planning Department. Written comments should be submitted to:

Damien Curry, Planner III  
County of Alameda, Planning Department  
224 W. Winton Avenue, Room 111  
Hayward, CA 94544  
Email: [damien.curry@acgov.org](mailto:damien.curry@acgov.org)

### 2.3.2 FINAL EIR

Following the conclusion of the 45-day public review period for the Draft EIR, the County of Alameda will review all comments received and prepare written responses to comments on environmental issues. A Final EIR will then be prepared, which contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR (if necessary). The Final EIR will then be presented to the Board of Zoning Adjustments for certification. All agencies, organizations, and individuals who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the Board of Supervisors.

Responses to comments submitted on the Draft EIR by public agencies will be provided to those agencies at least 10 days prior to certification of the EIR. Public input is encouraged at all public hearings before the County. The Board of Zoning Adjustments will also make findings regarding each significant environmental effect of the proposed Project as identified in the Final EIR. The Final EIR will need to be certified as having been prepared in compliance with CEQA by the County prior to deciding to approve or deny the proposed Project.

## INTRODUCTION

After the Board of Zoning Adjustments certifies the Final EIR, it may then consider whether to approve the Livermore Community Solar Farm Project. The Board of Zoning Adjustments will adopt and make conditions of Project approval all feasible mitigation measures identified in the EIR.

### 2.3.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a mitigation monitoring or reporting program (MMRP) for any project for which it has adopted mitigation measures. The MMRP is intended to ensure compliance with the adopted mitigation measures during the Project implementation. The MMRP for the proposed Project will be completed as part of the environmental review process.

## 3. *Project Description*

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SunWalker Energy, the project applicant, is proposing the Livermore Community Solar Farm Project (proposed Project or Project), to develop a 58.7-acre solar photovoltaic (PV) facility with a capacity of 6 megawatt (MW) alternating current (AC) on the 71.64-acre parcel located at 4871 North Livermore Avenue in Alameda County.<sup>1,2</sup> Construction of the proposed Project is expected to occur in two phases over a one-year period. Phase I would be located on the southern portion of the subject property adjacent to May School Road and would encompass 30.8 acres. Phase 2 would be located on the northern portion of the subject property adjacent to North Livermore Avenue and would encompass 27.9 acres.

This chapter provides a detailed description of the proposed Project, including the location, setting, characteristics of the subject property, a Project construction schedule, and a listing of required permits and approvals. Additional descriptions of the environmental setting and Project details are included in Chapter 4, Environmental Evaluation, of this Draft EIR.

### 3.1 SUBJECT PROPERTY LOCATION AND CHARACTERISTICS

#### 3.1.1 SUBJECT PROPERTY LOCATION AND SETTING

As shown on Figure 3-1, the subject property is located in the northeast area of unincorporated Alameda County, north of the City of Livermore. Alameda County is bordered by Contra Costa County to the north, San Joaquin County to the east, Santa Clara County to the south, and the City and County of San Francisco to the west. Regional access to Alameda County is provided via Interstate-80 (I-80), I-880, I-680, and I-580. Direct access to the subject property is provided via the I-580 interchange at North Livermore Avenue.

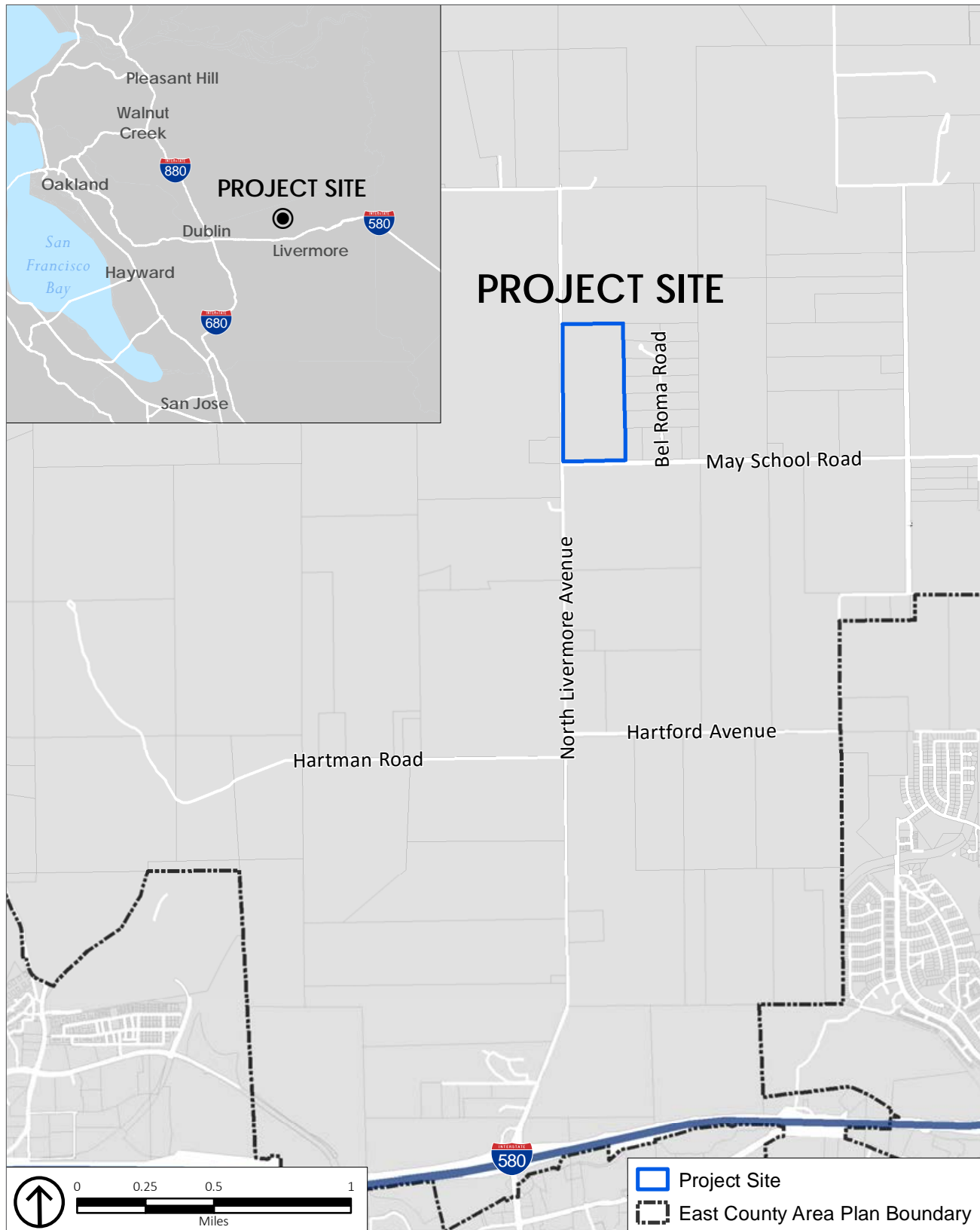
As shown on Figure 3-2, the subject property is located in a rural agricultural area north of I-580 on the corner of North Livermore Avenue and May School Road, bounded by agricultural land to the north, south, and west, and low density rural residential dwellings (less than 15 residences total) and agricultural land to the east. A PG&E power station is located opposite North Livermore Avenue from the subject property, adjacent to the intersection of North Livermore Avenue and May School Road. Local access to the subject property is provided via May School Road and North Livermore Avenue.

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<sup>1</sup> The capacity of the system would be 6.0 megawatts (MW) which means the power output at peak performance would be 6.0 MW.

<sup>2</sup> Alternating current is the form in which electric power is delivered to businesses and residences, and it is the form of electrical energy that consumers typically use.

## PROJECT DESCRIPTION



Source: ESRI, 2017; PlaceWorks, 2019.

Figure 3-1  
Regional and Vicinity Location

## PROJECT DESCRIPTION



Source: Google Earth, PlaceWorks, 2019.

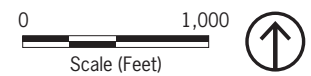


Figure 3-2  
Aerial of Project Site and Surrounding Area

## PROJECT DESCRIPTION

### 3.1.2 EXISTING SITE CONDITIONS

The 71.64-acre parcel is assigned Assessor's Parcel Number (APN) 902-0002-003. Development on the subject property includes an existing 1,100-square-foot single-family home, barn and associated out buildings located to the southwest subject property. The remainder of the subject property is grazed through seasonal rotation. Existing vegetation is largely comprised of non-native grasses, mature eucalyptus and blue gum trees along the perimeter of the property, and a single wetland feature along the northern boundary of the existing single-family home. The subject property is currently under Williamson Act contract.<sup>3</sup> the parcel's status of which is further defined in Chapter 4.2, Agriculture and Forestry Resources, of this Draft EIR.

### 3.1.3 GENERAL PLAN LAND USE AND ZONING DESIGNATION

#### 3.1.3.1 GENERAL PLAN

The subject property is located within the Alameda County *East County Area Plan* (ECAP), as amended in 2000 by the voter-approved Measure D initiative. The ECAP Planning Area encompasses 418 square miles in eastern Alameda County and includes the cities of Dublin, Livermore, Pleasanton, a portion of Hayward, and surrounding unincorporated areas. The ECAP, which applies only to unincorporated areas of the County, includes policies that address landscaping, grading, storm drainage, and flood control, which are intended to preserve the rural, pastoral, character of County lands outside of the Urban Growth Boundary.

As shown on Figure 3-3, the subject property is designated *Large Parcel Agriculture* under the ECAP. This designation permits agricultural uses, agricultural processing facilities (i.e. wineries, olive presses), limited agricultural support service uses (i.e. animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (i.e. tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agricultural operations.

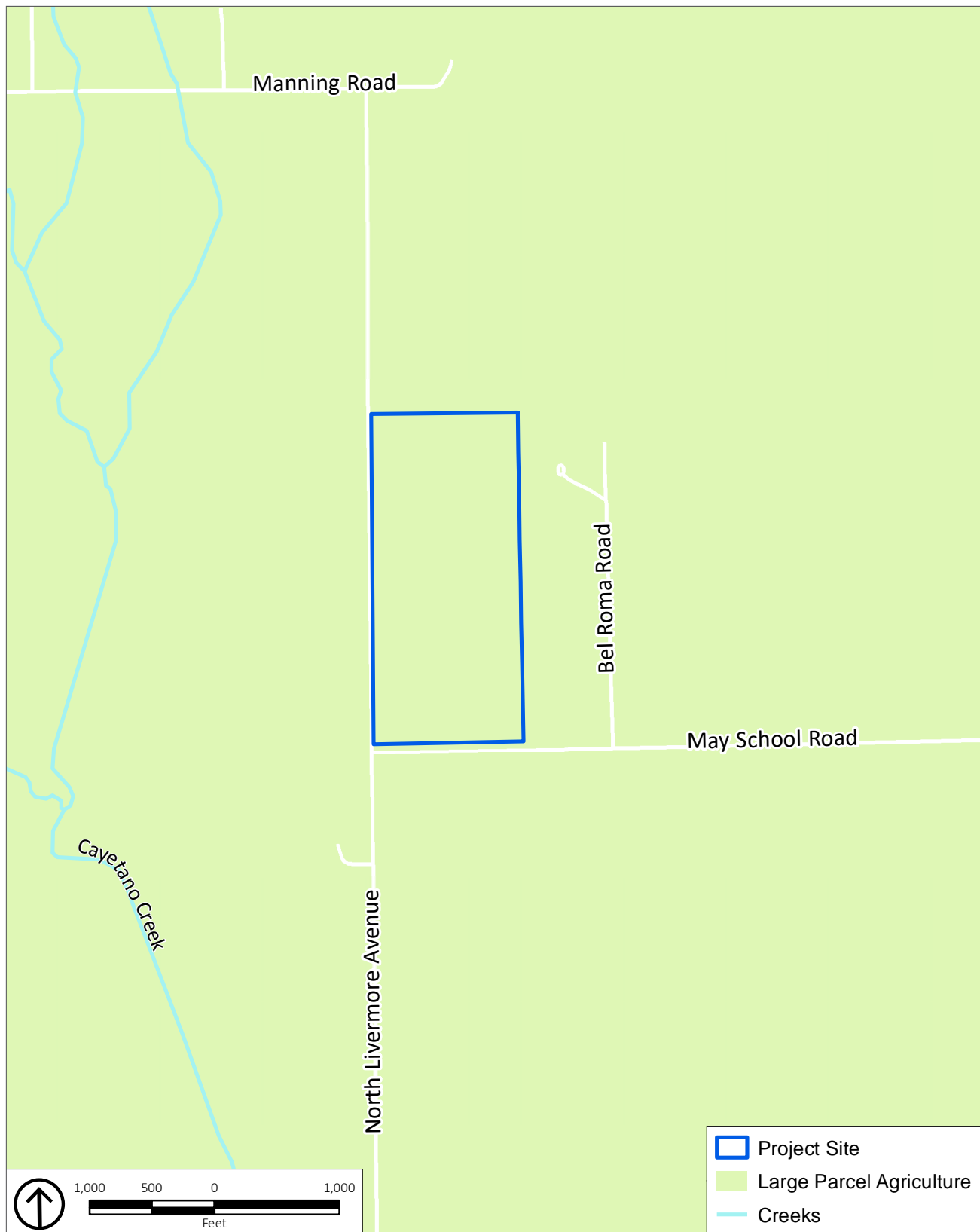
#### 3.1.3.2 ZONING

As shown on Figure 3-4, the subject property is classified into the Agricultural (A) District. Per Alameda County Municipal Code (ACMC) Section 17.06.030; the uses permitted in the A zoning district include one-family dwelling or one-family mobile home; one secondary dwelling unit; crop, vine or tree farm, truck garden, plant nursery, greenhouse, apiary, aviary, hatchery, horticulture; raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals; grazing, breeding or training of horses or cattle; winery or olive oil mill; fish hatcheries; and public or private hiking trails. Per ACMC Section 17.06.040, conditional uses may also include privately owned wind-electric generators. Alameda County made

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<sup>3</sup> Alameda County Agricultural Preserve, Land Conservation Agreement, 1971.

## PROJECT DESCRIPTION

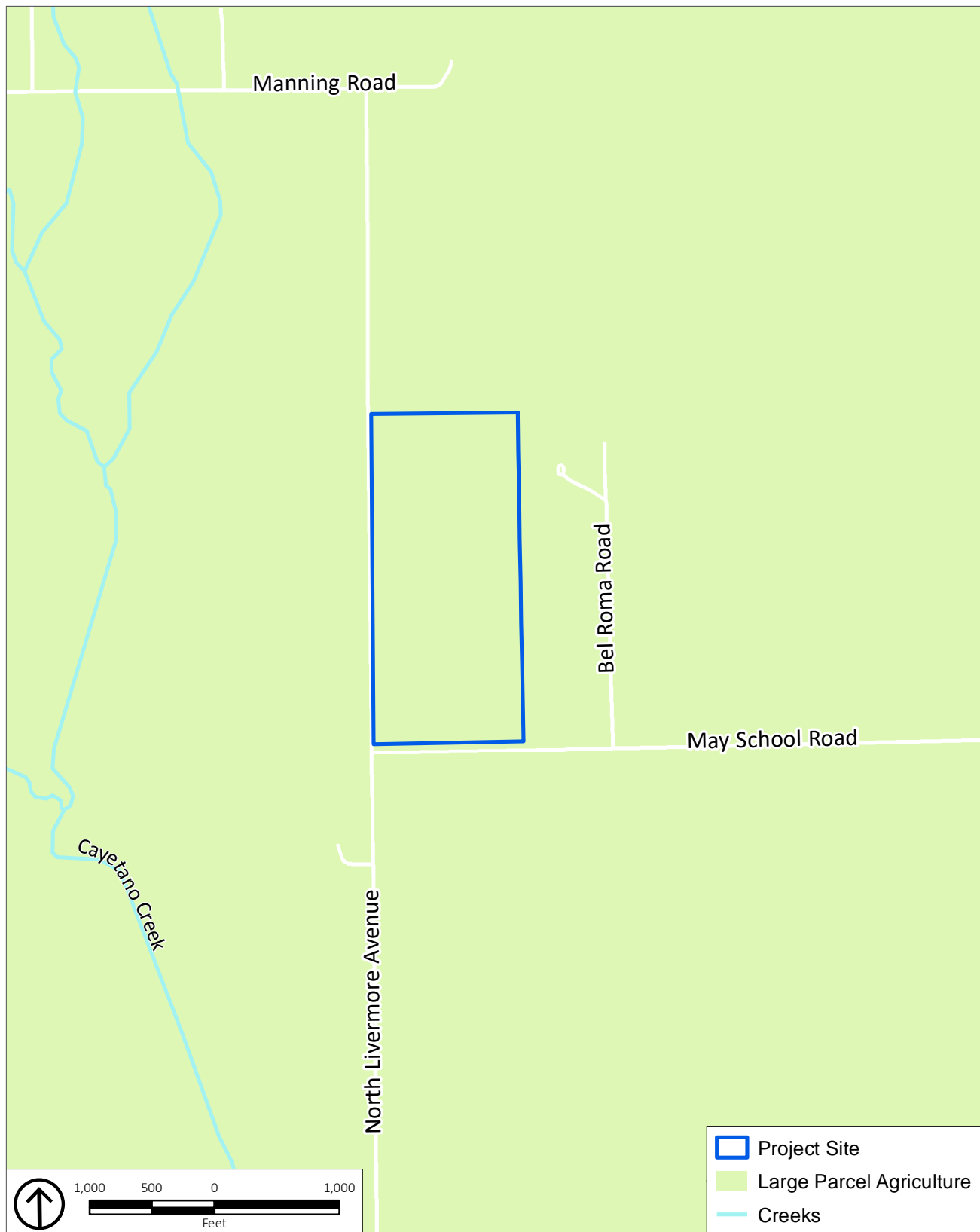


Source: Alameda County, 2017; PlaceWorks, 2019.

Figure 3-3  
East County Area Plan Land Use



## PROJECT DESCRIPTION



Source: Alameda County, 2017; PlaceWorks, 2019.

Figure 3-4  
Existing Zoning

## PROJECT DESCRIPTION

findings in 2008 pursuant to Sections 17.54.050 and 17.54.060 (Determination of Use) of the Alameda County General Ordinance Code regarding district classifications of uses not listed within the Ordinance.<sup>4</sup> The Alameda County Planning Commission made findings that a solar electric facility would not be contrary to the specific intent clauses or performance standards established for the A District and could be permitted under a conditional use permit. The County reiterated these findings to reconfirm the conditional permissibility of similar solar uses under the A –District designation in 2011<sup>5</sup> and 2012.<sup>6</sup>

### 3.2 PROJECT OBJECTIVES

The Project objectives are listed below:

- Construct a 6 MW solar energy facility that would produce enough energy to power approximately 1000 households, start generating electricity as early as 2020, and be fully online by the end of 2020 in order to help meet state and federal renewable energy goals;
- Assist in achieving California's 100 Percent Renewable Energy Portfolio Standard and greenhouse gas emissions reduction objectives to the maximum extent possible, based on anticipated transmission facility capacity and reserved queue position;
- Produce economic benefits by creating approximately 25 construction jobs and approximately 1 full time operations and maintenance job and by generating increased business for local vendors during construction and operation;
- Locate solar power plant facilities as near as possible to electrical transmission facilities with anticipated capacity and reserved queue position;
- Contribute to Alameda County climate change and renewable energy goals by generating fossil-free clean power for use by Alameda County and California residents;
- Site the Project in an area with excellent solar energy resource capabilities, in order to maximize productivity from the photovoltaic panels;
- To the extent feasible, site the Project on suitable land that is compatible with existing and ongoing agricultural uses;
- Effectuate the County's General Plan goals and policies designed to protect the County's environment and economy; and
- Ensure that power can be provided at a competitive price.

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<sup>4</sup> County of Alameda Planning Commission, June 16, 2008, Meeting Minutes.

<sup>5</sup> County of Alameda East County Board of Zoning Adjustments, December 15, 2011, Resolution No. Z-11-72, PLN2011-00009.

<sup>6</sup> County of Alameda Board of Supervisors, February 28, 2012, Planning Meeting, Summary Action Minutes.

## PROJECT DESCRIPTION

### 3.3 PROPOSED PROJECT

The proposed PV facility would include photovoltaic (PV) panels that convert solar energy, or sunlight, into electricity. The iridescent blue panels, referred to as modules, that are used to capture sunlight, would be linked together to form an array. Each array requires an inverter which is necessary to convert direct current (DC) power into AC, which is the form of electrical energy that consumers typically use. In total, based on the technology anticipated to be used, the proposed Project would include an estimated 23,316 PV modules, 48 inverters, four transformers,<sup>7</sup> tracking and mounting systems, connective wire, a control center, and a meteorological station. Additional on-site components include two 20,250-gallon AQUABLOX® D-Raintanks® and two 5,000-gallon water tanks.<sup>8</sup> The non-reflective equipment would be painted in neutral colors prior to delivery.

#### 3.3.1 SITE PREPARATION AND SOLAR INSTALLATION

No demolition activities would occur as part of the proposed Project. The existing single-family home, associated structures, and existing perimeter fencing would remain on-site and no changes to these structures are proposed. Construction of the proposed Project is expected to occur in two phases over a one-year period. Phase I would be located on the southern portion of the subject property adjacent to May School Road and would encompass 30.8 acres. Phase 2 would be located on the northern portion of the subject property adjacent to North Livermore Avenue and would encompass 27.9 acres. Construction of each phase is anticipated to take between 4 and 6 months and will employ approximately 25 people.

Site preparation would involve some grading and earthwork to construct the electrical pads, basin, swale, and berm. All other areas of the site will be cleared and grubbed as needed with minimal ground disturbance. The proposed Project would introduce approximately 1,370 square feet of concrete to construct four electrical pads for use as a base for the inverters. As shown on Figure 3-5, the proposed Project would construct seven detention basins along the eastern boundary of the subject property to collect and retain runoff from the subject property. This would require the removal of approximately 11,853 cubic yards of soil, which would be used on-site as the fill material for the access roads and landscape berms. Each detention basin would measure 160 feet in the east to west direction and 303 feet in the north to south direction. A swale with a maximum bottom width of 1-foot would be constructed along the inside perimeter of the existing fence requiring the removal of approximately 1,383 cubic yards of soil. The swale would be designed to encourage the accumulation of rain during storms and retain it for a few hours or days to let it infiltrate into the soil. Installation of the AQUABLOX® D-Raintanks® would require a total of 350 cubic yards of excavation. Additional earthwork activities include construction of a 3-foot, landscaped earth berm along the inside perimeter of the proposed swale requiring the addition of 10,000 cubic yards of soil. The purpose of the berm is to help mitigate views from the roads and

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<sup>7</sup> Solar PV technologies are advancing rapidly. At the detailed design phase of project planning, newer technology may exist that provides greater efficiencies, cost savings or other benefits. Those newer technologies, if used, will not expand the project footprint or change the project features relevant to environmental impact analysis, but could result in changes to the number of panels, array layout, number of inverters and similar project design details.

<sup>8</sup> An AQUABLOX D-Raintank is a lightweight structural water catchment system manufactured using lightweight recycled materials, <http://www.rainxchange.com/products/aquablox.php>, accessed February 27, 2018.

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**PROJECT DESCRIPTION**

surrounding homes. The landscaping would be planted on top of the berm to allow the landscaping to have a 3-foot starting point for mitigating views. In addition to the existing fence, a 6-foot chain link fence with safety signage would be constructed along the perimeter of the solar arrays. The total earthwork for the proposed Project would be 13,236 cubic yards, 1,383 cubic yards being removed for the proposed perimeter swale, and the remaining 11,853 cubic yards for the remaining basin grading. The soil removed from the subject property would be utilized as fill for the proposed earth berm. Accordingly, the total cut and fill of soil would be balanced and no export or import of soil material is required. Up to 15 different vehicles are expected to be stored on-site during the construction phase of the Project. Construction equipment and vehicles include graders, compactors, trenchers, excavators, water trucks, dump trucks, loaders, skid steers, backhoes, pile drivers, forklifts, and pickup trucks. Site preparation and construction activities would adhere to the requirements of ACMC Chapter 16.36, Grading Erosion and Sediment Control, and Section 17.64.150, Stormwater management.

Phase 1 of the proposed Project would be located on a 30.8-acre southern portion of the subject property, as shown on Figure 3-5. Based on the technology anticipated to be used,<sup>9</sup> Phase I would include installation of 134 rows of PV solar arrays comprised of 11,658 solar modules. Phase 2 of the proposed Project would be located on a 27.9-acre northern portion of the parcel and, based on the technology anticipated to be used,<sup>10</sup> would include the installation of 134 rows of PV solar arrays comprised of 11,658 solar modules. The majority of the solar Project components would be delivered to the subject property and assembled on-site. Installation of the solar arrays would be non-permanent. Ground screws would be installed 6 feet into the ground using lightweight machinery to drill. The solar modules would be mounted onto the ground screws and held approximately 5 feet above the ground by a lightweight metal frame. The support frame would touch the ground at only three points: two small wheels, approximately 1-foot in diameter, and an earth screw which is approximately 4 feet long by 6 inches wide. The wheels and earth screw would be mounted on the vertices of a lightweight steel, triangular structure parallel to the ground which would serve as the “base” of the structure. A small electric motor would move the structure in an arc at a very slow pace; approximately 0.002 miles per hour, and the wheel would work to stabilize the solar modules. This mechanism allows the module’s PV system to track the sun’s movement across the sky. At maximum tilt, the solar arrays would reach a maximum height of 7 feet. An electrical-powered video surveillance system would be installed on-site for security purposes. This system would connect to a central system at the equipment pad. No security lighting is proposed as part of the Project.

During operations, no permanent staffing is needed. Irrigation of the vegetative screening would require temporary presence of maintenance workers periodically on-site and the twice-yearly washing of dust from panels would require a small crew (anticipated to be 8 people for two days each washing cycle).

### 3.3.2 SITE ACCESS

Access to the subject property would be provided via two gated, graveled driveways located on North Livermore Avenue. Emergency access may also be available along adjacent ranch roads. In addition, a 20-foot-wide all weather pervious internal maintenance road would be constructed to provide access to all

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<sup>9</sup> See note 7, above.

<sup>10</sup> See note 7, above.

## PROJECT DESCRIPTION

Project components. The proposed internal maintenance road would be overlaid with 5,211 cubic yards of crushed aggregate rock, which would be delivered to the subject property.

### 3.3.3 LIGHTING

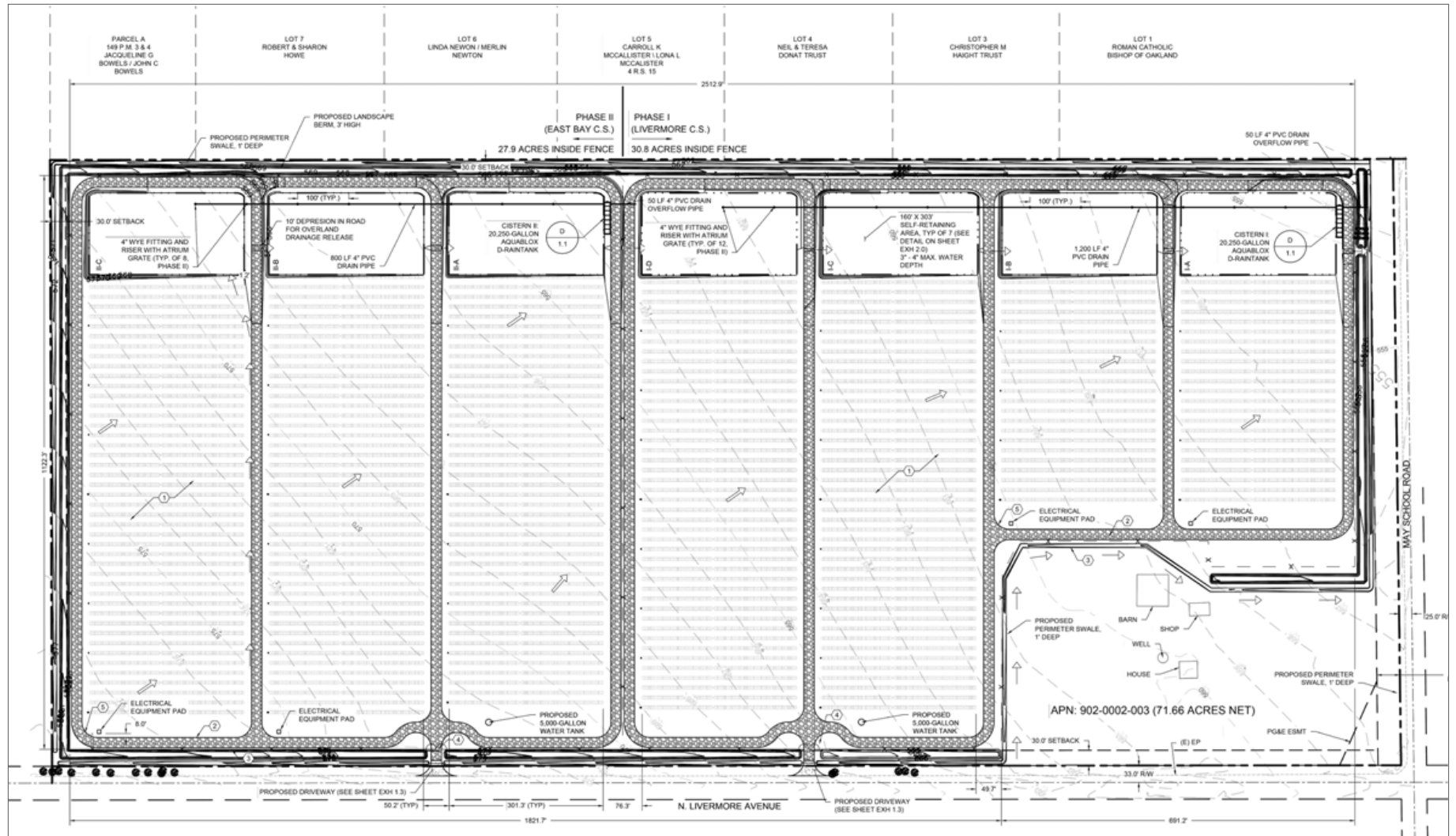
Existing sources of lighting in the vicinity of the Project include exterior lighting from nearby residential development. No on-site lighting, including security or emergency lighting, is proposed as part of the Project because the proposed Project would be inactive during the nighttime. PV facilities are most efficient in terms of generating electricity when they absorb as much sunlight as possible and reflect as little sunlight as possible.<sup>11</sup> As such, the iridescent blue panels would be textured with indentations to reduce the amount of sunlight that is reflected off the surface and would be coated with anti-reflective materials that maximize light absorption and reduce glare as much as possible.<sup>12</sup> Therefore, no light or glare would be produced from the proposed Project. Additional analysis of light and glare are discussed in Chapter 4.1, Aesthetics.

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<sup>11</sup> SunShot, United States Department of Energy, Meister Consultants Group, Solar and Glare, June 2014, <http://solaroutreach.org/wp-content/uploads/2014/06/Solar-PV-and-Glare-Final.pdf>, accessed April 9, 2018.

<sup>12</sup> SunPower, PV Systems, Low Levels of Glare and Reflectance vs. Surrounding Environment, <https://us.sunpower.com/sites/sunpower/files/media-library/white-papers/wp-pv-systems-low-levels-glare-reflectance-vs-surrounding-environment.pdf>, accessed April 9, 2018.

## PROJECT DESCRIPTION



Source: Blue Oak Energy, 2018. PlaceWorks, 2019.

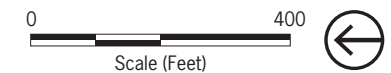


Figure 3-5  
Proposed Site Plan

## PROJECT DESCRIPTION

### 3.3.4 LANDSCAPING, VEGETATION, AND NATURAL RESOURCES

As described above, existing vegetation on the subject property is largely comprised of non-native grasses, mature eucalyptus and blue gum trees along the perimeter of the property, and a single wetland feature along the northern boundary of the existing single-family home. Site preparation and installation activities would not necessitate the removal of any existing trees. As shown on Figures 3-6 to 3-11, the proposed Project would include a 5-foot wide by 3-foot high landscaped berm surrounding the solar array. The berm would be planted with native, low water use plants to create visual screening of the PV facility from the adjacent public right-of-way. The plant palette would include Howard McMinn and Dr. Hurd manzanita (*Arctostaphylos densiflora* and *manzanita*), Mule fat (*Baccharis salicifolia*), and seven varieties of Ceanothus including Ray Hartman Ceanothus (*Ceanothus 'Ray Hartman'*), Island Bush Poppy (*Dendromecon harfordii*), and Mexican elderberry (*Sambucus mexicana*). The proposed plant palette would range in height from 6 to 30 feet at maturity<sup>13</sup>, however, the tallest plant varieties would be installed and managed to approximately 15 feet in height. With the 3-foot height of the berm, these plantings would range from 6 to 8 feet at planting and grow to between 11 and 18 feet at maturity, which would help to screen views of the PV facility from the adjacent public right-of-way. The proposed landscape would also include plantings of mature vines along the proposed 6-foot chain link fence to add additional greenery along the perimeter of the property, and further screen the operation.

All required landscaping would use plant materials compliant with the State Water Efficient Landscape Ordinance (WELO) water use classifications for landscape species plant materials list,<sup>14</sup> the State Water Resources Board's bio-infiltration plant lists,<sup>15</sup> and East Bay Municipal Utility District (EBMUD) plant materials list<sup>16</sup> where required, and would be installed and maintained in accordance with a Landscape Plan compliant with the state of California Water Efficient Landscape Ordinance (CA WELO).<sup>17</sup>

#### 3.3.4.1 VEGETATION MANAGEMENT

The subject property would be cleared and grubbed as needed during construction with minimal ground disturbance, with retention of existing native and non-native grazing grass fodder around and under solar modules. The groundcover will remain available for livestock grazing and will be re-seeded periodically as necessary pursuant agricultural best practices.

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<sup>13</sup> Brenzle, Kathleen Norris, 2007. Western Gardening Book.

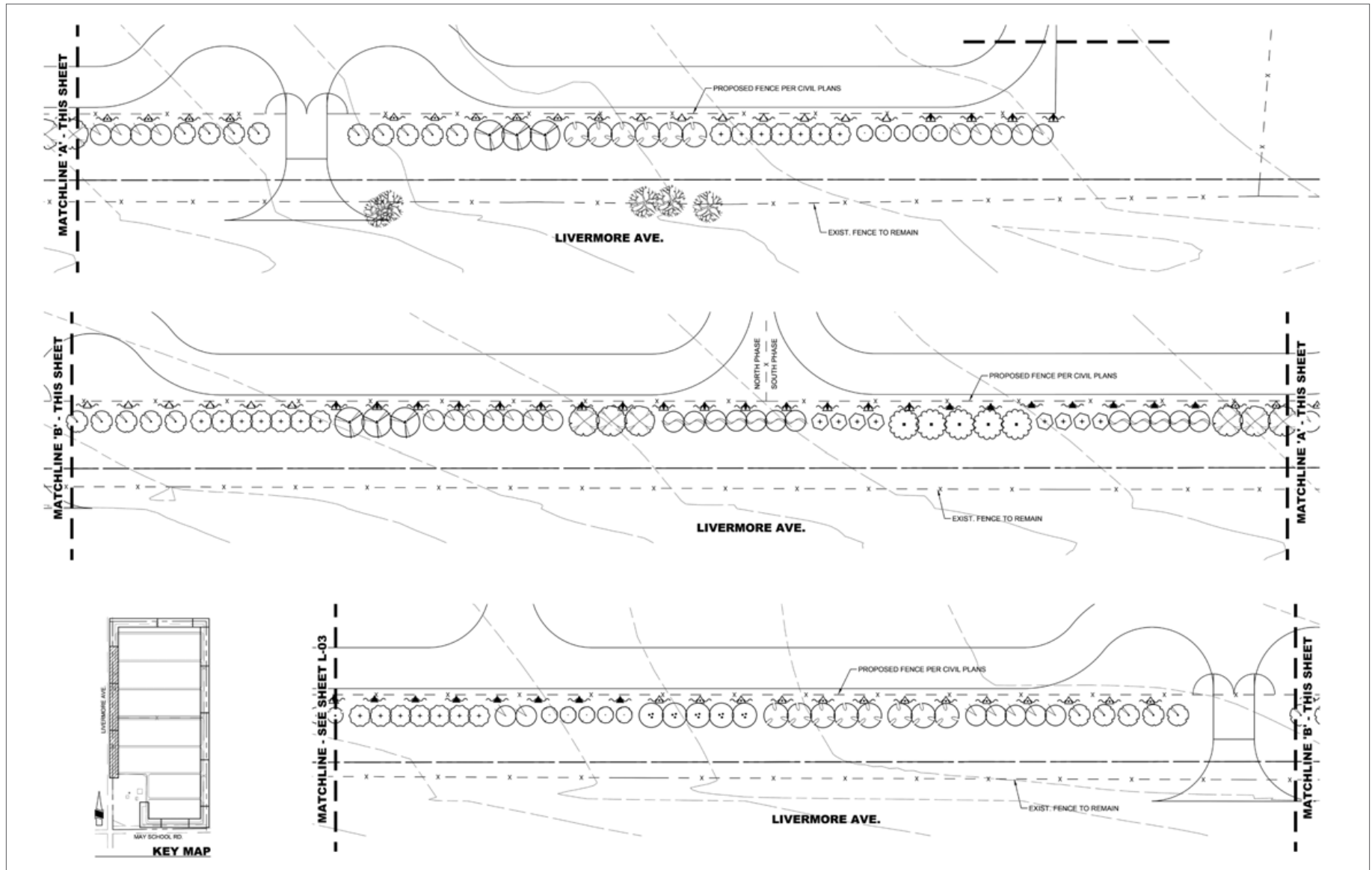
<sup>14</sup> Costello, L.R. and K.S. Jones, 2014. WUCOLS IV: Water Use Classification of Landscape Species. California Center for Urban Horticulture, University of California, Davis. <http://ucanr.edu/sites/WUCOLS/>.

<sup>15</sup> Central Coast Water Board, UC Davis LID Initiative, N.D. LID Plant Guidance for Bioretention, Low Impact Development.

<sup>16</sup> East Bay Municipal Utility District, N.D. Water Smart Low-Water Use Plants.

<sup>17</sup> Department of Water Resources, 2015. Title 23, Division 2, Chapter 2.7: Model Water Efficient Landscape Ordinance.

## PROJECT DESCRIPTION

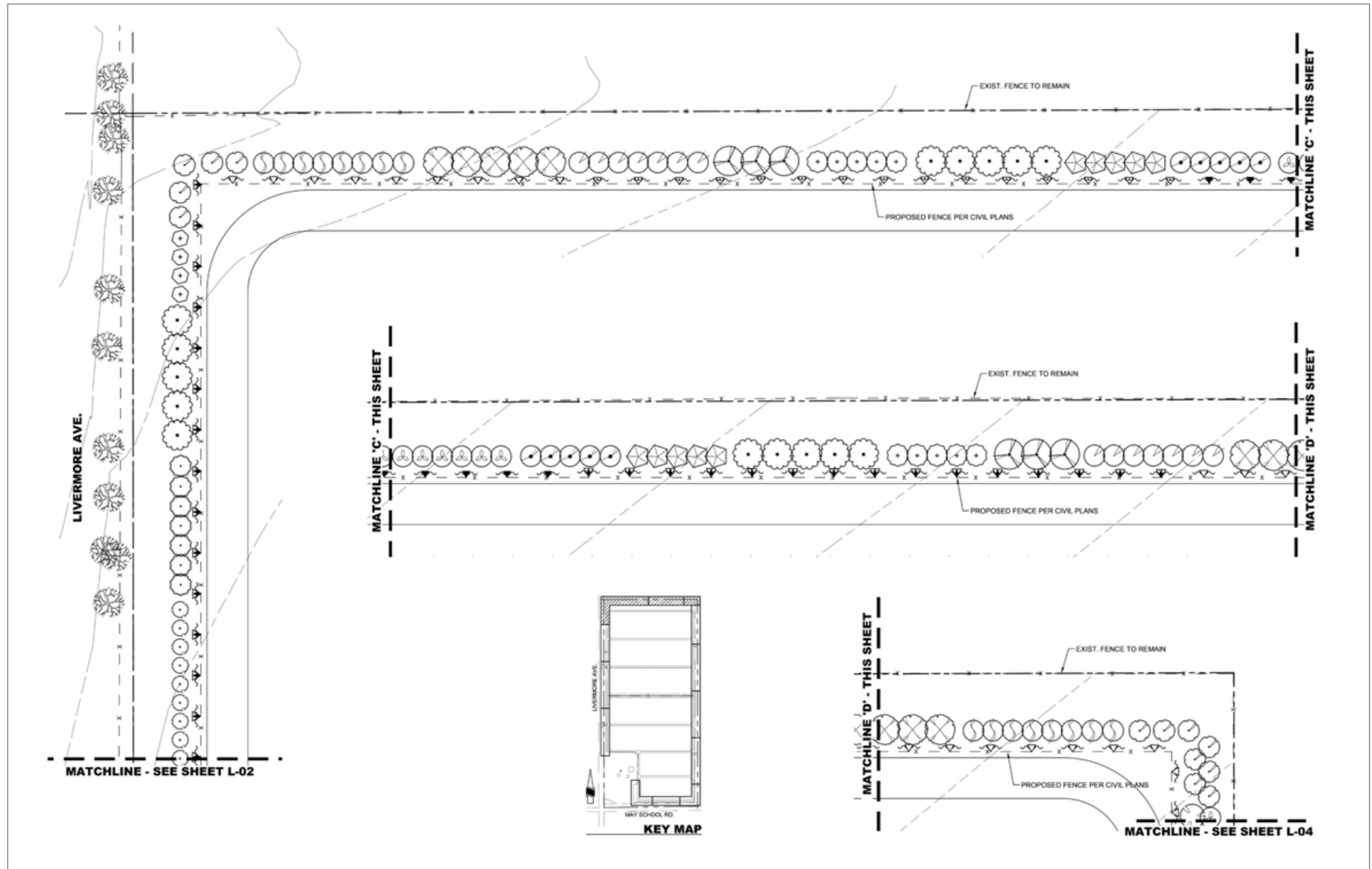


Source: Blue Oak Energy, 2018. PlaceWorks, 2019.

Figure 3-6  
Proposed Landscape Plan – North Livermore Avenue



## PROJECT DESCRIPTION

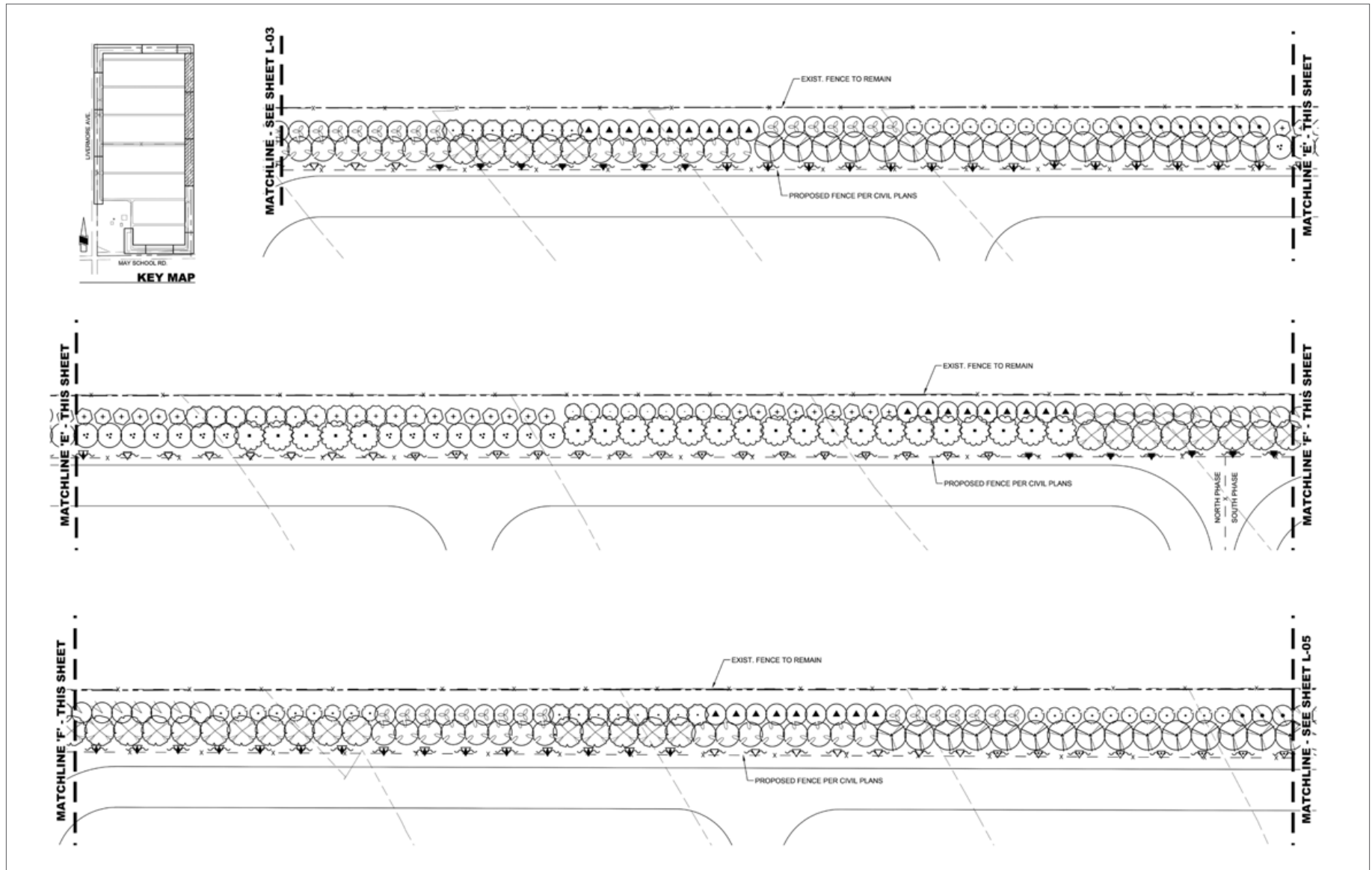


Source: Blue Oak Energy, 2018. PlaceWorks, 2019.



Figure 3-7  
Proposed Landscape Plan – Northern Boundary

## PROJECT DESCRIPTION



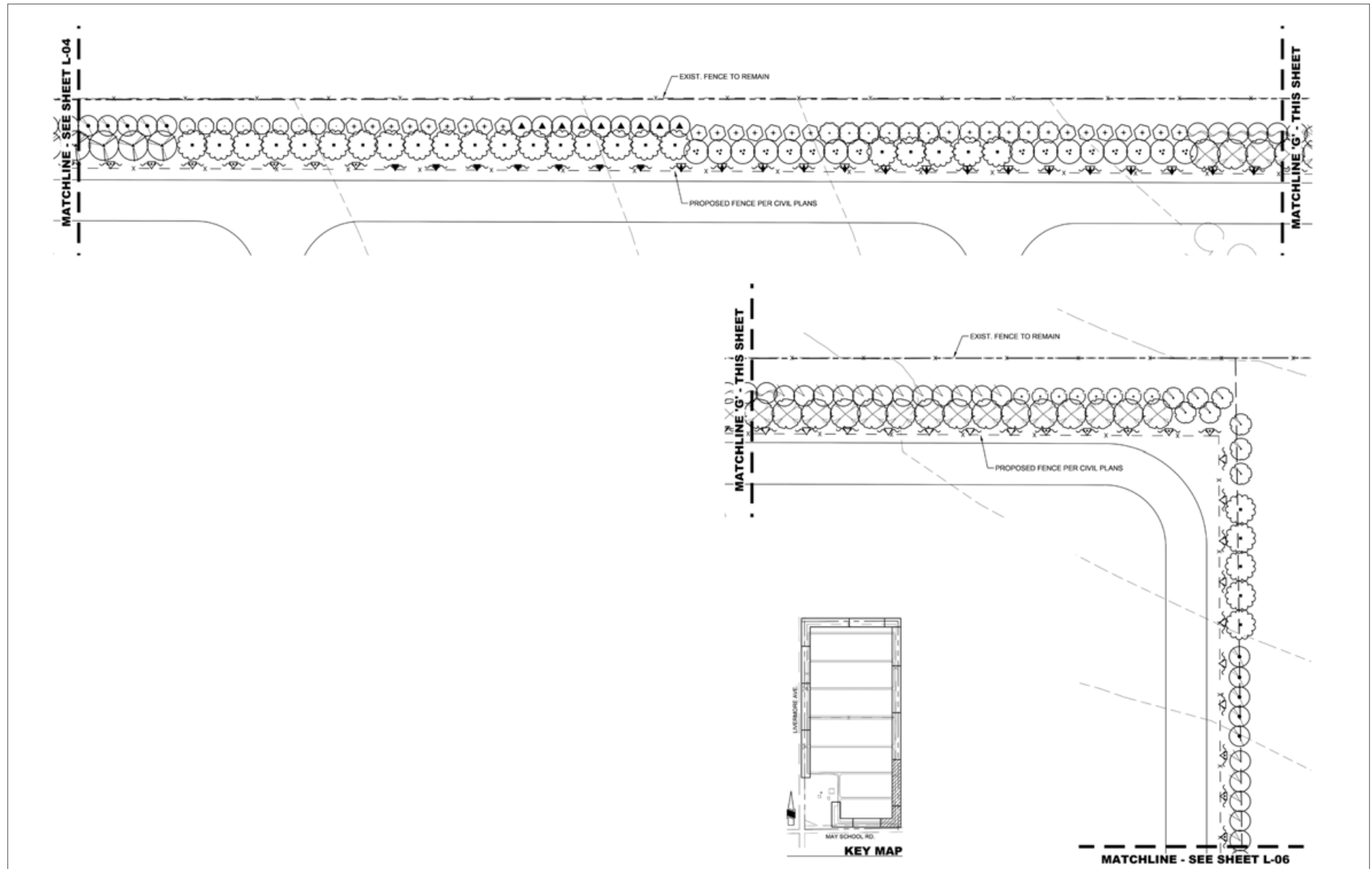
Source: Blue Oak Energy, 2018. PlaceWorks, 2019.



PLACEWORKS

Figure 3-8  
Proposed Landscape Plan – Northeast Boundary

## PROJECT DESCRIPTION

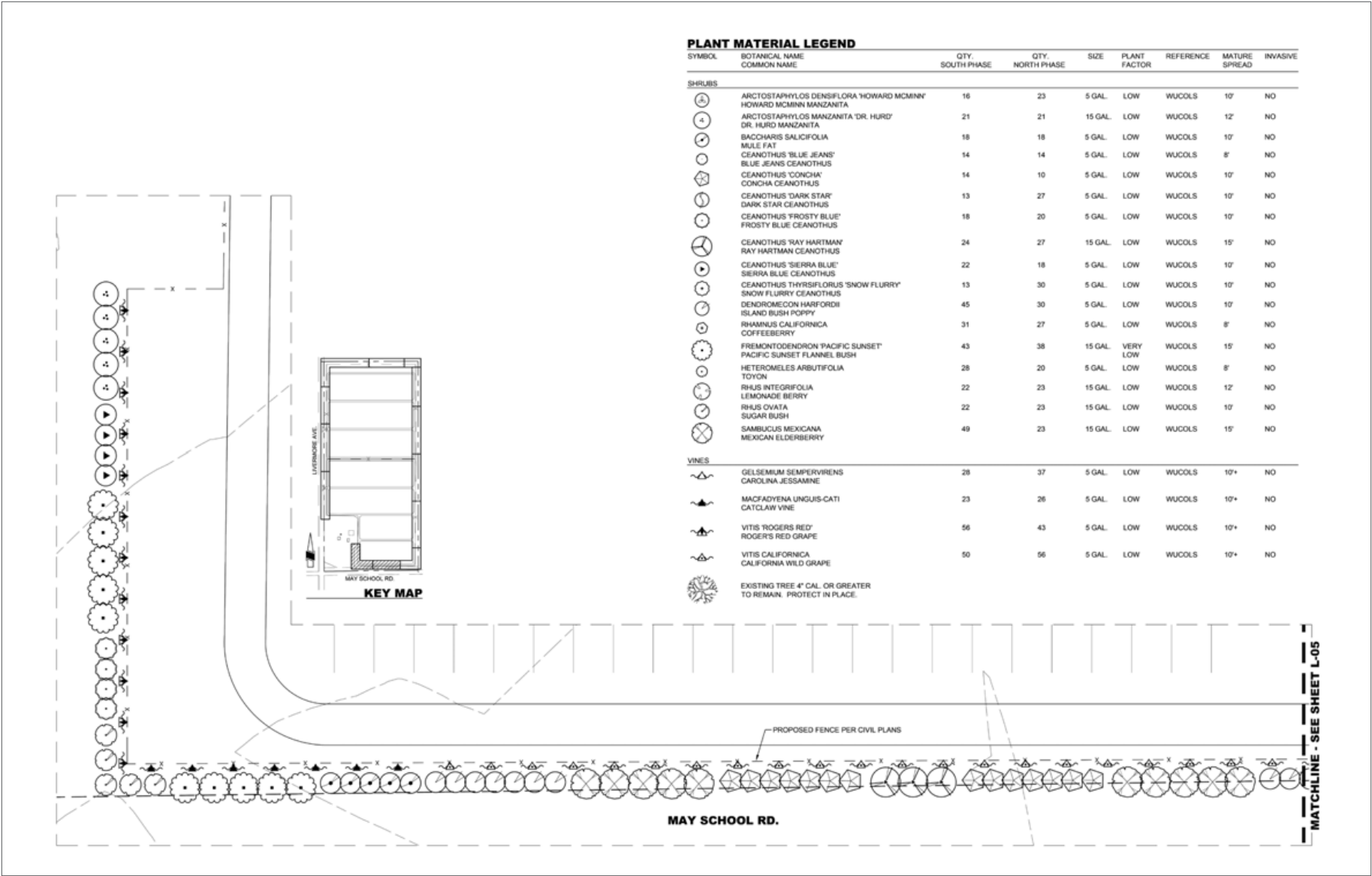


Source: Blue Oak Energy, 2018. PlaceWorks, 2019.



Figure 3-9  
Proposed Landscape Plan – Southeast Boundary

PROJECT DESCRIPTION

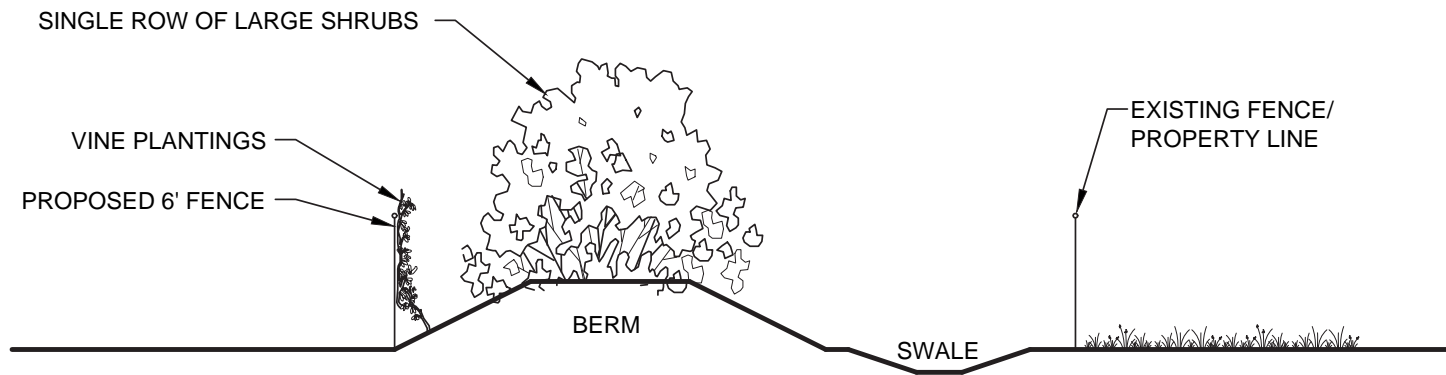


Source: Blue Oak Energy, 2018. PlaceWorks, 2019.

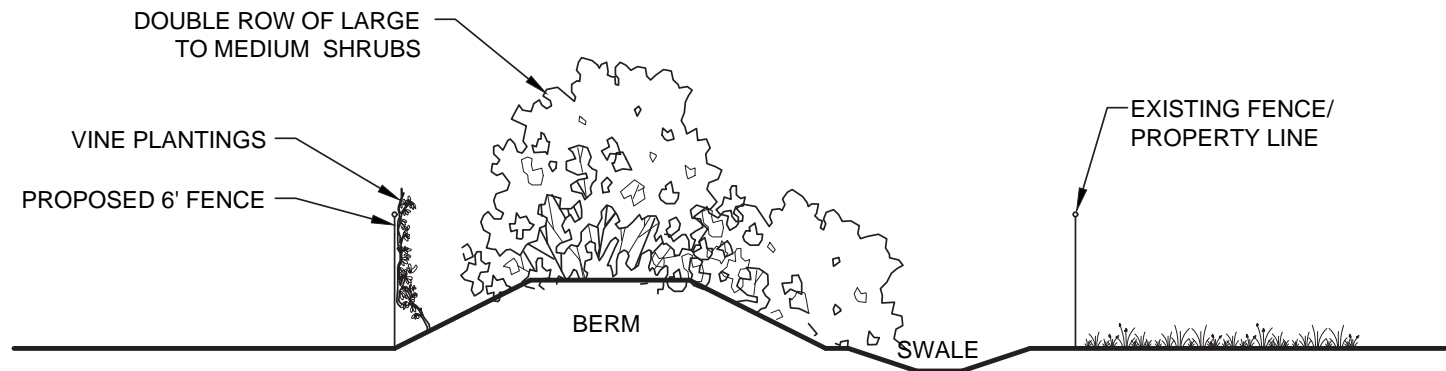


Figure 3-10  
Proposed Landscape Plan – May School Road

## PROJECT DESCRIPTION



### **Landscape Buffer Section - North, South, and West Boundaries**



### **Landscape Buffer Section - East Boundary**

Source: Rick Engineering Company, 2018. PlaceWorks, 2019.

Figure 3-11  
Proposed Landscape Buffer

## PROJECT DESCRIPTION

### 3.3.4.2 NATURAL RESOURCES

Plant and biological surveys conducted on the property concluded there are no protected plant or animal species located on the subject property. One seasonal wetland was identified on the parcel in the form of an active watering trough for livestock among the Eucalyptus trees along the northern boundary of the existing single-family home. No disturbance of this wetland feature would occur.

### 3.3.5 WATER SUPPLY, IRRIGATION, AND STORMWATER MANAGEMENT

Stormwater on the subject property would percolate into the groundwater basin through pervious surfaces between and under the solar panels, landscaping, and the bioswales. Chemicals and pesticides would not be used as part of the landscaping, and water percolating into the groundwater basin would not be polluted by the Project. Surplus stormwater would be controlled and collected in the seven on-site retention ponds at the end of each of the seven module arrays at the east side of the subject property and channeled into the two on-site subsurface 20,250-gallon AQUABLOX® D-Raintanks®, storage tanks ("Raintanks") for use in landscape irrigation and for washing dust from solar panels. Both irrigation and stormwater would either be absorbed on-site or collected in the retention ponds and no additional water would flow off-site and pooling of water would not occur on the adjacent streets or properties.

Existing on-site ground water supply, including existing on-site wells, would not be used for construction or operation of the proposed Project. The irrigation system would include a low precipitation rate irrigation system consisting exclusively of drip irrigation connected to the two on-site subsurface Raintanks®, the system would have an automatic controller, flow sensor, and multiple start times. Washing panels to remove dust would occur on a twice-yearly cycle.

As noted above, the Raintank® system would filter rocks and debris from the stormwater flowing from the detention basins, which would then flow into the two 20,800-gallon tanks for on-site panel washing and landscape irrigation. When used for these purposes, the stored water would incrementally percolate into the soil and groundwater. No off-site surface drainage would occur in these areas. In dry periods, when the Raintank® does not have stormwater inflow, the on-site tanks would be replenished with water from a fire hydrant located approximately 2.8 miles southeast of the subject property at the corner of Ames Street and Martingale Lane in the City of Livermore. Supplemental water, as needed, would be delivered to the subject property from this fire hydrant up to 80 times per year via a 10,000-gallon water truck; no connections to municipal water or sewer service are proposed.

During construction, water would be needed for dust control. Construction water would be supplied from the above-referenced fire hydrant and transported to the subject property in 10,000-gallon water trucks.

### 3.3.6 AGRICULTURAL USES ON THE PROPERTY

As described above, the subject property is actively grazed on a seasonal basis by livestock. On-site grazing would continue to occur at the current levels as part of the ongoing agricultural use and consistent with the existing Williamson Act contract. The landowner would continue to lease the property

## PROJECT DESCRIPTION

to grazers in the surrounding area. Access to the subject property would be provided via the lease agreement to allow livestock to graze beneath and around the solar arrays. Chapter 4.2, Agriculture and Forestry Resources discusses the Williamson Act contract in more detail.

### 3.3.7 UTILITIES

The existing single-family home located on the southwest corner of the subject property has existing connections to PG&E (electricity), well water, and a septic tank. There is no active irrigation system on the subject property. The proposed Project would not disrupt these services. The proposed PV facility would not require connections to municipal water, sewer service, or natural gas. As described above, water for Project operation and irrigation would be brought in by truck and stored in the on-site tanks. The proposed PV facility would connect to the 21 KV circuit on the subject property, which would be linked to the adjacent PG&E substation. Three standard size distribution poles would be required for this linkage. No road crossings would be required.

Refuse generated by Project construction would be delivered to either the Vasco Road Sanitary Landfill or the Altamont Landfill and Resource Recovery both of which service Alameda County. Project operation and maintenance would generate a minimal amount of solid waste per year.

### 3.3.8 DECOMMISSIONING AND REMOVAL

At the end of the facility operation, the solar equipment and concrete pads associated with the facility would be removed. Removal work would take place over approximately 2 months and require an estimated 210 roundtrip vehicle haul trips.

## 3.4 PROJECT DECOMMISSIONING

### 3.4.1 EQUIPMENT REMOVAL

The decommissioning and restoration process would involve the removal of aboveground and belowground structures, restoration of topsoil, revegetation, and seeding as needed. Temporary erosion and sedimentation control BMPs would be used during the SunWalker PV Project's decommissioning phase. Solar panels would be removed and placed in secure transport crates or container boxes for storage, and transported to another facility for reuse, material recycling or disposal. The bolts and reusable fasteners that had attached each module to the racks would be removed and saved for reuse. Once the solar modules are removed, the racks would be disassembled and the structures supporting the racks would be removed and salvaged or recycled. Electrical equipment would be de-energized prior to removal, salvaged (where possible), placed in appropriate shipping containers, and secured in a truck transport trailer for shipment off-site. Electrical equipment, transformers and switching gear on the inverter and interconnection transformer pads and all above ground electrical wiring would be removed and recycled or disposed of. All other aboveground site infrastructure—including fences; awnings; and the concrete pads that supported the inverters, and related equipment—would be removed. The fence and gate would be removed, and all materials would be recycled to the greatest extent possible. All debris

## PROJECT DESCRIPTION

would be removed from the area. The elevated berm, stormwater detention basins, perimeter swale, and landscaping would remain.

### 3.4.2 SOIL RECLAMATION

The SunWalker PV subject property would be restored to approximate pre-project conditions, including removal of specified improvements, removal of buried infrastructure, restoration of compacted soil, and revegetation and mulching according to a County-approved Soil Reclamation Plan. The Soil Reclamation Plan would be submitted to the County for review and approval prior to issuance of building permits.

## 3.5 REQUIRED PERMITS AND APPROVALS

The County of Alameda is the Lead Agency for the preparation and certification of the Draft EIR. Where appropriate, responsible, trustee, and other agencies will be consulted during the Draft EIR process. Subsequent development entitlements for the Project may require approval of State and regional responsible agencies that may rely on the Draft EIR for decisions in their areas of expertise, including the California Department of Fish and Wildlife, the California Regional Water Quality Control Board, and the Bay Area Air Quality Management District.

Approval of the Project would require the following permits and approvals from the County of Alameda or other local agencies:

- Conditional Use Permit
- Building Permit
- Grading Permit
- Encroachment Permit
- Fire Clearance and Approval
- Water Meter Permit – (City of Livermore)



## PROJECT DESCRIPTION

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## 4. Environmental Analysis

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### CHAPTER ORGANIZATION

This chapter of the Draft EIR is made up of 11 subchapters, which evaluate the direct, indirect, and cumulative environmental impacts from approval and implementation of the proposed Project. The following sections describe the format of the environmental analysis, the format of the thresholds of significance and the methodology of the cumulative impact analysis.

### FORMAT OF ENVIRONMENTAL ANALYSIS

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows for no analysis of environmental issues for which there is no likelihood of significant impact. Based on the conclusions in the Initial Study (Appendix B), this chapter of the Draft EIR is made up of 11 subchapters, which evaluate the direct, indirect, and cumulative environmental impacts of the proposed Project. In accordance with Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, of the CEQA Guidelines as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478)], the potential environmental effects of the proposed Project are analyzed for potential significant impacts in the following 11 environmental issue areas, which are organized with the listed abbreviations:

- Aesthetics (AES)
- Agriculture
- Air Quality (AQ)
- Biological Resources (BIO)
- Cultural Resources / Tribal Cultural Resources (CULT)
- Energy (ENE)
- Land Use and Planning (LU)
- Noise (NOISE)
- Transportation and Circulation (TRANS)
- Utilities (UTIL)
- Wildfire (FIRE)

Each subchapter is organized into the following sections:

- **Environmental Setting** offers a description of the existing environmental conditions, providing a baseline against which the impacts of the proposed Project can be compared, and an overview of federal, State, regional, and local laws and regulations relevant to each environmental issue.
- **Impact Discussion** gives an overview of the potential impacts of the proposed Project and explains why impacts are found to be significant or less than significant prior to mitigation. Explains the quantitative or qualitative standards, performance levels, or criteria used to evaluate the existing setting with and without the proposed Project to determine whether the impact is significant. These thresholds are based primarily on the CEQA Guidelines. This subsection also includes a discussion of

## ENVIRONMENTAL ANALYSIS

cumulative impacts related to the proposed Project. Impacts and mitigation measures are numbered consecutively within each topical analysis and begin with an acronym or abbreviated reference to the impact section.

## THRESHOLDS OF SIGNIFICANCE

As noted above, significance criteria are identified before the impact discussion subsection, under the subsection, “Thresholds of Significance.” For each impact identified, a level of significance is determined using the following classifications:

- *Significant (S)* impacts include a description of the circumstances where an established or defined threshold would be exceeded.
- *Less than significant (LTS)* impacts include effects that are noticeable, but do not exceed established or defined thresholds, or can be mitigated below such thresholds.
- *No impact* describes circumstances where there is no adverse effect on the environment.

For each impact identified as being significant, the EIR identifies mitigation measures to reduce, eliminate, or avoid the adverse effect. If one or more mitigation measure(s) would reduce the impact to a less than significant level successfully, this is stated in the EIR. *Significant and unavoidable (SU)* impacts are described where mitigation measures would not diminish these effects to less than significant levels. The identification of a program-level significant and unavoidable impact does not preclude the finding of less than significant impacts for subsequent projects that comply with the applicable regulations and meet applicable thresholds of significance.

## CUMULATIVE IMPACT ANALYSIS

A cumulative impact consists of an impact created as a result of the combination of the Project evaluated in the EIR, together with other reasonably foreseeable impacts not caused by the proposed Project. CEQA Guidelines Section 15130 requires an EIR to discuss cumulative impacts of a project when the project’s incremental effect is “cumulatively considerable.” Used in this context, cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effect of probable future projects.

Where the incremental effect of a project is not “cumulatively considerable,” a lead agency need not consider that effect significant but must briefly describe its basis for concluding that the incremental effect is not cumulatively considerable. Where the cumulative impact caused by the project’s incremental effect and the effects of other reasonably foreseeable projects is not significant, the EIR must briefly indicate why the cumulative impact is not significant.

The cumulative impact discussions in subchapters 4.1 through 4.11 explain the geographic scope of the area affected by each cumulative effect (e.g., immediate Project vicinity, city, county, watershed, or air basin). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing aesthetic impacts, the pertinent geographic study area is the vicinity

## ENVIRONMENTAL ANALYSIS

of the proposed Project from which the new development can be publicly viewed and may contribute to a significant cumulative visual effect. In assessing macro-scale air quality impacts, on the other hand, all development within the air basin contributes to regional emissions of criteria pollutants, and basin-wide projections of emissions is the best tool for determining the cumulative effect.

CEQA Guidelines Section 15130 of the CEQA Guidelines permits two different methodologies for completion of the cumulative impact analysis:

- The 'list' approach permits the use of a list of past, present, and probable future projects producing related or cumulative impacts, including projects both within and outside the city; and
- The 'projections' approach allows the use of a summary of projections contained in an adopted plan or related planning document, such as a regional transportation plan, or in an EIR prepared for such a plan. The projections may be supplemented with additional information such as regional modeling.

This analysis is based on a combination of the plan/projections and list approaches, using the land use designations of the ECAP in combination with known other relevant projects in the area. The primary ECAP land designation in the program area is Large Parcel Agriculture, which allows low intensity agriculture and grazing, related permissible uses and residential and residential accessory uses. The dominant land uses are wind energy generation, electrical transmission substation and infrastructure, agriculture, and cattle grazing. The houses within the agricultural area along Bel Roma Road are permissible large lot, rural residential uses. As shown in Table 4-1, the County of Alameda has identified one pending project within the vicinity of the proposed Project at the time that the Notice of Preparation for this Draft EIR was issued.

**TABLE 4-1 CUMULATIVE PROJECTS WITHIN THE VICINITY OF THE PROPOSED PROJECT**

Project Name/Location	Approximate Distance from Project	Project Type	Project Size	Status
Aramis Solar Project/North Livermore Road	75 feet	PV Solar Array	402 acres	Under Review

Source: Alameda County

The following provides a summary of the cumulative impact setting for each impact area:

- **Aesthetics:** The cumulative setting for visual impacts that can be publicly viewed includes the effects of the proposed Project together with other cumulative development projects in the vicinity of the subject property.
- **Air Quality:** The cumulative air quality setting is the regional growth within the San Francisco Bay Area Air Basin.
- **Biological Resources:** The geographic scope of the cumulative analysis for biological resources is the area surrounding the subject property, including the Aramis Solar Project.
- **Cultural and Tribal Cultural Resources:** Cumulative impacts to cultural resources occur when a series of actions leads to the loss of a substantial type of archaeological, historic, paleontologist, or tribal cultural site, building, or resource.

## ENVIRONMENTAL ANALYSIS

- **Energy:** The cumulative setting for energy include the electricity and natural gas supplies and facilities in PG&E's service area.
- **Land Use and Planning:** The cumulative setting for land use and planning considers the effects of the proposed Project when considered along with other projects in the vicinity of the subject property that are pending.
- **Noise:** The analysis of potential cumulative noise impacts from construction and stationary sources considers the proposed Project along with the cumulative projects in the immediate vicinity of the subject property. The analysis of cumulative traffic noise levels is based on cumulative traffic conditions.
- **Transportation and Traffic:** The cumulative setting for traffic and circulation includes other cumulative projects within the vicinity of the subject property, including Aramis Solar Project.
- **Utilities and Service Systems:** Cumulative impacts are considered in the context of the growth from the proposed Project combined with the estimated growth in the service areas of each utility's service area.
- **Wildfire:** The area considered for cumulative impacts related to wildfire are the SRA and Wildland-Urban Interface to the north, east, and west of the subject property.

## **4.1 AESTHETICS**

This chapter describes the regulatory framework and existing conditions on the subject property related to aesthetics, evaluates the potential impacts that could occur as a result of implementation of the proposed Project on aesthetics and visual resources, and details mitigation measures needed to reduce significant impacts, as necessary.

### **4.1.1 ENVIRONMENTAL SETTING**

#### **4.1.1.1 REGULATORY FRAMEWORK**

This section summarizes key State and local regulations related to aesthetics concerning the proposed Project. There are no federal regulations pertaining to aesthetics that directly or indirectly apply to the proposed Project.

#### **State Regulations**

##### *California Scenic Highway Program*

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects State scenic highway corridors from changes, which would diminish the aesthetic value of lands adjacent to the highways. There are no State-designated scenic highways in the vicinity of the subject property. The nearest State-designated Scenic Highway, Interstate 680 (I-680), is located approximately 9 miles east of the subject property.<sup>1</sup>

##### *California Building Code*

The State of California provides a minimum standard for building design and outdoor lighting standards through Title 24 of the California Code of Regulations (CCR). The California Building Code is located in Part 2 of Title 24. The California Building Code is updated every three years, and the current 2016 California Building Code went into effect in January 2017. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The California Building Code has been adopted for use by Alameda County pursuant to the Alameda County Municipal Code (ACMC) Chapter 15.08.

#### **Local Regulations**

##### *Alameda County General Plan*

The Alameda County General Plan Scenic Route Element (Countywide Scenic Route Element), adopted in 1966, identifies and defines the countywide scenic route system and serves as a guide for the protection

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<sup>1</sup> California Department of Transportation website, Officially Designated State Scenic Highways, [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), accessed on April 18, 2018.

## AESTHETICS

and enhancement of scenic values along designated routes and in other County areas visible from scenic routes. The Countywide Scenic Route Element defines three types of scenic routes within the County; (1) Scenic Freeways and Expressways, (2) Scenic Thoroughfares, and (3) Scenic Rural-Recreation Route. The Countywide Scenic Route Element designates I-580, located approximately 3 miles south of the subject property, as a Scenic Freeway, and North Livermore Avenue, located directly adjacent to the subject property, as a Scenic Rural-Recreation Route.<sup>2</sup> Pursuant to the development standards outlined in the Countywide Scenic Route Element, no building or structure of more than one story in height is authorized in corridors along scenic routes with outstanding distant views above the roadbed.<sup>3</sup>

The Countywide Scenic Route Element includes the following principles specific to visual resources and applicable to the proposed Project.

- **Establish Architectural and Site Design Review:** Architectural and site design review by the appropriate local jurisdiction should be provided for each site and for all new or altered structures so that particular considerations will be given to appearances that will enhance scenic qualities from the scenic routes. Originality in landscape and construction design should be encouraged. Such designs should be in keeping with cityscape and natural skyline and reflect the density, movement and activities of the population.
- **Use Landscaping to Increase Scenic Qualities of Scenic Route Corridors:** Landscaping should be designed and maintained in scenic route corridors to provide added visual interest, to frame scenic views, and to screen unsightly views.

### *East County Area Plan*

The East County Area Plan (ECAP) includes the following policies specific to visual resources and applicable to the proposed Project.

- **Policy 105:** The County shall preserve the following major visually-sensitive ridgelines largely in open space use:
  1. The ridgelines of Pleasanton, Main, and Sunol Ridges west of Pleasanton;
  2. The ridgelines above Schafer, Shell, Skyline, Oak, and Divide Ridges west of Dublin and the ridgelines above Doolan Canyon east of Dublin;
  3. The ridgelines above Collier Canyon and Vasco Road and the ridgelines surrounding Brushy Peak north of Livermore;
  4. The ridgelines above the vineyards south of Livermore;
  5. The ridgelines above Happy Valley south of Pleasanton.

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<sup>2</sup> Alameda County, Scenic Route Element of the General Plan, [https://www.acgov.org/cda/planning/generalplans/documents/Scenic\\_Route\\_Element\\_General\\_Plan\\_1966.pdf](https://www.acgov.org/cda/planning/generalplans/documents/Scenic_Route_Element_General_Plan_1966.pdf), pages 3 to 7, accessed on April 18, 2018.

<sup>3</sup> Alameda County, Scenic Route Element of the General Plan, [https://www.acgov.org/cda/planning/generalplans/documents/Scenic\\_Route\\_Element\\_General\\_Plan\\_1966.pdf](https://www.acgov.org/cda/planning/generalplans/documents/Scenic_Route_Element_General_Plan_1966.pdf), page 18, accessed on April 18, 2018.

## AESTHETICS

- **Policy 112:** The County shall require development to maximize views of the following prominent **visual features**:
  1. The major ridgelines listed in Policy 105;
  2. Brushy Peak, Donlan Peak, and Mount Diablo; and
  3. Cresta Blanca, near Arroyo Road South of Livermore.
- **Policy 114:** The County shall require the use of **landscaping** in both rural and urban areas to enhance the scenic quality of the area and to screen undesirable views. Choice of plants should be based on compatibility with surrounding vegetation, drought-tolerance, and suitability to site conditions; and in rural areas, habitat value and fire retardance.
- **Policy 115:** In all cases appropriate building materials, landscaping and screening shall be required to minimize the visual impact of development. Development shall blend with and be subordinate to the environment and character of the area where located, so as to be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area. To the maximum extent practicable, all exterior lighting must be located, designed and shielded so as to confine direct rays to the parcel where the lighting is located.
- **Policy 116:** To the maximum extent possible, development shall be located and designed to conform with rather than change natural landforms. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. To the extent feasible, access roads shall be consolidated and located where they are least visible from public view points.
- **Policy 117:** The County shall require that where grading is necessary, the off-site visibility of **cut and fill slopes** and drainage improvements is minimized. Graded slopes shall be designed to simulate natural contours and support vegetation to blend with surrounding undisturbed slopes.
- **Policy 118:** The County shall require that grading avoid areas containing large stands of mature, healthy **vegetation**, scenic natural formations, or natural watercourses.
- **Policy 119:** The County shall require that access roads be sited and designed to **minimize grading**.
- **Policy 215:** The County shall manage development and conservation of land within East County **scenic highway corridors** to maintain and enhance scenic values.

### *Alameda County Municipal Code*

ACMC Chapter 17.104, Scenic Route Corridors, identifies the adopted scenic route corridors along roads and highways located within the county. The adopted scenic route corridors are located along Redwood Road from San Lorenzo Creek to Camino Alta Mira, I-238 between the I-580 interchange and I-880 interchange, and I-580 from 149th Avenue to I-238.<sup>4</sup>

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<sup>4</sup> Alameda County Municipal Code, Title 17 (Zoning), Chapter 17.104 (Scenic Route Corridors).



## AESTHETICS

### 4.1.1.2 EXISTING CONDITIONS

The subject property is in a rural agricultural area within Alameda County and is generally bounded by agricultural land to the north and south; agricultural land, a substation, Stanley Ranch and other uses to the west; and low density rural residential dwellings (less than 15 total) and agricultural land to the east. Figures 4.1-1 to 4.1-3 show the substation, Stanley Ranch, and an existing industrial storage area near the subject property. Local access to the subject property is provided via Manning Road, May School Road, and North Livermore Avenue. Homes in the adjacent rural residential area are accessed via Bel Roma Road and have at a minimum 240-foot setback from the subject property. The subject property is seasonally grazed by livestock and is generally undeveloped with the exception of an existing 1,100-square-foot single-family home and associated structures located on the southwest corner of the subject property.

Across North Livermore Avenue, the Pacific Gas & Electric Cayetano 230 kilovolt (KV) substation is located directly west of the subject property, in addition to Stanley Ranch and a parcel serving partially as storage for motor vehicles and materials. Existing views along May School Road, Bel Roma Road, and North Livermore Avenue are shown in Figures 4.1-4 to 4.1-6. The view locations relative to the Project boundary are shown on Figure 4.1-7.

Scenic corridors can be defined as an enclosed area of landscape, viewed as a single entity that includes the total field of vision visible from a specific point, or a series of points along a linear transportation route. Public view corridors are areas in which short-range, medium-range, and long-range views are available from publicly accessible viewpoints, such as from County roads. ACMC Chapter 17.104, Scenic Route Corridors, identifies the adopted scenic route corridors along roads and highways located within the county. County designated-scenic routes proximal to the subject property include North Livermore Avenue and Interstate 580 about 3 miles south.

A scenic road is defined as a highway, road, drive, or street that, in addition to its transportation function, provides opportunities for the enjoyment of natural and human-made scenic resources. Scenic roads direct views to areas of exceptional beauty, natural resources or landmarks, or historic or cultural interest. Alameda County has both Caltrans and County designated scenic roads. The nearest State-designated Scenic Highway, I-680, is located 9 miles east of the subject property from Mission Boulevard in Fremont to the Contra Costa County line.<sup>5</sup> The Scenic Route Element of the General Plan also describes the nearest Scenic Freeway as I-580, which is located approximately 3 miles south of the subject property, and the nearest Scenic Rural-Recreation Route as North Livermore Avenue, which is directly adjacent to the subject property.<sup>6</sup> Pursuant to the development standards outlined in the Countywide Scenic Route Element, no building or structure of more than one story, or approximately 15 feet in height is authorized in corridors along scenic routes with outstanding distant views above the roadbed.<sup>7</sup>

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<sup>5</sup> California Department of Transportation website, Officially Designated State Scenic Highways, [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), accessed on April 18, 2018.

<sup>6</sup> Alameda County, Scenic Route Element of the General Plan, [https://www.acgov.org/cda/planning/generalplans/documents/Scenic\\_Route\\_Element\\_General\\_Plan\\_1966.pdf](https://www.acgov.org/cda/planning/generalplans/documents/Scenic_Route_Element_General_Plan_1966.pdf), pages 3 to 7, accessed on April 18, 2018.

<sup>7</sup> Alameda County, Scenic Route Element of the General Plan, [https://www.acgov.org/cda/planning/generalplans/documents/Scenic\\_Route\\_Element\\_General\\_Plan\\_1966.pdf](https://www.acgov.org/cda/planning/generalplans/documents/Scenic_Route_Element_General_Plan_1966.pdf), page 18, accessed on April 18, 2018.

## AESTHETICS

Scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g., open space lands, mountain ridges, bay, or ocean views). Public views are those which can be seen from vantage points that are publicly accessible, such as streets, freeways, parks, and vista points. These views are generally available to a greater number of persons than private views. Private views are those views that can be seen from vantage points located on private property. Private views are not necessarily considered to be impacted when interrupted by land uses on adjacent properties. The ECAP and Countywide Scenic Route Element designate major visually sensitive ridgelines, scenic routes, and scenic corridors throughout the county. The visually-sensitive ridgelines, designated by the ECAP, in the vicinity of the subject property include Collier Canyon Road, Vasco Road, Doolan Canyon, Brushy Peak, and the ridgelines above the vineyards south of Livermore, which can be characterized as rolling hills with non-native grasses as the primary vegetation and trees dispersed throughout the hillsides.<sup>8</sup> The scenic routes and surrounding scenic vistas are shown in Figure 4.1-8. The subject property is located on the valley floor and not located on a major visually-sensitive ridgeline. Long-range views of the four scenic ridgelines can be seen from the vicinity of the subject property. The ridgelines are also visible from Livermore Avenue, May School Road, and Bell Roma Road. Doolan Canyon is visible to the northwest, the ridgelines above Vasco Road and Brushy Peak are visible to the east, ridgelines above the vineyards south of the City of Livermore are visible to the south, and the ridgelines above Collier Canyon Road are visible to the west.

Light pollution refers to all forms of unwanted light in the night sky, including glare, light trespass or spill to adjacent sensitive receptors (e.g., residential development), sky glow, and over-lighting. Views of the night sky are an important part of the natural environment. Excessive light and glare can be visually disruptive to humans and nocturnal animal species. Light pollution within the Project area is minimal and is restricted primarily to indoor and outdoor lighting associated with the existing single-family home located on the southwest corner of the subject property. The lighting from the neighborhood along Bell Roma Road to the east of the subject property is also limited to indoor and outdoor lighting associated with the existing homes. There is no street lighting on the subject property or in the surrounding vicinity.

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<sup>8</sup> County of Alameda. 1994. East County Area Plan.

## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-1  
Existing View Industrial Storage Yard

## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-2  
Existing View PG&E Substation



## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-3  
Existing View Stanley Ranch

## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-4  
Existing View May School Road



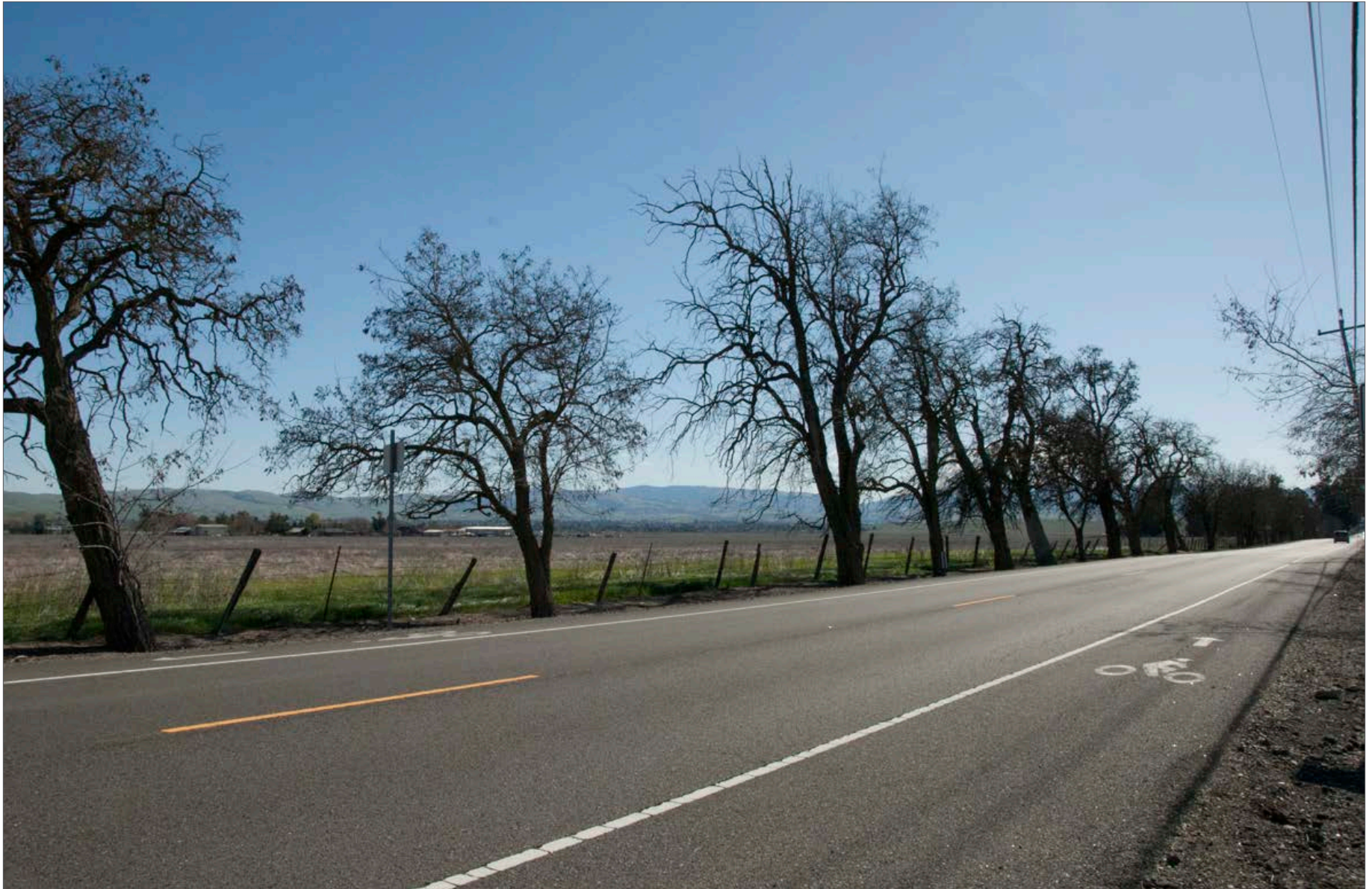
## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-5  
Existing View Bel Roma Road

## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-6  
Existing View North Livermore Avenue



AESTHETICS



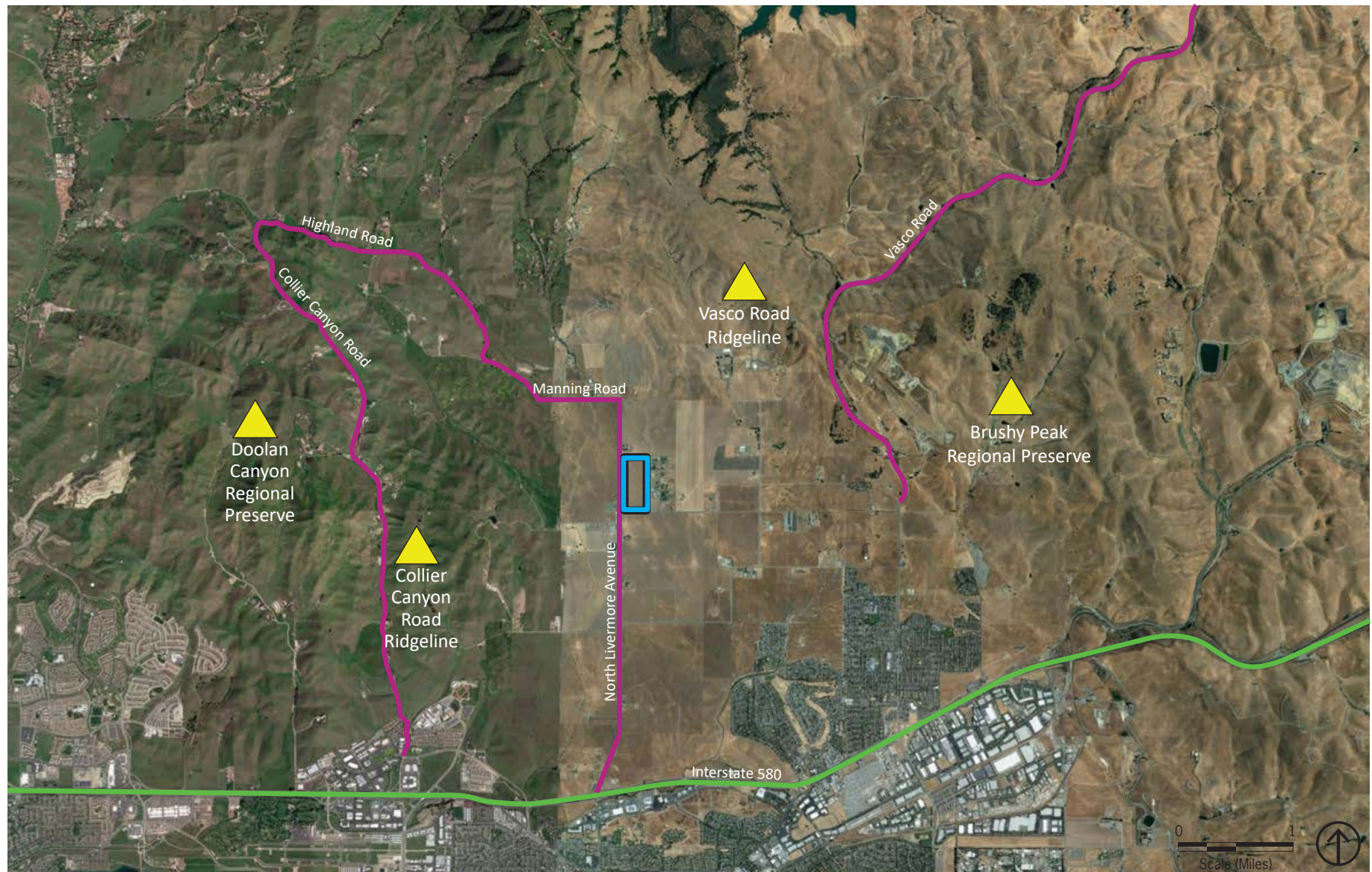
Source: Google Earth, 2018. PlaceWorks, 2019.



Figure 4.1-7  
View Locations



## AESTHETICS



Source: Google Earth, 2019.



Figure 4.1-8  
Scenic Routes and Scenic Vistas Near  
the Subject property

## AESTHETICS

### 4.1.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant aesthetic impact if it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage points).
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

### 4.1.3 IMPACT DISCUSSION

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<b>AES-1</b>	<b>The proposed Project would not have a substantial adverse effect on a scenic vista.</b>
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Scenic corridors can be defined as an enclosed area of landscape, viewed as a single entity that includes the total field of vision visible from a specific point, or a series of points along a linear transportation route. As discussed in Section 4.1.1.2, North Livermore Avenue adjacent to the proposed Project is considered a County-designated scenic corridor;<sup>9</sup> however, in compliance with the Countywide Scenic Route Element, the proposed Project includes a landscape buffer to provide visual interest, frame scenic views, and screen unsightly views. Accordingly, no impact would occur in this respect. In addition, the proposed structures are well below the allowable 15-foot height for single story structures in this area.

Scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g., open space lands, mountain ridges, and bay or ocean views). The ECAP Policies 105 and 112 designate major visually-sensitive ridgelines and prominent visual features within the county, some of which can be seen from the subject property. For the purposes of this analysis, the long-range views of Doolan Canyon to the northwest, the ridgelines above Vasco Road and Brushy Peak to the east, ridgelines above the vineyards south of the City of Livermore to the south, and the ridgelines above Collier Canyon Road, are considered scenic vistas. Long-range views of the scenic vistas would be impacted by the proposed Project if the Project were to block or obstruct these views.

As discussed in Chapter 4, Project Description, the proposed PV facility would install solar arrays and associated structures designed to convert solar energy, or sunlight, into electricity on the subject property. Installation of the solar arrays would be non-permanent and all non-reflective equipment would be painted in neutral colors. Solar panels absorb light and are non-reflective. The primary components of the proposed Project that could affect long-range views to the surrounding ridgelines are the solar arrays and

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<sup>9</sup> Alameda County Municipal Code, Title 17 (Zoning), Chapter 17.104 (Scenic Route Corridors).

## AESTHETICS

the transformers. At maximum tilt, the height of the solar arrays would be approximately 7 feet above the finished grade elevation. The four transformer units would each be approximately 7 feet tall, including a 1-foot tall concrete pad and the 6-foot transformer. To screen views of the PV facility from surrounding properties and the public right of way, the proposed Project includes a surrounding five-foot-wide landscape buffer, comprised of native shrubs ranging in mature height from 8 to 15 feet. The solar arrays would be the most visible component of the subject property at Project completion. As shown in Figures 4.1-9 to 4.1-11, long-range views to the surrounding ridgelines would be unimpeded from the public right-of-way. Drivers, bicyclists and pedestrians travelling on North Livermore Avenue and Bel Roma road would experience filtered views of the designated scenic ridgelines above Collier Canyon, Vasco Road, Brushy Peak, Doolan, and ridgelines above the vineyards south of Livermore, as the berm plantings reach maturity (within approximately 5-years). However, the filtered ridgeline views would not be considered a *substantial adverse effect* as the viewer travels through the corridors, because any obstruction of views that may occur would be intermittent, and would only be obstructed by native landscaping found along other portions of the corridor, and not by the solar array itself. Additionally, the far field views are temporal and change quickly. Furthermore, consistent with ECAP Policies 114 and 115, which requires landscaping in both rural and urban areas to enhance the scenic quality of the area, screen undesirable views, and minimize the visual impact of development, the solar arrays would be concealed by the proposed 5-foot wide landscape buffer within 5 years of planting as shown in Figures 4.1-12 to 4.1-14, and described further in Chapter 3, Project Description, of this Draft EIR. Therefore, the proposed Project would not result in a substantial adverse effect on a scenic vista and the impact would be *less than significant*.

**Significance Without Mitigation:** Less than significant.

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<b>AES-2</b>	<b>The proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.</b>
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As described in Section 4.1.2, Existing Conditions, the proposed Project is not located along a State-designated Scenic Highway; and therefore, scenic highways would not be impacted. However, the subject property is located on North Livermore Avenue, which is a County-designated Scenic Rural-Recreation Route, where adjacent buildings are restricted to one-story (15 feet) in height.<sup>10</sup> The Project would not have a substantial adverse effect on a scenic vista when the maximum height of the proposed Project would be approximately 8 feet. This is also consistent with the development standards outlined in the Countywide Scenic Route Element. In addition, the solar arrays would be concealed by the proposed landscape buffer with 5-year plantings (transplanted trees that are 5- years of age) as shown in Figures 4.1-12 to 4.1-14. Furthermore, there are no notable trees, rock outcroppings, or historical buildings on the subject property that would be affected, and the Project would not alter long-range views to the ridgelines or other natural features. The additional 3-feet of height of the transmission poles connecting to the existing 21 KV circuit pole would be consistent in height to the existing connection pole and would

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<sup>10</sup> Alameda County, Scenic Route Element of the General Plan, [https://www.acgov.org/cda/planning/generalplans/documents/Scenic\\_Route\\_Element\\_General\\_Plan\\_1966.pdf](https://www.acgov.org/cda/planning/generalplans/documents/Scenic_Route_Element_General_Plan_1966.pdf), page 18, accessed on April 18, 2018.

## AESTHETICS

blend into the existing substation infrastructure and have a minimal effect on any views. Therefore, the proposed Project would not substantially damage scenic resources within State-designated Scenic Highway or County-designated Scenic Rural-Recreation Route and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.



## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-9  
Visual Simulation at Project Completion with Initial Plantings:  
May School Road

## AESTHETICS

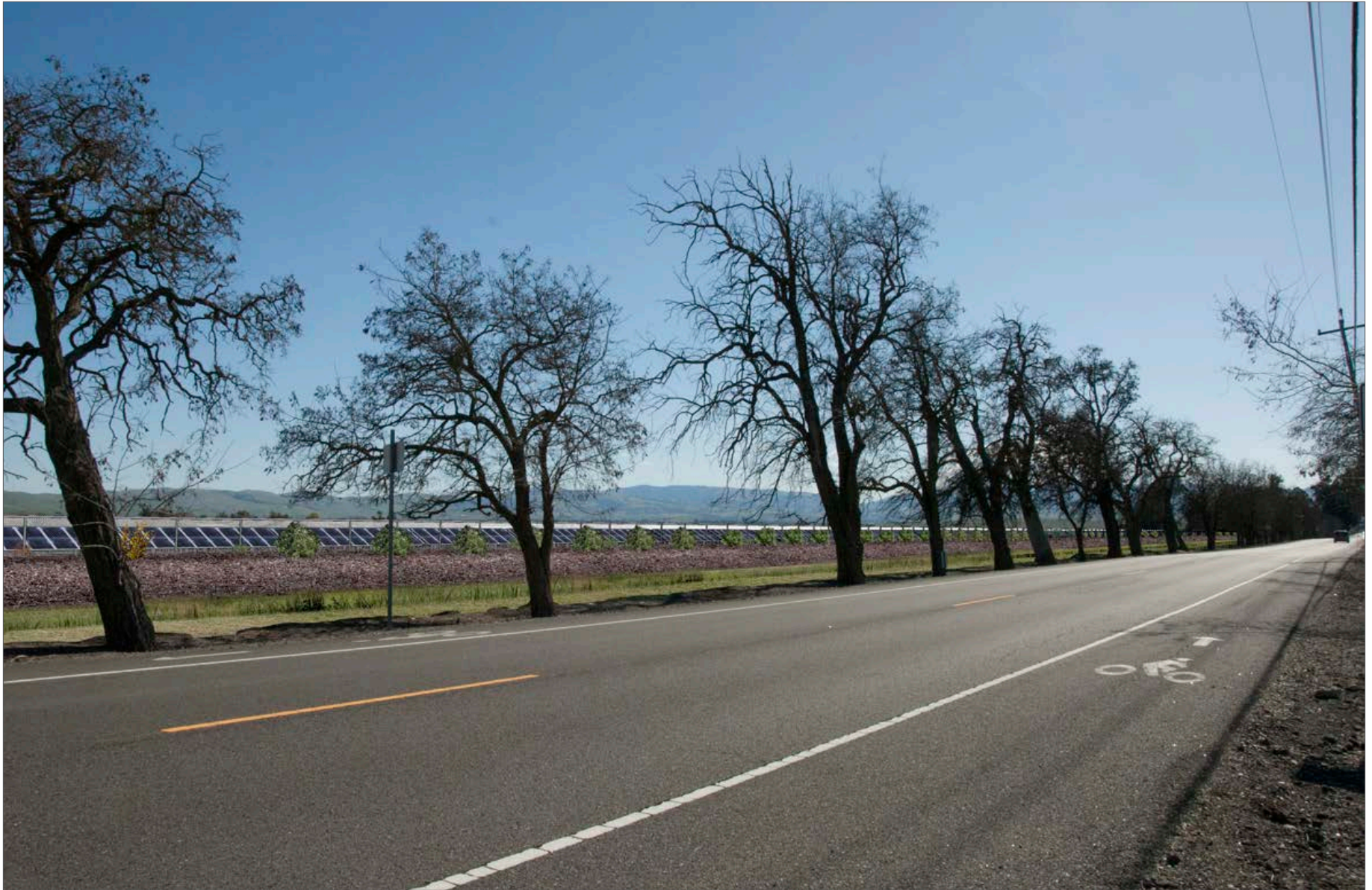


Source: PlaceWorks 2019.

Figure 4.1-10  
Visual Simulation at Project Completion with Initial Plantings:  
Bel Roma Road



## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-11  
Visual Simulation at Project Completion with Initial Plantings:  
North Livermore Avenue



## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-12  
Visual Simulation at Project Completion with 5-Year Plantings:  
May School Road

## AESTHETICS

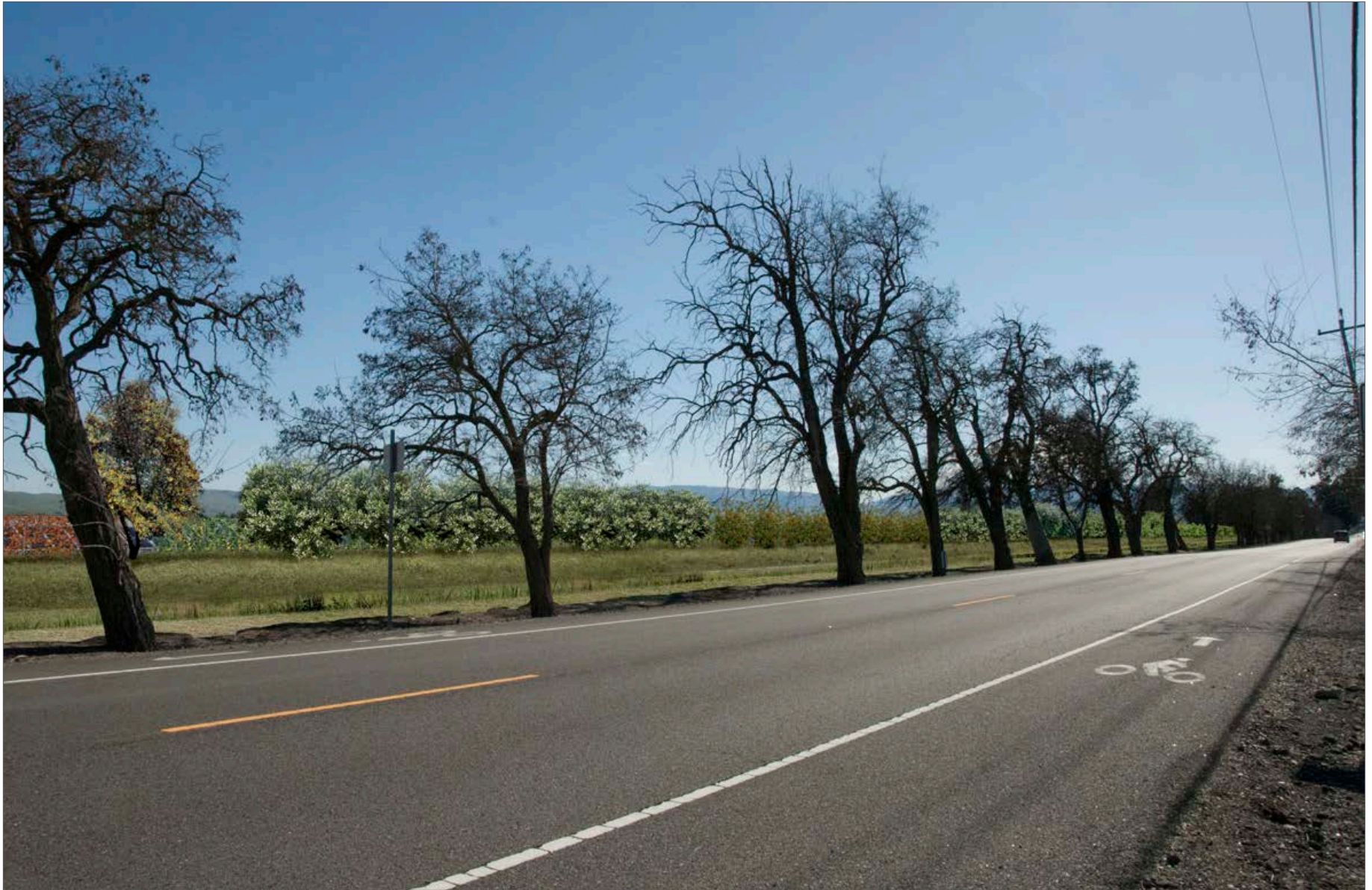


Source: PlaceWorks 2019.

Figure 4.1-13  
Visual Simulation at Project Completion with 5-Year Plantings:  
Bel Roma Road



## AESTHETICS



Source: PlaceWorks 2019.

Figure 4.1-14  
Visual Simulation at Project Completion with 5-Year Plantings:  
North Livermore Avenue

## AESTHETICS

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<b>AES-3</b>	<b>The proposed Project would not substantially degrade the existing visual character or quality of public views (public views are those that are experienced from publicly accessible vantage point) of the site and its surroundings.</b>
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The subject property is seasonally grazed by livestock and is generally undeveloped with the exception of an existing single-family home on the southwest corner of the subject property. The surrounding area is characterized by agricultural land to the north and south; a substation and other uses including agriculture to the west; and low density rural residential dwellings (less than 15 total) and agricultural land to the east. Installation of the proposed PV facility would represent a change in the existing visual character of the subject property and its surrounding; however, with the proposed landscape features of the project, and consistent with ECAP Policies 114 and 115, the solar arrays would be screened by the proposed landscaped buffer with 5-year plantings (transplanted trees 5-years of age). Additionally, pursuant with ECAP Policies 116, 118, and 119, the proposed grading plan for the Project minimizes grading activities, thereby minimizing the overall impacts to the topography of the parcel and ensuring the continued viability of the on-site grazing. Additionally, as discussed in Impact Discussion, section AES-2, the maximum height of the proposed Project would be consistent with the development standards outlined in the Countywide Scenic Route Element. Accordingly, in order to comply with the ECAP policies, the proposed landscape buffer must be maintained throughout the life of the Project, otherwise the proposed PV facility could result in a significant impact with respect to the visual character of the Project area. Implementation of the following mitigation measure would ensure that the impact would be *less than significant* with mitigation.

**Significance without Mitigation:** Significant.

**Impact AES-3:** Implementation of the proposed Project would have the potential to alter but not degrade the existing visual character or quality of the site and its surroundings. The design of the proposed landscaped berm would help to soften the view of the facility with the addition of plantings that are compatible with the rural character and natural landscape of the area. The long-term preservation of the landscape berm will ensure the visual compatibility with the adjoining land uses.

**Mitigation Measure AES-3:** In order to ensure the long-term effectiveness of the proposed landscaped berm, the Project applicant shall ensure that the proposed landscape berm is adequately irrigated to establish the long-term viability of the buffer and maintained throughout the life of the Project. Should any of the proposed landscape plantings not survive the initial planting or expire at any time during the life of the Project, the applicant shall provide replacement plantings, ranging from 8 to 15 feet in height upon maturity, within 5 years of planting, to screen the proposed solar arrays.

**Significance with Mitigation:** Less than significant.

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<b>AES-4</b>	<b>The proposed Project would not expose people on- or off- site to substantial light or glare which would adversely affect day or nighttime views in the area.</b>
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## AESTHETICS

The proposed Project would not introduce new sources of indoor or outdoor lighting to the subject property or surrounding residences and would therefore not introduce new sources of nighttime light pollution to the area. Furthermore, the proposed Project would be inactive during the nighttime and no sensors or new lighting would be added to the parcel. The proposed solar PV facility would include the installation of solar arrays and associated structures designed to convert solar energy, or sunlight, into electricity on the subject property. PV facilities are most efficient in terms of generating electricity when they absorb as much sunlight as possible and reflect as little sunlight as possible.<sup>11</sup> As such, the dark colored panels are textured with indentations to reduce the amount of sunlight that is reflected off the surface and are coated with anti-reflective materials that maximize light absorption and reduce glare as much as possible.<sup>12</sup> PV panels are designed to maximize refracted light through the panels, and do not produce as much glare and reflectance as standard window glass, car windshields, white concrete, or snow.<sup>13</sup> The proposed Project would not create a new source of substantial light or glare and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.1.4 CUMULATIVE IMPACTS

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<b>AES-5</b>	<b>The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to aesthetics.</b>
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The method used for cumulative impact analysis is described in Chapter 4.0, Environmental Analysis, of this Draft EIR. This cumulative analysis considers the effects of the proposed Project together with other cumulative development projects in the vicinity of the subject property. The proposed subject property is seasonally grazed by livestock and is generally undeveloped except for an existing single-family home on the southwest corner of the subject property. The surrounding area is characterized by agricultural land to the north and south, a substation, Stanley Ranch, auto debris and agricultural land to the west, and low density rural residential dwellings (less than 15 total) and agricultural land to the east.

As described in Chapter 4, Environmental Analysis, the cumulative development project in the vicinity of the proposed Project includes the proposed Aramis Solar Facility, located west of the subject property across North Livermore Road (a County designated Scenic and Rural Residential route). The Aramis site is currently vacant and is used for crop cultivation and grazing. The Aramis Solar Facility would include a 100-megawatt (MW) photovoltaic power generation facility that would be interconnected to the public

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<sup>11</sup> SunShot, United States Department of Energy, Meister Consultants Group, Solar and Glare, June 2014, [http://solaroutreach.org/wp-content/uploads/2014/06/Solar-PV-and-Glare-\\_Final.pdf](http://solaroutreach.org/wp-content/uploads/2014/06/Solar-PV-and-Glare-_Final.pdf), accessed on April 9, 2018.

<sup>12</sup> SunPower, PV Systems, Low Levels of Glare and Reflectance vs. Surrounding Environment, <https://us.sunpower.com/sites/sunpower/files/media-library/white-papers/wp-pv-systems-low-levels-glare-reflectance-vs-surrounding-environment.pdf>, accessed on April 9, 2018.

<sup>13</sup> SunPower, PV Systems, Low Levels of Glare and Reflectance vs. Surrounding Environment, <https://us.sunpower.com/sites/sunpower/files/media-library/white-papers/wp-pv-systems-low-levels-glare-reflectance-vs-surrounding-environment.pdf>, accessed on April 9, 2018.

## AESTHETICS

distribution system at the Pacific Gas and Electric Company's (PG&E) Cayetano 230 kV substation. The solar arrays and associated infrastructure would cover a total of 402 acres between two parcels (APNs 903-0006-001-02 and 903-0007-002-01). For that project, the proposed solar arrays would be 15 feet at maximum height.

The Sunwalker subject property is not located in a State-or County-designated scenic vista but is within the long-range view sheds of the Collier Canyon Road, Doolan Canyon, Vasco Road and Brushy Peak ridgelines as well as the ridgelines above the vineyards in south Livermore, and Collier Canyon. As discussed above, the proposed project would not block views of the ridgelines from the public rights-of-way and includes a 5-foot wide landscape buffer that would screen the solar arrays and any undesirable views. The cumulative Project (Aramis Solar Facility) would be required to comply with ECAP Policies 114 and 115, which requires landscaping in both rural and urban areas to enhance the scenic quality of the area, screen undesirable views, and minimize the visual impact of development. These development standards ensure that the proposed Project in combination with the proposed Aramis Project would not contribute to any cumulative impacts associated with scenic vistas or with Rural- Recreation Routes.

The subject property does not contain notable trees, rock outcroppings, or historical buildings and the Project would not alter long-range views to the ridgelines or other natural features. However, the proposed Project and Aramis Project are located adjacent to North Livermore Road, which is a County-designated Scenic Rural-Recreation Route. The proposed Project, in addition to the cumulative Project, would be required to meet the development standards required by the Scenic Route Element of the Alameda General Plan due to the proximity to the Scenic Rural-Recreation Route. Therefore, the Project would not contribute to any cumulative impacts associated with scenic highways.

The installation of the proposed PV facility would represent a change in the existing visual character of the subject property and surroundings. However, the proposed Project would include a landscape buffer that would conceal the solar arrays and be maintained throughout the life of the Project. The proposed Aramis Solar Facility would also be required to comply with ECAP policies 114 and 115, requiring landscaping to enhance the scenic quality of the area, screen undesirable views, and minimize the visual impact of development. Therefore, the proposed Project would not contribute to any cumulative impacts associated with the visual character or public views of the parcel and surrounding vicinity.

ECAP policies 105, 112, 114 through 119, and 215, together with Mitigation Measure AES-1, would prevent the Aramis Project from contributing to a cumulatively considerable impact by imposing the development standards applicable to the Sunwalker Project. The application of screening vegetation would reduce or eliminate impacts to views of hillsides and ridgelines and integrate views of the project into the rolling terrain to become more cohesive and less interrupted by anthropogenic features, but could introduce new landscape features within the viewsheds of scenic vistas and scenic roadways. However, ECAP policies 105, 112, 114 through 119, and 215, together with Mitigation Measures AES-1, would prevent the Aramis Project from contributing to a cumulatively considerable impact.

The proposed Project would not create a new source of substantial light or glare, and therefore would not contribute to any cumulative impacts associated with light and glare.

## AESTHETICS

The proposed Project, in addition to cumulative projects, would not significantly change the visual character of the subject property and the surrounding area. Therefore, the cumulative impact would be *less than significant*.

**Significance without Mitigation:** Less than Significant.

## AGRICULTURE AND FORESTRY RESOURCES

### 4.2 AGRICULTURE AND FORESTRY RESOURCES

This chapter describes the regulatory framework and existing conditions related to agriculture, evaluates the potential impacts that could occur as a result of implementation of the proposed Project, and details mitigation measures needed to reduce significant impacts, as necessary.

#### 4.2.1 ENVIRONMENTAL SETTING

##### 4.2.1.1 REGULATORY FRAMEWORK

This section summarizes key State and local regulations related to agricultural resources concerning the proposed Project. There are no federal regulations pertaining to agricultural resources that directly apply to the proposed Project.

#### State Regulations

##### *Land Conservation Act of 1965 (Williamson Act)*

Commonly known as the Williamson Act, the State of California's Land Conservation Act of 1965 enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive reduced a property tax assessment based upon farming and open space uses as opposed to full market value.

##### *Farmland Mapping and Monitoring Program*

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) provides designations for classifications of farmland throughout the State and produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is classified according to soil quality and irrigation status, with the categories being Prime Farmland, Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-Up Land, and Other Land.<sup>1</sup>

#### Local Regulations

##### *East County Area Plan*

The ECAP includes the following policies specific to agricultural resources and applicable to the proposed Project.

- **Policy 1:** The County shall identify and maintain a County Urban Growth Boundary that divides areas inside the Boundary, next to existing cities, generally suitable for urban development from areas outside suitable for long-term protection of natural resources, agriculture, public health and safety, and buffers between communities.

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<sup>1</sup> California Department of Conservation, Program Overview, [https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp\\_guide\\_2004.pdf](https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp_guide_2004.pdf), accessed September 19, 2019.



## AGRICULTURE AND FORESTRY RESOURCES

- **Policy 52:** The County shall preserve open space areas for the protection of public health and safety, provision of recreational opportunities, production of natural resources (e.g., agriculture, windpower, and mineral extraction), protection of sensitive viewsheds, preservation of biological resources, and the physical separation between neighboring communities.
- **Policy 54:** The County shall approve only open space, park, recreational, agricultural, limited infrastructure, public facilities (e.g., limited infrastructure, hospitals, research facilities, landfill sites, jails, etc.) and other similar and compatible uses outside the Urban Growth Boundary.
- **Policy 73:** The County shall require buffers between those areas designated for agricultural use and new non-agricultural uses within agricultural areas or abutting parcels. The size, configuration and design of buffers shall be determined based on the characteristics of the project site and the intensity of the adjacent agricultural uses, and if applicable, the anticipated timing of future urbanization of adjacent agricultural land where such agricultural land is included in a phased growth plan. The buffer shall be located on the parcel for which a permit is sought and shall provide for the protection of the maximum amount of arable, pasture, and grazing land feasible.
- **Policy 85:** The County shall utilize provisions of the Williamson Act and other appropriate economic incentives to support agricultural uses.
- **Policy 78:** In areas designated Large Parcel Agriculture, the County shall permit agricultural processing facilities (for example wineries, olive presses) and limited agricultural support service uses that primarily support Alameda County agriculture, are not detrimental to existing or potential agricultural uses, demonstrate an adequate and reliable water supply, and comply with the other policies and programs of the Initiative.
- **Policy 79:** The County shall require any proposal for agricultural support service uses within areas designated "Large Parcel Agriculture" or "Resource Management" to meet at a minimum the following criteria:
  - The project will not require the extension of public sewer or water.
  - The project will not detract from agricultural production on-site or in the area.
  - The project will not create a concentration of commercial uses in the area.
- **Policy 93:** The County shall seek to stimulate agricultural investment and enhance the economic viability of existing or potential rural agricultural uses.
- **Policy 98:** The County shall require Site Development Review for all proposed buildings, except accessory uses related to agricultural production (see definition in Table 1), in the "A-100" (Agriculture - 100-acre minimum parcel size), "A-160" (Agriculture - 160-acre minimum parcel size), or "A-320" (Agriculture - 320-acre minimum parcel size) Districts.

The proposed Project would be compatible with and would not adversely affect surrounding uses.

### 4.2.1.2 EXISTING CONDITIONS

The subject property is designated as Large Parcel Agriculture by the ECAP and is zoned Agricultural (A) District pursuant to the ACMC. The subject property is actively grazed on a seasonal basis by rotating livestock and is generally undeveloped with the exception of an existing single-family home on the southwest corner of the subject property. The subject property is subject to Williamson Act contract;<sup>2</sup>

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<sup>2</sup> Alameda County Agricultural Preserve, Land Conservation Agreement, 1971.

## AGRICULTURE AND FORESTRY RESOURCES

however, pursuant to the California Department of Conservation, the subject property is not considered *Prime Farmland, Unique Farmland, or Farmland of Local Importance*.<sup>3</sup> In addition, according to the 2006 mapping data from the California Department of Forestry and Fire Protection (CAL FIRE), Alameda County does not contain any woodland or forest land cover in the vicinity of the subject property.<sup>4</sup>

### 4.2.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant agriculture or forestry resource impact if it would:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses.
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract.
3. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
4. Result in the loss of forest land or conversion of forest land to non-forest use.
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

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<sup>3</sup> California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed April 20, 2018.

<sup>4</sup> California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, Land Cover map, [http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b\\_map.pdf](http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b_map.pdf), accessed April 9, 2018.

## AGRICULTURE AND FORESTRY RESOURCES

### 4.2.3 IMPACT DISCUSSION

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<b>AG-1</b>	<b>The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.</b>
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The subject property is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, there would be *no impact*.

**Significance without Mitigation:** No impact.

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<b>AG- 2</b>	<b>The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.</b>
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The subject property is zoned Agricultural (A) District pursuant to the APMC. While solar electric facilities are not specifically listed under the categories of permitted or conditional uses within the A District, other uses not specifically listed as a permitted or conditional use may be allowed if they are similar in nature to other allowed uses. The County has used the conditional use process for two other solar electric facilities located on land designated as A District in the past 10 years.

The intent of the A District is "to promote implementation of general plan land use proposals for agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare."<sup>5</sup> The proposed solar use of the subject property would not conflict with the existing zoning because the property would remain in ongoing agricultural use with seasonal grazing at least comparable to current levels.

The County's Williamson Act Uniform Rules and Procedures provide for agricultural use as the primary use of contracted lands. In addition to that primary use, certain incidental uses have been determined by the Board of Supervisors to be compatible with agriculture.

Under the County's Uniform Rules, electric utility facilities are deemed to be compatible uses, absent an express finding to the contrary. More generally, compatible non-agricultural uses, such as solar panels that do not qualify as buildings, are allowed on contracted land, and may be located outside of the two-acre building envelope, provided they are "...cumulatively restricted to no more than 10% of the contracted property, or 10 acres, whichever is less so that the remaining land may be devoted to agriculture." In the case of the subject property, the non-agricultural uses would amount to 6.53 acres and the remainder of the parcel would continue to be devoted to agriculture, while also in dual use for the solar facilities.

Outside of areas proposed as locations for access roads, equipment pad, and water detention basins, the proposed Project would not grade or remove topsoil. Panels would be supported by pile-driven post

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<sup>5</sup> Alameda County Municipal Code, Section 17.06.010, Agricultural Districts – Intent.

## AGRICULTURE AND FORESTRY RESOURCES

supports, with 10 supports per row. The solar panels, which are mounted on single-axis trackers supported by the posts, are in motion throughout the daylight hours; the height and pivoting movement of the panels throughout the day allow for sunlight, air circulation, and vegetation growth on all ground areas except the relatively small acreage occupied by the posts themselves, and allow for continued grazing use of these areas, such that the agricultural use of nearly the entire solar panel array area remains intact. After equipment installation, the existing vegetation would be retained, and where disturbed, would be reseeded. The total area occupied by impervious surfaces would be about 6.53 acres, and about 65 acres would remain in use for grazing, with the property continuing to provide some tangible gross annual revenue from agricultural production.

According to the County's Williamson Act Uniform Rules and Procedures, to support a viable agricultural land preserve, non-prime land must be at least 40 acres in area. Non-prime land is considered to be devoted to commercial agricultural production when it yields "some" substantiated gross annual revenue, and at least 60% of the property must be used for commercial agriculture. With about 65 acres of the 71.6-acre parcel remaining available for grazing, or a little more than 90%, the Project is consistent with the County's Williamson Act Uniform Rules and Procedures.

A commercial livestock operator has been identified who will continue the commercial grazing use of the subject property. According to the operator, the current capacity of the parcel would support 500 to 600 sheep grazing on the property for up to 60 days per year, depending on the rainy season and vegetation growth. This future grazing use will provide the same or greater yield as the current agricultural productivity, where 15 to 30 cattle graze intermittently over 2 to 4 months per year.

**Significance without Mitigation:** Less than significant.

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<b>AG-3</b>	<b>The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).</b>
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Neither the subject property nor the immediately surrounding areas are zoned for forest land, timberland, or timber production. Additionally, there are no lands within Alameda County zoned for or currently featuring timberland or timber production.<sup>6</sup> The proposed Project would therefore not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. Therefore, there would be *no impact*.

**Significance without mitigation:** No impact.

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<sup>6</sup> Alameda County, East County Area Plan, Land Use Diagram, page 136.

## AGRICULTURE AND FORESTRY RESOURCES

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<b>AG-4</b>	<b>The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.</b>
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There is no forest land on the subject property or in close proximity to the subject property. The surrounding areas currently feature agricultural land to the north, south, and west, and low density rural residential dwellings (less than 15 residences total) and agricultural land to the east. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. Accordingly, there would be *no impact*.

**Significance without mitigation:** No impact.

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<b>AG- 5</b>	<b>The proposed Project would not involve other changes in the existing environment which, due to their location or nature, would result in conversion of Farmland, to non-agricultural use.</b>
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As detailed above, the undeveloped portion of the subject property is actively grazed on a seasonal basis by rotating livestock. Pursuant to the Williamson Act contract, on-site grazing would continue to occur as part of the proposed Project. Accordingly, the proposed Project would not involve changes to the existing environment that would result in the conversion of farmland to non-agricultural uses. Accordingly, there would be *no impact*.

**Significance without Mitigation:** No impact.

### 4.2.4 CUMULATIVE IMPACTS

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<b>AG- 6</b>	<b>The proposed Project would result in less than significant cumulative impacts with respect to agricultural resources.</b>
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Cumulative impacts would occur when a series of actions leads to a loss of agricultural resources, which occurs when agricultural lands are converted to non-agricultural uses. This occurs in newly urbanized areas where development encroaches into agricultural areas through general plan and zoning amendments leading to the long-term conversion of agricultural lands.

The analysis of cumulative impacts to agricultural lands is based on impacts of the proposed Project plus development in the vicinity of the subject property, which would include the 402-acre solar farm immediately west of the proposed Project.

As noted above, the proposed Project would not involve conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, would not conflict with existing agricultural zoning or a Williamson Act contract, would not involve changes to forest land, timberland, or timberland zoned for Timberland Production, would not result in the loss of forest land or the conversion of forest land to non-forest use, and would not involve other changes that would result in the conversion of farmland to non-agricultural use.

## AGRICULTURE AND FORESTRY RESOURCES

Therefore, in combination with past, present, and reasonably foreseeable projects, the proposed Project would result in a *less than significant* cumulative impact with respect to agricultural resources.

**Significance without Mitigation:** Less than significant.

## **AGRICULTURE AND FORESTRY RESOURCES**

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## **4.3 AIR QUALITY**

This chapter describes the regulatory framework and existing conditions related to air quality in the vicinity of the proposed Project, evaluates the potential air quality impacts that could occur as a result of implementation of the proposed Project related to air quality, and details mitigation measures needed to reduce significant impacts, as necessary.

### **4.3.1 ENVIRONMENTAL SETTING**

#### **4.3.1.1 REGULATORY FRAMEWORK**

This section describes the regulatory framework and existing conditions on the subject property related to air quality and the potential impacts of the Project on air quality.

#### **Federal Regulations**

Pollutants emitted into the ambient air by stationary and mobile sources are regulated by the Clean Air Act of 1970. Air pollutants of concern under federal and State regulations are described below under the State regulations.

#### **State Regulations**

##### *California Clean Air Act*

The California Clean Air Act (CAA) is administered by the California Air Resources Board (CARB) at the State level under the California Environmental Protection Agency. CARB is responsible for meeting the State requirements of the federal CAA, administering the California CAA, and establishing the California ambient air quality standards (AAQS). The California CAA requires all air districts in the State to achieve and maintain the California AAQS. CARB also regulates mobile air pollution sources such as motor vehicles.

#### **Regional Regulations**

##### *Bay Area Air Quality Management District*

California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. The subject property is in the San Francisco Bay Area Air Basin (SFBAAB or Air Basin), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the SFBAAB. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the



## AIR QUALITY

presence of existing air pollution sources and ambient conditions.<sup>1</sup> Air pollutants of concern are criteria air pollutants and toxic air contaminants (TACs).

BAAQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the SFBAAB to achieve National and California AAQS. The 2017 Bay Area Clean Air Plan, entitled *Spare the Air – Cool the Climate*, adopted by BAAQMD on April 19, 2017, is the current air quality management plan (AQMP). A consistency determination with the AQMP plays an important role in local agency project review by linking local planning and individual projects to the AQMP goals. It fulfills the CEQA purpose of informing decision makers of the environmental effects of the project under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in the AQMP.

The regional emissions inventory for the SFBAAB is compiled by BAAQMD. Regional population, housing, and employment projections developed by the Association of Bay Area Governments (ABAG) are based, in part, on cities' general plan land use designations. These projections form the foundation for the emissions inventory of the AQMP. These demographic trends are incorporated into Plan Bay Area, compiled by ABAG and the Metropolitan Transportation Commission (MTC) to determine priority transportation projects and vehicle miles traveled in the Bay Area. Projects that are consistent with the local general plan are considered consistent with the air quality-related regional plan. Large projects that exceed regional employment, population, and housing planning projections have the potential to be inconsistent with the regional inventory compiled as part of the AQMP.

### *Air Pollutants of Concern*

#### Criteria Air Pollutants

The pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the National and California CAA, respectively. Air pollutants are categorized as primary and/or secondary pollutants. Primary air pollutants are those that are emitted directly from specific sources. Carbon monoxide (CO), reactive organic gases (ROG) (also referred to as volatile organic compounds [VOCs]), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), fine inhalable particulate matter (PM<sub>2.5</sub>), and lead (Pb) are primary air pollutants. All of these, except for ROGs are "criteria air pollutants," which means that AAQS have been established for them. The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect those "sensitive receptors" most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

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<sup>1</sup> Bay Area Air Quality Management District (BAAQMD), 2017, California Environmental Quality Act Air Quality Guidelines, Appendix C: Sample Air Quality Setting.

## Toxic Air Contaminants

In addition to criteria air pollutants, both the State and federal government regulate the release of TACs. The California Health and Safety Code defines a TAC as “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health.”<sup>2</sup> A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 United States Code Section 7412[b]) is a TAC. Under State law, the California Environmental Protection Agency, acting through the CARB, is authorized to identify a substance as a TAC if it determines that the substance is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.<sup>3</sup>

## *Odors*

BAAQMD’s Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain odorous compounds. In addition, odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that “no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause injury or damage to business or property.”

## **Local Regulations**

### *Alameda County General Plan*

The Alameda County General Plan Community Climate Action Plan (CAP), adopted in 2014, outlines a course of action to reduce community-wide GHG emissions generated within the unincorporated areas of Alameda County. Successful implementation of the CAP will reduce GHG emissions to 15 percent below 2005 levels by 2020 and set the County on a path toward reducing emissions to 80 percent below 1990 levels by 2050. The CAP defines a path to achieve the County’s GHG reduction targets and outlines the detailed implementation of steps in the following six action areas: land use, transportation, energy, water, waste, and green infrastructure.

### *East County Area Plan*

The ECAP includes the following policies specific to air quality and applicable to the proposed Project.

- **Policy 291:** The County shall strive to meet federal and state **air quality standards** for local air pollutants of concern. In the event that standards are exceeded, the County shall require appropriate mitigation measures on new development.
- **Policy 300:** The County shall review proposed projects for their potential to generate **hazardous air pollutants**.

<sup>2</sup> California Health and Safety Code Article 2, Section 39655(a).

<sup>3</sup> California Health and Safety Code Article 2, Section 39655(a).

## AIR QUALITY

### 4.3.1.2 EXISTING CONDITIONS

There are no existing stationary sources on the subject property that generate air emissions. Existing mobile sources of air emissions related to the subject property are minimal, limited only to transportation related to the seasonal livestock grazing and the single residential use.

### 4.3.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant air quality impact if it would:

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.
3. Expose sensitive receptors to substantial pollutant concentrations.
4. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

### 4.3.3 IMPACT DISCUSSION

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<b>AQ-1</b>	<b>The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.</b>
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The proposed Project would install a 58.7-acre solar PV facility on a portion of the 71.64-acre subject property. These types of facilities are not considered a regionally significant project that would affect regional vehicle miles traveled or warrant Intergovernmental Review by MTC pursuant to the CEQA Guidelines Section 15206(b)(2)(D). In addition, the proposed Project would not result in an increase of population or housing. Therefore, the proposed Project would not have the potential to substantially affect housing, employment, and population projections within the region, which is the basis of the AQMP projections. Furthermore, operation of the proposed Project would not contribute to an existing air quality violation. These thresholds to determine if a project is regionally significant are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed Project would not exceed these thresholds, the proposed Project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants. Therefore, the Project would not conflict with or obstruct implementation of the 2017 AQMP, and impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## AIR QUALITY

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<b>AQ-2</b>	<b>The proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or State ambient air quality standard.</b>
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This section analyzes potential impacts related to air quality that could occur from a combination of the proposed Project with other past, present, and reasonably foreseeable projects within the Air Basin. Any project that produces a significant project-level regional air quality impact in an area that is in nonattainment within the Air Basin adds to the cumulative impact. A project is considered cumulatively significant when project-related emissions exceed the BAAQMD emissions thresholds.

BAAQMD has identified project-level thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. The following describes changes in regional impacts from short-term construction activities and long-term operation of the proposed Project.

### *Construction Emissions*

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the parcel, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) from soil-disturbing activities, such as grading and excavation. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. Construction activities associated with the proposed Project would result in emissions of reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Because BAAQMD does not have screening criteria for PV facilities, a quantified analysis of the proposed Project's construction emissions was conducted using California Emissions Estimator Model (CalEEMod) based on available information.

### Fugitive Dust

Ground-disturbing activities have the potential to generate fugitive dust. Fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) are considered to be significant unless the Project implements the BAAQMD's Best Management Practices (BMPs) for fugitive dust control during construction. Fugitive PM<sub>10</sub> is typically the most significant source of air pollution from the dust generated from construction. If uncontrolled, PM<sub>10</sub> and PM<sub>2.5</sub> levels downwind of actively disturbed areas could exceed State standards. Consequently, construction-related fugitive dust is potentially *significant* in the absence of BAAQMD's BMPs for fugitive dust control. Adherence to the BAAQMD's BMPs for reducing construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub> would ensure that ground-disturbing activities would not generate a significant amount of fugitive dust.

**Significance without Mitigation:** Significant.

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**Impact AQ-2:** Uncontrolled fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) could expose the areas that are downwind of construction sites to air pollution from ground-disturbing construction activities without the implementation of the Air District's best management practices.

**Mitigation Measure AQ-2:** The applicant shall require their construction contractor to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub> during ground-disturbing construction activities:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour.
- Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep driveway entrances and public street segments in the vicinity of the subject property (with water sweepers or similarly effective equipment) daily, or as often as needed, to keep streets free of visible soil material.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).
- Limit vehicle traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible after construction in the area has been completed.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

**Significance with Mitigation:** Less than significant.

### Construction Exhaust Emissions

Construction emissions are based on the preliminary construction schedule developed for the proposed Project. The proposed Project is estimated to take approximately 12 months to complete and is anticipated to be finished in the year 2020. To determine potential construction-related air quality impacts, criteria air pollutants generated by Project-related construction activities are compared to the BAAQMD significance thresholds. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days. As shown in Table 4.3-1, criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD average daily thresholds. Therefore, construction-related criteria pollutant emissions from exhaust are *less than significant*.

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**TABLE 4.3-1 CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES**

Year	Criteria Air Pollutants (tons/year) <sup>a</sup>					
	VOC	NO <sub>x</sub>	Fugitive PM <sub>10</sub> <sup>b</sup>	Exhaust PM <sub>10</sub>	Fugitive PM <sub>2.5</sub> <sup>b</sup>	Exhaust PM <sub>2.5</sub>
2018	<1	2	<1	<1	<1	<1
2019 Phase 1	<1	<1	<1	<1	<1	<1
2019 Phase 2	<1	2	<1	<1	<1	<1
Total	<1	4	<1	<1	<1	<1

Criteria Air Pollutants (average lbs/day) <sup>a</sup>						
<b>Average Daily Emissions<sup>c</sup> Phases 1 and 2</b>	3	30	2	2	1	2
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs	82	BMPs	54
<b>Exceeds Average Daily Threshold?</b>	<b>No</b>	<b>No</b>	<b>NA</b>	<b>No</b>	<b>NA</b>	<b>No</b>

Notes: Total emissions may not equal the sum of annual emissions shown due to rounding.

BMP = Best Management Practices;

a. Construction phasing and equipment mix are based on the preliminary information provided by the Project applicant. Where specific information regarding Project-related construction activities was not available, construction assumptions were based on California Emissions Estimator Model (CalEEMod) defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.

b. Includes implementation of BMPs for fugitive dust control required by BAAQMD as mitigation, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, and street sweeping.

c. Average daily emissions are based on the total construction emissions divided by the total number of active construction days. The total number of construction days is estimated to be 261 days.

Source: California Emissions Estimator Model (CalEEMod) 2016.3.2.

**Significance without Mitigation:** Less than significant.

### *Operational Emissions*

Project operation would only generate occasional trips by 1-2 project maintenance workers to perform routine maintenance and repairs, approximately 8 workers twice yearly for panel washing (approximately two days each washing cycle), and a 10,000-gallon water truck that would make deliveries to the subject property approximately 80 times per year.<sup>4</sup> These trips are anticipated to be sporadic and nominal (less than 10 one-way trips per day) and may decrease over the course of the first three to five years of Project operation as the parcel's irrigation needs for screening vegetation decrease as the vegetation matures. The amount of water used for irrigation is also expected to decline in months with higher rainfall, which may reduce the demand for water truck deliveries during those time periods. Accordingly, long-term air pollutant emissions generated by a PV facility would be minimal, as the proposed Project generates

<sup>4</sup> Solar PV technologies are advancing rapidly. At the detailed design phase of project planning, newer technology may exist that provides greater efficiencies, cost savings or other benefits. Those newer technologies, if used, will not expand the project footprint or change the project features relevant to environmental impact analysis, but could result in changes to the number of panels, array layout, number of inverters and similar project design details.

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nominal vehicle trips and net negative energy use. Emissions of CO, VOCs, NO<sub>x</sub>, and SO<sub>2</sub> are primarily emitted from the combustion of fossil fuels, gasoline, or diesel associated with motor vehicle usage and transportation. Ozone (O<sub>3</sub>) is a secondary criteria air pollutant, which is formed when VOCs and NO<sub>x</sub> undergo photochemical reactions in sunlight. Particulate emissions have several sources, including industrial, agricultural, construction, and transportation activities. Once operational, the proposed Project would generate nominal operational-related criteria air pollutant emissions. Furthermore, the proposed Project would be providing solar energy, contributing to the overall reduction in criteria air pollutants emitted from electricity generation and providing a cleaner alternative to nonrenewable sources of energy. Therefore, operational phase criteria air pollutant emissions would be *less than significant*.

**Significance without Mitigation:** Less than significant.

In conclusion, the proposed Project would not have a significant long-term operational impacts. Construction activities associated with the proposed Project could potentially result in significant regional short-term air quality impacts from fugitive dust. Implementation of Mitigation Measure AQ-2 would ensure that required fugitive dust control measures are implemented to control Project-related fugitive dust generated during construction activities. Therefore, compliance with Mitigation Measure AQ-2 would ensure that, overall, the Project's contribution to cumulative air quality impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>AQ-3</b>	<b>The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.</b>
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### *Off-Site Community Risk and Hazards During Construction*

The proposed Project would elevate concentrations of TACs and PM<sub>2.5</sub> in the vicinity of sensitive receptors during construction activities. The BAAQMD has developed Screening Tables for Air Toxics Evaluation During Construction that evaluate construction-related health risks associated with residential, commercial, and industrial projects.<sup>5</sup> According to the screening tables, construction activities occurring within 328 feet (100 meters) of sensitive receptors would result in potential health risks and warrant a health risk analysis. The nearest sensitive receptors to the subject property include the rural residential dwelling on the southwest corner of the subject property, the rural residential dwelling to the north of the subject property along North Livermore Avenue, and the low density rural residential dwellings to the east of the subject property. Because these residences fall within the 328 feet (100 m) screening distance, Project-related construction activities could result in potential health risk impacts to the sensitive receptors at these locations. Consequently, a full health risk assessment (HRA) of TACs and PM<sub>2.5</sub> was prepared and included as Appendix C of this Draft EIR.

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<sup>5</sup> Bay Area Air Quality Management District (BAAQMD), 2010, May. Screening Tables for Air Toxics Evaluation During Construction. Version 1.0, May.

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Sources evaluated in the HRA include off-road construction equipment and heavy-duty diesel trucks along the truck route based on the 12-month construction duration and off-road equipment list provided by the Applicant. The Environmental Protection Agency AERMOD air dispersion modeling program and the latest HRA guidance from the Office of Environmental Health Hazard Assessment (OEHHA) were used to estimate excess lifetime cancer risks, chronic noncancer hazard indices, and the PM<sub>2.5</sub> maximum annual concentrations at the nearest sensitive receptors. Results of the analysis are shown in Table 4.3-2.

**TABLE 4.3-2 CONSTRUCTION HEALTH RISK ASSESSMENT RESULTS**

Receptor	Project Level Risk		
	Cancer Risk (per million)	Chronic Hazards	Fine Particulate Matter (µg/m <sup>3</sup> ) <sup>a</sup>
Maximum Exposed Off-Site Resident	7.8	0.028	0.07
Threshold	10	1.0	0.30
Exceeds Threshold?	No	No	No

Note: Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment (OEHHA) Health Risk Assessment Guidance (HRA) guidance.

a. Microgram per cubic meter (µg/m<sup>3</sup>) is a standard unit of measurement used for particulate matter.

The results of the HRA are based on the maximum exposed receptor concentration over a 12-month construction exposure period for off-site receptors, assuming 24-hour outdoor exposure, and averaged over a 70-year lifetime. Cancer risk for the maximum exposed receptor (MER) from Project-related construction emissions was calculated to be 7.8 in a million, which would not exceed the 10 in a million significance threshold. For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic non-carcinogenic hazards are within acceptable limits. The highest PM<sub>2.5</sub> annual concentration of 0.07 micrograms per cubic meter (µg/m<sup>3</sup>) is below the BAAQMD significance threshold of 0.3 µg/m<sup>3</sup>. Therefore, the Project would not expose sensitive receptors to substantial concentrations of air pollutant emissions or exceed regulatory thresholds during construction and impacts would be *less than significant*.

### *Carbon Monoxide Hotspots*

Areas of vehicle congestion have the potential to create pockets of carbon monoxide (CO) called hotspots. These pockets have the potential to exceed the State one-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9.0 ppm. Because CO is produced in the greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds. The proposed Project would construct a PV facility, and would only generate vehicle trips from employees and deliveries to the subject property. The proposed Project would not exceed BAAQMD screening criteria by increasing traffic volumes at affected intersections by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is



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substantially limited. Thus, localized air quality impacts related to mobile-source emissions, including water delivery trucks would therefore be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>AQ-4</b>	<b>The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.</b>
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Construction and operation of PV facilities would not generate odors that would adversely affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. PV facilities do not emit foul odors that constitute a public nuisance. Furthermore, nuisance odors are regulated under BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. BAAQMD's Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain odorous compounds. In addition, odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that "no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property." Accordingly, daily operations activities would have no impact.

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. Due to the distance from the subject property to sensitive receptors, such emissions would be diluted to well below any level of air quality concern. Accordingly, odor impacts from construction activities would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.3.4 CUMULATIVE IMPACTS

Impact AQ-2 analyzed potential cumulative impacts to air quality that could occur from construction and operation of the proposed Project in combination with regional growth projections in the air basin. Mitigation Measure AQ-2 would reduce impacts from fugitive dust generated during construction activities. With this mitigation measure, regional and localized construction emissions would not exceed the Air District's significance thresholds. Consequently, the proposed Project would not cumulatively contribute to the nonattainment designations.

It is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment since mass emissions are not correlated with concentrations of emissions or

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how many additional individuals in the air basin would be affected by the health impacts mentioned. The Air District is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the SFBAAB at the present time and it has not provided methodology to assess the specific correlation between mass emissions generated and the effect on health. Because of the complexities of predicting emission concentrations in relation to the National AAQS and California AAQS, it is not possible to link health risks to the magnitude of emissions generated from a project exceeding the BAAQMD thresholds.

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## BIOLOGICAL RESOURCES

### 4.4 BIOLOGICAL RESOURCES

This chapter describes the regulatory framework and existing conditions on the subject property related to biological resources and evaluates the potential impacts that could occur as a result of implementation of the proposed Project related to biological resources, and details mitigation measures needed to reduce significant impacts, as necessary.

#### 4.4.1 ENVIRONMENTAL SETTING

##### 4.4.1.1 REGULATORY FRAMEWORK

##### **Federal Regulations**

###### *Federal Endangered Species Act*

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) are responsible for implementation of the Federal Endangered Species Act (FESA) (16 United States Code Section 1531 et seq.). The act protects fish and wildlife species that are listed as threatened or endangered, and their habitats. “Endangered” species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range, and “threatened” species, subspecies, or distinct population segments are likely to become endangered in the near future.

Section 9 of the FESA prohibits the “take” of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species’ recovery. “Take” is defined as an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Section 9 prohibitions also apply to threatened species unless a special rule has been defined with regard to take at the time of listing.

Under Section 9 of the FESA, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the unlawful removal and reduction to possession, or malicious damage or destruction, of any endangered plant from federal land. Section 9 prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in nonfederal areas in knowing violation of any State law or in the course of criminal trespass. Candidate species and species that are proposed or under petition for listing receive no protection under FESA Section 9.

###### *Migratory Bird Treaty Act*

The federal Migratory Bird Treaty Act (MBTA), 16 United States Code Section 703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, parts of birds, and bird eggs and nests; and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not

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yet contain eggs) are not protected from destruction. All native bird species that occur on the subject property are protected under the MBTA.

### *Clean Water Act*

The federal Clean Water Act (CWA) is the primary federal law regulating water quality. Implementing the CWA is the responsibility of the United States Environmental Protection Agency (EPA). The USEPA depends on other agencies, such as individual state governments and the United States Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Sections 401 and 404 apply to activities that would impact waters of the United States (such as creeks, ponds, wetlands, etc.).

### Section 404

The USACE, the federal agency charged with investigating, developing, and maintaining the country’s water and related resources, is responsible under Section 404 of the CWA for regulating the discharge of fill material into waters of United States, and their lateral limits are defined in Part 328.3(a) of Title 33 of the Code of Federal Regulations (CFR) and include streams that are tributaries to navigable waters and adjacent wetlands. The lateral limits of jurisdiction for a non-tidal stream are measured at the line of the Ordinary High-Water Mark or the limit of adjacent wetlands. Any permanent extension of the limits of an existing water of the United States, whether natural or human-made, results in a similar extension of USACE jurisdiction.<sup>1</sup>

In general, a USACE permit must be obtained before an individual project can place fill or grade in wetlands or other waters of the United States and mitigation for such actions will be required based on the conditions of the USACE permit. The USACE is required to consult with the USFWS and/or the NMFS under Section 7 of the FESA if the action being permitted under the CWA could affect federally listed species.

### Section 401

Pursuant to Section 401 of the CWA, projects that require a USACE permit for discharge of dredge or fill material must obtain a water quality certification or waiver that confirms the project complies with State water quality standards, or a no-action determination, before the USACE permit is valid. State water quality is regulated and administered by the State Water Resources Control Board (SWRCB). The subject property is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). In order for the applicable RWQCB to issue a 401 certification, a project must be evaluated in compliance with the California Environmental Quality Act (CEQA).

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<sup>1</sup> Section 33 Code of Federal Regulations Part 328.5.

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### State Regulations

#### *California Endangered Species Act*

The California Endangered Species Act (CESA) (California Fish and Game Code Section 2050 et seq.) establishes State policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a species that is on the federal and State lists, compliance with the FESA satisfies the CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in take of a species that is only State listed, the project proponent may apply for a take permit under Section 2081(b).

#### *California Environmental Quality Act*

CEQA applies to “projects” proposed to be undertaken or requiring approval by State and local government agencies. Projects are defined as activities having the potential to have a physical impact on the environment. Under Section 15380 of CEQA, a species not included on any formal list “shall nevertheless be considered rare or endangered if the species can be shown by a local agency to meet the criteria” for listing. With sufficient documentation, a species could be shown to meet the definition of rare or endangered under CEQA and be considered a “de facto” rare or endangered species.

#### *California Fish and Game Code*

Under the California Fish and Game Code, the CDFW provides protection from “take” for a variety of species. The CDFW also protects streams, water bodies, and riparian corridors through the Streambed Alteration Agreement process under Section 1601 to 1606 of the California Fish and Game Code. The California Fish and Game Code stipulates that it is “unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake” without notifying the CDFW, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. CDFW’s jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover.

California Fish and Game Code Section 3503.5 prohibits “take,” possession, or destruction of any raptor (e.g., bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

#### *California Native Plant Protection Act*

The California Native Plant Protection Act of 1977 prohibits importation of rare and endangered plants into California, “take” of rare and endangered plants, and sale of rare and endangered plants. The CESA defers to the California Native Plant Protection Act, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under the CESA but rather under CEQA.

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The California Native Plant Society (CNPS) is a non-governmental conservation organization that has developed a list of plants of special concern in California. The following explains the designations for each plant species:<sup>2</sup>

- Rank 1A – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
- Rank 1B – Plants Rare, Threatened, or Endangered in California and Elsewhere
- Rank 2A – Plants Presumed Extirpated in California, But Common Elsewhere
- Rank 2B – Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- Rank 3 – Plants About Which More Information is Needed- A Review List
- Rank 4 – Plants of Limited Distribution – A Watch List

Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants with a Ranking of 1A through 2B may be considered to meet the definition of endangered, rare, or threatened species under Section 15380(d) of CEQA (see above), and impacts to these species may be considered “significant.”

In addition, the CDFW recommends, and local governments may require, protection of species which are regionally significant, such as locally rare species, disjunct populations, essential nesting and roosting habitat for more common wildlife species, or plants with a CNPS Ranking of 3 and 4.

### *California Natural Communities*

Sensitive natural communities are natural community types considered to be rare or of a “high inventory priority” by the CDFW. Although sensitive natural communities have no legal protective status under the federal ESA or CESA, they are provided some level of consideration under CEQA. Appendix G of the CEQA Guidelines identifies potential impacts on a sensitive natural community as one of six criteria to consider in determining the significance of a proposed project. While no thresholds are established as part of this criterion, it serves as an acknowledgement that sensitive natural communities are an important resource and, depending on their rarity, should be recognized as part of the environmental review process. The level of significance of a project’s impact on any particular sensitive natural community will depend on that natural community’s relative abundance and rarity.

As an example, a discretionary project that has a substantial adverse effect on any riparian habitat, native grassland, valley oak woodland, and/or other sensitive natural community would normally be considered to have a significant effect on the environment. Further loss of a sensitive natural community could be interpreted as substantially diminishing habitat, depending on its relative abundance, quality, and degree of past disturbance, and the anticipated impacts to the specific community type.

### *Porter-Cologne Water Quality Control Act*

This act authorizes the RWQCB to regulate the discharge of waste that could affect the quality of the State’s waters. Projects that do not require a federal permit may still require review and approval by the RWQCB. The RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the State. In most cases, the RWQCB requires the integration of water quality

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<sup>2</sup> California Native Plant Society, 2010. The CNPS Ranking System, <http://www.cnps.org/cnps/rareplants/ranking.php> accessed on August 15, 2016.



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control measures into projects that will require discharge into waters of the State. For most construction projects, the RWQCB requires the use of construction and post-construction best management practices.

### Local Regulations

#### *East County Area Plan*

The East County Area Plan (ECAP) includes the following policies specific to biological resources and applicable to the proposed Project.

- **Policy 110:** The County shall require that developments are sited to avoid or, if avoidance is infeasible, to minimize disturbance of **large stands of mature, healthy trees** and individual healthy trees of notable size and age. Where healthy trees will be removed, the County shall require a tree replacement program which includes a range of tree sizes, including specimen-sized trees, to achieve immediate visual effect while optimizing the long-term success of the replanting effort.
- **Policy 125:** The County shall encourage preservation of areas known to support **special-status species**.
- **Policy 126:** The County shall encourage no net loss of **riparian and seasonal wetlands**.

#### *East Alameda County Conservation Strategy*

The East Alameda County Conservation Strategy (EACCS) is a collaborative document developed by multiple federal, State, and local entities, including Alameda County, to provide an effective framework to protect, enhance, and restore natural resources in eastern Alameda County, while improving and streamlining the environmental permitting process for impacts resulting from infrastructure and development projects. The EACCS study area encompasses 271,485 acres within the County and includes the cities of Dublin, Livermore, and Pleasanton. The EACCS enables project proponents to comply with federal and State regulatory requirements within a framework of comprehensive conservation goals and objectives by implementing standardized mitigation requirements. Although the EACCS does not directly result in permits from any regulatory agencies, the standardized avoidance, minimization, and mitigation measures for species and natural communities provide more certainty for project proponents and local agencies of regulatory expectations and costs. This approach is expected to streamline the environmental permitting process, reducing the overall cost of environmental permitting and consolidating mitigation. The EACCS addresses 18 "focal species" comprised of 12 wildlife and 6 plant species that meet one of the following criteria: (1) listed under the federal ESA as threatened or endangered, or proposed for listing; (2) listed under the California ESA as threatened or endangered, or proposed for listing; (3) listed under the Native Plant Protection Act as rare; or (4) expected to be listed under the federal or State ESA in the foreseeable future.<sup>3</sup> Focal species with the potential to occur on the subject property are included in Table 4.4-1 below.

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<sup>3</sup> East Alameda County Conservation Strategy Steering Committee, 2010. East Alameda County Conservation Strategy, Final Draft, October.

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### 4.4.1.2 EXISTING CONDITIONS

The following discussion is primarily based on the documents listed below and included in Appendix D of this Draft EIR:

- *Results of Biological Resource Assessment for the Proposed Livermore Community Solar Farm Facility*, prepared by LSA Associates, Inc. on June 21, 2016.
- *Sunwalker Energy Livermore Community Solar Farm Congdon's Tarplant Survey Results*, prepared by LSA Associates, Inc. on October 25, 2017.

#### *Methodology*

Available literature and mapping of biological resources reviewed included records maintained by the California Natural Diversity Database (CNDDDB) of the CDFW to determine known occurrences of special-status species and sensitive natural communities in the site vicinity and the online Inventory of Rare and Endangered Plants maintained by CNPS.

A field reconnaissance survey of the 71.66-acre parcel was initially conducted on April 27, 2017, to evaluate the potential for occurrence of special-status species. A follow-up survey was completed on October 3, 2017, to document the potential occurrence of Congdon's tarplant on the subject property. To provide an update on the environmental conditions of the subject property, LSA conducted an additional field survey of the subject property on February 20, 2019.

#### *Plant Communities*

The majority of the parcel is non-native annual grassland comprised of slender wild oat (*Avena barbata*), soft chess (*Bromus hordeaceus*), cut-leaved geranium (*Geranium dissectum*), foxtail barley (*Hordeum murinum*), spring vetch (*Vicia sativa*), Italian rye grass (*Festuca perennis*), canary grass (*Phalaris paradoxa*), and shamrock clover (*Trifolium dubium*). Other non-native species observed include field bindweed (*Convolvulus arvensis*), Italian thistle (*Carduus pycnocephalus*), black mustard (*Brassica nigra*), cheeseweed (*Malva parviflora*), horehound (*Marrubium vulgare*), prickly lettuce (*Lactuca serriola*), rose clover (*Trifolium hirtum*), milk thistle (*Silybum marianum*), and annual bluegrass (*Poa annua*). A few native species were observed in the grassland including purple owl's clover (*Castilleja exserta*), blow wives (*Microseris douglasii*), annual lupine (*Lupinus bicolor*), fiddleneck (*Amsinckia douglasiana*), and California dandelion (*Agoseris grandiflora*).

A stand of mature blue gum trees (*Eucalyptus globulus*) lines the perimeter of the single-family home. Smaller trees adjacent to the property include California buckeye (*Aesculus californica*) and white mulberry (*Morus alba*).

#### *Wildlife*

The parcel supports wildlife species typical of non-native grassland habitats in the Livermore Valley; species observed during the February 20, 2019 survey included western bluebird (*Sialia mexicana*), savannah sparrow (*Passerculus sandwichensis*), western meadowlark (*Sturnella neglecta*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), and California ground squirrel

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(*Otospermophilus beecheyi*). The initial field survey of the subject property conducted by LSA on April 27, 2017 did not locate any California ground squirrel burrows on-site; however, California ground squirrels were common in the northern half of the subject property during the 2019 survey. During the 2019 survey, California ground squirrels were concentrated in the northern half of the parcel and along the northern half of the eastern fence line. No ground squirrels or their burrows were noted in the southern half of the subject property. The ground in the southern half of the subject property appeared to be saturated from recent rains, and this area may be too wet during the rainy season for ground squirrels. In drier years or seasons, ground squirrels may move into the southern half of the parcel.

### *Special-Status Species*

Special-status species are plants and animals that are legally protected under the State and/or federal ESAs or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. Special-status species receive varying degrees of legal protection under both the State and/or federal ESAs, and CEQA. The USFWS, National Marine Fisheries Service (NOAA Fisheries), and CDFW share responsibility for protection and management of natural resources. Species with legal protection under the ESAs often represent major constraints to development, particularly when they are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a "take" of these species. If a listed species may be affected by proposed development, the lead agency must initiate a consultation with the USFWS, NOAA Fisheries, and/or CDFW, as required by State or federal law.

Below is a summary of the special-status plant and animal species reported to occur within the vicinity of the subject property.

### Special-Status Animal Species

A number of bird, mammal, reptile, and invertebrate species with special-status are known or suspected to occur within the vicinity of the subject property. Table 4.4-1 includes the name, status, and preferred habitat for the 11 special-status animal species considered to have the highest potential for occurrence in the Project vicinity (most have CNDDDB occurrence records within 3 miles of the subject property), and indication of the likelihood of occurrence within the subject property; these are described below. As shown in Table 4.4-1, the California tiger salamander, California red-legged frog, and/or burrowing owl have the potential to occur on the subject property.

There is no nesting habitat for bald eagles or golden eagles on or adjacent to the parcel. Although golden eagles may occasionally forage on the parcel for species such as California ground squirrels, this parcel is just one of many parcels in the area that provide similar habitat. Foraging habitat for bald eagles is not present on the parcel.

Swainson's hawks were considered for the analysis but dismissed as there were no nest records or nests occur on or in the vicinity of the parcel. In the event that Swainson's hawks were found on the subject property, Mitigation Measure BIO-1.4 (Nesting Birds), presented in subsection 4.4.3, Impact Analysis, below, would address this potential impact.

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TABLE 4.4-1 SPECIAL-STATUS ANIMAL SPECIES EVALUATED FOR THE SUBJECT PROPERTY

Species Name	Status (Federal/State/Other) <sup>a</sup>	Habitat Characteristics (Occurrence within the Subject property Vicinity)
<b>Invertebrates</b>		
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT/–/– (EACCS)	Vernal pools ranging from small, clear sandstone rock pools to large, turbid, alkaline grassland valley floor pools. Vernal pools are not present on the subject property; this species would not occur.
Longhorn fairy shrimp <i>Branchinecta longiantenna</i>	FE/–/– (EACCS)	Vernal pools ranging from small, clear sandstone rock pools to large, turbid, alkaline grassland valley floor pools. Vernal pools are not present on the subject property; this species would not occur.
<b>Amphibians and Reptiles</b>		
California tiger salamander <i>Ambystoma californiense</i>	FT/ST/SSC (EACCS)	Grasslands and foothills that contain small mammal burrows for dry-season retreats and seasonal ponds and pools for breeding during the rainy season. There are no suitable breeding ponds on-site, but the site is within dispersal distance of known breeding sites. The abundance of ground squirrel burrows provides dry-season habitat; this species could occur on the subject property.
California red-legged frog <i>Rana draytonii</i>	FT/–/SSC (EACCS)	Ponds, streams, drainages, and associated uplands; requires areas of deep, still, and/or slow-moving water for breeding. No streams are located on the subject property; this species is not likely to occur.
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	FT/ST/– (EACCS)	Chaparral and sage scrub with rock outcrops, deep crevices, or abundant rodent burrows. Suitable habitat is not present on the subject property or in adjacent areas; this species would not occur.
Western pond turtle <i>Actinemys marmorata</i>	–/–/SSC (EACCS)	Ponds and pools in streams with downed wood, rocks, or other basking sites and adjacent undisturbed uplands for nest sites; generally prefers deep pools. There is no habitat for this species on or adjacent to the subject property and it would not occur.
<b>Birds</b>		
Burrowing owl <i>Athene cunicularia</i>	–/–/SSC (EACCS)	Open habitats (e.g., grasslands, agricultural areas) with mammal burrows or other features (e.g., culverts, pipes, and debris piles) suitable for nesting and roosting. Suitable habitat is present in the northern half of the subject property, but this species was not observed. Additionally, no whitewash, owl pellets, or other evidence of occurrence was found around any of the on-site ground squirrel burrows; however, potential breeding/wintering habitat is present in the northern half of the site (about 36 acres). Burrowing owls could nest and/or winter in the on-site burrows in the future as well as in the southern portion of the site if ground squirrels disperse into the area when it dries out in the spring.
Grasshopper sparrow <i>Ammodramus savannarum</i>	–/–/SSC	Generally prefers short to mid-height grasslands with scattered shrubs, often in foothill areas. Because the subject property is flat with no shrubs to provide grasshopper sparrow perch sites, this species is not likely to be present.
Tricolored blackbird <i>Agelaius tricolor</i>	–/CE/SSC (EACCS)	Nests in extensive emergent freshwater marshes, sometimes in tall herbaceous growth and Himalayan blackberry ( <i>Rubus armeniacus</i> ) patches in uplands. Forages in open grasslands adjacent to breeding colonies, more widely in large mixed species blackbird flocks during winter. No suitable nesting habitat on or adjacent to the subject property; foraging flocks could occur sporadically during the winter.
<b>Mammals</b>		
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE/ST/– (EACCS)	Annual grasslands with scattered shrubby vegetation. Loose-textured soils required for digging burrows. No den sites were observed on the subject property; this species is unlikely to occur.

## BIOLOGICAL RESOURCES

**TABLE 4.4-1 SPECIAL-STATUS ANIMAL SPECIES EVALUATED FOR THE SUBJECT PROPERTY**

Species Name	Status (Federal/State/Other) <sup>a</sup>	Habitat Characteristics (Occurrence within the Subject property Vicinity)
American badger <i>Taxidea taxus</i>	–/–/SSC (EACCS)	Annual grasslands and open scrublands with abundant burrowing rodent populations and friable soils for burrows. This species has distinctive burrows and other diggings, which were not observed on the subject property; this species is not likely present.

a. Status Determinations:

FE = Listed as Endangered under federal Endangered Species Act

FT = Listed as Threatened under federal Endangered Species Act

ST = Listed as Threatened under the California Endangered Species Act

CE = State candidate Endangered California Endangered Species Act

SSC = Considered a “California Species of Special Concern” by the CDFW

EACCS = Listed as a focal species under the East Alameda County Conservation Strategy

Source: LSA Associates, Inc., Results of Biological Assessment for the Proposed Livermore Community Solar Farm Facility, June 21, 2016, Table A.

### California Tiger Salamander

California tiger salamander (*Ambystoma californiense*) (CTS) is listed by the USFWS and CDFW as threatened. This species occurs in grassland and savanna habitat, breeding in vernal pools and swales, seasonal drainages, and human-made ponds, and spending most of the year in subterranean refugia, primarily the burrows of California ground squirrels and/or Botta’s pocket gophers (*Thomomys bottae*). Adults migrate to suitable breeding locations with the onset of sustained rainfall in the fall and winter, and have been reported to move considerable distances from their breeding ponds; the maximum reported movement distance from upland burrows to breeding ponds is 1.3 miles.<sup>4</sup> Research shows that 95 percent of dispersing adults and juveniles occur within 0.38 and 0.39 miles of breeding ponds, respectively.<sup>5</sup> The CNDDDB records search identified nine known CTS occurrences within 2 miles of the subject property. The closest occurrence record (CNDDDB #238) is based on a large general area (the northern edge of this area is 0.02 miles south of the subject property) where numerous adults were found during nocturnal surveys and in pitfall traps during December 1996. The large general area of this CNDDDB occurrence does not accurately identify specific breeding locations; based on aerial imagery and observations from May School Road, there does not appear to be suitable breeding habitat on or near the subject property. Examination of Google Earth imagery of the large general area of CNDDDB #238 suggests the closest potential breeding sites within this area are about 1.2 miles (2 kilometers) southeast of the subject property, just south of Hartford Avenue. CTS have also been recorded about 1.3 miles east of the subject property (CNDDDB #1160) and at Cayetano Creek approximately 1.8 miles north of the subject property (CNDDDB #157). Even though there do not appear to be potential breeding sites on or near (i.e., within 1.2 miles of) the subject property, there are minimal barriers to CTS dispersal in the area surrounding the subject property and this species could occur on-site in the numerous ground squirrel burrows in the northern half of the subject property.

During the breeding season, CTS deposit their eggs in ephemeral aquatic habitats such as stock ponds and vernal pools. After the eggs hatch the larvae develop and eventually transform into terrestrial juveniles

<sup>4</sup> California Department of Fish and Game, 2010. A Status Review of the California Tiger Salamander (*Ambystoma californiense*). California Department of Fish and Game, Sacramento, California.

<sup>5</sup> California Department of Fish and Game, 2010. A Status Review of the California Tiger Salamander (*Ambystoma californiense*). California Department of Fish and Game, Sacramento, California.

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that leave the ponds (typically in the late spring/early summer when the ponds begin to dry) to seek refuge in burrows in adjacent uplands areas surrounding the aquatic breeding sites.

The subject property is devoid of ephemeral wetlands suitable for CTS breeding. The wetlands present on-site are small (414 square feet) and shallow, making them unlikely hold water or persist for the minimum 12 weeks CTS larvae need to develop and metamorphose to their adult form. However, due to the abundance of ground squirrels and their burrows on the subject property and given the presence of known and potential breeding sites within 1.3 miles there is a possibility that CTS could use the subject property as upland habitat.

### California Red-Legged Frog

California red-legged frog (*Rana draytonii*) (CRLF) is listed by the USFWS as threatened and is recognized as a Species of Special Concern by the CDFW. It inhabits ponds, marshes, and streams that typically support riparian vegetation, but also is found in constructed stock ponds, near seeps, and in ephemeral streams with pools. This species requires still or slow-moving water during the breeding season, where it deposits large egg masses, usually attached to submerged or emergent vegetation. Adult CRLF are capable of dispersing long distances from aquatic habitat and may utilize ephemeral water sources during the wet season. Individuals are known to disperse during the rainy season, presumably in search of new breeding locations. They may take refuge in small mammal burrows, beneath leaf litter, or in other moist microhabitats during periods of inactivity or during dry conditions. The CNDDDB records search identified 20 known occurrences within 2 miles of the subject property, the closest of which is an observation of five CRLF juveniles approximately 1.3 miles to the southwest of the subject property. CRLF occurrences have also been recorded 1.5 miles to the north and south of Cayetano Creek.

The subject property's proximity to potential breeding habitats located in Cayetano Creek increases the likelihood that CRLF could occur on the subject property at certain times of the year (i.e., moving between pools, foraging). Based on the habitat conditions in the channel and in the adjacent uplands, it is anticipated that both the USFWS and CDFW will assume presence of CRLF at the site.

### Burrowing Owl

The burrowing owl (*Athene cunicularia*) is a California species of special concern.<sup>6</sup> As in many areas of central California, populations of burrowing owls in the Livermore Valley have been greatly reduced by on-going land use changes. These small owls occur in dry open country, well-grazed grasslands, deserts, edges of agricultural fields, dirt roads, and canal levees, with mammal burrows for nest sites and retreats. In much of California including the Livermore Valley, the presence of California ground squirrels is an important element of suitable habitat for these owls, but they will also use the burrows of other mammals and sometimes culverts and piles of concrete rubble (Shuford and Gardali 2008). The closest CNDDDB occurrence (CNDDDB #257) of burrowing owls to the subject property is 0.88 miles to the south. California ground squirrels were numerous in the open grassland within the northern one-half of the subject

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<sup>6</sup> Shuford, W.D. and T. Gardali (eds.), 2008. California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

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property during the February 2019 field survey, but no burrowing owls or sign (regurgitated pellets or whitewash) were observed. During the February 2019 survey, California ground squirrel burrows were not present in the southern half of the subject property, probably due to the wet winter and resulting ground saturation in this area. Nonetheless this area has the same soils as the northern area and could provide suitable nesting/breeding habitat if ground squirrels disperse into the area when it dries in the spring.

### Special-Status Plant Species

A number of plant species with special-status are known or could occur within the vicinity of the subject property. Table 4.4-2 includes the name, status, and preferred habitat for the 15 special-status plant species considered to have the highest potential for occurrence in the Project vicinity, and indication of the likelihood of occurrence within the subject property; these are described below. LSA conducted a protocol-level rare plant survey on the subject property on October 3, 2017. Of the 15 rare plant species known to occur in the Project vicinity, six would have been detectable (e.g., in bloom) if present during October including Congdon's tarplant (*Centromadia parryi* subsp. *congdonii*), Livermore tarweed (*Deinandra bacigalupii*), heartscale (*Atriplex cordulata* var. *cordulata*), brittlescale (*Atriplex depressa*), lesser saltbush (*Atriplex minuscula*), and San Joaquin spearscale (*Extriplex joaquinana*); none of these six species were found.

### *Jurisdictional Waters*

Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and floodwaters, and water recharge, filtration, and purification functions. Technical standards for delineating wetlands have been developed by the USACE and the USFWS, which generally define wetlands through consideration of three criteria: hydrology, soils, and vegetation.

The CDFW, USACE, and RWQCB have jurisdiction over modifications to shorelines, open water, stream channels, river banks, and other water bodies (see detailed descriptions under Regulatory Context). Jurisdiction of the USACE is established through the provisions of Section 404 of the CWA, which prohibit the discharge of dredged or fill material into "waters" of the United States without a permit, including wetlands and unvegetated "other waters." All three of the identified technical criteria must be met for an area to be identified as a wetland under USACE jurisdiction, unless the area has been modified by human activity. Jurisdictional authority of the CDFW over wetland areas is established under Section 1601-1606 of the Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. The RWQCB is responsible for enforcing the provisions of Section 401 of the CWA, as defined by the USACE under Section 404, and for overseeing State waters as defined under the Porter-Cologne Water Quality Act. State waters typically extend to the top of a creek or river bank, or the limits of woody riparian vegetation, whichever is greater.



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A formal wetland delineation,<sup>7</sup> conducted in November 2016, identified a potential seasonal wetland feature 0.0095 acres (414 square feet) in the vicinity (Figure 4.4-1) of an active water trough for livestock, at the northern edge of the single-family home outbuilding area. Evidence of redoximorphic features, a hydric soil indicator, as well as hydrologic indicators such as algal matting, and hydrophytic vegetation were present in these areas.

**TABLE 4.4-2 SPECIAL-STATUS PLANT SPECIES EVALUATED FOR THE SUBJECT PROPERTY**

Species Name	Status (Federal/State/Other) <sup>a</sup>	Habitat Characteristics (Occurrence within the Subject property Vicinity/Survey Results)
Congdon's tarplant <i>Centromadia parryi</i> subsp. <i>congonii</i>	-/-/1B.1	Congdon's tarplant is an annual herb that occurs in alkaline soils in valley and foothill grassland below 750 feet in elevation, blooms May through November. Not observed on-site during October survey.
Livermore tarplant <i>Deinandra bacigalupii</i>	-/SE/1B.1	Livermore tarplant is an annual herb that occurs in alkaline meadows and seeps between 490 and 610 feet in elevation, blooms June through October. Not observed on-site during October survey.
Diablo helianthella <i>Helianthella castanea</i>	-/-/1B.2	Diablo helianthella is a perennial herb that occurs in broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grassland between 200 and 4,250 feet in elevation, blooms from March through June. Possible, additional surveys needed.
Caper-fruited tropidocarpum <i>Tropidocarpum capparideum</i>	-/-/1B.1	Caper-fruited tropidocarpum is an annual herb that occurs in alkaline hills in valley and foothill grassland below 1,500 feet in elevation, blooms from March through April. Possible, additional surveys needed.
Heartscale <i>Atriplex cordulata</i> var. <i>cordulata</i>	-/-/1B.2	Heartscale occurs on alkaline substrates in chenopod scrub, meadows and seeps, and valley and foothill grassland habitats below 1,230 feet in elevation, blooms from April through October. Not observed on-site during October survey.
Brittlescale <i>Atriplex depressa</i>	-/-/1B.2	Brittlescale is an annual herb that occurs in alkali and clay soils in vernal pools, playas, meadows and seeps, and valley and foothill grassland below 1,000 feet in elevation, blooms April through October. Not observed on-site during October survey.
Lesser saltbush <i>Atriplex minuscula</i>	-/-/1B.1	Lesser saltbush is an annual herb that occurs in sandy, alkaline soils in chenopod scrub, playas, and valley and foothill grassland below 650 feet in elevation, blooms May through October. Not observed on-site during October survey.
San Joaquin spearscale <i>Extriplex joaquinana</i>	-/-/1B.2	San Joaquin spearscale is an annual herb that occurs in alkaline soils in chenopod scrub, meadows, alkali sinks, playas, and valley and foothill grassland below 2,750 feet in elevation, blooms April through October. Not observed on-site during October survey. Not observed on-site during October survey.
Alkali milkvetch <i>Astragalus tener</i> var. <i>tener</i>	-/-/1B.2	Alkali milkvetch is an annual herb that occurs in adobe clay soil in playa and alkaline vernal pools and flats within valley grassland below 550 feet in elevation, blooms March through June. Possible, additional surveys needed.
Saline clover <i>Trifolium hydrophilum</i>	-/-/1B.2	Saline clover is an annual herb that occurs in marshes and swamps, mesic valley and foothill grassland with alkaline soils and vernal pools below 1,000 feet in elevation, blooms April through June. Possible, additional surveys needed.

<sup>7</sup> Jurisdictional Wetland Delineation of the Livermore Solar in Alameda County, California. November 28, 2016. Barnett Environmental, 5214 El Cemente Avenue, Davis, CA 95618.

**BIOLOGICAL RESOURCES****TABLE 4.4-2 SPECIAL-STATUS PLANT SPECIES EVALUATED FOR THE SUBJECT PROPERTY**

<b>Species Name</b>	<b>Status (Federal/State/Other)<sup>a</sup></b>	<b>Habitat Characteristics (Occurrence within the Subject property Vicinity/Survey Results)</b>
Round-leaved filaree <i>California macrophylla</i>	–/–/1B.2	Round-leaved filaree is an annual herb that occurs in clay substrates in cismontane woodland and valley and foothill grassland between 50 and 3,900 feet in elevation, blooms March through May. Possible, additional surveys needed.
Mt. Diablo fairy-lantern <i>Calochortus pulchellus</i>	–/–/1B.2	Mt. Diablo fairy lantern is a perennial bulbiferous herb that occurs in chaparral, cismontane and riparian woodland, and valley and foothill grassland below 2,750 feet in elevation, blooms April through June. Possible, additional surveys needed.
Soft salty bird's-beak <i>Chloropyron molle</i> subsp. <i>hispidum</i>	–/–/1B.1	Soft salty bird's-beak is a hemiparasitic herb that occurs in alkaline meadows and seeps, playas, and valley and foothill grassland below 500 feet in elevation, June through September. Possible, additional surveys needed.
Palmate salty bird's-beak <i>Chloropyron palmatum</i>	FE/SE/1B.1	Palmate salty bird's-beak is a hemiparasitic annual herb that occurs in alkaline soils in chenopod scrub and valley and foothill grassland between 15 and 510 feet in elevation, blooms May through October. Possible, additional surveys needed.
Prostrate vernal pool navarretia <i>Navarretia prostrata</i>	–/–/1B.1	Prostrate vernal pool navarretia is an annual herb that occurs in mesic coastal scrub, meadows and seeps, alkaline valley and foothill grasslands, and vernal pools below 2,300 feet in elevation, blooms April through July Possible, additional surveys needed.

a. Status Determinations:

FE = Listed as Endangered under federal Endangered Species Act

SE = Listed as Endangered under the California Endangered Species Act

1B.1 = Listed as Plants Rare, Threatened, or Endangered in California and Elsewhere by California Native Plant Society; seriously threatened in California

1B.2 = Listed as Plants Rare, Threatened, or Endangered in California and Elsewhere by California Native Plant Society; moderately threatened in California

Source: LSA Associates, Inc., 2016. Results of Biological Assessment for the Proposed Livermore Community Solar Farm Facility, June 21, Table A.

**Wildlife Corridors**

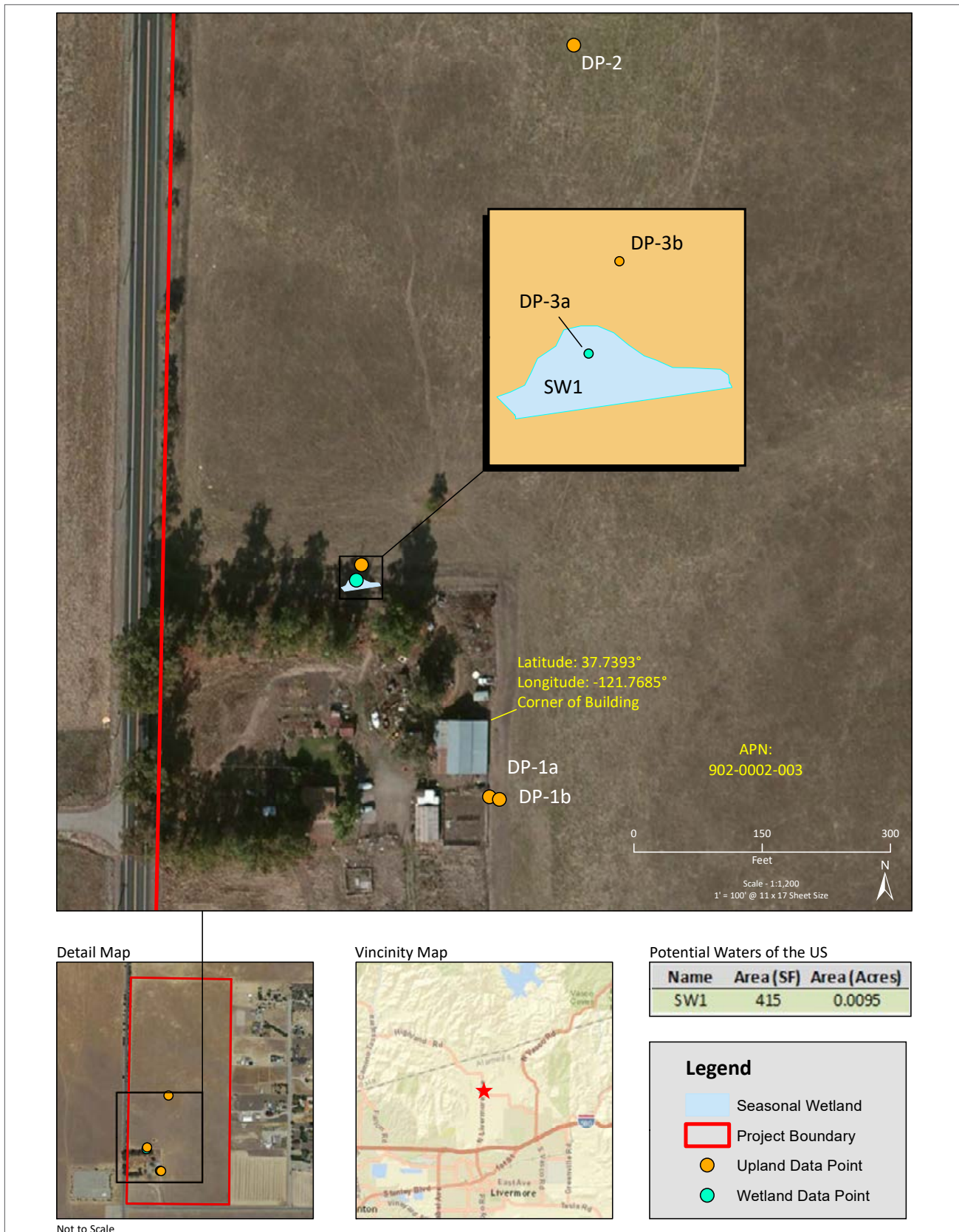
A wildlife corridor is a link of wildlife habitat, generally native vegetation, which joins two or more larger areas of similar wildlife habitat. Corridors are critical for the maintenance of ecological processes including facilitating the movement of animals and the continuation of viable populations. Historically, the grasslands in eastern Alameda County were connected through the lowland valleys and stream systems through the Livermore Valley. The majority of this area has been converted to urban and agricultural uses, fragmenting and separating grassland habitat. In addition, I-580 serves as a barrier between the northern and southern parts of the county, with only a few linkages (under crossings) under the freeway between Livermore and the Alameda/San Joaquin County line.

The grassland complex in northeastern Alameda County contains a portion of the northernmost extent of the range for San Joaquin kit fox (SJKF). The primary SJKF range in Alameda and Contra Costa Counties is in the Diablo Range along the eastern portion of the two counties. This area is characterized by annual grasslands with pockets of oak woodland and chaparral habitats. In addition, pursuant to the EACCS, there are three primary kit fox linkages that cross I-580 between the eastern edge of the City of Livermore and the Alameda/San Joaquin County line. The main “corridor” is the wide grasslands flanking I-580 between Vasco Road and Grant Line Road, which is located approximately 3 miles east of the subject property.

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The subject property is not located along a drainage, ridgeline, or other natural feature; such natural landscape features are often used by wildlife as movement corridors. In addition, the subject property does not appear to form an important linkage or connection between large blocks of natural habitat, which suggests that it is unlikely to be an important component of regional wildlife movement although wildlife species may make local movements across the site.

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Source: Barnett Environmental, 2016. PlaceWorks, 2019.

Figure 4.4-1  
Wetland Delineation



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### 4.4.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant biological resource impact if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

### 4.4.3 IMPACT DISCUSSION

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<b>BIO-1</b>	<b>The proposed Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.</b>
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There is a potential that the proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. This consists of:

1. A possibility that CTS and/or CRLF could occur on the subject property and/or disperse onto the site in the future and be injured or taken during construction;
2. A possibility that burrowing owls could occur on the site;
3. That occurrences of one or more special-status plant species may be present on the site and could be adversely affected if adequate controls during construction are not implemented; and
4. A possibility that protected birds regulated under the MBTA and CDFW Code could nest on the site and be inadvertently affected during construction.

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### *Special-Status Animal Species*

Suitable habitat for special-status species known or suspected to occur in the vicinity is generally absent from the parcel, and no impacts are anticipated for most special-status species. This includes absence of suitable habitat, including breeding habitat, for CTS and CRLF. However, given the presence of known and potential breeding sites in the Project area there is a potential for individual CTS and CRLF to disperse onto the parcel and be injured or killed during construction unless construction restrictions are implemented. Given the formal listing status of these species, this would be considered a significant impact. Additionally, potential breeding and wintering habitat for burrowing owl is present on-site. However, impacts to these species would be *less than significant* with implementation of the following mitigation measures.

**Significance without Mitigation:** Significant.

**Mitigation Measure BIO-1.1:** The following measures shall be implemented to ensure avoidance of individual California tiger salamanders (CTS) and California red-legged frogs (CRLF) as individuals of these species could disperse onto the site and occur in ground squirrel burrows in advance of or during construction. Because CTS/CRLF could occur on the subject property and could be impacted during initial ground disturbance, the Project will require consultation with the USFWS and CDFW and the development of a CTS/CRLF relocation plan. The plan shall include at a minimum:

- A detailed exclusion-fencing plan to enclose the subject property before the onset of fall/winter rains and to remain in place throughout one entire winter rainy season (October through April) with the purpose of 1) the fence will be designed to exclude CTS/CRLF from entering the site and 2) capturing CTS/CRLF within the subject property that are emerging from burrows and moving towards breeding ponds and/or creeks.
- The exclusion fence should be constructed of silt fence or other suitable barrier material. Exclusion fence material must be at least 36 inches in height (at least 30 inches above ground and buried at least 6 inches below the ground). The fence will be placed inside the subject property boundary to provide an outside buffer area of undisturbed habitat to relocate any CTS/CRLF captured inside the fence. Stakes must be placed on the inside of the Project boundary (side on which work will take place).
- Cover boards shall be installed every 30 feet on the inside and outside of the exclusion fence for the purpose of capturing adult and juvenile CTS/CRLF and safely relocating them under cover boards or suitable rodent burrows outside of the exclusion fence. This will allow CTS/CRLF relocated outside of the exclusion fence to disperse to aquatic breeding areas or other off-site habitat, but not return to the subject property.
- Identification of qualified biologists (approved by the USFWS and/or the CDFW) to handle and relocate CTS/CRLF.
- Captured CTS/CRLF will be relocated outside the exclusion fence (approved by the USFWS and/or CDFW) outside the subject property exclusion fence.
- Implementation of measures to reduce the risk of spreading harmful pathogens.

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- Development of reporting measures for all captured and relocated CTS/CRLF, including, but not limited to, capture site (i.e., cover board location), sex, age (i.e., adult, juvenile), size, and release site.
- Submittal of a final report to the USFWS and CDFW detailing all captures and relocations of CTS/CRLF.

The listed amphibian relocation plan will be developed in consultation with the USFWS and CDFW and be subject to their approval. The plan will require obtaining an incidental take permit under the California Endangered Species Act (pursuant to Fish and Game Code Section 2081 et seq.) and the federal Endangered Species Act.

In addition, the following measures will be implemented during construction:

- A qualified biologist (approved by the USFWS and/or CDFW) will be on-site during initial ground disturbance.
- All workers shall receive environmental awareness training from the qualified biologist to inform workers of the potential occurrence of listed species, the need to avoid any inadvertent take, and procedures to follow if a CTS or other listed species is encountered.
- The qualified biologist will have authority to stop work until the qualified biologist can capture and relocate the animal to a safe place off the subject property.
- To avoid entrapment of animals during construction, pipes or similar structures shall be capped if stored overnight. Construction personnel shall inspect open trenches at the beginning and end of each workday for trapped amphibian individuals. If individuals are found, the individuals shall be relocated by a qualified biologist.
- Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibians are not trapped. Plastic monofilament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.

**Mitigation Measure BIO-1.2:** Even though burrowing owls were not observed on the subject property and there was no evidence (owl pellets, whitewash) of their occurrence, the numerous on-site ground squirrel burrows provide potential nesting and wintering habitat. Burrowing owls are present within 3 miles (closest 0.88 miles) of the subject property and could disperse to the subject property prior to initial ground disturbance for the Project. Conservation Action BUOW-3 in the EACCS recommends mitigation for the loss of burrowing owl nesting habitat (suitable habitat within 0.5 miles of documented nest occurrence during previous 3 years), by protecting habitat in accordance with the mitigation guidelines outlined in Table 3-10 (up to 3.5:1; preserved:impacted). Impacts to burrowing owls and/or their habitat are considered significant. However, the impact would be *less than significant* with implementation of Mitigation Measure BIO-1.2.

- In accordance with the Staff Report on burrowing owl mitigation,<sup>8</sup> a minimum of four survey visits shall be conducted within the subject property during the burrowing owl breeding season, typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, will be conducted during the peak nesting period, between April 15 and July 15, with

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<sup>8</sup> California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation, March 7.

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at least one visit after June 15. If burrowing owls are not found on the subject property during the surveys and there are no documented nest site occurrences within 0.5 miles of the subject property during the previous three years, no compensation for habitat loss will be required.

- If burrowing owls are found on the site during the surveys, mitigation will be required in accordance with EACCS guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the site, occupied burrows will not be disturbed and will be provided with protective buffers. Buffers shall be a minimum of 150-foot radius around an occupied wintering burrow and a minimum 250-foot radius around a breeding burrow. On-site occupied habitat will be mitigated at a minimum 3:1 ratio (preserved:impacted) consistent with the EACCS. Such mitigation may be conducted by acquiring parcels, through fee title purchase, or conservation easement, where known nesting sites occur or where nesting sites have occurred in the previous three nesting seasons according to EACCS Conservation Actions BUOW-1 and BUOW-2.<sup>9</sup> Offsite preserved mitigation land under this MM BIO-1.2 may be “stacked” with other mitigation obligations identified in this chapter.
- Take avoidance surveys as described in the Staff Report<sup>10</sup> will be conducted no more than 14 days prior to any ground-disturbing activities (regardless of time of year). A qualified biologist will conduct the survey for burrowing owls. If no owls are found during this first survey, a final survey will be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site will be resurveyed (including the final survey within 24 hours of disturbance). All surveys will be conducted in accordance with Staff Report guidelines.

### *Special-Status Plant Species*

The field reconnaissance survey of the parcel completed on October 3, 2017 concluded that Congdon’s tarplant, Livermore tarplant, Heartscale, Brittlescale, Lesser saltbush, and San Joaquin spearscale were not present on the subject property. Therefore, the potential for special-status plant species is considered unlikely or very low; however, there remains a possibility that other special-status plant species known to occur in the Project vicinity may be present on the subject property. If present, the occurrence(s) could be inadvertently lost as a result of grading and other ground-disturbing activities. Depending on the location of the occurrence(s) in relation to proposed improvements associated with potential future development under the proposed Project, this could be a potentially significant impact. However, the impact would be *less than significant* with implementation of Mitigation Measure BIO-1.3.

**Mitigation Measure BIO-1.3:** A qualified botanist shall conduct appropriately timed rare plant surveys during late April and early May to confirm the status of special-status plant species not detectable on the parcel during the October 2017 survey. The surveys shall focus on the special-status plant species for which suitable habitat occurs on the subject property. The surveys shall be completed, and a report of findings submitted to the County before the onset of initial ground-disturbing activity or construction associated with Project implementation. If special-status plant species are found on the

<sup>9</sup> EACCS Section 3.5.3.11 Burrowing Owl.

<sup>10</sup> California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation, March 7.



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subject property, the plant populations will be avoided by establishing a buffer around the plant populations that will be maintained throughout Project implementation.

If special-status plants are found during the rare plant surveys and avoidance is not feasible, a qualified botanist/biologist will prepare a detailed rare plant mitigation and monitoring plan. The plan shall only be required if a listed species or those with a ranking of 1A, 1B, or 2 of the California Native Plant Society (CNPS) Inventory are found during the rare plant surveys. The plan will include details on seed collection and propagation, techniques to avoid the introduction of plant pathogens to the preserved area, preparing the preserved area for planting, revegetation monitoring plan, success criteria, and reporting requirements. The planting area within the preserved area will be similar in size to the area occupied by the impacted plant on the subject property. After replanting, the preserved area will be monitored for a minimum of five years. Based on standard practices, minimum success criteria would be presence and continued reproductive success of the plant within the preserved area and with less than 80 percent areal coverage of the impacted rare plant at the end of the five-year monitoring period. Annual reports, with interim success criteria to ensure the plan is on track to meet the mitigation goals, will be prepared. At the end of each monitoring year, a report shall be prepared evaluating the success of the mitigation program and recommending remedial measures as necessary. If the success criteria have not been met at the conclusion of the five-year monitoring period, continued monitoring will be conducted until the success criteria have been achieved.

If the success criteria have not been met at the conclusion of the five-year monitoring period, monitoring may be extended for an additional period or another population of the affected special-status plant species may be preserved. The preserved population shall provide for permanent protection of an existing population in Alameda County, which is equal or larger than that impacted on the parcel (minimum 1:1 replacement). Preservation may occur through land acquisition or use of a conservation easement. Off-site mitigation lands shall include establishment of a management endowment as necessary to provide for long-term management of the preserved population. Offsite preserved mitigation land under MM BIO-1.3 may be “stacked” with other mitigation obligations identified in this

### *Nesting Birds*

The mature stand of blue gum eucalyptus trees on the subject property provides potential nesting habitat for raptors such as red-tailed hawk (*Buteo jamaicensis*) and other native bird species. This stand is located adjacent to the on-site residence; the proposed Project will not impact these trees. In addition, the non-native annual grassland vegetation on the subject property provides suitable nesting habitat for native ground nesting species such as the western meadowlark. Active nests of native bird species are protected under the federal MBTA and CDFG Code. The MBTA prohibits killing, possessing, or trading of migratory birds, except in accordance with regulations prescribed by the USFWS; this prohibition includes whole birds, parts of birds, and bird nests and eggs. Ground-disturbing activities during the breeding season could result in the incidental loss of fertile eggs or nestlings or nest abandonment if any active nests are present. This would be considered a significant impact; however, the impact would be *less than significant* with implementation of Mitigation Measure BIO-1.4.

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**Mitigation Measure BIO-1.4:** Ground-disturbing and/or vegetation-clearing activities shall be performed in compliance with the MBTA and relevant sections of the CFG Code to avoid loss of active nests. This shall be accomplished by scheduling ground/vegetation-disturbing activities outside of the bird nesting season (February 1 to August 31) to avoid possible impacts on nesting birds. Alternatively, if ground/vegetation-disturbing activities cannot be scheduled during the non-nesting season (September 1 to January 31), a preconstruction nesting bird survey shall be conducted. The preconstruction nesting survey shall include the following:

- A qualified biologist shall conduct a preconstruction nesting bird (both passerine and raptor) survey within seven calendar days prior to ground-disturbing activities.
- If no nesting birds or active nests are observed, no further action is required. Ground-disturbing activities shall occur within seven calendar days of the survey.
- If any active nests are encountered, the qualified biologist shall determine an appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged (or the nest is determined to be inactive). Buffer zones vary depending on the species and the context of the nest location (i.e., typically 25 to 100 feet for passerines and up to 300 feet for raptors) and other factors such as ambient disturbance levels in the vicinity of the nest. If necessary, the dimensions of the buffer zone shall be determined in consultation with the CDFW.
- Orange construction fencing, flagging, or other marking methods shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone.
- Construction activities shall be restricted from the buffer zone until the qualified biologist has determined that young birds have fledged (or the nest is inactive) and the buffer zone is no longer needed.

A survey report of findings verifying that any young have fledged (or the nest is inactive) shall be submitted by the qualified biologist for review and approval by the County prior to initiation of any construction activities within the buffer zone. Following written approval by the County construction within the nest-buffer zone may proceed.

**Significance with Mitigation:** Less than significant.

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<b>BIO-2</b>	<b>The proposed Project may impact tone potential wetland area through direct removal, filling, hydrological interruption, or other means.</b>
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As described in Section 4.4.1.2, a formal wetland delineation conducted during November 2016 identified a potential seasonal wetland feature of approximately 0.0095 acres (414 square feet) in the vicinity of an active water trough for livestock, at the northern edge of the single-family home outbuilding area. Evidence of redoximorphic features, a hydric soil indicator, as well as hydrologic indicators such as algal

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matting, and hydrophytic vegetation were present in these areas.<sup>11</sup> Grading and other improvements associated with the Project implementation could result in direct and indirect effects on the two potential seasonal wetlands. Modifications to regulated waters would require appropriate authorizations from federal and State regulatory agencies, including the USACE and RWQCB under Section 404 and 401 of the CWA. Accordingly, without mitigation, the proposed Project could result in significant impacts with regard to wetlands and other waters. However, the impact would be *less than significant* with implementation of Mitigation Measure BIO-2.

**Significance without Mitigation:** Significant.

**Impact BIO-2:** Implementation of the proposed Project would have the potential to have a substantial adverse effect on an approximately 0.0095-acre (414 square feet) state and federally protected seasonal wetland through direct removal, filling, hydrological interruption, or other means.

**Mitigation Measure BIO-2:** The Project applicant shall realign the proposed perimeter swale to avoid the potential wetlands and provide a 25-foot buffer between the potential wetland and the proposed swale. Prior to the initiation of ground-disturbing activities, temporary orange construction fencing shall be installed around the potential wetland features to prohibit inadvertent damage to the potential wetland features during construction activities. No construction equipment including staging and/or parking or other construction activity shall occur in the buffer zone. After construction is complete the temporary fencing can be removed.

**Significance with Mitigation:** Less than significant.

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<b>BIO-3</b>	<b>The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</b>
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As noted above, the East County Plan Policy 110 requires that developments are sited to avoid or, if avoidance is infeasible, to minimize disturbance of large stands of mature, healthy trees and individual healthy trees of notable size and age. The large stand of blue gum eucalyptus on the subject property will be avoided; the Project will comply with Policy 110. Policy 125 states the County shall encourage preservation of areas known to support special-status species; the implementation of the above proposed mitigation measures (BIO-1.1 to 1.4 and BIO-2) will ensure that the Project complies with this policy. Policy 126 encourages no net loss of riparian and seasonal wetlands. There is no riparian vegetation on-site. With the implementation of Mitigation Measure BIO-2 the Project would avoid the on-site seasonal wetland and complies with this policy, resulting in a *less than significant* impact.

**Significance without Mitigation:** Less than significant.

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<sup>11</sup> LSA Associates, Inc., 2018. Results of Biological Resource Assessment for the Proposed Livermore Community Solar Farm Facility, Alameda County, California.

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**BIO-4                      The proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.**

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As discussed above, the EACCS provides a framework to protect, enhance, and restore natural resources in eastern Alameda County; however, the EACCS does not directly result in permits from any regulatory agencies and is not a formally adopted Habitat Conservation Plan.<sup>12,13</sup> Nevertheless, for the purposes of this analysis, the EACCS is considered a local habitat conservation plan.

The subject property is within the EACCS Conservation Zone 4 (CZ4), which encompasses a portion of the northeastern area of the county. The CZ4 is comprised of grassland, alkali meadow and scald, valley sink scrub, alkali wetland, and seasonal wetland. Conservation priorities within the CZ4 are based on the rarity of the feature and the risk of losing conservation opportunities in the future. Portions of the CZ4 include critical habitat for CRLF and known occurrences of Congdon's tarplant. As discussed above, suitable aquatic habitat for CTS and CRLF is not present on the parcel. Nonetheless, these listed amphibians could disperse to the parcel during wet weather and given the formal listing of these species, implementation of Mitigation Measure BIO-1.1 would ensure avoidance of individual CTS and/or CRLF should they disperse on the parcel in the future. With respect to Congdon's tarplant, the field reconnaissance survey of the parcel completed on October 3, 2017 concluded that Congdon's tarplant was not present on the subject property. However, Mitigation Measure BIO-1.3 would ensure that any occurrence(s) shall be avoided and adequately mitigated as part of the proposed Project. Accordingly, the proposed Project would not conflict with the EACCS conservation strategy for CZ4 and impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.4.4 CUMULATIVE IMPACTS

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**BIO-5                      The proposed Project would not result in a significant cumulative impact with respect to biological resources.**

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The Livermore Valley provides ideal physical conditions for the development of solar photovoltaic (PV) facilities, having extensive level areas of undeveloped land and a climate with an abundance of sunny days. Based on these conditions and the increasing need for alternative energy sources in the area, in addition to the proposed Aramis solar farm project, it is likely that in the near future other solar PV projects will be proposed and built in the Livermore Valley. Based on the likelihood of additional solar PV projects in the Livermore Valley in the near future, the proposed Project could result in a significant cumulative impact to biological resources. The EACCS was developed to address anticipated impacts to biological resources from projected future development in eastern Alameda County. Therefore, with

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<sup>12</sup> East Alameda County Conservation Strategy Steering Committee, 2010. East Alameda County Conservation Strategy, Final Draft, October. Section 1.3, Scope of Conservation Strategy, pages 1-7 to 1-8.

<sup>13</sup> East Alameda County Conservation Strategy Steering Committee, 2010. East Alameda County Conservation Strategy, Final Draft, October. Figure 1-1, Study Area East Alameda County, page 1-29.

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implementation of the mitigation measures discussed above, which are based on the EACCS, development of the proposed Project would result in *less than significant* cumulative impacts to biological resources.

**Significance without Mitigation:** Less than significant.

## CULTURAL AND TRIBAL CULTURAL RESOURCES

### 4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

This chapter describes the regulatory framework and existing conditions related to cultural and tribal resources at the proposed subject property, evaluates the potential impacts that could occur as a result of implementation of the proposed Project, and details mitigation measures needed to reduce significant impacts, as necessary.

#### 4.5.1 SUBJECT PROPERTY ENVIRONMENTAL SETTING

##### 4.5.1.1 REGULATORY FRAMEWORK

This section summarizes key State and local regulations related to cultural and tribal cultural resources (TCR) concerning the proposed Project.

#### State Regulations

##### *California Public Resources Code*

The principal State regulations relating to preserving historic and archaeological properties are Public Resources Code Section 5020 et seq., CEQA Sections 21083.2 and 21084.1, and CEQA Guidelines Section 15064.5.

For purposes of CEQA, "historical resources" include:

- A resource listed in, or determined eligible for listing in, the California Register of Historical Resources;
- A resource included in a local register of historical resources adopted pursuant to a local ordinance or resolution, or included in a historical resource survey, meeting the requirements of California Public Resource Code Section 5024.1(g); or
- Any resource that the lead agency deems to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Sites are evaluated in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code. Under this section, an important historical resource is one which includes the following:

- Criterion 1: is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Criterion 2: is associated with the lives of persons important in our past; or
- Criterion 3: embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value; or

## CULTURAL AND TRIBAL CULTURAL RESOURCES

- Criterion 4: has yielded, or may be likely to yield, information important in prehistory or history. Such resources are considered eligible for the California Register of Historical Resources.

Typically, historic-era properties are evaluated under each of these criteria, while prehistoric properties are evaluated under Impact Discussion CULT-4 only. In practice, unevaluated resources usually are treated as potentially important.

Under Section 21083.2, a "unique" archaeological resource is an object, artifact, or site that can be clearly shown to (1) contain information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) have a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

Guidelines for CEQA require identification of project effects on cultural resources (historic-era and pre-historic archaeological sites, buildings, and traditional cultural properties) that are determined to be legally important. Such resources are defined by CEQA as those eligible for listing in the California Register of Historical Resources using Criteria for Evaluating the Significance of Historical Resources (Assembly Bill 2881, signed into law on September 27, 1992). The Project policy would be to avoid impacts to cultural resources whenever possible. Where avoidance is not feasible, further investigations may be needed. If buried cultural materials are encountered during construction, work would be required to stop in that area until a qualified archaeologist can evaluate the nature and significance of the find.

Protection of historic and pre-historic human remains is addressed under CEQA. These remains may consist of historic-period burials or cemeteries, and Native American remains that occur as isolated features or in archaeological site contexts. Native American-sanctified cemeteries, places of worship, ceremonial and religious sites, or sacred shrines situated on public property must be protected from vandalism and damage under Public Resources Code 5097.9.

Tribal cultural resources (TCR) are also protected cultural resources under CEQA. A TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources.<sup>1</sup> A Native American Tribe or the lead agency, supported by substantial evidence, may determine at its discretion to treat a resource as a TCR.

Lead agencies must consult with tribes, if requested by the tribe within specified time limits. The parties may propose mitigation measures capable of avoiding or substantially lessening potential significant impacts to a TCR or alternatives that would avoid significant impacts to a TCR. The consultation concludes when the parties agree to mitigate or avoid a significant effect or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. Any mitigation measures agreed upon in the consultation must be recommended for inclusion in the environmental document and in the mitigation monitoring and reporting program, if determined to avoid or lessen the impact to a TCR.

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<sup>1</sup> California Public Resources Code, Section 21074.

## CULTURAL AND TRIBAL CULTURAL RESOURCES

### *California Health and Safety Code Section 7050.5*

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. Procedures for the treatment and protection of Native American remains, as outlined in Public Resources Code 5097.98, are as follows: notify County Coroner to examine the remains; if Coroner determines the remains are Native American, notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendant (MLD).

## Local Regulations

### *East County Area Plan*

The ECAP includes the following policies specific to cultural resources and applicable to the proposed Project.

- **Policy 136:** The County shall identify and preserve significant archaeological and **historical resources**, including structures and sites which contribute to the heritage of East County.
- **Policy 137:** The County shall require development to be designed to avoid **cultural resources** or, if avoidance is determined by the County to be infeasible, to include implement [sic] appropriate mitigation measures that offset the impacts.

### *Alameda County Municipal Code*

The overall purpose to ACMC Chapter 17.62, Historic Preservation Ordinance, is to outline a consistent process for making determinations of historical significance and identify significant architectural, historic, prehistoric and cultural structures, sites, resources and properties within Alameda County. ACMC Section 17.62.040, Cultural Resource Surveys, requires the County to maintain a list of cultural resources surveys to generate an inventory of potential historic resources collectively known as the *Alameda County Register*. The subject property is located within the Historical and Cultural Resource Survey, East Alameda County, prepared by Michael R. Corbett in June 2005.<sup>2</sup>

## 4.5.1.2 EXISTING CONDITIONS

### Paleontological Resources

Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent a limited, non-renewable, sensitive scientific, and educational resource.

The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried.

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<sup>2</sup> Alameda County Municipal Code, Title 17 (Zoning), Chapter 17.62 (Historic Preservation Ordinance).



## CULTURAL AND TRIBAL CULTURAL RESOURCES

For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations, make it possible to predict where fossils will or will not be encountered.

The natural geology of the subject property is comprised of Holocene and/or Pleistocene (2.5 million years ago to present) alluvium, lake, playa, and terrace deposits. These deposits primarily consist of non-marine sedimentary rocks but can include marine deposits near the coast.<sup>3</sup>

### Archaeological Resources

At the time of European settlement, the subject property was included in the territory controlled by the Costanoan or Ohlone Native Americans whose territory extended along the Pacific coast from San Francisco Bay to Point Sur and inland to the coast range of mountains. The Ohlone were hunter-gatherers and maintained organized complex social structures with as many as 30 or 40 villages consisting of up to 15 families. Sites were often situated near sources of fresh water in ecotones where plant and animal life were diverse and abundant. There are no known archaeological remains on the subject property; however, given the County's rich Native American history, it is possible that prehistoric and, to a lesser extent, historic-period archeological resources could be found on the subject property.

### Historical Resources

Historic resources include sites, structures, districts, landmarks, or other physical evidence of past human activity generally greater than 50 years old. The subject property is located within the East Alameda County Survey area which has a history of farming and ranching. The area was formally established and named Murray Township in 1853 after an early settler named Michael Murray. The population grew shortly after and settlers quickly established ranchos. Trails that connected the ranchos were expanded into roads capable of carrying freight wagons, carriages, and horse and buggy traffic.<sup>4</sup> To recognize the importance of individual properties, historic districts, and contributing resources as key components of the County's heritage, the County compiled a list of landmarks and contributing buildings known as the *Alameda County Register*. The subject property is not recognized as a landmark nor is the rural residential dwelling on the subject property's southwest corner identified as a contributing building.<sup>5</sup>

### Tribal Cultural Resources

At the time of preparation of this Draft EIR, Alameda County had yet to receive any requests for notification from tribes. The subject property is not included in the California Register and is not included as a historic resource pursuant to the *Alameda County Register*.<sup>6</sup> Currently there are no Traditional Cultural Properties or Cultural Landscapes identified within unincorporated Alameda County. The County

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<sup>3</sup> California Department of Conservation, Geologic Map of California (2010), <https://maps.conservation.ca.gov/cgs/gmc/>, accessed on May 7, 2018.

<sup>4</sup> Historical and Cultural Resource Survey, East Alameda County, Michael R. Corbett, June 17, 2005.

<sup>5</sup> Alameda County Landmarks & Contributing Buildings, Identified in 2005-2008 Comprehensive Survey, <https://www.acgov.org/cda/planning/landuseprojects/documents/phrcList.pdf>, accessed on May 7, 2018.

<sup>6</sup> Alameda County Landmarks & Contributing Buildings, Identified in 2005-2008 Comprehensive Survey, <https://www.acgov.org/cda/planning/landuseprojects/documents/phrcList.pdf>, accessed on May 7, 2018.

## CULTURAL AND TRIBAL CULTURAL RESOURCES

has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the county.

### 4.5.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant cultural resources impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.
3. Disturb any human remains, including those interred outside of dedicated cemeteries.
4. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.

### 4.5.3 IMPACT DISCUSSION

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<b>CULT-1</b>	<b>The proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.</b>
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The types of cultural resources that meet the definition of historical resources under CEQA Section 15064.5 and 21084.1 generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Under CEQA, both prehistoric and historic-period archaeological sites may qualify based on historical associations.<sup>7</sup> As such, the two main historical resources that are typically subject to impact are historical archaeological deposits and historical architectural resources, neither of which are applicable here. Impacts to archaeological resources are discussed below under CULT-2.

As described above, the rural residential dwelling on the subject property is not considered a historical resource. Additionally, the subject property is not recognized as a Contributing Building or historic landmark in the Alameda County 2005-2008 Comprehensive Survey.<sup>8</sup> There are no historical resources on the subject property; therefore, there would be *no impact*.

**Significance without Mitigation:** No impact.

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<sup>7</sup> California Code of Regulations (CCR), Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

<sup>8</sup> Alameda County Landmarks & Contributing Buildings, Identified in 2005-2008 Comprehensive Survey, <https://www.acgov.org/cda/planning/landuseprojects/documents/phrcList.pdf>, accessed May 7, 2018.

## CULTURAL AND TRIBAL CULTURAL RESOURCES

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<b>CULT-2</b>	<b>The proposed Project would have the potential to cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.</b>
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Archaeological deposits that meet the definition of historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5 could be present within the subject property and could be damaged or destroyed by ground-disturbing construction activities (e.g., site preparation and grading) associated with the proposed Project. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

As described above, Alameda County was inhabited by the Ohlone Native Americans. Therefore, it is possible that unknown buried archaeological materials could be found during ground-disturbing activities, including unrecorded Native American prehistoric archaeological materials. While the ECAP includes policies that require the protection of archeological resources, ground-disturbing activities associated with the proposed Project could have the potential to uncover and damage or destroy unknown resources. Consequently, without mitigation the proposed Project could result in significant impacts to potential archaeological resources. However, the impact would be *less than significant* with implementation of Mitigation Measure CULT-2.

**Significance without Mitigation:** Significant.

**Impact CULT-2:** Implementation of the proposed Project could result in a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

**Mitigation Measure CULT-2:** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.

**Significance with Mitigation:** Less than significant.

## CULTURAL AND TRIBAL CULTURAL RESOURCES

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<b>CULT-3</b>	<b>The proposed Project would have the potential to disturb human remains, including those interred outside of dedicated cemeteries.</b>
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Human remains associated with previously unknown archaeological deposits could exist on the subject property and could be encountered during ground-disturbing activities. Any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Code of Regulations Section 15064.5(e) (CEQA), Public Resources Code Section 5097.98, and California Health and Safety Code Section 7050.5, which state the mandated procedures of conduct following the discovery of human remains. Descendant communities may ascribe religious or cultural significance to such remains and may view their disturbance as an unmitigable impact. Consequently, without mitigation the proposed Project could result in significant impacts with respect to human remains. However, the impact would be *less than significant* with implementation of Mitigation Measure CULT-3.

**Significance without Mitigation:** Significant.

**Impact CULT-3:** Implementation of the proposed Project could have the potential to disturb human remains, including those interred outside of dedicated cemeteries.

**Mitigation Measure CULT-3:** Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

**Significance with Mitigation:** Less than significant.

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<b>CULT-4</b>	<b>The proposed Project would have the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.</b>
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As discussed above, ground disturbing activities on the subject property could impact unknown archaeological resources including Native American artifacts and human remains. Impacts would be reduced to a less than significant level with implementation of Mitigation Measures CULT- 2 and CULT- 3.

## CULTURAL AND TRIBAL CULTURAL RESOURCES

Therefore, compliance with existing federal, State, and local laws and regulations would protect unrecorded TCRs on the subject property by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. Furthermore, implementation of Mitigation Measures CULT-1 and CULT-2 would reduce any impacts to TCR discovered on the subject property to a less than significant level. Accordingly, impacts would be *less than significant* with mitigation.

**Significance without Mitigation:** Significant.

**Impact CULT-4:** Implementation of the proposed Project could have the potential to cause a substantial adverse change in the significance of a TCR, as defined in Public Resources Code Sections 21074, 5020.1(k), or 5024.1.

**Mitigation Measure CULT-4:** Implement Mitigation Measures CULT- 2 and CULT-3.

**Significance with Mitigation:** Less than significant.

### 4.5.4 CUMULATIVE IMPACTS

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<b>CULT-5</b>	<b>The proposed Project would result in less than significant cumulative impacts with respect to cultural resources.</b>
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Cumulative cultural resource impacts may occur when a series of actions leads to the loss of a historically or archaeologically significant type of site, building, or deposit. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such historic resources on a project-by-project basis could amount to a significant cumulative effect. The analysis of cumulative impacts to cultural resources is based on impacts of the proposed Project plus the Aramis solar project, located to the west of the proposed Project.

The subject property does not contain any designated historic resources. As there are no significant historic structures and no known archaeological resources, paleontological resources, or human remains on the subject property, development of the proposed Project would not create or contribute to a cumulative impact to cultural resources. Mitigation Measures CULT-1 and CULT-2 would ensure that any buried archaeological or paleontological resources, including TCRs, if encountered, would be properly handled. Additionally, existing federal, State, and local regulations and policies, discussed above, serve to protect any as-yet-undiscovered cultural resources in the area. Continued compliance with these regulations and implementation of existing City policies and requirements would preclude impacts to the maximum extent practicable.

Therefore, in combination with past, present, and reasonably foreseeable projects, the proposed Project would result in a *less than significant* cumulative impact with respect to cultural resources.

**Significance Without Mitigation:** Less than significant.

## 4.6 ENERGY

This chapter describes the regulatory framework and existing conditions on the subject property related to energy, evaluates the potential impacts that could occur as a result of implementation of the proposed Project related to energy, and details mitigation measures needed to reduce significant impacts, as necessary.

### 4.6.1 ENVIRONMENTAL SETTING

#### 4.6.1.1 REGULATORY FRAMEWORK

This section provides a general description of the regulatory setting addressing existing electric and natural gas services and infrastructure, and supply and demand in the Alameda County.

#### Federal Regulations

##### *Energy Independence and Security Act of 2007*

Signed into law in December 2007, the Energy Independence and Security Act contains provisions designed to increase energy efficiency and the availability of renewable energy. The Act contains provisions for increasing fuel economy standards for cars and light trucks, while establishing new minimum efficiency standards for lighting as well as residential and commercial appliance equipment.

##### *Energy Policy Act of 2005*

Passed by Congress in July 2005, the Energy Policy Act includes a comprehensive set of provisions to address energy issues. This Act includes tax incentives for energy conservation improvements in commercial and residential buildings, fossil fuel production and clean coal facilities, and construction and operation of nuclear power plants, among other things. Subsidies are also included for geothermal, wind energy, and other alternative energy producers.

##### *Natural Gas Pipeline Safety Act of 1968*

The Natural Gas Pipeline Safety Act of 1968 authorizes the United States Department of Transportation to regulate pipeline transportation of flammable, toxic, or corrosive natural gas and other gases as well as the transportation and storage of liquefied natural gas. The Pipeline and Hazardous Materials Safety Administration (PHMSA) within the Department of Transportation develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6-million-mile pipeline transportation system.

##### *National Energy Policy*

Established in 2001 by the National Energy Policy Development Group, the National Energy Policy is designed to help the private sector and state and local governments promote dependable, affordable, and environmentally sound production and distribution of energy for the future. Key issues addressed by the

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energy policy are energy conservation, repair and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

### State Regulations

#### *California Public Utilities Commission Long Term Energy Efficiency Strategic Plan*

Adopted in September 2008 and updated in January 2011, the California Public Utilities Commission (CPUC) Long Term Energy Efficiency Strategic Plan provides a framework for energy efficiency in California through the year 2020 and beyond. It articulates a long-term vision, as well as goals for each economic sector, identifying specific near-, mid-, and long-term strategies to assist in achieving these goals. This plan sets forth the following four goals, known as “Big Bold Energy Efficiency Strategies,” to achieve significant reductions in energy demand:

- All new residential construction in California will be zero net energy by 2020.
- All new commercial construction in California will be zero net energy by 2030.
- Heating, ventilation and air conditioning will be transformed to ensure that its energy performance is optimal for California’s climate.
- All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

The CPUC and the California Energy Commission have adopted the following goals to achieve zero net energy levels by 2030 in the commercial sector:

- Goal 1: New construction will increasingly embrace zero net energy performance (including clean, distributed generation), reaching 100 percent penetration of new starts in 2030.
- Goal 2: 50 percent of existing buildings will be retrofit to zero net energy by 2030 through achievement of deep levels of energy efficiency and with the addition of clean distributed generation.
- Goal 3: Transform the commercial lighting market through technological advancement and innovative utility initiatives.

#### *California Energy Code*

The State of California provides a minimum standard for energy conservation through Title 24, Part 6 California Code of Regulations, commonly referred to as the California Energy Code. The California Energy Code was first adopted by the California Energy Resources Conservation and Development Commission in June 1977. The standards are updated on a three- year cycle to allow for consideration and possible incorporation of new energy efficiency technologies and methods. In June 2015, the California Energy Commission adopted the 2016 Building and Energy Efficiency Standards, which went into effect on January 1, 2017. The 2019 Building and Energy Efficiency Standards, which were adopted on May 9, 2018, go into effect starting January 1, 2020.

### *CALGreen Building Code*

CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The building efficiency standards are enforced through the local building permit process.

The purpose of CALGreen is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

- Planning and design.
- Energy efficiency.
- Water efficiency and conservation.
- Material conservation and resource efficiency.
- Environmental quality.

Compliance with CALGreen is not a substitution for meeting the certification requirements of any green building program. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

### *State Greenhouse Gas Regulations*

The Governor's GHG Reduction Executive Order S-3-05 was signed on June 1, 2005 and set GHG reduction targets for the State. Soon after, AB 32, the Global Warming Solutions Act (2006) was passed by the California State legislature on August 31, 2006, to place the State on a course toward reducing its contribution of GHG emissions. In response to AB 32, the California Air Resources Board developed a Scoping Plan to be updated every five years, outlining California's approach to reducing GHG emissions.

The latest Update to the Climate Change Scoping Plan sets a 2030 target of 40 percent GHG emissions reductions below 1990 levels.<sup>1</sup> The California Air Resources Board approved the Update to the Climate Change Scoping Plan on December 14, 2017, as required by AB 32.

## **4.6.1.2 EXISTING CONDITIONS**

### **Electricity**

Grid electricity and natural gas service in the North Livermore area is provided by Pacific Gas and Electric Company (PG&E). PG&E is a publicly traded utility company which generates, purchases, and transmits energy under contract with the CPUC. PG&E's service territory is 70,000 square miles in area, roughly

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<sup>1</sup> California Air Resources Board, 2017, California's 2017 Climate Change Scoping Plan, [https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf), accessed March 27, 2019.



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extending north to south from Eureka to Bakersfield, and east to west from the Sierra Nevada mountain range to the Pacific Ocean.<sup>2</sup>

PG&E's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines. The electricity is generated by a combination of sources such as coal-fired power plants, nuclear power plants, and hydro-electric dams, as well as newer sources of energy such as wind turbines and photovoltaic plants or "solar farms." "The Grid," or bulk electric grid, is a network of high-voltage transmission lines that link power plants with the PG&E system. The distribution system, comprised of lower voltage secondary lines, is at the street and neighborhood level, and consists of overhead or underground distribution lines, transformers, and individual service "drops" that connect to the individual customer.

PG&E produces or buys its energy from a number of conventional and renewable generating sources, which travel through PG&E's electric transmission and distribution systems. The power mix PG&E provided to customers in 2016 consisted of non-emitting nuclear generation (24 percent), large hydroelectric facilities (12 percent), and eligible renewable resources (33 percent), such as wind, geothermal, biomass, solar and small hydro.<sup>3</sup> The remaining portion came from natural gas (17 percent) and unspecified power (14 percent). Unspecified power refers to electricity that is not traceable to specific generation sources by any auditable contract trail. In addition, PG&E has plans to increase the use of renewable power. For instance, PG&E purchases power from customers that install small-scale renewable generators (e.g., wind turbines or photovoltaic cells) up to 1.5 megawatts in size. In 2016, PG&E served 28 percent of their retail electricity sales with renewable power. PG&E's percentage of renewable power currently under contract for 2020 is 33 percent.<sup>4</sup>

In 2017, PG&E's preliminary projected average annual electricity demand growth (mid-demand forecast) between 2018 and 2028 is 0.99 percent. Total mid-electricity consumption in PG&E's service area was 281,666 gigawatt-hour per year in 2015 and is forecast to increase to 319,484 gigawatt-hours in 2027.<sup>5</sup>

The existing electrical system in the Project vicinity consists of overhead power lines along the western Project boundary and a substation located adjacent to the subject property, west of North Livermore Avenue.

## Natural Gas

PG&E's natural gas (methane) pipe delivery system includes 42,000 miles of distribution pipelines, and 6,700 miles of transportation pipelines. Gas delivered by PG&E originates in gas fields in California, the US Southwest, US Rocky Mountains, and from Canada. Transportation pipelines send natural gas from fields

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<sup>2</sup> PG&E, 2018, Company Info, <http://www.pge.com/about/company/profile/>, accessed August 27, 2018.

<sup>3</sup> PG&E, 2016, PG&E's 2016 Power Mix, [https://www.pge.com/pge\\_global/local/assets/data/en-us/your-account/your-bill/understand-your-bill/bill-inserts/2017/november/power-content.pdf](https://www.pge.com/pge_global/local/assets/data/en-us/your-account/your-bill/understand-your-bill/bill-inserts/2017/november/power-content.pdf), accessed August 27, 2018.

<sup>4</sup> PG&E, 2018, Exploring Clean Energy Solutions, [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page), accessed August 27, 2018.

<sup>5</sup> California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>, accessed August 27, 2018.

and storage facilities in large pipes under high pressure. The smaller distribution pipelines deliver gas to individual businesses or residences.

PG&E gas transmission pipeline systems serve approximately 15 million gas customers in northern and central California.<sup>6</sup> PG&E has numerous pipeline safety programs, policies, and procedures in place to ensure the safety of customers, employees and the public. These programs include:

- Valve automation to improve the ability to quickly shut off the flow of gas in the event of a significant change in pressure.
- Regular leak detection surveys across a 70,000-square mile service area for gas leaks resulting in a 99 percent reduction of minor leaks.
- Regular monitoring and inspection of nearly 7,000 miles of gas transmission pipelines and 42,000 miles of distribution pipelines to identify and address concerns before they become a hazard.
- Replacement of steel distribution main, which can be prone to leaks, with modern, new materials.
- Community Pipeline Safety Initiative which ensures first responders and emergency response crews have critical access to pipelines in the event of an emergency or natural disaster.<sup>7</sup>

In 2017, PG&E's preliminary projected average annual demand growth (mid-demand forecast) between 2018 and 2028 is 0.75 percent. Total mid-natural gas consumption in PG&E's service area was 4,587 million therms per year in 2017 and is forecast to increase to 5,019 million therms in 2028.<sup>8</sup>

The PG&E gas transmission pipeline nearest the subject property is located to the south.<sup>9</sup>

## 4.6.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in significant energy impacts if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

<sup>6</sup> PG&E, 2018, Learn about the PG&E natural gas system, [https://www.pge.com/en\\_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page](https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page), accessed August 27, 2018

<sup>7</sup> PG&E, 2018, PG&E's Gas safety Programs, [https://www.pge.com/en\\_US/safety/gas-safety/safety-initiatives.page](https://www.pge.com/en_US/safety/gas-safety/safety-initiatives.page), accessed September 13, 2018.

<sup>8</sup> California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>, accessed August 27, 2018

<sup>9</sup> PG&E, 2019, Gas Transmission System Map web page, [https://www.pge.com/en\\_US/safety/how-the-system-works/natural-gas-system-overview/gas-transmission-pipeline/gas-transmission-pipelines.page](https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/gas-transmission-pipeline/gas-transmission-pipelines.page), accessed November 22, 2019.

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### 4.6.3 IMPACT DISCUSSION

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<b>ENE-1</b>	<b>The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.</b>
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Construction of the proposed Project would require typical construction equipment (trucks, loaders, drill rigs etc.) that involve temporary consumption of energy resources during the construction period. However, this temporary construction usage would not result in wasteful, inefficient, or unnecessary consumption of energy resources. During the Project's lifetime of operation, the proposed Project would generate 6 MWs of renewable energy annually into the PG&E distribution system and would require very small quantities of energy resources for maintenance and repair activities. Therefore, the Project would result in a *less than significant* impact.

**Significance Without Mitigation:** Less than significant.

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<b>ENE-2</b>	<b>The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.</b>
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As a solar facility generating renewable energy, the proposed Project would serve to directly advance State and local plans by providing an increase in renewable energy and would not affect any plans relating to energy efficiency. The proposed Project would contribute to California's long-term greenhouse gas reduction goals by increasing renewable energy supplies. Therefore, the proposed Project would result in *no impact*.

**Significance Without Mitigation:** No impact.

### 4.6.4 CUMULATIVE IMPACTS

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<b>ENE-3</b>	<b>The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to energy conservation.</b>
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The area considered for cumulative impacts to electricity and natural gas supplies and facilities is PG&E's service area. Operation of the proposed Project would result in an increase in renewable energy, thereby resulting in no cumulative impact.

**Significance Without Mitigation:** No impact.

## LAND USE AND PLANNING

### 4.7 LAND USE AND PLANNING

This chapter describes the regulatory framework and existing conditions related to land use and planning at the proposed subject property, evaluates the potential impacts that could occur as a result of implementation of the proposed Project, and details mitigation measures needed to reduce significant impacts, as necessary.

#### 4.7.1 ENVIRONMENTAL SETTING

##### 4.7.1.1 REGULATORY FRAMEWORK

This section summarizes key local regulations related to land use and planning concerning the proposed Project. There are no federal or State regulations applicable to land use in the subject property vicinity.

#### Local Regulations

##### *East County Area Plan*

The East County Area Plan (ECAP) includes the following land use and planning policies that are applicable to the proposed Project.

- **Policy 89:** The County shall retain rangeland in large, contiguous blocks of sufficient size to enable commercially viable grazing.
- **Policy 169:** The County shall allow for continued operation, new development, redevelopment, and expansion of existing and planned windfarm facilities within the limits of environmental constraints.
- **Policy 170:** The County shall protect nearby existing uses from potential traffic, noise, dust, visual, and other impacts generated by the construction and operation of windfarm facilities.
- **Policy 218:** The County shall allow development and expansion of public facilities (e.g., parks and recreational facilities; schools; child care facilities; police, fire, and emergency medical facilities; solid waste, water, storm drainage, flood control, subregional facilities; utilities etc.) in appropriate locations inside and outside the Urban Growth Boundary consistent with the policies and Land Use Diagram of the *East County Area Plan*.
- **Policy 285:** The County shall facilitate the provision of adequate **gas and electric service and facilities** to serve existing and future needs while minimizing noise, electromagnetic, and visual impacts on existing and future residents.

##### *Municipal Code*

Alameda County Municipal Code (ACMC) Title 17, Zoning, implements the land use designations by establishing comprehensive zoning rules for the county. Section 17.02.020, Purposes, states that the purpose of the Zoning Ordinance is to implement the general plan of the County by guiding and regulating development; to protect the character and stability of existing development, and to encourage orderly and beneficial new development; to provide adequate light, air, privacy, and convenience of access to

## LAND USE AND PLANNING

property, and to secure safety from fire and other dangers; to prevent overcrowding the land and undue congestion of the population; and to regulate the location of buildings and the use of buildings and land so as to prevent undue interference with existing or prospective traffic movements on public thoroughfares.

### *East Alameda County Conservation Strategy*

The East Alameda County Conservation Strategy (EACCS) is a collaborative document developed by multiple federal, State, and local entities, including Alameda County, to provide an effective framework to protect, enhance, and restore natural resources in eastern Alameda County, while improving and streamlining the environmental permitting process for impacts resulting from infrastructure and development projects. The EACCS study area encompasses 271,485 acres within the county and includes the cities of Dublin, Livermore, and Pleasanton. The EACCS enables project proponents to comply with applicable federal and State regulatory requirements within a framework of comprehensive conservation goals and objectives by implementing standardized mitigation requirements. Although the EACCS does not govern permit issuance, its standardized avoidance, minimization, and mitigation measures for species and natural communities provides more certainty for project proponents and local agencies. This approach is expected to streamline the environmental permitting process, reducing the overall cost of environmental permitting and consolidating mitigation. The EACCS addresses 19 "focal species" comprised of 13 wildlife and 6 plant species that meet one of the following criteria: (1) listed under the federal ESA as threatened or endangered, or proposed for listing; (2) listed under the California ESA as threatened or endangered, or proposed for listing; (3) listed under the Native Plant Protection Act as rare; or (4) expected be listed under the federal or State ESA in the foreseeable future.<sup>1</sup>

### **4.7.1.2 EXISTING CONDITIONS**

As shown on Figure 3-2, the subject property is located in a rural agricultural area north of I-580 on the corner of North Livermore Avenue and May School Road. The subject property is bounded by agricultural land to the north, south, and west, and low density rural residential dwellings (less than 15 residences total) and agricultural land to the east. In addition, a PG&E power station is located opposite North Livermore Avenue from the subject property on the corner of North Livermore Avenue and May School Road. Local access to the subject property is provided via Manning Road, May School Road, and North Livermore Avenue.

The ECAP designates the subject property as Large Parcel Agriculture. This designation permits agricultural uses, agricultural processing facilities (e.g. wineries, olive presses), limited agricultural support service uses (e.g. animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (e.g. illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agriculture.

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<sup>1</sup> East Alameda County Conservation Strategy Steering Committee, 2010. East Alameda County Conservation Strategy, Final Draft, October 2010.

## LAND USE AND PLANNING

The subject property is classified as an Agricultural (A) zoning district. Per Alameda County Code of Ordinances (ACCO) Section 17.06.030, the uses permitted in the A zoning district include one-family dwelling or one-family mobile home; one secondary dwelling unit; crop, vine or tree farm, truck garden, plant nursery, greenhouse, apiary, aviary, hatchery, horticulture; raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals; grazing, breeding or training of horses or cattle; winery or olive oil mill; fish hatcheries; and public or private hiking trails. While utility scale solar farms are not expressly allowed, conditional uses allowed under ACCO Section 17.06.040 include privately owned wind-electric generators.

### 4.7.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant land use and planning impact if it would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### 4.7.3 IMPACT DISCUSSION

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<b>LU-1</b>	<b>The proposed Project would not physically divide an established community.</b>
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The proposed Project would develop the 71.64-acre parcel with a solar PV facility. The proposed Project would retain the existing roadway patterns and would not introduce any new major roadways or other physical features through existing residential neighborhoods or other communities that would create new barriers. Therefore, the proposed Project would not divide any established community and would have *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>LU-2</b>	<b>The proposed Project would not cause a significant conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.</b>
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The ECAP and ACMC Title 17, Zoning, are the primary planning documents for eastern Alameda County. As discussed above, both the land use designation and zoning district would permit the development of a renewable energy facility on the subject property, such as a windfarm, and the development of a solar PV facility would be allowed as a conditional use. Similar to a windfarm, the proposed solar PV facility would generate renewable energy, reduce greenhouse gases emitted into the atmosphere, and further the State's climate change goals.

## LAND USE AND PLANNING

As described in Chapter 3, Project Description, of this Draft EIR, in 2008, the County approved a conditional use permit for the GreenVolts Utility-Scale Solar Field project (State Clearinghouse Number 2008052076) which would develop a 20.5-acre parcel designated Large Parcel Agriculture with solar PV facility.<sup>2</sup> Alameda County made findings in 2008 pursuant to Alameda CGOC Sections 17.54.050 / 17.54.060 (Determination of Use) regarding district classifications of uses not listed within the Ordinance.<sup>3</sup> The Alameda County Planning Commission made findings that a solar electric facility would not be contrary to the specific intent clauses or performance standards established for the A District and could be permitted under a conditional use permit. In addition, in 2012, the Alameda County Counsel determined that solar facilities are consistent with ECAP policies because they constitute quasi-public uses consistent with “windfarms and related facilities, utility corridors and similar uses compatible with agriculture” which are allowed on parcels designated Large Parcel Agriculture.<sup>4</sup> In 2016, the County approved a conditional use permit for the Altamont Solar Energy Center project (State Clearinghouse Number 2011082074) which would develop a 140-acre parcel designated Large Parcel Agriculture and zoned as an Agricultural District with solar PV facility, similar to the proposed Project. Accordingly, with approval of two solar PV facilities on parcels designated Large Parcel Agriculture and the County Counsel's determination that solar facilities are consistent with ECAP policies, the County has set a precedent for approval of similar projects. Therefore, with approval of a conditional use permit pursuant to APMC Section 17.06.040, the proposed Project would not conflict with the subject property's land use designation and zoning district and would have a *less than significant* impact.

As discussed in Section 4.4, Biological Resources, the EACCS was developed to address anticipated impacts to biological resources from projected future development in eastern Alameda County through implementation of standardized mitigation measures. Therefore, with implementation of the mitigation measures discussed in Section 4.4, development of the proposed Project would comply with the EACCS as the mitigation measures are based on the EACCS, and there would be a *less than significant* impact.

**Significance without Mitigation:** Less than significant.

### 4.7.4 CUMULATIVE IMPACTS

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<b>LU-3</b>	<b>The proposed Project would not result in significant cumulative impacts with respect to land use and planning.</b>
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This analysis of cumulative impacts to land use and planning is based on the proposed Project in combination with the proposed Aramis solar farm project, located immediately west of the proposed Project across North Livermore Avenue.

As discussed above, the proposed Project would not conflict with any applicable land use plans, policies, or regulations. In addition, the proposed Project would not physically divide an existing community, nor

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<sup>2</sup> East County Board of Zoning Adjustments, Greenvolts, Inc., Conditional Use Permit C-8179, Staff Report, June 26, 2008.

<sup>3</sup> County of Alameda Planning Commission, June 16, 2008, Meeting Minutes.

<sup>4</sup> Alameda County Community Development Agency, Planning Department, September 13, 2012 Memorandum, <http://www.acgov.org/cda/planning/landuseprojects/documents/TP-solar-memo-9-13-12.pdf>, accessed May 11, 2018.

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would the proposed Project conflict with an adopted conservation plan. Approval of the Aramis project by Alameda County would be based on a finding that the project is in conformance with the existing zoning and General Plan land use regulations for that parcel. The proposed Project is approximately 75 feet to the east of the proposed Aramis solar farm project and would not divide the existing neighborhood or conflict with the ECAP designation or zoning district for the subject property. Therefore, the proposed Project and the Aramis project neither divide the existing community or conflict with applicable land use regulations and, resulting in a *less than significant* cumulative impact.

**Significance without Mitigation:** Less than significant.



## LAND USE AND PLANNING

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## 4.8 NOISE

This chapter describes the regulatory framework and existing conditions related to noise sources and the overall noise environment in the vicinity of the proposed Project, evaluates the potential impacts that could occur as a result of implementation of the proposed Project, and details mitigation measures needed to reduce significant impacts, as necessary.

### 4.8.1 DEFINITIONS AND STANDARDS

Noise is defined as unwanted sound, and, above certain levels, is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise the federal government, State of California, and the County of Alameda have established criteria to protect public health and safety and to prevent disruption of certain human activities. Although sound can be easily measured, the perception of noise and the physical response to sound complicate the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “loudness.”

The following are brief definitions of terminology used in this section:

- **Sound.** A disturbance created by a vibrating object, which, when transmitted by pressure waves through a medium such as air, is capable of being detected by a receiving mechanism, such as the human ear or a microphone.
- **Noise.** Sound that is loud, unpleasant, unexpected, or otherwise unwanted.
- **Decibel (dB).** A unit-less measure of sound on a logarithmic scale.
- **Vibration Decibel (VdB).** A unit-less measure of vibration expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the U.S., the standard reference velocity is 1 micro-inch per second ( $1 \times 10^{-6}$  in/sec).
- **A-Weighted Decibel (dBA).** An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Equivalent Continuous Noise Level ( $L_{eq}$ ).** also called the Energy-Equivalent Noise Level. The value of an equivalent, steady sound level which, in a stated time period (often over an hour) and at a stated location, has the same A-weighted sound energy as the time-varying sound. Thus, the  $L_{eq}$  metric is a single numerical value that represents the equivalent amount of variable sound energy received by a receptor over the specified duration.
- **Statistical Sound Level ( $L_n$ ).** The sound level that is exceeded “n” percent of time during a given sample period. For example, the  $L_{50}$  level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period); that is, half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the “median sound level.” The  $L_{10}$  level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the “intrusive sound level.” The  $L_{90}$  is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”

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- **Day-Night Level ( $L_{dn}$  or DNL).** The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. This is a measure of the cumulative noise exposure in a community.
- **Community Noise Equivalent Level (CNEL).** The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring during the period from 7:00 a.m. to 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. For general community/environmental noise, CNEL and  $L_{dn}$  values rarely differ by more than 1 dB. As a matter of practice,  $L_{dn}$  and CNEL values are interchangeable and are treated as being equivalent in this assessment.
- **Sensitive Receptor.** Noise- and vibration-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, motels and hotels, libraries, religious institutions, hospitals, and nursing homes are examples.

### 4.8.2 ENVIRONMENTAL SETTING

#### 4.8.2.1 REGULATORY FRAMEWORK

This section summarizes key federal, State, and local regulations related to noise concerning the proposed Project.

#### Federal Regulations

##### *Occupational Health and Safety Administration*

The federal government regulates occupational noise exposure common in the workplace through the Occupational Health and Safety Administration (OSHA) under the USEPA. Such limitations would apply to the operation of construction equipment and could also apply to any proposed industrial land uses. Noise exposure of this type is dependent on work conditions and is addressed through a facility's Health and Safety Plan, as required under OSHA, and is therefore not addressed further in this analysis.

#### State Regulations

##### *General Plan Guidelines*

The State of California, through its General Plan Guidelines, discusses how ambient noise should influence land use and development decisions and includes a table of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels expressed in CNEL. A conditionally acceptable designation implies new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements for each land use is made and needed noise insulation features are incorporated in the design. By comparison, a normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements. Local municipalities adopt these compatibility standards as part of their General Plan and modify them as appropriate for their local environmental setting.

## Local Regulations

### *Alameda County General Plan*

The Alameda County General Plan Noise Element (Countywide Noise Element), adopted in 1975, provides a framework to regulate excessive noise levels and promotes compatibility of land uses with respect to noise. The Countywide Noise Element does not explicitly define the acceptable outdoor noise levels within residential areas, but it does recognize the Federal Environmental Protection Agency (EPA) noise level standards for residential land uses.

### *East County Area Plan*

The ECAP includes the following policies specific to noise, and applicable to the proposed project.

- **Policy 288:** The County shall endeavor to maintain acceptable noise levels throughout East County.
- **Policy 289:** The County shall limit or appropriately mitigate new noise sensitive development in areas exposed to projected noise levels exceeding 60 dB based on the California Office of Noise Control Land Use Compatibility Guidelines.

## 4.8.2.2 EXISTING CONDITIONS

The subject property is located within a rural, agricultural area with some neighboring low-density rural residential dwellings. The parcel is bounded by Livermore Avenue to the west and May School Road to the south. Land uses around the subject property include agricultural land to the north, south, and west, and low density rural residential dwellings and agricultural lands to the east. The single-family dwellings to the east (less than 15 residences total) would be the only sensitive receptors in terms of Project generated noise. The existing subject property's noise environment is primarily controlled by roadway noise from Livermore Avenue and other nearby roadways. The residential dwellings to the east may also contribute to the total noise environment at the subject property (i.e., property maintenance, people talking, minor mechanical equipment, etc.). Given the low-density buildout and rural, agricultural character of the Project vicinity, the ambient noise environment is expected to be generally quieter than a typical residential neighborhood.

## 4.8.3 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant noise impact if it would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
2. Generate excessive groundborne vibration or groundborne noise levels.
3. For projects located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels.

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### 4.8.4 IMPACT DISCUSSION

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NOISE-1	<b>The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</b>
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#### Construction

Construction of the proposed Project is expected to occur in two phases over a one-year period. Phase I would be located on the southern portion of the subject property adjacent to May School Road and encompass 30.8 acres. Phase 2 would be located on the northern portion of the subject property adjacent to North Livermore Avenue, and encompass 27.9 acres.

Pursuant to APMC Section 6.60.070(E), noise sources associated with construction is exempt from County exterior noise limits, provided said activities take place between the hours of 7:00 AM to 7:00 PM on weekdays, or between 8:00 AM and 5:00 PM on weekends. Though Project-related construction activities would abide by these time-of-day limits, expected construction noise levels were analyzed and presented below for informational purposes.

Sensitivity to noise is based on the location of the equipment relative to sensitive receptors, the time of day, and the duration of the noise-generating activities. Two types of short-term noise impacts could occur during construction: (1) offsite, mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) on-site, stationary-source noise from use of heavy construction equipment. Existing uses surrounding the subject property would be exposed to construction noise which, at times may be audible, but the associated community noise levels may not necessarily result in significant temporary noise impacts.

#### *Construction Vehicle Noise*

Construction-related activities would generate worker, vendor, and soil/material haul trips. The transport of workers and equipment to the construction site would incrementally increase noise levels along parcel access roadways. The hauling for the crushed aggregate rock for roadways would generate the most construction vehicle trips, which is expected to last approximately 20 days for Phase 1 and 111 days for Phase 2. However, during this worst-case haul phase, the proposed Project would generate only 13 truck trips per day, which is expected to be well below the existing traffic along parcel access roadways. As such, increases in traffic flows due to construction vehicles will not contribute to the overall ambient noise level along nearby roadways. Other phases of construction are anticipated to have fewer daily trips (for the aggregate of workers plus vendors plus haul-offs) and these phases would have even less of an incremental difference in noise levels along construction trip routes than the worst-case demolition haul phase. Thus, daily construction-related traffic noise would be *less than significant* at noise-sensitive receptors along construction routes.

Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA ( $L_{\max}$ ) at 50 feet from the vehicle, but these occurrences would generally be infrequent, would last for only a few seconds at a time, and would occur during the least sensitive hours of the day (when people are typically out of their houses). Because these construction vehicle pass-by noise level increases would be infrequent, sporadic, short-term, and would occur during weekday daytime hours, noise impacts from construction-related traffic pass-bys would be *less than significant* at noise-sensitive receptors along construction routes.

### *Construction Equipment Noise*

Noise generated by on-site construction equipment is based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each stage of construction involves different kinds of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest piece of equipment. The prevailing noise source on most construction equipment is typically the engine, although work-piece noise (such as dropping of materials) can also be notable at times.

The noise produced at each construction stage is determined by combining the noise level contributions (typically given in  $L_{eq}$ ) from each piece of equipment used at a given time, while accounting for the on-going time-variations of noise emissions (commonly referred to as the usage factor). Heavy equipment, such as a dozer or a loader, can have maximum, short-duration noise levels of approximately 80 to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on what specific activity is being performed at any given moment. Noise from construction equipment may be intermittent and sound levels diminish at a rate of at least 6 dBA per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and/or shielding/scattering effects). Additionally, average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the parcel with different loads and power requirements.

Using information provided by the County and methodologies and inputs employed in the air quality assessment, the expected construction equipment mix was estimated and categorized by construction activity. Noise levels from Project-related construction activities were calculated based on the simultaneous use of all applicable construction equipment.<sup>1</sup> Noise-generating equipment items associated with the proposed Project's construction are expected to be at least 100 feet on average from the nearest sensitive receptors. Table 4.8-1 presents potential construction noise associated with the proposed Project at varying distances, starting with the standard reference distance of 50 feet.

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<sup>1</sup> Federal Highway Administration (FHWA). 2006. *Roadway Construction Noise Model (RCNM)*, Version 1.0.

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**TABLE 4.8-1 ESTIMATED CONSTRUCTION NOISE LEVELS BY PHASE – PROJECTED DISTANCES**

Construction Phase	Projected Construction Noise Levels at Receiver Distances, dBA $L_{eq}$				
	At 50 Feet	At 100 Feet	At 150 Feet	At 200 Feet	At 300 Feet
Site Preparation/Grading	83	77	74	71	67
Building Construction	82	76	73	70	67
Paving	78	73	69	66	63
Architectural Coating	73	66	63	60	57

Source: Calculations performed with the FHWA's RCNM software and included in the Appendix A, Initial Study, of this Draft EIR.

Construction activities would increase noise levels at and near the proposed area of improvements. Based on the provided construction equipment information, the loudest construction phase is expected to be the site preparation/grading phase. Since proposed construction activities are expected to be at least 100 feet on average from the nearest sensitive receptors, the highest construction noise levels associated with the proposed Project is expected to be no more than 77 dBA  $L_{eq}$ .

Construction activities associated with the proposed Project would abide by the time-of-day limits provided by the ACMC (7:00 AM to 7:00 PM on weekdays, and 8:00 AM and 5:00 PM on weekends). Further, since the nearest receptors would most likely be located at least 100 feet on average from proposed construction activities, and since noise levels in terms of the nearest noise-sensitive receptors would be temporary (two phases over a one year period), sporadic, and intermittent, impacts at the nearest sensitive receptors would be *less than significant*.

## Operational

ACMC Section 6.60.040 provides that noise generation within any unincorporated area of the county as measured at a receiving residence shall not exceed the applicable noise level standards provided below in Table 4.8-2.

The proposed solar PV facility would include various equipment items including modules (panels), inverters, transformers, a control center, and a meteorological station. The only equipment items

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expected to generate notable levels of noise would be the inverters and, to a lesser extent, the transformers.<sup>2</sup> Other equipment noise would be negligible.<sup>3</sup>

**TABLE 4.8-2 EXTERIOR NOISE LIMITS – ALAMEDA COUNTY**

Receiving Land Use	Time Period	Maximum Allowable Noise Level (dBA)				
		For 30 Minutes Within Any Hour (L <sub>50</sub> )	For 15 Minutes Within Any Hour (L <sub>25</sub> )	For 5 Minutes Within Any Hour (L <sub>5</sub> )	For 1 Minute Within Any Hour (L <sub>1</sub> )	Maximum Instantaneous Level (L <sub>max</sub> )
Residential	7:00 am to 10:00 pm	50	55	60	65	70
	10:00 pm to 7:00 am	45	50	55	60	65

Notes:

L<sub>n</sub> is equal to the sound level exceeded for n percent of 1 hour

L<sub>max</sub> is the maximum instantaneous sound level measured over any period of time

1. In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the background noise level.

2. Each of the noise level standards specified above shall be reduced by 5 dB if the offensive noise contains a steady, audible tone such as a whine, screech or hum, or is an impulsive noise such as hammering, or contains music or speech conveying informational content.

Source: Alameda County Code, Title 6, Chapter 6.60, Section 6.60.40.

The proposed Project would include 48 inverters, which will be arranged to ensure that equipment generated noise will comply with ACMC Section 6.60.040 noise limits included in Table 4.8-2. The sound level of a PowerOne Aurora Trio 20.0, a commonly used commercial inverter, is approximately 70.7 dBA at 3.28 feet (1 meter).<sup>4,5</sup> Though the specific equipment expected to be used for the proposed Project is unknown at this time, the reference sound level of a PowerOne Aurora Trio 20.0 is used herein as being representative for this type and size of solar PV facility.<sup>6</sup> The solar inverters would be placed on equipment pads at least 1,000 feet (305 meters) from the nearest sensitive receptors to the east. At this distance, the sound level of a single commonly used commercial inverter would be reduced to approximately 20.4 dBA. With respect to all 48 inverters operating at the same time at a distance of 1,000 feet, the nearest

<sup>2</sup> From previous project work on a similar PV project, representative transformer portions had measured noise levels that were from 5 to 10 dBA lower than the inverter (City of Industry 2 MW Carport Photovoltaic Solar and Electric Charging Project, PlaceWorks (formerly The Planning Center | DC&E), 2012). This result, coupled with the small number of proposed transformers (i.e., four), would yield transformer-generated noise levels that would be approximately 20 dBA less than the associated inverter aggregate at the nearest sensitive receptors. Solar PV technologies are advancing rapidly. At the detailed design phase of project planning, newer technology may exist that provides greater efficiencies, cost savings or other benefits. Those newer technologies, if used, will not expand the project footprint or change the project features relevant to environmental impact analysis, but could result in changes to the number of panels, array layout, number of inverters and similar project design details.

<sup>3</sup> The proposed project would include 23,316 PV modules, 48 inverters, four transformers, tracking and mounting systems, connective wire, a control center, and a meteorological station. Additional on-site components include two 20,250 gallon AQUABLOX® D-Raintanks® and two 5,000 gallon water tanks.

<sup>4</sup> This level refers to sound pressure level (reference 20 micro-pascals) using an extended bandwidth.

<sup>5</sup> Malén, J., 2013. Analysis of noise emissions of solar inverters (Master's Thesis, Aalto University School of Science and Technology).

<sup>6</sup> See Footnote 1, above.



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sensitive receptors would be exposed to approximately 37 dBA.<sup>7</sup> This worst-case noise level estimation is below the lowest noise limit provided by the ACMC. Further, as the solar equipment would not be operating after sunset, the nearest sensitive receptors would not be exposed to project-related mechanical equipment noise at night. Thus, project-related, equipment-generated noise would be less than significant.

Project operation is anticipated to generate occasional trips by 1-2 project maintenance workers to perform routine maintenance and repairs, approximately 8 workers twice yearly for panel washing (approximately two days each washing cycle), and a 10,000-gallon water truck that would make deliveries to the subject property approximately 80 times per year. These trips are anticipated to be sporadic and nominal (less than 10 one-way trips per day) and may decrease over the course of the first three to five years of Project operation as the parcel's irrigation needs for screening vegetation decrease as the vegetation matures. The amount of water used for irrigation is also expected to decline in months with higher rainfall, which may reduce the frequency of water truck deliveries during those time periods. For reference, a doubling of the traffic volumes is necessary to cause a 3 dBA CNEL increase in noise levels, which is typically considered an audible change in outdoor noise environments. Consequently, less than 10 one-way truck trips per day and approximately 80 trips over the course of a year would be negligible compared to existing traffic volumes and would not substantially elevate traffic noise in the Project vicinity. The occasional and sporadic maintenance activities, and twice-yearly panel washing lasting approximately two days, would not generate substantial noise levels at off-site receptors. While maintenance employees would travel to the parcel periodically, their total trips, combined with the existing traffic flows, would result in negligible increases in roadway noise. Thus, maintenance activity- and traffic-generated noise during Project operations would be less than significant.

Therefore, noise impacts related to operation of the proposed Project in relation to established standards would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>NOISE-2</b>	<b>The proposed Project would not generate excessive groundborne vibrations or groundborne noise levels.</b>
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Pursuant to ACMC Section 6.60.050-8, operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source on private property shall be prohibited. However, the ACMC does not define a perception threshold. Therefore, this analysis uses the vibration guidelines provided by the Federal Transit Administration (FTA) as the quantified vibration limits for the proposed Project.<sup>8</sup> The FTA guidelines

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<sup>7</sup> The summation of 48 identical sources is given by  $10 \times \log_{10}(48) = 16.8$  dBA. Thus,  $20.4 + 16.8 \approx 37$  dBA.

<sup>8</sup> Federal Transit Administration (FTA). 2006, May. *Transit Noise and Vibration Impact Assessment*. United States Department of Transportation. FTA-VA-90-1003-06.

vibration thresholds are provided for both annoyance and architectural damage<sup>9</sup> due to vibration. For vibration annoyance, 78 VdB is considered the maximum acceptable vibration level for residential land uses. For architectural damage due to vibration, a Peak Particle Velocity (PPV) of 0.2 is considered the maximum acceptable vibration level for non-engineered timber and masonry buildings (typically applied to residential structures). These FTA guidelines provide the basis for determining whether the potential project-related vibration impacts would be significant.

### *On-Going Operations Vibration Impacts*

For potential Project-generated vibration impacts to nearby receptors, the Project would not include equipment that could generate substantial levels of long-term groundborne vibration levels that would exceed permissible levels according to the Alameda County Noise Element. Therefore, vibration from on-site sources would be *less than significant*.

### *Short-Term Construction Vibration Impacts*

Construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. Construction activities can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures, and soil type. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling and perceptible vibrations at moderate levels, to slight damage at the highest levels. Vibration is typically noticed nearby when objects in a building generate noise from rattling windows or picture frames. It is typically not perceptible outdoors and, therefore, impacts are normally based on the distance to the nearest building.<sup>10</sup> The FTA Transit Noise and Vibration Impact Assessment Manual includes reference vibration levels for different types of typical, commonly used construction equipment, as shown in Table 4.8-3. Table 4.8-3 also includes potential vibration effects associated with the proposed Project at varying distances with the top half of the table oriented to annoyance effects and the bottom half of the table presenting damage effects. Proposed construction activities are expected to be at least 100 feet from the nearest sensitive receptors.

Based on the referenced vibration levels provided by FTA, a vibratory roller generates a vibration level of 94 VdB at a distance of 25 feet. As shown in Table 4.8-3, at 100 feet (that is, the minimum expected distance to the nearest receptor structure), construction vibration levels associated with a vibratory roller (or similar equipment item) would be up to 76 VdB (relative to annoyance effects) and be up to 0.026 inches/second PPV (relative to damage effects). Both of these results are below the respective significance thresholds from the FTA Impact Assessment Manual. Other pieces of equipment would be anticipated to generate even lower vibration levels in Tables 4.8-3, which would also not exceed the established thresholds.

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<sup>9</sup> The term 'architectural damage' is defined as minor surface cracks (in plaster, drywall, tile, or stucco) or the sticking of doors and windows. This is below the severity of 'structural damage' which entails the compromising of structural soundness or the threatening the basic integrity of the building shell.

<sup>10</sup> Federal Transit Administration (FTA). 2006, May. *Transit Noise and Vibration Impact Assessment*. United States Department of Transportation. FTA-VA-90-1003-06.

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**TABLE 4.8-3 TYPICAL VIBRATION LEVELS PRODUCED BY COMMON CONSTRUCTION EQUIPMENT – PROJECTED DISTANCES**

Equipment Item <sup>a</sup>	Reference Vibration Level at 25 Feet (VdB)	Projected Vibration Level (Annoyance) <sup>b</sup> at Receiver Distances (VdB)			
		At 50 feet	At 90 Feet	At 100 feet	At 200 feet
Vibratory Roller	94	85	77	76	67
Large Bulldozer	87	78	70	69	60
Loaded Trucks	86	77	69	68	59
Jackhammer	79	70	62	61	52
Small Bulldozer	58	49	41	40	31

Equipment Item <sup>a</sup>	Reference Vibration PPV at 25 Feet (Inches/Second)	Projected Vibration Peak Particle Velocity (Damage) <sup>c</sup> at Receiver Distances (Inches/Second)			
		At 50 feet	At 90 Feet	At 100 feet	At 200 feet
Vibratory Roller	0.210	0.074	0.031	0.026	0.009
Large Bulldozer	0.089	0.031	0.013	0.011	0.004
Loaded Trucks	0.076	0.027	0.011	0.010	0.003
Jackhammer	0.035	0.012	0.005	0.004	0.002
Small Bulldozer	0.003	0.001	<0.000	<0.000	<0.000

Note: **Bold** numbers indicate values that exceed applicable FTA guidelines

a. There are some items that may be employed on the construction site that are not listed in the following table (i.e., excavator, backhoe). The vibration levels produced by such items are estimated to be comparable to the items in the table (i.e., excavator levels comparable to large bulldozer).

b. For vibration annoyance, 78 VdB is considered the maximum vibration level for residential land uses.

c. For architectural damage due to vibration, a Peak Particle Velocity (PPV) of 0.2 inches/second is considered the maximum vibration level for non-engineered timber and masonry buildings (typically applied to residential structures).

Source: Federal Transit Administration (FTA). 2006, May. Transit Noise and Vibration Impact Assessment. United States Department of Transportation. FTA-VA-90-1003-06.

All Project construction would be located at least 90 feet from the nearest receptor structures, therefore, vibration impacts associated with proposed Project construction would not result in perceptible vibration levels at any nearby structures and would not exceed the applicable FTA guidelines for vibration (i.e., 78 VdB for annoyance; 0.2 PPV inches/second for damage). Thus, construction-related vibration impacts would be *less than significant*. Therefore, the proposed Project is not anticipated to result in the exposure of persons or structures to, or generation of, excessive ground-borne vibration; and overall impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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**NOISE-3**      **For projects located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the Project would not expose people residing or working in the Project area to excessive noise levels.**

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The nearest private aircraft facilities to the subject property is the PG&E Livermore Training Center Heliport located over 4 miles to the southeast of the subject property.<sup>11</sup> While operations at this private heliport facility may, at times, be audible at the parcel, the relatively limited and sporadic use of this heliport for corporate travel or other limited uses, coupled with the distances between it and the subject property, would result in negligible amounts of noise at the subject property. As such, development of the Project would not expose people on-site to excessive noise levels from aircraft approaching or departing the private aircraft facilities and there would be *no impact*.

**Significance without Mitigation:** No impact.

#### 4.8.5 CUMULATIVE IMPACTS

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**NOISE-4**      **The proposed Project would not result in a significant cumulative impact with respect to noise.**

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The Aramis Solar Farm project is a proposed photovoltaic project located across Livermore Avenue from the Project. It is possible that construction activities of both projects could overlap, however, the proposed Aramis project is located over 1,200 feet from the closest receptors to the Project (residences on Bel Roma Road). The next closest planned and approved construction project (Medical Office Buildings – 250 East Hacienda Avenue) is located over 1,500 feet from the Project. At these distances, cumulative construction noise impacts would be no greater than those described in Impact NOISE-1, which were determined to be less than significant. Operational equipment from the Aramis project would be located at a much greater distance than the Project across Livermore Avenue and would not contribute substantially to the existing noise environment at the residences closest to the Project. Therefore, the Project would not contribute to a significant cumulative noise impact, resulting in a *less than significant* impact.

**Significance without Mitigation:** Less than significant.

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<sup>11</sup> Airnav.com, accessed March 29, 2018.

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## 4.9 TRANSPORTATION

This chapter describes the regulatory framework and existing transportation and traffic conditions related to the proposed Project, evaluates the potential impacts that could occur as a result of implementation of the proposed Project, including potential impacts to intersections, roadway segments, pedestrian and bicycle facilities, and transit service, and details mitigation measures needed to reduce significant impacts, as necessary.

### 4.9.1 DEFINITIONS AND STANDARDS

The operational performance of a roadway network is commonly described with the term level of service. The level of service is a qualitative description of operating conditions, ranging from level of service (LOS) A (free-flow traffic conditions with little or no delay) to LOS F (oversaturated conditions where traffic flows exceed design capacity, resulting in long queues and delays). LOS E corresponds to operations “at capacity.” When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F.

Analysis of traffic operations are normally conducted using the Highway Capacity Manual (HCM) Level of Service methodology. All intersections in the vicinity of the Project are unsignalized. Per the HCM methodology, the overall weighted average delay was calculated at all-way-stop intersections, and the worst-case approach delay was calculated at two-way stop-controlled intersections. The level of service corresponds to the delay calculated. Table 4.9-1 presents the LOS criteria according to the corresponding control delay.

**TABLE 4.9-1 UNSIGNALIZED INTERSECTION LOS CRITERIA**

Level of Service	Description	Average Control Delay (seconds per vehicle)
A	No delay for stop-controlled approaches	< 10.0
B	Operations with minor delays	> 10.0 to 15.0
C	Operations with moderate delays	> 15.0 to 25.0
D	Operations with some delays	> 25.0 to 35.0
E	Operations with high delays and long queues	> 35.0 to 50.0
F	Operation with extreme congestion, with very high delays and long queues unacceptable to most drivers	> 50.0

Sources: 2010 Highway Capacity Manual, Transportation Research Board, 2011.

According to Alameda County East County Area Plan (ECAP) Policy 193, the traffic LOS standard for major intercity arterials is LOS D. The LOS standard adopted by the Alameda County Congestion Management Agency (CMA) for Congestion Management Program (CMP) roadways such as Interstate I-580 is LOS E. As described below, in Section 4.9.2.2, North Livermore Avenue from I-580 to 0.5 mile from the subject property is classified as an arterial, but not a Major Arterial.

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### 4.9.2 ENVIRONMENTAL SETTING

#### 4.9.2.1 REGULATORY FRAMEWORK

This section describes local environmental laws and policies that are relevant to the California Environmental Quality Act (CEQA) review process for transportation and circulation. These policies provide a context for the impact discussion related to the proposed Project's consistency with the applicable regulatory conditions. There are no federal, State, or regional environmental laws or policies applicable to the proposed Project's transportation analysis.

#### Local Regulations

##### *East County Area Plan*

The ECAP includes the following policies specific to transportation and circulation, and applicable to the proposed Project.

- **Policy 183:** The County shall seek to minimize traffic congestion levels throughout the East County street and highway system.
- **Policy 184:** The County shall seek to minimize the total number of Average Daily Traffic (ADT) trips throughout East County.
- **Policy 190:** The County shall require new non-residential developments in unincorporated areas to incorporate Transportation Demand Management (TDM) measures and shall require new residential developments to include site plan features that reduce traffic trips such as mixed-use development and transit-oriented development Projects.
- **Policy 193:** The County shall ensure that new development pays for roadway improvements necessary to mitigate the exceedance of traffic level of service standards (as described below) caused directly by the development. The County shall further ensure that new development is phased to coincide with roadway improvements so that (1) traffic volumes on intercity arterials significantly affected by the Project do not exceed LOS D on major arterial segments within unincorporated areas, and (2) that traffic volumes on Congestion Management Program (CMP) designated roadways (e.g., Interstate I-580 and I-680 and State Highway 84) significantly affected by the Project do not exceed LOS E within unincorporated areas. If LOS E is exceeded, Deficiency Plans for affected roadways shall be prepared in conjunction with the Congestion Management Agency. Level of Service shall be determined according to Congestion Management Agency adopted methodology. The County shall encourage cities to ensure that these Levels of Service standards are also met within unincorporated areas.

##### *Alameda County Congestion Management Program*

The Alameda County Congestion Management Program (CMP) identifies countywide strategies to respond to future transportation needs and procedures to reduce congestion. The CMP identifies existing and desired traffic conditions on a variety of roadways throughout the county. All freeways and State highways, and selected arterial roadways, are designated elements of the CMP Roadway System. The two

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nearest CMP roadways to the subject property are I-580 and Vasco Road, which is east of the I-580/North Livermore Road interchange.

### **4.9.2.2 EXISTING CONDITIONS**

#### *Roadways and Intersections*

Roadways near the subject property are shown on Figure 3-1, *Regional and Vicinity Location*, and on Figure 3-2, *Aerial of Subject property and Surrounding Area*, in Chapter 3, Project Description.

- **North Livermore Avenue** near the subject property is a two-lane, north-south roadway with Class II bicycle lanes (striped and signed) on both sides of the roadway. North Livermore Avenue near the subject property is classified as a local roadway in the ECAP; the segment of Livermore Avenue extending south from about 0.5-mile south of the subject property is classified as an Arterial Roadway in the ECAP.<sup>1</sup> North Livermore Avenue has on and off ramps at I-580 about 2.5 miles south of the subject property; downtown Livermore is about 3.8 miles south of the subject property. Roadway capacities are not provided in the ECAP; however, local roadways have capacity of up to 5,000 vehicles per day according to the City of Livermore General Plan.<sup>2</sup>
- **May School Road** is a two-lane, east-west paved local roadway. The intersection of North Livermore Avenue and May School Road is unsignalized with a stop at the westbound approach at May School Road.
- **Bel Roma Road** is a two-lane, north-south local roadway about 720 feet east of the subject property. The intersection of Bel Roma Road and May School Road is controlled by a stop sign at the southbound approach of Bel Roma Road.
- **I-580** provides regional access to the vicinity of the Project. I-580 at Livermore Road is a freeway with five westbound lanes and six eastbound lanes.

No traffic volume data is available for any of the roadways near the subject property, due to the rural nature of the area.

#### *Bicycle and Pedestrian Facilities*

There are no sidewalks on any of the roadways near the subject property; the only bicycle facilities near the parcel are the bicycle lanes along North Livermore Avenue. A proposed regional trail extending north-south about 0.4 miles west of the subject property is mapped in the ECAP.<sup>3</sup>

#### *Public Transit*

There are no public transit stops near the subject property.

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<sup>1</sup> Alameda County, 2002. East County Area Plan, <https://www.acgov.org/cda/planning/generalplans/documents/EastCountyAreaPlancombined.pdf>, accessed May 2, 2018.

<sup>2</sup> City of Livermore, 2014. General Plan Circulation Element, <http://www.cityoflivermore.net/civicax/filebank/documents/6095/>, accessed April 27, 2018.

<sup>3</sup> Alameda County, 2002. East County Area Plan.



## TRANSPORTATION

### 4.9.3 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant transportation impact if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

### 4.9.4 IMPACT DISCUSSION

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<b>TRANS-1</b>	<b>The proposed Project would not conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.</b>
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### Construction Impacts

Construction of the proposed Project is expected to occur in two phases during a one-year period. Phase 1 would be located on the southern portion of the subject property adjacent to May School Road and encompass approximately 30.8 acres. Phase 2 would be located on the northern portion of the subject property adjacent to North Livermore Avenue, and encompass approximately 27.9 acres. Construction of each phase is anticipated to take between 4 and 6 months and will employ approximately 25 people. Project construction is described in Chapter 3, Project Description. Parcel access would be via two proposed gravel driveways from North Livermore Avenue.

#### *Construction Traffic Generation*

#### Construction Worker Commute Trips

For a conservative analysis approach, it is assumed that the 25 construction workers would drive separately to the subject property. Accordingly, construction workers would generate 25 inbound trips to the parcel in the morning and 25 outbound trips in the afternoon every weekday during the construction period. Based on our observations at several construction sites, the majority of construction workers normally arrive at a construction site before the Project peak hour between 7:00 AM and 9:00 AM and leave mid-afternoon between 2:00 PM and 4:00 PM before the PM peak hour traffic. This would equate to 50 one-way trips per day during the two construction periods.

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**TRANSPORTATION**Construction Equipment and Haul Trucks

Construction of each phase of the Project would be conducted in three steps: site preparation and grading; building construction, and paving. Site preparation and grading are anticipated to take one month; construction five months; and paving 1.5 months concurrently with construction. Mitigation Measure AQ-2 will require the watering of all construction areas at least twice daily to control dust emissions, which will generate water truck trips to the subject property during construction. No soil import or export is planned. It is estimated that up to 5,211 cubic yards of crushed aggregate would be imported via 442 haul trips to be placed atop the maintenance road (see *Proposed Site Access* below). A total of 438 haul trips would be required to deliver the Project materials (solar equipment) to the subject property, these trips will be spread throughout the day. Haul trips per day and number of days of haul trips are estimated below:

- Phase 1:
  - Solar Equipment Delivery: two trips per day for 111 days
  - Crushed aggregate delivery: 11 trips per day for 20 days
  - **Maximum trips per day: 13**
- Phase 2:
  - Solar Equipment Delivery: two trips per day for 108 days
  - Crushed aggregate delivery: two trips per day for 111 days
  - **Maximum trips per day: 4**

Construction Traffic Impacts

Construction of Phase 1 is estimated to generate up to 63 trips per day (50 worker commute trips and 13 haul trips). Construction of Phase 2 is anticipated to generate up to 54 trips per day (50 commute trips and 4 haul trips). These trips would represent a small fraction of the capacity of North Livermore Road and other streets in the vicinity of the subject property. These trips would be temporary in nature (for up to 12 months over the two construction phases) and would be dispersed throughout the day. Project construction traffic is not expected to substantially degrade the LOS on major arterials and CMP designated roadways (e.g., Interstate I-580 and I-680 and State Highway 84), such that it would exceed County standards. Therefore, construction traffic impacts on area roadways would be *less than significant*.

**Operational Impacts**

Access to the subject property would be provided via two gated unpaved driveways located on North Livermore Avenue. Emergency access may also be available along adjacent ranch roads. In addition, a 20-foot-wide all weather pervious internal maintenance road will be constructed to provide access to all Project components.

Project operation would only generate occasional trips by 1-2 project maintenance workers to perform routine maintenance and repairs, panel washing twice yearly (lasting approximately two days and requiring up to 8 workers) and a 10,000 gallon water truck that would make deliveries to the subject

## TRANSPORTATION

property approximately 80 times per year.<sup>4</sup> These trips are anticipated to be sporadic and nominal (less than 10 one-way trips per day), and may decrease over the course of the first three to five years of Project operation as the parcel's irrigation needs for screening vegetation decrease as the vegetation matures. The amount of water used for irrigation is also expected to decline in months with higher rainfall, which may reduce the demand for water truck deliveries during those time periods. Accordingly, these trips are anticipated to be sporadic and nominal and would not affect the capacity of the roadway system. It is not expected that Project operation traffic would substantially degrade the LOS on major arterials and CMP designated roadways such that it would exceed County standards. Therefore, *no impact* to traffic conditions on nearby roadways would occur.

### *Pedestrian, Bicycle Facilities, and Public Transit*

There are no sidewalks on any of the roadways near the subject property; the only bicycle facilities near the parcel are the bicycle lanes along North Livermore Avenue. Project construction would generate a limited number of trips; construction staging of equipment and materials would not block the bicycle lanes; and Project operation would generate minimal trips. No public transit routes operate near the subject property. Therefore, there would be *no impact* with respect to bicycle or pedestrian facilities or public transit.

**Significance without Mitigation:** Less than significant.

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<b>TRANS-2</b>	<b>The proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).</b>
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Section 15064.3(b) of the CEQA Guidelines provides guidance on determining the significance of transportation impacts and focuses on the use of vehicle miles travelled (VMT), which is defined as the amount and distance of automobile travel associated with a project. Given the nature of the proposed Project, after construction, there would be a nominal amount of vehicle trips generated by the Project, primarily associated with the 80 water delivery truck trips and occasional trips by maintenance workers, as discussed in TRANS-1. The VMT generated by these trips would also be nominal. Therefore, operation of the proposed would result in *less than significant* VMT impacts.

**Significance without Mitigation:** Less than significant.

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<sup>4</sup> Solar PV technologies are advancing rapidly. At the detailed design phase of project planning, newer technology may exist that provides greater efficiencies, cost savings or other benefits. Those newer technologies, if used, will not expand the project footprint or change the project features relevant to environmental impact analysis, but could result in changes to the number of panels, array layout, number of inverters and similar project design details.

## TRANSPORTATION

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<b>TRANS-3</b>	<b>The proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</b>
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Parcel access would be via two proposed gravel driveways intersecting North Livermore Avenue. The intersections would be at right angles and their designs would not create hazards. Project access would be reviewed and approved in conformance to Alameda County roadway design and sight distance standards. A review of aerial photography and photos taken at the subject property indicate that the road is flat and at grade, no major obstructions, sharp curves, or hazards are present in the vicinity of the parcel. The proposed Project would not place incompatible uses on area roadways. Impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>TRANS-4</b>	<b>The proposed Project would not result in inadequate emergency access.</b>
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The proposed Project would not impact emergency access. Construction equipment and materials would be staged on-site and not on public roadways. A 20-foot-wide all-weather pervious internal maintenance road will be constructed to provide access to all Project components. Therefore, *less than significant* impact would occur.

**Significance without Mitigation:** Less than significant.

### 4.9.5 CUMULATIVE IMPACTS

As discussed above in impact discussion TRANS-1, construction related traffic and operation of the Project would result in less than significant transportation impacts as the vehicle trips associated with construction and operation of the Project would not substantially degrade major arterials and CMP designated roadways and would not impact pedestrian facilities, bicycle facilities, or public transit. The proposed Project would also have less than significant impacts to VMT generation, hazards due to geometric design or incompatible uses, and would not result in inadequate emergency access.

Therefore, when considering the adjacent Aramis solar facility, the proposed Project would not result in cumulative transportation impacts, and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## TRANSPORTATION

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## UTILITIES AND SERVICE SYSTEMS

### 4.10 UTILITIES AND SERVICE SYSTEMS

This chapter describes the regulatory framework and existing conditions related to utilities and service systems, evaluates the potential impacts to water, sanitary sewers, storm drainage, solid waste facilities, and energy systems as a result of implementation of the proposed Project, and details mitigation measures needed to reduce significant impacts, as necessary.

#### 4.10.1 ENVIRONMENTAL SETTING

##### 4.10.1.1 REGULATORY FRAMEWORK

###### State Regulations

###### *California Porter-Cologne Water Quality Control Act*

Under the Porter-Cologne Water Quality Control Act, which was enacted in California in 1969, the State Water Resources Control Board (SWRCB) has regulatory authority over State waters and water quality policy. This act divided the State into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. Alameda County is overseen by the San Francisco Bay RWQCB.

###### *Groundwater Management Act (1992)*

The Groundwater Management Act of the California Water Code (Assembly Bill [AB] 3030), signed into law on September 26, 1992, and effective on January 1, 1993, provides guidance for applicable local agencies to develop voluntary Groundwater Management Plans (GMP) in State-designated groundwater basins. The GMPs can allow agencies to raise revenue to pay for measures influencing the management of the basin, including, but not limited to, the costs associated with the acquisition of replenishment water, administrative and operating costs, and costs of construction of capital facilities necessary to implement the groundwater management plan.<sup>1</sup>

###### *Sustainable Groundwater Management Act (2014)*

The Sustainable Groundwater Management Act of 2014 (SGMA) consists of three legislative bills, Senate Bill (SB) 1168, AB 1739, and SB 1319. The legislation provides a framework for long-term sustainable groundwater management across California. Under the roadmap laid out by the legislation, local and regional authorities in medium and high priority groundwater basins will form Groundwater Sustainability Agencies (GSAs) that oversee the preparation and implementation of a local Groundwater Sustainability Plan (GSP). The subject property is located within the Alameda County Flood Control and Water

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<sup>1</sup> Department of Water Resources Planning and Local Assistance Central District, Groundwater, *Groundwater Management*, <http://www.cd.water.ca.gov/groundwater/gwab3030.cfm>, accessed on May 14, 2018.

## UTILITIES AND SERVICE SYSTEMS

Conservation, Zone 7 (Zone 7 Water Agency) GSA.<sup>2</sup> Groundwater Sustainability Plans will have to be developed and in place by 2022. GSAs will have until 2040 to achieve groundwater sustainability.<sup>3</sup>

### *Water Efficient Landscape Ordinance*

The updated Water Efficient Landscape Ordinance requires local jurisdictions to adopt water efficient landscape ordinances with equal or stricter standards than the State Model Water Efficient Landscaping Ordinance by December 1, 2015. If an ordinance is not adopted February 1, 2016, then the State's Model Water Efficient Landscape Ordinances will go into effect. The Water Efficient Landscape Policy is adopted in ACMC Chapter 17.64, Water Efficient Landscape. Pursuant to ACMC Sections 17.64.090 and 17.64.100, project applicants are required to submit a landscape plan and irrigation plan to the County for review to ensure that it meets California Code of Regulation requirements.

### *California Integrated Waste Management Act*

California's Integrated Waste Management Act of 1989 (AB 939) requires that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000 through source reduction, recycling, and composting. AB 939 also establishes a goal for all California counties to provide at least 15 years of ongoing landfill capacity. To help achieve this, AB 939 requires that each city and county prepare a Source Reduction and Recycling Element to be submitted to the Department of Resources Recycling and Recovery (CalRecycle).

In 2007, SB 1016 amended AB 939 to establish a per capita disposal measurement system. California Integrated Waste Management Board (CIWMB) sets a target per capita disposal rate for each jurisdiction. Each jurisdiction must submit an annual report to CIWMB with an update of its progress in implementing diversion programs and its current per capita disposal rate.

### *California Solid Waste Reuse and Recycling Access Act of 1991*

To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 (SWRR) requires all new development to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. This Act requires CalRecycle to develop a model ordinance for adoption by any local agency that provides adequate areas for the collection and loading of recyclable materials for development projects.

### *Protection of Underground Infrastructure*

The responsibilities for persons excavating in the vicinity of utilities are detailed in Section 1, Chapter 3.1 "Protection of Underground Infrastructure," Article 2 of California Government Code 4216-4216.9. This law requires that an excavator must contact a regional notification center at least two days prior to excavation of any subsurface installation. Any utility provider seeking to begin a project that may damage

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<sup>2</sup>California Department of Water Resources, 2019. GSA Map Viewer, <https://sgma.water.ca.gov/webgis/index.jsp?appid=gasmaster&rz=true>, accessed November 18, 2019.

<sup>3</sup> UC Davis, Division of Agriculture and Natural Resources, 2014. Groundwater web page, <http://groundwater.ucdavis.edu/SGMA/>, accessed on June 26, 2017.

## UTILITIES AND SERVICE SYSTEMS

underground infrastructure can call Underground Service Alert, the regional notification center. Underground Service Alert will notify the utilities that may have buried lines within 1,000 feet of the project. Representative of the utilities are required to mark the specific location of their facilities within the work area prior to the start of project activities in the area.

Due to the nature of a solar farm project, the Project would not affect waste disposal or other utilities (other than water and electricity). Therefore, the other laws/regulations were not included.

### 4.10.1.2 EXISTING CONDITIONS

The existing single-family home located on the southwest corner of the subject property has existing connections to PG&E (electricity), well water, and a septic tank. There is no active irrigation system on the subject property and the subject property does not connect to a sanitary sewer. The proposed Project would not disrupt these services. The proposed PV facility would not require connections to municipal water, sewer service, or natural gas.

Water for Project operation and irrigation would be replenished from a fire hydrant located approximately 2.8 miles southeast of the subject property at the corner of Ames Street and Martingale Lane in the City of Livermore and brought in by truck and stored in on-site tanks. The fire hydrant is located within the Livermore Municipal Water service area.<sup>4</sup> According to the 2015 Urban Water Management Plan, the Livermore Municipal Water system has adequate water supplies to meet current and forecast future demand for normal years, single dry years, and multiple dry years.<sup>5</sup>

Given the rural nature of the subject property, stormwater runoff drains through natural drainage swales and ditches, generally in a southeast direction.

Alameda County is primarily served by the Vasco Road Sanitary Landfill and the Altamont Landfill and Resource Recovery. The Vasco Road landfill has a permitted capacity of 2,518 tons of solid waste per day and a remaining permitted capacity of 7,379,000 cubic yard with an estimated “cease of operation date” of December 31, 2022.<sup>6</sup> The Altamont Landfill and Resource Recovery has a permitted capacity of 11,150 tons of solid waste per day and a remaining permitted capacity of 124,400,000 cubic yard with an estimated “cease of operation date” of January 1, 2025.<sup>7</sup>

The proposed PV facility would connect to an existing PG&E distribution line and generate electrical energy.

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<sup>4</sup> City of Livermore, Water Service, Service Area, [http://www.cityoflivermore.net/images/pw/wrd/Map\\_of\\_Water\\_Suppliers.png](http://www.cityoflivermore.net/images/pw/wrd/Map_of_Water_Suppliers.png), accessed on May 21, 2018.

<sup>5</sup> Livermore Municipal Water, 2015 Urban Water Management Plan, Chapter 7, Water Supply Reliability, <http://www.cityoflivermore.net/civicax/filebank/documents/14536>, page 50, accessed on May 15, 2018.

<sup>6</sup> CalRecycle, Facility/Site Summary Details: Vasco Road Sanitary Landfill (01-AA-0010), <http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0010/Detail/>, accessed on May 15, 2018.

<sup>7</sup> CalRecycle, Facility/Site Summary Details: Altamont Landfill and Resource Recovery (01-AA-0009), <http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/>, accessed on May 15, 2018.



## UTILITIES AND SERVICE SYSTEMS

### 4.10.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant utilities and service systems impact if it would:

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
2. Not have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.
3. Not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
5. Not comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

### 4.10.3 IMPACT DISCUSSION

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<b>UTIL-1</b>	<b>The proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.</b>
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As described above, supplemental water would be provided by a fire hydrant located 2.8 miles from the subject property. The trucks would be filled through a hose connected to the hydrant, which would not require modifications to or relocation of the hydrant. Supplemental water, as needed, would be delivered to the subject property from this fire hydrant up to 80 times per year via a 10,000-gallon water truck; no connections to municipal water or sewer service are proposed. The proposed Project would not require modifications to wastewater treatment, storm drainage, natural gas, or telecommunications facilities, as the construction and operation of the solar farm would not require connections to these utilities. The proposed Project would connect to the PG&E Cayetano substation located immediately west of the subject property; however, the connection would not require expansion or relocation of the substation. Therefore, impacts would be *less than significant*.

**Significance Without Mitigation:** Less than significant.

## UTILITIES AND SERVICE SYSTEMS

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<b>UTIL-2</b>	<b>The proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.</b>
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The proposed Project would store captured rainwater to maintain the solar arrays and irrigate the landscaped berm surrounding the facility. Based on 80 yearly truck trips of 10,000 gallons each, the proposed Project could require up to an additional 1.23 acre-feet of water from the Livermore Municipal Water system annually. For comparative purposes, one acre-foot equals about 326,000 gallons, or enough water to cover an acre of land, about the size of a football field, one foot deep. An average California household uses between one-half and one acre-foot of water per year for indoor and outdoor use.<sup>8</sup> As noted above in Section 4.10.1.2, the Livermore Municipal Water system has adequate water supplies to meet demand for current and forecast future normal years, single dry years, and multiple dry years. Therefore, the proposed Project would have sufficient water for operation of the facility, and the impact would be *less than significant*.

**Significance Without Mitigation:** Less than significant.

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<b>UTIL-3</b>	<b>The proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.</b>
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The proposed Project would not require connections to a municipal wastewater treatment system. Therefore, the project would result in *no impact*.

**Significance Without Mitigation:** No impact.

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<b>UTIL-4</b>	<b>The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.</b>
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During construction, the proposed Project would not demolish any structures and the Project components would all be delivered for on-site assembly. The proposed Project would generate small quantities of construction debris from site preparation activities and during installation of the solar arrays and associated infrastructure, including the rain tanks and irrigation lines. Project operation could also result in minor amounts of solid waste during routine maintenance activities. Refuse generated by Project construction would be delivered to either the Vasco Road Sanitary Landfill or the Altamont Landfill and Resource Recovery both of which service Alameda County. As discussed above, both the Vasco Road Sanitary Landfill or the Altamont Landfill and Resource Recovery have adequate capacity to serve Alameda County.

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<sup>8</sup> Water Education Foundation, <https://www.watereducation.org/general-information/whats-acre-foot>, accessed on May 2, 2019.

## UTILITIES AND SERVICE SYSTEMS

The proposed Project would be required to comply with local, State, and federal solid waste regulations. Because the proposed Project is a solar array and would have few employees regularly on-site, the Project would have a small amount of solid waste generation during construction and operation, which would be a negligible increase in solid waste generation on-site. Therefore, the proposed Project would not exceed State standards and would not exceed the capacity of the receiving landfills, resulting in a *less than significant* impact.

**Significance Without Mitigation:** Less than significant.

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UTIL-5	<b>The proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.</b>
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Given the small amount of solid waste generated during construction and operation of the solar facility, the proposed Project would be in compliance with federal, State and local regulations, and the impact would be *less than significant*.

**Significance Without Mitigation:** Less than significant.

### 4.10.4 CUMULATIVE IMPACTS

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UTIL-6	<b>The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to water, wastewater, stormwater, electric power, natural gas, telecommunication and solid waste disposal infrastructure.</b>
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The area considered for cumulative water supply impacts is the service area for the Livermore Municipal Water system. The Livermore Municipal Water system forecasts that it will have adequate water supplies for current and forecast future normal years, single dry years and multiple dry years. Therefore, cumulative impacts would be *less than significant* with respect to water service.

The proposed Project would not require wastewater, stormwater, electrical power, natural gas or telecommunications services, resulting in *less than significant* cumulative impacts.

The area considered for cumulative solid waste impacts is the County of Alameda. There are two primary landfills serving the County – the Vasco Road landfill and the Altamont Landfill. With remaining permitted capacities of 7,379,000 and 124,400,000 cubic yards, respectively, there would be sufficient capacity in the region for the cumulative increase in solid waste disposal. Overall, because existing landfill capacity would be sufficient to accommodate projected growth in the county and cumulative projects would be required to comply with applicable State solid waste regulations, cumulative impacts would be *less than significant*.

**Significance Without Mitigation:** Less than significant.

## 4.11 WILDFIRE

This chapter describes the regulatory framework and existing conditions related to wildfire hazards and risks in the vicinity of the proposed Project, evaluates the potential impacts to wildfire hazards and risks that could occur as a result of the proposed Project, and details mitigation measures needed to reduce significant impacts, as necessary.

A wildfire **hazard** is the potential for wildfire to occur in an area; wildfire **risk** is the likelihood for wildfire to harm people and/or damage property.<sup>1</sup>

### 4.11.1 ENVIRONMENTAL SETTING

#### 4.11.1.1 REGULATORY FRAMEWORK

This section summarizes key State and local regulations set forth to identify wildfire hazard areas and to reduce wildfire risks to new structures. There are no federal regulations for wildfire applicable to the proposed Project.

### State Regulations

#### *Fire Hazard Severity Zones*

The California Department of Forestry and Fire Protection (CAL FIRE) designates fire hazard severity zones as authorized under California Government Code Sections 51175 to 51189. CAL FIRE considers many factors such as fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area. There are three hazard zones in State responsibility areas: moderate, high and very high. CAL FIRE designates Fire Hazard Severity Zones (FHSZs) within three types of areas depending on what level of government is financially responsible for fire protection:

- LRA: Local Responsibility Area: cities and counties are financially responsible for wildfire protection.
- SRA: State Responsibility Area.
- FRA: Federal Responsibility Area.

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<sup>1</sup> Office of Emergency Services. 2018. California State Hazard Mitigation Plan. Chapter 8: Fire Hazards: Risks and Mitigation. Accessed January 21, 2019 at [https://www.caloes.ca.gov/HazardMitigationSite/Documents/011-2018%20SHMP\\_FINAL\\_Ch%208.pdf](https://www.caloes.ca.gov/HazardMitigationSite/Documents/011-2018%20SHMP_FINAL_Ch%208.pdf).

## **WILDFIRE**

### *Building Standards for Structures in Fire Hazard Severity Zones*

#### California Building Code (California Code of Regulations, Title 24, Part 2) Chapter 7A

Chapter 7A of the California Building Code (CBC), Materials and Methods for Exterior Wildfire Exposure, prescribes building materials and construction methods for new buildings in a FHSZ. Chapter 7A contains requirements for roofing; attic ventilation; exterior walls; exterior windows and glazing; exterior doors; decking; protection of underfloor, appendages, and floor projections; and ancillary structures. The CBC is updated on a three-year cycle; the current 2016 CBC took effect in January 2017.

#### California Fire Code

The California Fire Code (CFC) is Part 9 of Title 24. The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, fire hydrant locations and distribution, and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

Chapter 49 of the California Fire Code (CFC), Requirements for Wildland-Urban Interface Fire Areas, prescribes construction materials and methods in fire hazard severity zones; requirements generally parallel CBC Chapter 7A. The CFC is updated on a three-year cycle; the current 2016 CFC took effect in January 2017; the 2019 CFC will take effect in 2020.

#### *California Public Resources Code*

California Public Resources Code Sections 4291 et seq. requires that brush, flammable vegetation, or combustible growth within 100 feet of buildings be removed. Vegetation that is more than 30 feet from the building, less than 18 inches high, and important for soil stability, may be maintained; as may single specimens of trees or other vegetation that is maintained so as to manage fuels and not form a means of rapid fire transmission from other nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also contained in Sections 4906 and 4907 of the California Fire Code.

California Public Resources Code Section 4290 requires the State Board of Forestry and Fire Protection (CAL FIRE) to adopt regulations implementing minimum fire safety standards for defensible space that would be applicable to lands within the SRA and lands within very high FHSZs.

#### *State Responsibility Area Fire Safe Regulations*

SRA Fire Safe Regulations outline basic wildland fire protection standards and can decrease the risk of wildfire events in the wildland interface. SRA Fire Safe Regulations do not supersede local regulations that equal or exceed minimum State regulations. The State statute for wildfire protection is PRC Section 4290. Requirements in the PRC include information on:

- Road standards for fire equipment access
- Standards for signs identifying streets, roads, and buildings

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- Minimum private water supply reserves for emergency fire use
- Fuel breaks and greenbelts

### *California Department of Forestry and Fire Protection*

CAL FIRE is dedicated to the fire protection and stewardship of over 31 million acres of California's wildlands. The Office of the State Fire Marshal supports CAL FIRE's mission to protect life and property through fire prevention engineering programs, law and code enforcement, and education. The Office of the State Fire Marshal provides for fire prevention by enforcing fire-related laws in State-owned or operated buildings; investigating arson fires in California; licensing those who inspect and service fire protection systems; approving fireworks for use in California; regulating the use of chemical flame retardants; evaluating building materials against fire safety standards; regulating hazardous liquid pipelines; and tracking incident statistics for local and State government emergency response agencies. The California Fire Plan is the State's road map for reducing the risk of wildfire through planning and prevention to reduce firefighting costs and property losses, increase firefighter safety, and contribute to ecosystem health. The California Fire Plan is a cooperative effort between the State Board of Forestry and Fire Protection and CAL FIRE.

### *Governor's Office of Emergency Services*

The Governor's Office of Emergency Services (Cal OES) was established on January 1, 2009—created by Assembly Bill (AB) 38, which merged the duties, powers, purposes, and responsibilities of the former Cal OES with those of the Governor's Office of Homeland Security. Cal OES is responsible for the coordination of overall State agency response to major disasters in support of local government. Cal OES is responsible for ensuring the State's readiness to respond to and recover from all hazards—natural, manmade, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts. In 2018, Cal OES completed a State Hazard Mitigation Plan, which designated fire hazard severity zones and wildland-urban interface areas.<sup>2</sup>

### *2018 Strategic Fire Plan for California*

CAL FIRE produced the 2018 *Strategic Fire Plan for California*, which contains goals, objectives, and policies to prepare for and mitigate for the effects of fire on California's natural and built environments.<sup>3</sup> The 2018 *Strategic Fire Plan for California*, focuses on fire prevention and suppression activities to protect lives, property, and ecosystems; in addition to providing natural resource management to maintain to State forests as a resilient carbon sink to meet California's climate change goals. A key component of the

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<sup>2</sup> California Office of Emergency Management, 2018, California State Hazard Mitigation Plan, [https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP\\_FINAL\\_ENTIRE%20PLAN.pdf](https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP_FINAL_ENTIRE%20PLAN.pdf), accessed on November 18, 2019.

<sup>3</sup> California State Board of Forestry and Fire Protection, 2018, 2018 Strategic Fire Plan for California, <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf1614.pdf>, accessed on November 18, 2019.

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2018 *Strategic Fire Plan for California* is the collaboration between communities to ensure fire suppression and natural resource management is successful.<sup>4</sup>

### *California Code of Regulations Title 14 Section 1250 et seq.: Fire Prevention Standards for Electric Utilities*

CCR Title 14 Section 1250 et seq. set forth fire prevention standards for electric utilities. Sections 1254 and 1256 set forth requirements for vegetation clearance from poles, towers, and wires.<sup>5</sup>

#### Section 1254

The firebreak clearances required by PRC Section 4292 are applicable within an imaginary cylindroidal space surrounding each pole or tower on which a switch, fuse, transformer or lightning arrester is attached and surrounding each dead end or corner pole unless such pole or tower is exempt from minimum clearance requirements by provisions of Title 14 CCR Section 1255 or PRC Section 4296. The radius of the cylindroid is 3.1 meters (10 feet) measured horizontally from the outer circumference of the specified pole or tower with height equal to the distance from the intersection of the imaginary vertical exterior surface of the cylindroid with the ground to an intersection with a horizontal plane passing through the highest point at which a conductor is attached to such pole or tower. Flammable vegetation and materials located wholly or partially within the firebreak space shall be treated as follows:

- (a) At ground level-remove flammable materials, including but not limited to, ground litter, duff and dead or desiccated vegetation that will allow fire to spread, and;
- (b) From 0 to 2.4 meters (0 to 8 feet) above ground level-remove flammable trash, debris or other materials, grass, herbaceous, and brush vegetation. All limbs and foliage of living trees shall be removed up to a height of 2.4 meters (8 feet).
- (c) From 2.4 meters (8 feet) to horizontal plane of highest point of conductor attachment-remove dead, diseased or dying limbs and foliage from living sound trees and any dead, diseased or dying trees in their entirety.

#### Section 1256

Minimum clearance required by PRC Section 4293 shall be maintained with the specified distances measured at a right angle to the conductor axis at any location outward throughout an arc of 360 degrees. Minimum clearance shall include:

- (1) Any position through which the conductor may move, considering, among other things, the size and material of the conductor and its span length.

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<sup>4</sup> California State Board of Forestry and Fire Protection, 2018, 2018 Strategic Fire Plan for California, <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf1614.pdf>, accessed on November 18, 2019.

<sup>5</sup> Wires are referred to as "conductors" in CCR Title 14 Section 1256.

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- (2) Any position through which the vegetation may sway, considering, among other things, the climatic conditions, including such things as foreseeable wind velocities and temperature, and location, height and species of the vegetation.

## Local Regulations

### *Alameda County General Plan*

The Alameda County General Plan Safety Element, adopted in 2013, provides a policy framework to resolve development issues that arise from known or previously unknown hazards. The Safety Element includes descriptive information, analysis, and policies pertaining to fire hazards within the County. The focus of the Safety Element is to minimize human injury, loss of life, property damage, and economic and social dislocation due to natural and human-made hazards. The Safety Element includes the following policies under **Goal 2** specific to wildland fire hazards, and applicable to the proposed Project.

- **P4:** All urban and rural development, existing and proposed, should be provided with adequate water supply and fire protection facilities and services. Facilities serving hill area development should be adequate to provide both structural and wildland fire protection. The primary responsibility falls upon the owner and the developer. (Source: Seismic Safety and Safety Element, pg. 8)
- **P5:** Structures, features of structures, or uses which present an unacceptable risk of fire should be brought into conformance with applicable fire safety standards. (Source: Seismic Safety and Safety Element, pg. 8)
- **P11:** The County shall require that open space within developed areas be designed and maintained to minimize fire hazards and ensure compatibility between development and any significant biological resources. (Source: ECAP, pg. 19)

### East County Area Plan

The ECAP includes the following policies specific to fire hazards, and applicable to the proposed Project.

- **Policy 114:** The County shall require the use of landscaping in both rural and urban areas to enhance the scenic quality of the area and to screen undesirable views. Choice of plants should be based on compatibility with surrounding vegetation, drought-tolerance, and suitability to site conditions; and in rural areas, habitat value and fire retardance.
- **Policy 134:** The County shall not approve new development in areas with potential **natural hazards** (flooding, geologic, wildland fire, or other environmental hazards) unless the County can determine that feasible measures will be implemented to reduce the potential risk to acceptable levels, based on site-specific analysis.
- **Policy 320:** The County shall consider, in reviewing development projects and subdivision of agricultural lands, the severity of natural **fire hazards**, potential damage from wildland and structural fires, the adequacy of fire protection services, road access, and the availability of an adequate water supply and pressure.



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### *Alameda County Emergency Operations Plan*

The Alameda Emergency Operations Plan (EOP), adopted in December 2012, establishes policies and procedures, in addition to assigning responsibilities to ensure the effective management of emergency operations within the Alameda Operational Area. Cities and towns within the county participate in the Alameda Office of Emergency Services coordination of emergency management activities. Emergency operations are split in to five phases: 1) Prevention Phase, 2) Preparedness Phase, 3) Response Phase, 4) Recovery Phase, and 5) Mitigation Phase.

### *Community Wildfire Protection Plan Alameda County*

The Community Wildfire Protection Plan (CWPP) for Alameda County, adopted in May 2012, provides a comprehensive analysis of wildfire hazards and risks in the wildland-urban interface of Alameda County. The CWPP contains an action plan, which identifies wildfire mitigation measures. These measures are organized into four broad categories, including education planning priorities, enhanced suppression capability and emergency preparedness, fuel reduction treatments, and improving survivability of structures.

## 4.11.1.2 EXISTING CONDITIONS

Most of the subject property consists of non-native annual grassland. A stand of mature blue gum trees lines the perimeter of the rural residential dwelling on the southwestern portion of the parcel. The parcel topography is generally flat, agricultural land. Prevailing winds typically come from the west, with the windiest portion of the year in June.<sup>6</sup>

The severity of a wildfire hazard is determined by the relationship between three factors: fuel classification, topography, and critical fire weather frequency. The subject property is not located within an area of moderate, high, or very high FHSZ for the Local Responsibility Area.<sup>7</sup> However, the subject property is within a State Responsibility Area (SRA) and is designated with a moderate FHSZ, as shown in Figure 4.11-1.<sup>8</sup>

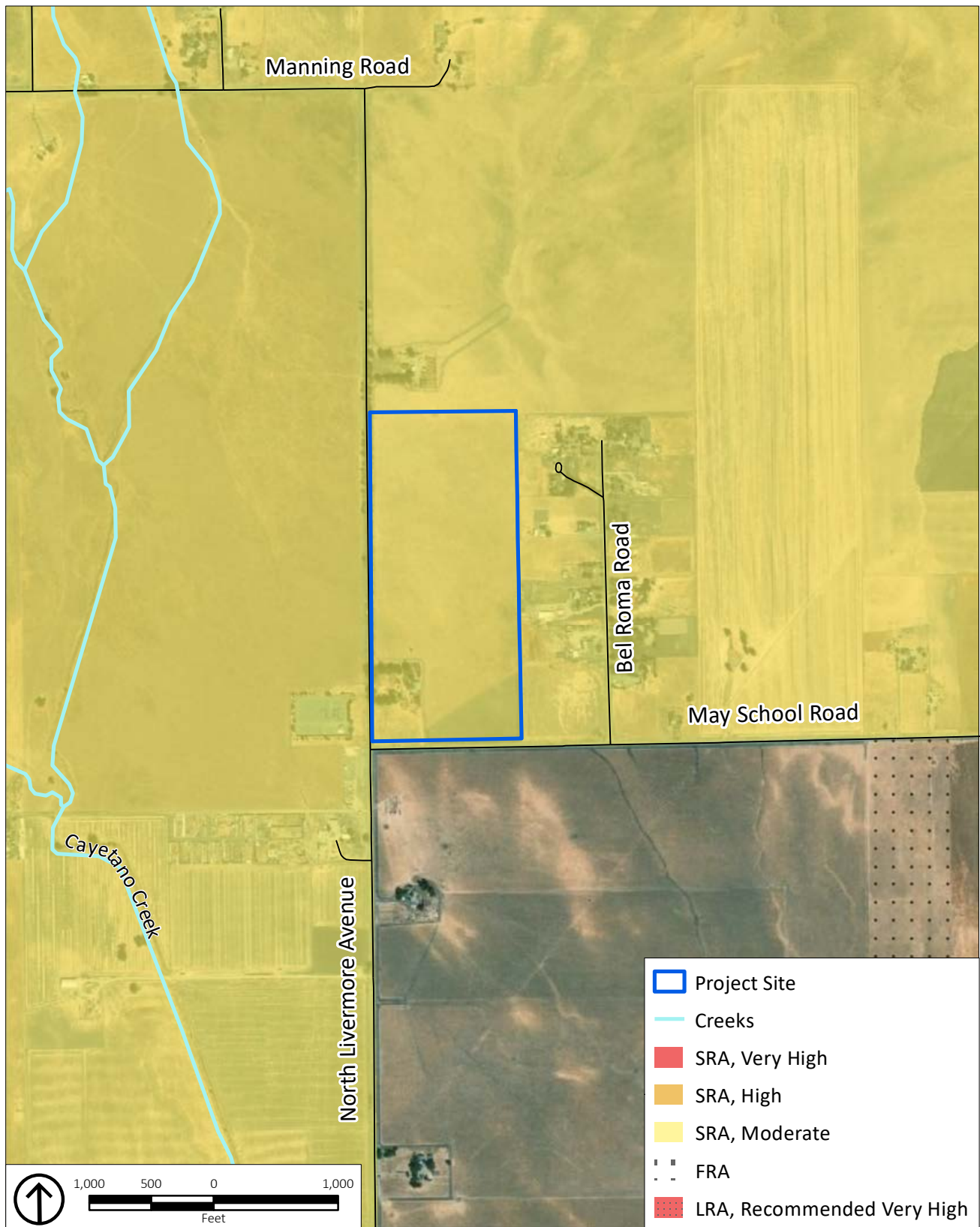
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<sup>6</sup> Weather Spark, Average Weather in Livermore California, United States, <https://weatherspark.com/y/1084/Average-Weather-in-Livermore-California-United-States-Year-Round>, accessed November 18, 2019.

<sup>7</sup> California Department of Forestry and Fire Protection, 2019, Fire Hazard Severity Zone Viewer, <https://egis.fire.ca.gov/FHSZ/>, accessed on November 14, 2019.

<sup>8</sup> California Department of Forestry and Fire Protection, 2019, Fire Hazard Severity Zone Viewer, <https://egis.fire.ca.gov/FHSZ/>, accessed on November 14, 2019.

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Source: Alameda County, 2017; CAL FIRE, 2007; CAL FIRE, 2011; PlaceWorks, 2019; ESRI, 2019.

Figure 4.11-1  
CAL FIRE Fire Hazard Severity Zone Map

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### 4.11.2 STANDARDS OF SIGNIFICANCE

A project may result in a significant wildfire impact if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and if it would:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan.
2. Exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

### 4.11.3 IMPACT DISCUSSION

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<b>FIRE-1</b>	<b>The proposed Project would be located in a State Responsibility Area but would not substantially impair an adopted emergency response plan or emergency evacuation plan.</b>
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The proposed Project would create a significant impact if it would substantially impair an emergency response plan or emergency evacuation plan.

The proposed Project would not involve any material changes to public streets, roads, or evacuation infrastructure and it would not include the construction of any features that might impair the implementation of the Alameda County EOP or CWWP for Alameda County. Furthermore, the proposed Project would not change existing emergency response and rescue access routes within Alameda County. Additionally, all construction staging would be located on-site and would not affect access to North Livermore Avenue or May School Road, which are evacuation routes near the subject property. Therefore, there would be a *less than significant* impact to emergency response or evacuation.

**Significance Without Mitigation:** Less than Significant.

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<b>FIRE-2</b>	<b>The proposed Project would be located in a State Responsibility Area, but would not exacerbate wildfire risks due to slope, prevailing winds, or other factors. Thus, proposed Project would not expose Project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire.</b>
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Pursuant to the 2015 CBIA v. BAAQMD case, CEQA applies to a project's impacts on the environment and not the environment's impacts on the Project, unless the Project would exacerbate the environmental

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hazard.<sup>9</sup> The proposed Project would result in a significant impact if it would exacerbate wildfire risks due to parcel characteristics such as slope, prevailing winds, or vegetation.

As stated in the Section 4.11.1.2, Existing Conditions, the subject property is characterized generally flat agricultural land, with nonnative grassland vegetation. Prevailing winds in and surrounding the City of Livermore derive from the west from February to November, and from the north from November to February, with the windier part of the year occurring from April to September with wind speeds averaging 7.9 miles per hour.<sup>10</sup>

The proposed Project includes the installation of a PV solar array, that would not involve the construction of structures that would be occupied, and there would be no increase of Project occupants on-site, who could be exposed to pollutant concentrations from wildfire or the uncontrolled spread of wildfire. Furthermore, landscaping would include native, low water use plants with shrubs and trees surrounding the exterior of the parcel, as shown in Figures 3-6 to 3-10. The landscaping would be required to comply with policies in the Safety Element of the Alameda County General Plan and East Area Plan, which require the use of plants that are fire retardant and minimize fire hazards. The proposed Project would also be required to comply with the 2016 California Fire Code, which provides specific regulations government conditions hazardous to life and property from fire or explosion. Therefore, the proposed Project would have fire prevention and management measures and would not expose workers and the surrounding neighborhoods to pollutant concentrations or the uncontrolled spread of wildfire. Impacts would be considered *less than significant*.

**Significance Without Mitigation:** Less than Significant.

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<b>FIRE-3</b>	<b>The proposed Project would be located in a State Responsibility Area, but would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment .</b>
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The proposed Project includes the construction of an on-site gravel access road, four concrete electrical pads for the solar inverters (approximately 1,370 square feet of impervious surface total), seven detention basins, measuring 160 by 303 feet, a swale, a 3-foot berm along the inside perimeter of the swale, and 134 rows of PV solar arrays.<sup>11</sup> The proposed Project also includes installation of two 20,250-gallon water storage tanks for non-emergency facility maintenance and irrigation, and the Project would connect to an existing PG&E distribution line. The planned infrastructure improvements would not exacerbate fire risk

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<sup>9</sup> California Supreme Court, 2015, California Building Industry Association v. Bay Area Air Quality Management District, Opinion No. S213478, date filed December 17, 2015.

<sup>10</sup> Weather Spark, Average Weather in Livermore California, United States, <https://weatherspark.com/y/1084/Average-Weather-in-Livermore-California-United-States-Year-Round>, accessed November 18, 2019.

<sup>11</sup> Solar PV technologies are advancing rapidly. At the detailed design phase of project planning, newer technology may exist that provides greater efficiencies, cost savings or other benefits. Those newer technologies, if used, will not expand the project footprint or change the project features relevant to environmental impact analysis, but could result in changes to the number of panels, array layout, number of inverters and similar project design details.

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over existing conditions. Additionally, with the installation of the stormwater retention ponds at the end of each of the seven module arrays at the east side of the subject property, swales, and rain tanks, water would be available to aid in fire suppression, in the event of a wildfire. The installation of these Project elements is analyzed in Chapters 4.1 to 4.10 of this Draft EIR, and were determined to have less than significant environmental impacts. Therefore, impacts would be *less than significant*.

**Significance without Mitigation:** Less than Significant.

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<b>FIRE-4</b>	<b>The proposed Project would be located in a State Responsibility Area, but would not expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.</b>
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Due to the relatively flat topography on the parcel, the lack of change in topography and vegetation, the very limited addition of impervious surfaces, and the on-site stormwater retention facilities described in impact discussion **FIRE-3** above, the proposed Project would not expose people or structures to significant risks from flooding or slope instability in the aftermath of a wildland fire. Furthermore, the proposed Project would not include the addition of new residents to the subject property that could experience flooding or slope instability from post-fire runoff. Therefore, impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.11.4 CUMULATIVE IMPACTS

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<b>FIRE-5</b>	<b>The proposed Project would be located in a State Responsibility Area but would not expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.</b>
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The area considered for cumulative impacts related to wildfires are the SRA and Wildland-Urban Interface to the north, east, and west of the subject property. This includes the Aramis Solar Facility, directly west of the subject property, across North Livermore Avenue. As discussed above, the subject property and the adjacent Aramis Solar Facility is an area of moderate Fire Hazard Severity in a State Responsibility Area, as shown in Figure 4.11-1. However, the proposed Project and Aramis Solar Facility would not involve the addition of new residents to the area, nor would the projects include components that would exacerbate wildfire risk, resulting in less than significant impacts regarding wildfire risk.

The Aramis Solar Facility would include coordination with the Alameda County Fire Department to ensure firefighter access in an emergency, would manage on-site vegetation to minimize fire risk, and emergency fire kits would be kept on-site during construction and operation of the solar facility. A stormwater pollution and prevention plan would be prepared to ensure that off-site stormwater would not occur. Furthermore, similar to the proposed Project, the Aramis Solar Facility would be required to comply with the California Fire Code, the California Building Code, the California Public Resource Code, CWPP for

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Alameda County, the Alameda Emergency Operations Plan, and other State and local regulations that would ensure adequate evacuation capabilities in the area, the Project would not exacerbate wildfire risks during construction and operation of the facility, and would not cause downstream flooding or slope instability.

Compliance with these requirements would reduce cumulative development-related impacts relating to wildfire hazards and emergency response. Accordingly, the cumulative development would not result in a cumulatively significant impact to wildfire hazards and impacts from the proposed Project would not be cumulatively considerable. The proposed Project would not contribute to a cumulative increase in wildland fire hazards in the immediate vicinity of the subject property or throughout the region and the potential for cumulative impacts associated with wildfire hazards would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## **WILDFIRE**

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## 5. *Alternatives to the Proposed Project*

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### 5.1 INTRODUCTION

The following evaluation was prepared to evaluate whether there may be feasible alternatives to the Project that could avoid or substantially lessen any of the significant effects of the Project. Section 15126.6(a), Consideration and Discussion of Alternatives to the Project, of the California Environmental Quality Act (CEQA) Guidelines states that:

An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The following discussion is intended to inform the public and decision makers of a reasonable range of feasible alternatives to the proposed Project that would avoid or substantially lessen any significant effect of the proposed Project. This chapter describes the purpose of the alternatives discussion; provides a summary of the reasonable range of alternatives, including a summary of potentially significant impacts and the relationship of each alternative to the Project objectives; and identifies the environmentally superior alternative.

### 5.2 POTENTIALLY SIGNIFICANT IMPACTS

All of the potential environmental impacts associated with development of the proposed Project were found to be no impact, less than significant without mitigation, or less than significant with mitigation. No significant and unavoidable impacts were identified as a result of construction and operation of the proposed Project. A list of the potential impacts is provided in Table 2-1 in Chapter 2, Executive Summary, of this Draft EIR. The choice of alternatives to the proposed Project for analysis in this Draft EIR focused on those alternatives that could avoid or substantially lessen the impacts found to be potentially significant, but less than significant with mitigation measures, as listed in Table 2-1.

The significant-but-mitigable impacts of the proposed Project include the following:

- **Aesthetics:** operational impacts to the existing visual character or quality of the parcel and its surroundings.



## ALTERNATIVES TO THE PROPOSED PROJECT

- **Air Quality:** construction impacts from construction emissions of fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).
- **Biological Resources:** construction and operational impacts to California tiger salamander, California Red-legged frog, special-status plant species, nesting birds, and wetlands.
- **Cultural and Tribal Resources:** construction impacts to unknown subsurface cultural and tribal cultural resources.

### 5.3 PROJECT OBJECTIVES

As stated above, the alternatives to a project must be able to feasibly attain most of the basic objectives of the proposed Project. The objectives identified by the County for the proposed Project are as follows:

- Construct a 6 megawatt (MW) solar energy facility that would produce enough energy to power approximately 1000 households and would start generating electricity as early as 2019 and be fully online by the end of 2020 in order to help meet state and federal renewable energy goals;
- Assist in achieving California's 100 Percent Renewable Energy Portfolio Standard and greenhouse gas emissions reduction objectives to the maximum extent possible, based on anticipated transmission facility capacity and reserved queue position;
- Produce economic benefits by creating approximately 25 construction jobs and approximately 1 full time operations and maintenance job and by generating increased business for local vendors during construction and operation;
- Locate solar power plant facilities as near as possible to electrical transmission facilities with anticipated capacity and reserved queue position;
- Contribute to Alameda County climate change and renewable energy goals by generating fossil-free clean power for use by Alameda County and California residents;
- Site the Project in an area with excellent solar energy resource capabilities, in order to maximize productivity from the photovoltaic panels;
- To the extent feasible, site the Project on suitable land that is compatible with existing and ongoing agricultural uses;
- Effectuate the County's General Plan goals and policies designed to protect the County's environment and economy; and
- Ensure that power can be provided at a competitive price.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.4 SELECTION OF A REASONABLE RANGE OF ALTERNATIVES

Section 15126.6(c) of the State CEQA Guidelines states:

*The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.*

According to the State CEQA Guidelines Section 15364, feasibility is defined as:

*[The capability] of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.*

#### 5.4.1 ALTERNATIVES CONSIDERED AND REJECTED AS INFEASIBLE

As described above, Section 15126.6(c) of the State CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explains the reasons underlying the lead agency's determination. Section 15126.6(c) provides that among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic Project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. The following is a discussion of an alternative that was considered and rejected, along with the reasons it was not included in the analysis.

##### 5.4.1.1 ALTERNATIVE LOCATION

Development of the proposed Project at an alternative location in the county was considered and rejected because it would not accomplish most of the basic objectives of the proposed Project, would be infeasible, and would not substantially lessen or avoid any significant environmental impacts. An alternative site may not allow for a 6 MW solar energy facility, enable the location of a solar power plant near electrical transmission facilities, be a site with excellent solar energy resource capabilities, or be compatible with existing or ongoing agricultural uses. Additionally, the Project applicant does not currently own or control other potential sites for the proposed Project in Alameda County, which could accommodate the proposed Project or meet the objectives of the proposed Project. Nor can the Project applicant reasonably acquire or otherwise have access to such alternate sites (refer to Section 15126.6(f) of the CEQA Guidelines). Furthermore, an alternative site could cause greater operation- and construction- related impacts. Therefore, no feasible alternative locations were evaluated for the proposed Project and no further discussion is warranted.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.4.2 ALTERNATIVE ANALYSIS

In addition to the No Project Alternative, this EIR discusses one Project alternative and compares them to the proposed Project, as discussed below. As previously stated, the alternatives were selected because of their potential to reduce the significant-but-mitigable impacts of the proposed Project. The two alternatives are:

- **No Project Alternative.** Under the No Project Alternative, the Project would not be constructed, and the subject property would remain unchanged.
- **Reduced Size Alternative.** Under the Reduced Size Alternative, the subject property would be developed with a photovoltaic (PV) solar farm, with 180 PV solar arrays, or roughly two thirds the size of the proposed Project, in generally the same configuration as shown on Figure 3-5, Proposed Site Plan, in Chapter 3, Project Description, with a larger (375-foot) setback along the eastern property boundary. All the components of the proposed Project would be constructed, at the appropriate scale to support operation of the PV solar arrays, including the 20-foot gravel access roads, concrete pads for the electrical converters, detention basins, perimeter swale, rain tanks, and landscaped berm. Under this alternative, the 414 square foot seasonal wetland, located near the home would be protected through a 25-foot buffer between the proposed swale and wetland, as described in Mitigation Measure BIO-2. Access to the parcel would continue to be provided via the two driveways on North Livermore Avenue. With the number of PV arrays reduced by one third, the overall demand for water for cleaning the arrays would be reduced, thereby reducing the projected annual water truck delivery trips from 80 to 55.

Table 5-1 compares the impact of each alternative to impacts of the Project.

### 5.4.3 ASSUMPTIONS AND METHODOLOGY

The alternatives analysis compares the impacts of the alternatives to the proposed Project. The No Project Alternative assumes no change on the existing parcel and no new development. The overall extent of the development on the subject property for the other alternative is similar to the proposed Project, but the PV solar array would be approximately two thirds the size of the proposed Project. As described in Chapters 4.1, Aesthetics, Chapter 4.3. Air Quality, Chapter 4.4, Biological Resources, and Chapter 4.5, Cultural and Tribal Cultural Resources, mitigation measures would be required to reduce construction and operations related impacts. This alternatives analysis assumes that all applicable regulations and all mitigation measures identified in this EIR for the proposed Project would be implemented for the Reduced Size Alternative.

The following analysis compares the potentially significant environmental impacts of the two alternatives with the Project-related impacts for each of the environmental topics analyzed in detail in Chapters 4.1 through 4.11 of this Draft EIR. The impacts of each alternative are classified as greater, reduced, or similar to the level of impacts associated with the proposed Project. Table 5-1 summarizes the impacts of each of the alternatives compared to the proposed Project.

**ALTERNATIVES TO THE PROPOSED PROJECT****TABLE 5-1 COMPARISON OF PROJECT ALTERNATIVES**

Topic	No Project Alternative	Reduced Size Alternative
Aesthetics	–	0
Agriculture and Forestry Resources	0	0
Air Quality	–	–
Biological Resources	–	–
Cultural and Tribal Resources	–	0
Energy	0	0
Land Use and Planning	0	0
Noise	–	0
Transportation and Traffic	–	0
Utilities and Service Systems	–	–
Wildfire	+	0

## Notes:

- Reduced impact in comparison to the proposed Project.
- = Similar impacts in comparison to the proposed Project.
- +

Greater impact in comparison to the proposed Project.

## 5.5 IMPACT ASSESSMENT

### 5.5.1 NO PROJECT ALTERNATIVE

Under the No Project Alternative, the Project would not be constructed, and the subject property would remain as is. The undeveloped portion of the subject property, on which the Project is proposed to be built, would remain as an active, seasonal grazing site.

#### 5.5.1.1 AESTHETICS

The proposed Project would not result in any significant aesthetic impacts. There are no scenic vistas visible from the parcel, and the subject property is not located near a designated scenic corridor. Additionally, the proposed Project does not include any lighting; therefore, there would be no new source of substantial light or glare. Implementation of the proposed Project could, potentially alter the existing visual character or quality of the parcel and its surroundings, which is addressed through the proposed landscaped berm. Under the No Project Alternative, this landscape buffer would not be planted, and the parcel would retain its existing vegetation. Overall, the No Project Alternative would maintain the existing agricultural character of the parcel. Therefore, the No Project Alternative would *slightly lessen* the aesthetic change when compared to the proposed Project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.1.2 AGRICULTURE AND FORESTRY RESOURCES

The proposed Project would not result in any significant impact to agricultural or forestry resources. Although the parcel is actively grazed by livestock, it is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Significance. Pursuant to the Williamson Act contract for the on-site grazing would continue to occur as part of the proposed Project. Accordingly, the proposed Project would not involve changes to the existing environment that would result in the conversion of farmland to non-agricultural uses or forest land to non-forest use. Furthermore, the Alameda County Uniform Rules for the Williamson Act includes photovoltaic power generation as a use compatible with on-site agricultural uses.

Overall, neither the No Project Alternative nor the proposed Project would result in a significant impact to agriculture or forestry resources. Therefore, the No Project alternative is considered *similar*, to the proposed Project.

### 5.5.1.3 AIR QUALITY

With mitigation, the proposed Project would not result in significant air quality impacts. The proposed Project would not conflict with or obstruct implementation of the BAAQMD *2017 Clean Air Plan*. Construction of the proposed Project would result in short-term air pollutant emissions that could violate air quality standards, which would be less than significant with mitigation measures. Once operational, the proposed Project would generate occasional vehicle trips by maintenance workers to perform routine maintenance and repairs, and a water truck that would make deliveries to the subject property approximately 80 times per year. These trips are anticipated to be sporadic and nominal and would have a less than significant impact.

Like the proposed Project, the No Project Alternative would not exceed the Air District's emissions thresholds and would therefore not conflict with the *2017 Clean Air Plan*.

Unlike the proposed Project, the No Project Alternative would not involve additional construction on-site and would therefore not have the potential to expose any sensitive receptors to construction-related air pollutants. The No Project Alternative would avoid the Project's significant-but-mitigable impact associated with construction-related dust.

Unlike the proposed Project, the No Project Alternative would not generate any trips by maintenance workers or the projected 80 annual water delivery trips. With no new vehicle trips under the No Project Alternative there would be no increase in vehicle air emissions, resulting in no impacts compared to the proposed Project.

Neither the proposed Project nor the No Project Alternative would involve the types of land uses that could create objectionable odor impacts.

Overall, air quality impacts would be *slightly lessened* under the No Project Alternative compared to the proposed Project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.1.4 BIOLOGICAL RESOURCES

With mitigation, the proposed Project will not result in significant impacts to biological resources on-site. As discussed in Chapter 4.4, Biological Resources, of this Draft EIR, there is a remote potential that the proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Given the presence of known and potential breeding sites in close proximity to the subject property, there remains a remote potential for individual CTS and CRLF to disperse onto the parcel in the future, and be injured or killed during construction, which would be a significant impact. However, with mitigation, the impact Project construction may have on special status species would be reduced to less than significant. Additionally, there is a remote possibility that ground disturbing construction activities may impact nesting habitat on-site. Under the proposed Project, impacts to nesting birds would be less than significant with mitigation, and the proposed Project would not result in any significant impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans.

The No Project Alternative would not involve any construction activities that could impact biological resources. This alternative would not involve vegetation clearance of any native or protected species and would not impact nesting birds that could use the subject property. Therefore, the No Project Alternative would avoid the Project's significant-but-mitigable impact to nesting birds.

Unlike the proposed Project, the No Project Alternative would not have the potential to affect sensitive habitats, riparian habitats, wetlands, or habitat conservation plans.

Overall, the No Project Alternative would *slightly lessen* biological resources impacts compared to the proposed Project.

### 5.5.1.5 CULTURAL RESOURCES

The subject property is not listed in a register of historical resources. The proposed Project would involve ground disturbance and could damage archaeological resources, paleontological resources, human remains, and/or tribal cultural resources; such impacts would be less than significant with mitigation.

Unlike the proposed Project, the No Project Alternative would not involve construction and therefore this alternative would not include ground disturbance that could impact archaeological, tribal cultural, or paleontological resources, or human remains, that may be buried in site soils.

Overall, the No Project Alternative would *slightly lessen* cultural resources impacts compared to the proposed Project.

### 5.5.1.6 ENERGY

The proposed Project would include the installation of solar arrays, which would produce renewable solar energy for distribution through the PG&E distribution system. The proposed Project would use typical construction equipment and would not result in the wasteful, inefficient, or unnecessary consumption of

## ALTERNATIVES TO THE PROPOSED PROJECT

energy resources. Additionally, the proposed Project serve to directly advance State and local plans for renewable energy by increasing renewable energy generation in the region. Therefore, the Project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency.

Under the No Project Alternative, there would be no construction on the parcel and the parcel would remain as agricultural land with seasonal grading, which would require little energy use. However, the No Project Alternative would not advance State and local plans relating to renewable energy and efficiency. Therefore, the No Project Alternative would have *similar* energy impacts compared to the proposed Project.

### 5.5.1.7 LAND USE AND PLANNING

The proposed Project would not divide an established community or conflict with land use policies or a habitat conservation plan, and land use and planning impacts of the proposed Project would be less than significant.

Like the proposed Project, the No Project Alternative would not divide an established community, conflict with land use policies, or conflict with a habitat conservation plan. Overall, the No Project Alternative would cause *similar* land use and planning impacts compared to the proposed Project.

### 5.5.1.8 NOISE

Exposure of people to excessive groundborne vibrations or noise levels, substantial permanent increase in ambient noise levels in the Project vicinity, and cumulative impacts would be less than significant with the proposed Project. Construction activities under the proposed Project could expose people to unacceptable noise levels during the construction periods; however, these impacts would be reduced to less than significant levels with the implementation of mitigation measures.

Unlike the proposed Project, the No Project Alternative would not create temporary, short-term construction noise, thereby avoid the Project's significant-but-mitigable impacts.

Operational noise levels under the No Project Alternative would be similar to the proposed Project, with the exception that there would be no increase in traffic noise from the periodic maintenance worker and water truck delivery trips.

Overall, the No Project Alternative would result in *slightly lessened* impacts to noise compared to the proposed Project.

### 5.5.1.9 TRANSPORTATION AND TRAFFIC

The proposed Project would generate approximately 63 daily vehicle trips during Phase 1 (50 worker commute trips and 13 haul trips), and 54 trips per day during Phase 2 (50 commute trips and 4 haul trips) of construction. These trips are nominal and would represent a small fraction of the capacity of North Livermore Avenue and other streets in the vicinity of the subject property. These trips would be temporary in nature (for up to 12 months) and would be dispersed throughout the day. It is not expected

## ALTERNATIVES TO THE PROPOSED PROJECT

that Project construction traffic would substantially degrade the level of service on roadways and intersections such that it would exceed County standards.

Project operation would generate occasional trips by 1-2 maintenance workers, 80 annual water truck deliveries, and twice-yearly washing of dust from panels will require a small crew (anticipated to be 8 people for two days each washing cycle).

These trips are anticipated to be sporadic and nominal and would not affect the capacity of the roadway system. It is not expected that traffic from Project operation would substantially degrade the level of service on roadways and intersections such that it would exceed County standards.

The proposed Project would not conflict with any congestion management program (CMP) policies at or near the subject property. Additionally, the proposed Project would not result in inadequate emergency access and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

The No Project Alternative would not create any vehicle trips to or from the parcel. Like the proposed Project, the No Project Alternative would not result in inadequate emergency access and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

Overall, the No Project Alternative would result in *slightly lessened* impacts to transportation and traffic compared to the proposed Project

### 5.5.1.10 UTILITIES AND SERVICE SYSTEMS

Construction of the proposed Project would result in less than significant or no impact to water supply, wastewater treatment, solid waste, storm drainage, and energy utilities.

The proposed Project would not generate wastewater that would be treated by public wastewater treatment facilities and would not exceed the San Francisco Bay RWQCB wastewater standards. Accordingly, the proposed Project would not exceed the capacity of a wastewater treatment provider nor require the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed Project would not alter the drainage patterns on the subject property and no connections to municipal water or sewer service are proposed. The proposed Project includes on-site water retention and storage facilities, designed to capture and store stormwater for irrigation of the landscaped berm and maintenance of the PV arrays. Supplemental water would be delivered to the subject property up to 80 times per year via a 10,000-gallon water truck (or up to 800,000 gallons annually) from a fire hydrant with supply coming from the City of Livermore. As discussed in Chapter 4.9, Utilities and Service Systems, of this Draft EIR, the Livermore Municipal Water system has adequate water supplies to meet demand for current and forecast future normal years, single dry years, and multiple dry years. Although water usage would increase under the proposed Project, no on-site groundwater wells would be used to supply water to the proposed Project.



## ALTERNATIVES TO THE PROPOSED PROJECT

Under the No Project Alternative, water would not be delivered to the subject property and electrical utilities would not be installed. However, the installation of stormwater drainage and retention facilities would not be constructed.

Overall, because the proposed Project would require about 800,000 gallons of municipal water supply and would also install stormwater drainage facilities, the No Project Alternative would be *slightly lessened* when compared to the proposed Project.

### 5.5.1.11 WILDFIRE

The subject property is within a State Responsibility Area and is designated as a high Fire Hazard Severity Zone.

The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Additionally, the proposed Project would have less than significant impacts to exposing workers and the surrounding neighborhood to pollutant concentrations or the uncontrolled spread of wildfire due to slope, winds, or other factors. The proposed Project would also include the installation of stormwater infrastructure and two 20,250-gallon water storage tanks on-site, and therefore would not exacerbate fire risks, result in temporary or ongoing impacts to the environment from fire safe infrastructure, or expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.

Under the No Project Alternative, there would be no changes to the subject property or increase the Project occupants on-site, and therefore this alternative would not impair an adopted emergency response plan or emergency evacuation plan. However, the No Project Alternative would not be required to comply with fire safe landscaping requirements or the 2016 California Fire Code and would not have fire prevention and management measures. Additionally, the No Project Alternative would not include the installation of water storage tanks or stormwater retention ponds, and therefore may exacerbate fire risks or expose people or structures to significant risks such as downstream flooding due to post-fire runoff.

Overall, the No Project Alternative would have *slightly greater* impacts compared to the proposed Project.

### 5.5.2 REDUCED SIZE ALTERNATIVE

Under the Reduced Size Alternative, the Project would be reduced in size (footprint) by one third, with a 375-foot set back from the eastern property line. This setback was determined by calculating the area needed to support a PV solar array system that was two thirds the size of the system in the proposed Project, which would reduce impacts to the residents in the surrounding residential neighborhood and on-site environmental resources. All other Project components would be similar to the proposed Project; however, they would be scaled down to support a smaller number of PV solar arrays.

#### 5.5.2.1 AESTHETICS

The proposed Project would result in less than significant impacts to aesthetics. There are no scenic vistas visible from the parcel, and the subject property is not located near a designated scenic corridor.

## ALTERNATIVES TO THE PROPOSED PROJECT

Additionally, the proposed Project does not include any lighting; therefore, there would be no new source of substantial light or glare. Implementation of the proposed Project could, potentially alter the existing visual character or quality of the parcel and its surroundings, which is addressed through the proposed landscaped berm. Under the Reduced Size Alternative, this landscape buffer would be installed similar to the proposed Project, however it would be set back from the eastern property line by about 375 feet. Overall, the Reduced Size Alternative would result in *similar* aesthetic impacts as the proposed Project.

### 5.5.2.2 AGRICULTURE AND FORESTRY RESOURCES

The proposed Project would not result in significant impacts to agricultural or forestry resources. Although the parcel is actively grazed by livestock, it is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Significance. Pursuant to the Williamson Act contract for the subject property, on-site grazing would continue to occur as part of the proposed Project. Accordingly, the proposed Project would not involve changes to the existing environment that would result in the conversion of farmland to non-agricultural uses or forest land to non-forest use. Furthermore, the Alameda County Uniform Rules for the Williamson Act includes photovoltaic power generation as a use compatible with on-site agricultural uses.

Overall, neither the Reduced Size Alternative nor the proposed Project would result in significant impacts to agriculture or forestry resources. Therefore, the agricultural resource impacts of the Reduced Size alternative are *similar* to the proposed Project.

### 5.5.2.3 AIR QUALITY

With mitigation, the proposed Project would not result in any significant air quality impacts. The proposed Project would not conflict with or obstruct implementation of the Air District *2017 Clean Air Plan*. Construction of the proposed Project would cause short-term air pollutant emissions that could violate air quality standards, which would be less than significant with mitigation measures. Once operational, the proposed Project would only generate occasional trips by maintenance workers to perform routine maintenance and repairs, and a water truck that would make deliveries to the subject property approximately 80 times per year. These trips are anticipated to be sporadic and nominal and are considered to have a less than significant impact.

The Reduced Size Alternative would also generate trips by maintenance workers to perform routine maintenance and repairs, and water delivery trucks, which would generate approximately 55 trips to the subject property per year. Because the Reduced Size Alternative would result in a reduction in PV arrays by one third, maintenance, washing, and water delivery trips would be slightly reduced, which would lessen the air quality impacts. Additionally, the Reduced Size Alternative would reduce the fugitive dust and construction exhaust generated by the construction of the Alternative.

Neither the proposed Project nor the Reduced Size Alternative would involve the types of land uses that could create objectionable odor impacts.

Overall, the Reduced Size Alternative would *slightly lessen* the air quality impacts compared to the proposed Project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.2.4 BIOLOGICAL RESOURCES

As discussed in Chapter 4.4, Biological Resources, of this Draft EIR, the proposed could result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Given the presence of known and potential breeding sites near the subject property there remains a remote potential for individual CTS and CRLF to disperse onto the parcel in the future, and be injured or killed during construction, which is considered a significant impact. However, with implementation of mitigation measures, the impact would be reduced to less than significant. Additionally, there is a remote possibility that ground disturbing activities may impact nesting habitat on-site. Under the proposed Project, impacts to nesting birds would be less than significant with mitigation, and the proposed Project would not result in significant impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans.

The Reduced Size Alternative would involve the same construction activity, with the same potential for significant biological resource impacts. This alternative would also involve vegetation clearance with the potential to impact designated native or protected species as well as nesting birds that could use the subject property. However, the Reduced Size Alternative would have a 375-foot setback along the eastern property line, which would reduce the area of potential effect. This area would act as a buffer between the PV solar arrays and the residential neighborhood, remaining undeveloped and used as a grazing area. This would reduce the area for potential significant but mitigable impacts to biological resources.

Like the proposed Project, the Reduced Size Alternative would have the potential to affect sensitive habitats, riparian habitats, wetlands, or habitat conservation plans, however the Reduced Size Alternative includes a 25-foot setback of the perimeter swale to avoid impacts to the 414 square foot wetland near the rural residential dwelling on the parcel.

Overall, with the reduction in the area of potential effect, biological resource impacts from the Reduced Size Alternative would be *slightly lessened* compared to the proposed Project.

### 5.5.2.5 CULTURAL RESOURCES

The subject property is not listed in a register of historical resources. The proposed Project would involve ground disturbance and could damage archaeological resources, paleontological resources, human remains, and/or tribal cultural resources; such impacts would be less than significant with mitigation.

The Reduced Size Alternative would involve the same construction activities as the proposed Project, including ground disturbance that could impact archaeological, tribal cultural, or paleontological resources, or human remains, that may be buried in site soils, within a smaller site development area. Although the area of potential effect is smaller under this alternative, the overall potential for discovery is similar to the proposed Project, and with implementation of mitigation measures, impacts would be considered less than significant.

Overall, the Reduced Size Alternative would result in *similar* cultural resources impacts compared to the proposed Project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.2.6 ENERGY

The proposed Project would include the installation of solar arrays, which would produce renewable solar energy for distribution through the PG&E distribution system. The proposed Project would use typical construction equipment and would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Additionally, the proposed Project serve to directly advance State and local plans for renewable energy by increasing renewable energy generation in the region. Therefore, the Project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency.

Under the Reduced Size Alternative, construction would include the use of similar equipment to the proposed Project and the project would produce renewable solar energy for distribution through the PG&E distribution system. Furthermore, the Reduced Size Alternative would implement State and local plans for renewable energy by increasing renewable energy generation by a similar amount in the region when compared to the proposed Project.

Therefore, the Reduced Size Alternative would have *similar* energy impacts compared to the proposed Project.

### 5.5.2.7 LAND USE AND PLANNING

The proposed Project would not divide an established community or conflict with land use policies or a habitat conservation plan, and land use and planning impacts of the proposed Project would be less than significant.

Like the proposed Project, the Reduced Size Alternative would not divide an established community, conflict with land use policies, or conflict with a habitat conservation plan. Overall, the Reduced Size Alternative would result in *similar* land use and planning impacts compared to the proposed Project.

### 5.5.2.8 NOISE

The proposed Project would not expose people residing or working in the vicinity of the subject property to excessive aircraft noise levels or excessive noise levels within the vicinity of a private air strip. The proposed Project would also not expose people to excessive groundborne vibrations or noise levels or substantial permanent increase in ambient noise levels in the Project vicinity. Construction activities under the proposed Project could expose people to unacceptable noise levels; these impacts would be reduced to less than significant levels with the implementation of mitigation measures.

The Reduced Size Alternative would also result in temporary, short-term construction noise, impacts. However, the noise impacts associated with noise would be lessened because the construction period would be shortened.

Operational noise levels under the Reduced Size Alternative would be similar to the proposed Project, with the exception of vehicle trips from maintenance workers, and fewer water delivery trucks trips (from 80 to 54).

## ALTERNATIVES TO THE PROPOSED PROJECT

Overall, the Reduced Size Alternative would result in *similar* impacts to noise compared to the proposed Project.

### 5.5.2.9 TRANSPORTATION AND TRAFFIC

Development of the proposed Project would generate approximately 63 daily vehicle trips during Phase 1 (50 worker commute trips and 13 haul trips), and 54 trips per day during Phase 2 (50 commute trips and 4 haul trips). These trips are nominal and would represent a small fraction of the capacity of North Livermore Avenue and other streets in the vicinity of the subject property. These trips would be temporary in nature (for up to 12 months) and would be dispersed throughout the day. It is not expected that Project construction traffic would substantially degrade the level of service on roadways and intersections such that it would exceed County standards.

Project operation would generate occasional trips by 1-2 maintenance workers and 80 annual water truck deliveries [add washing trips and frequency]. These trips are anticipated to be sporadic and nominal and would not affect the capacity of the roadway system. It is not expected that traffic from Project operation would substantially degrade the level of service on roadways and intersections such that it would exceed County standards.

The proposed Project would not conflict with any congestion management program (CMP) policies at or near the subject property. Additionally, development of the proposed Project would not result in inadequate emergency access and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

The Reduced Size Alternative would also generate vehicle trips to and from the parcel; however, the number of annual water delivery truck trips would be reduced to approximately 54 trips per year. Like the proposed Project, the Reduced Size Alternative would not result in inadequate emergency access and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities. During construction, the Reduced Size Alternative would generate fewer construction truck trips because fewer materials and less water would need to be delivered to the subject property.

Overall, the Reduced Size Alternative would result in *similar* impacts to transportation and traffic compared to the proposed Project

### 5.5.2.10 UTILITIES AND SERVICE SYSTEMS

Construction of the proposed Project would result in less than significant or no impact to water supply, wastewater treatment, solid waste, storm drainage, and energy utilities.

The proposed Project would not generate wastewater that would be treated by public wastewater treatment facilities and would not exceed the San Francisco Bay RWQCB wastewater standards. Accordingly, the proposed Project would not exceed the capacity of a wastewater treatment provider nor require the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed Project would not alter the drainage patterns on the subject property and no connections to municipal water or sewer service are proposed. The proposed Project includes on-site water retention

## ALTERNATIVES TO THE PROPOSED PROJECT

and storage facilities, designed to capture and store stormwater for irrigation of the landscaped berm and maintenance of the PV arrays. Supplemental water would be delivered to the subject property up to 80 times per year via a 10,000-gallon water truck (or up to 800,000 gallons annually) from a fire hydrant with supply coming from the City of Livermore. As discussed in Chapter 4.9, Utilities and Service Systems, the Livermore Municipal Water system has adequate water supplies to meet demand for current and forecast future normal years, single dry years, and multiple dry years. Although water usage would increase under the proposed Project, no on-site groundwater wells would be used to supply water to the proposed Project.

Overall, the Reduced Size Alternative would result in similar impacts to wastewater, storm drainage, solid waste, and energy facilities as the proposed Project; however, demand for supplemental water from Livermore would be reduced to about 550,000 gallons annually. Therefore, with the reduced demand for supplemental water, the impacts on water resources from the Reduced Size Alternative would be *slightly lessened* when compared to the proposed Project.

### 5.5.2.11 WILDFIRE

The subject property is within a State Responsibility Area and is designated as a high Fire Hazard Severity Zone.

The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Additionally, the proposed Project would have less than significant impacts to exposing workers and the surrounding neighborhood to pollutant concentrations or the uncontrolled spread of wildfire due to slope, winds, or other factors. The proposed Project would also include the installation of stormwater infrastructure and two 20,250-gallon water storage tanks on-site, and therefore would not exacerbate fire risks, result in temporary or ongoing impacts to the environment from fire safe infrastructure, or expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.

Under the Reduced Size Alternative, project construction and operation would be similar and include the same wildfire and flood hazard reduction components to that of the proposed Project, with approximately one-third fewer solar modules. Therefore, the Reduced Size Alternative would not substantially impair an adopted emergency response plan or emergency evacuation plan; would have less than significant impacts to exposing workers and the surrounding neighborhood to pollutant concentrations or the uncontrolled spread of wildfire due to slope, winds, or other factors; would not exacerbate fire risks or result in temporary or ongoing impacts to the environment from fire safe infrastructure; or expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.

Overall, the No Project Alternative would have *similar* impacts compared to the proposed Project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.6 OBJECTIVES ASSESSMENT

The County has identified the following Project objectives:

- Construct a 6 MW solar energy facility that would produce enough energy to power approximately 1000 households and would start generating electricity as early as 2019 and be fully online by the end of 2020 in order to help meet state and federal renewable energy goals;
- Assist in achieving California's 100 Percent Renewable Energy Portfolio Standard and greenhouse gas emissions reduction objectives to the maximum extent possible, based on anticipated transmission facility capacity and reserved queue position;
- Produce economic benefits by creating approximately 25 construction jobs and approximately 1 full time operations and maintenance job and by generating increased business for local vendors during construction and operation;
- Locate solar power plant facilities as near as possible to electrical transmission facilities with anticipated capacity and reserved queue position;
- Contribute to Alameda County climate change and renewable energy goals by generating fossil-free clean power for use by Alameda County and California residents;
- Site the Project in an area with excellent solar energy resource capabilities, in order to maximize productivity from the photovoltaic panels;
- To the extent feasible, site the Project on suitable land that is compatible with existing and ongoing agricultural uses;
- Effectuate the County's General Plan goals and policies designed to protect the County's environment and economy; and
- Ensure that power can be provided at a competitive price.

#### 5.6.1 NO PROJECT ALTERNATIVE

The No Project Alternative would not meet any of the Project objectives.

#### 5.6.2 REDUCED SIZE ALTERNATIVE

The Reduced Size Alternative would generate 4 MW of power, thereby supplying power to about 668 households, which is lower than the objective of 6 MW of power serving 1,000 households as noted in the objectives. This alternative would also lessen the Project's contribution to achieving the California's 100 Percent Renewable Energy Portfolio Standard and greenhouse gas reduction objectives, as well as Alameda County's renewable energy goals. By reducing the number of PV arrays by one third, the Reduced Project Alternative does not meet the objective of maximizing productivity in an area with excellent solar resource capabilities. Additionally, this alternative may not meet the objective of producing 25 construction jobs. The Reduced Size Alternative would, however, meet the objectives of creating 1 full time operations and maintenance job; locating solar power plant facilities as near as possible to electrical transmission facilities; contribute to Alameda County climate change and renewable energy goals; site the

## ALTERNATIVES TO THE PROPOSED PROJECT

Project in an area with excellent solar energy resource capabilities; site the Project on suitable land that is compatible with existing and ongoing agricultural uses, effectuate the County's General Plan goals and policies; and ensure that power can be provided at a competitive price. Overall, the Reduced Size Alternative would fully meet five of the nine Project objectives.

### 5.7 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. In addition to the discussion and comparison of impacts of the Project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be identified. Identification of the environmentally superior alternative is an informational procedure and the alternative identified may not be the alternative that best meets the goals or needs of the Project applicant or Alameda County.

As shown in Table 5-2, the No Project Alternative would result in fewer impacts than the proposed Project (with the exception of Agricultural and Forestry Resources and Land Use and Planning). However, the No Project Alternative would not meet the objectives of the proposed Project. Regardless, the No Project Alternative is considered the environmentally superior alternative. However, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the "No Project" alternative, the Draft EIR shall also identify an environmentally superior alternative among the other alternatives.

As discussed elsewhere in this EIR, the proposed Project will not result in any significant impacts (after implementation of mitigation measures in some cases). However, in comparison to the proposed Project, the Reduced Size Alternative would result in slightly lessened impacts to Air Quality, Biological Resources, and Utilities and Service Systems as a result of the reduced parcel development footprint and consequent reduction in demand for supplemental water.



## **ALTERNATIVES TO THE PROPOSED PROJECT**

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## 6. CEQA-Mandated Sections

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This chapter provides an overview of the impacts of the proposed project based on the analyses presented in Chapter 4 of this Draft Focused Environmental Impact Report (EIR). The topics covered in this chapter include impacts found not to be significant, significant irreversible changes, and growth inducing impacts. A more detailed analysis of the effects the proposed project would have on the environment and proposed mitigation measures to minimize significant impacts is provided in Chapters 4.1 through 4.11.

### 6.1 IMPACTS FOUND NOT TO BE SIGNIFICANT

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows environmental issues, for which there is no likelihood of significant impact, to be “scoped out” and not analyzed further in the Draft Focused EIR. This section explains the reasoning by which it was determined that impacts to Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, and Recreation potentially resulting from construction of the proposed project would be less than significant. For additional information, refer to Appendix B, Initial Study, for an in-depth explanation of the following CEQA topic areas.

#### 6.1.1 GEOLOGY AND SOILS

The project site is not highly susceptible to earthquakes, liquefaction, or landslides, and the dominant soil on-site is Clear Lake clay, which has a high runoff potential and a moderately low to moderately high capacity to transmit water. There are no mapped earthquake faults that run through or adjacent to the project site, thus the project would not exacerbate earthquake risk on the project site. The project site lies within an area susceptible to moderate liquefaction in the event of a strong seismic ground shaking event, however the project would not exacerbate this existing hazard, and there would be no impact. Additionally, the topography of the project site is generally flat, and the proposed project would not result in an erosion or landslide hazard. Furthermore, the soil on-site is considered to be potentially expansive, however expansive affects can be avoided through proper subsoil preparation, drainage, and foundation design. Therefore, the risks of expansive soil on-site would be less than significant.

#### 6.1.2 GREENHOUSE GAS EMISSIONS

Development of the proposed project would not exceed the bright line threshold of GHG emissions as designated by the Bay Area Air Quality Management District, therefore the construction phase of the proposed project would be less than significant. Furthermore, the proposed project would reduce annual GHG emissions from electricity use by 3,205 MTCO<sub>2</sub>e per year, and would further State climate change goals, thus the impact once operational would be less than significant. Finally, the proposed project would

## CEQA-MANDATED SECTIONS

not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHGs.

### 6.1.3 HAZARDS AND HAZARDOUS MATERIALS

The proposed PV facility would not involve the routine transport of hazardous waste, thus, no impacts to the public or the environment would occur. Potential impacts during construction of the proposed project could include potential spills associated with the use of fuels and lubricants in construction equipment. These potential impacts would be short-term in nature and would be reduced to less-than-significant levels through compliance with applicable local, State, and federal regulations, as well as the use of standard equipment operating practices by experienced, trained personnel. Additionally, during the operation phase of the proposed project, common cleaning substances, PV facility maintenance products, and similar items could be used on the project site. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. The proposed project would not emit hazardous emissions or materials, and is not located on a site which is included on a list of hazardous materials sites, nor is the project site located within two miles of a public airport or public use airport, and would not interfere with an adopted emergency response plan or emergency evacuation plan.

### 6.1.4 HYDROLOGY AND WATER QUALITY

The proposed project would not contribute to an exceedance of stormwater runoff off-site and would not be a point-source generator of water pollutants during project operation and would therefore not violate any water quality standards. Accordingly, the proposed project would not violate any water quality standards or waste discharge requirements. Water for the proposed project would be supplied from a fire hydrant located 2.8 miles southeast of the project site and would therefore not deplete groundwater supplies or interfere substantially with groundwater recharge. The project site does not contain waterways and would therefore not alter the course of any existing drainage on-site. Furthermore, there were no impacts found regarding the 100-year flood hazard, and inundation by seiche, tsunami, or mudflow.

### 6.1.5 MINERAL RESOURCES

The project site is not identified as containing any mineral deposits and would therefore have no impact on mineral resources.

### 6.1.6 POPULATION AND HOUSING

The project site would not involve new housing or employment centers. Furthermore, the proposed project would not displace substantial numbers of existing housing or substantial numbers of people, necessitating the construction of replacement housing elsewhere. Therefore, there is no impact anticipated to population or housing.

## CEQA-MANDATED SECTIONS

### 6.1.7 PUBLIC SERVICES

The proposed project is a PV facility, and would not result in an impact to fire or police protection services, schools, or library services.

### 6.1.8 RECREATION

The proposed project, a solar PV facility, would not result in a net increase of residents at the project site or elsewhere in the region because it does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the proposed project would not contribute to the deterioration of existing facilities nor require the construction or expansion of existing recreational facilities.

## 6.2 SIGNIFICANT IRREVERSIBLE CHANGES

Section 15126.2(c) of the CEQA Guidelines requires an EIR to discuss the extent to which a proposed project or plan would commit nonrenewable resources to uses that future generation would probably be unable to reverse. The three CEQA-required categories of irreversible changes are discussed below.

### 6.2.1 LAND USE CHANGES THAT COMMIT FUTURE GENERATIONS

As described in Chapter 3, Project Description, the proposed project would develop a 71.64-acre vacant site with a solar photovoltaic facility with a capacity of 6 megawatt alternating current. Although the project site is currently vacant and used as grazing land, the proposed project would not implement a land use change that commits future generations to uses that are not already prevalent in the project vicinity because the proposed solar panels are able to be removed, and the site could revert back to being vacant grazing land.

### 6.2.2 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

Potential environmental accidents of concern include those that would have adverse effects on the environment or public health due to the nature or quantity of material released during an accident and the receptors exposed to that release. Construction activities associated with development of the proposed project would involve some risk for environmental accidents. However, these activities would be monitored by City, State, and federal agencies, and would follow professional industry standards governing the use, storage, transport, and disposal of hazardous materials. Additionally, the land use proposed by the proposed project would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident. As a result, the proposed project would not pose a substantial risk of environmental accidents.

## **CEQA-MANDATED SECTIONS**

### **6.2.3 LARGE COMMITMENT OF NON-RENEWABLE RESOURCES**

Consumption of nonrenewable resources includes issues related to increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. The proposed project would require water and electric resources for construction. However, ongoing operation of the proposed project would create renewable energy resources and would not require a large commitment of non-renewable resources.

### **6.3 GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT**

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or plan could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or under-served area, or the removal of major barriers to development. This section evaluates the proposed project's potential to create such growth inducements. Not all aspects of growth inducement are negative; rather, negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

Growth-inducing impacts fall into two general categories: direct or indirect. Direct growth-inducing impacts are generally associated with providing urban services to an undeveloped area. Indirect, or secondary growth-inducing impacts consist of growth induced in the region by additional demands for housing, goods, and services associated with the population increase caused by, or attracted to, a new project.

The proposed project would not create any growth in population. During the construction phase, the project would employ approximately 25 people. Project operation would not require any permanent employees. The project would not require extension of utility infrastructure or the construction of new roadways. As such, construction of the proposed project would not be considered to have substantial adverse growth-inducing impacts.

## **7. Organizations and Persons Consulted**

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This Draft EIR was prepared by the following consultants and individuals:

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