



CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
801 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95113-1795

JAMES R. DERRYBERRY
DIRECTOR

July 27, 2000

Judith Ikle, CPUC
C/o Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA 94104

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR PG&E COMPANY'S
APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR NORTHEAST SAN JOSE TRANSMISSION REINFORCEMENT PROJECT
(APPLICATION NO. 99-09-029)(OA00-07-013)**

Dear Ms. Ikle:

The City of San Jose appreciates the opportunity to review and comment on the above referenced project. The City of San Jose requests that the US Dataport site be more fully evaluated as an alternative substation location prior to final action on the DEIR and this Project. Alternative Site A (City owned property) is located immediately north and west of PG&E's preferred alternative as analyzed in the DEIR.

The DEIR (pg. B-46) is correct in concluding that Alternative Site A is currently unavailable for development of a substation due to its existing use by the City as a "buffer" between adjacent private property and to dispose of recycled wastewater. However, the US Dataport proposal presents the City with an opportunity to consider the use of the adjacent property (which is the site of PG&E's preferred alternative in the DEIR) that could eliminate the need for the City to retain Alternative Site A for its current uses, thereby making Alternative Site A available for a substation.

A PG &E substation, with appropriate mitigation (primarily with landscaping and screening), would be a use of the preferred site that is compatible with the existing General Plan and land use designation for the site. However, if the City approves US Dataport's proposal prior to final action on the DEIR and this Project, the substation will be incompatible with the Planned Development Zoning that will exist on the property at that time. We therefore request that Alternative Site A should be fully evaluated as an alternative.

In addition to resolving a potential land use compatibility issue, the advantage to PG&E in evaluating Alternative Site A is that if the City concludes that Site A could be made available for the substation, PG&E's land acquisition/construction process will be simplified and expedited. If the Project is approved as currently proposed, PG&E will need to negotiate with the City over the purchase of transmission line easements and access rights, as well as negotiate with the owners of the preferred substation site. If the City approves the US Dataport Project and makes Alternative Site A available for the substation, PG&E would only need to negotiate with the City for the substation, transmission lines and access road.

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Please refer to the City's recent submittal to the CPUC on the Application for Certificate of Convenience and Necessity to Construct this Project that further discusses the City's concerns with the proposed project.

As stated in that testimony, the PG&E preferred route would directly impact the San Jose/Santa Clara Water Pollution Control Plant's (Plant) sludge handling operation by locating:

- high voltage power lines overhanging more than twelve beds and ponds and the private road used to access the ponds,
- three towers in the drying beds along the eastern boundary of the Plant, and
- four additional towers on top of the berms that separate the drying ponds

The westerly alignment alternative is superior from a Plant standpoint because it would eliminate potential conflicts between the sludge drying operation and the transmission lines and towers. However, from an overall environmental standpoint, because it passes through sensitive wetland areas, PG&E might need to dedicate sites for wetland mitigation. Undergrounding the lines along the preferred route would minimize potential conflicts.

The EIR does not adequately address the removal of the 145 eucalyptus trees that are currently located adjacent to the drying beds. Their removal would also adversely impact the Plant, unless the trees are replaced with mature trees of an appropriate species. These trees are an integral part of the Plant operation because they act as a buffer between the Plant and adjacent privately owned lands. Arbitrary limitation of the type of replacement tree to a species that will not exceed thirty feet in height is unacceptable. The trees must act as a visual barrier, and, to a limited extent, as an odor barrier. If the height of the trees is a concern, PG&E should be responsible for maintaining (trimming) the trees.

The EIR does not include a thorough analysis of potential effects on Coyote Creek as it is assumed that the towers will be located a sufficient distance from the creek to avoid impact. No map is provided to analyze exact tower locations. Towers will have significant effects on avian species, including raptors, due to potential bird strikes or collisions. The EIR states that it is impossible to predict the magnitude of bird mortality from the transmission line without extensive information on bird species and movements in the project vicinity and then states that such data is not available. The EIR should address these issues.

Thank you for the opportunity to comment and we look forward to reviewing the Final EIR document when it becomes available. If you have any questions regarding these comments, please contact me at 408-277-4576.

Sincerely,



Janis Moore
Planner II

JAM

c: Mollie Dent, City Attorney

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