

# Exhibit A of EBZA Resolutions

## Aramis Solar Energy Generation and Storage Project

### Written Findings of Significant Effect

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In accordance with State Public Resources Code §21081 and California Environmental Quality Act (CEQA) Guidelines Section 15091, the following findings are made and supporting facts provided for each significant environmental effect that has been identified in the Final Environmental Impact Report (EIR) and for which changes to the project and its conditions of approval are required (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the effect, as identified in the final EIR. The findings described below are organized by resource issue, in the same order as the effects are discussed in the EIR. The County's findings regarding the project alternatives follow the individual effect findings. The findings reference the final EIR (part of the record upon which the EBZA bases its decision) and mitigation measures in support of the findings. For specific resource mitigation measures, the section and page number where the full text of the mitigation measure occurs is noted in the finding.

## Record of Proceedings and Custodian of Record

The record upon which all findings and determinations related to the approval of the project are based includes the following:

- The EIR and all documents referenced in or relied upon by the EIR;
- All information (including written evidence and testimony) provided by County staff to the EBZA relating to the EIR, the approvals, and the project;
- All information (including written evidence and testimony) presented to the EBZA by the environmental consultants who prepared the EIR or incorporated into reports presented to the EBZA;
- All information (including written evidence and testimony) presented to the County from other public agencies related to the project or the EIR;
- All applications, letters, testimony and presentations relating to the project;
- All information (including written evidence and testimony) presented at any County hearing related to the project and the EIR;
- All County-adopted or County-prepared land use plans, ordinances, including without limitation general plans, specific plans, and ordinances, together with environmental review documents, findings, mitigation monitoring programs, and other documents relevant to land use within the area;
- The Mitigation Monitoring and Reporting Program for the project; and
- All other documents composing the record pursuant to Public Resources Code Section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the County's decisions are based is Albert Lopez, Planning Director, or his designee.

Such documents and other material are located at 224 Winton Avenue, Room 111, Hayward, California, 94544.

## **Consideration and Certification of the EIR**

In accordance with CEQA, the EBZA certifies that the EIR has been completed in compliance with CEQA. The EBZA has independently reviewed the record and the EIR prior to certifying the EIR and approving the project. By these findings, the EBZA confirms, ratifies and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the County and the EBZA. The EBZA recognizes the EIR may contain clerical errors. The EBZA reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The EBZA certifies that the EIR is adequate to support the approval of the action that is the subject of the Draft Resolution to which these CEQA findings are attached.

The EBZA certifies that the EIR is adequate to support approval of the project described in the EIR, each component and phase of the project described in the EIR, any variant of the project described in the EIR, any minor modifications to the project or variants of the project described in the EIR, and the components of the project.

## **Absence of Significant New Information**

The EBZA recognizes that the final EIR incorporates information obtained and produced after the draft EIR was completed, and that the EIR contains additions, clarifications, and modifications. The EBZA has reviewed and considered the final EIR and all of this information. The final EIR does not add significant new information to the draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the project. No information indicates that the draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the draft EIR. Thus, recirculation of the EIR is not required. The EBZA finds that the changes and modifications made to the EIR after the draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or Section 15088.5 of the State CEQA Guidelines.

## **Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the County.

## Findings and Recommendations Regarding Significant and Unavoidable Impacts

### Aesthetics

**Impact AES-1:** The proposed project would have a substantial adverse effect on a scenic vista.

**Impact AES-3:** The proposed project would 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 resulting in a significant aesthetic impact.

**Impact AES-5:** The proposed project would contribute to a significant cumulative impact on aesthetic resources.

**Potential Impact:** The potential impacts related to project impacts to surrounding scenic vistas, visual quality and character of the project area, and contribution to cumulative aesthetic impacts are discussed in Section 4.1 of the Final EIR and is further discussed in Section 8.0, Significant and Unavoidable Impacts, of the Final EIR. The project would result in significant and unavoidable impacts to views of surrounding scenic vistas, visual quality and character of the project area, and cumulative aesthetic impacts.

**Mitigation Measure:** The following mitigation measure (MM), discussed in Section 4.1 of the Final EIR is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

#### **MM AES-1: Long-term Landscape Maintenance**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM AES-1 will reduce the effects of the proposed project on scenic vistas, the visual quality and character of the project area, and cumulative aesthetic impacts but will not mitigate this impact to a less-than-significant level. The project applicant will be required to ensure that the proposed landscaping 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 consistent with the initial planting to screen the solar facility within one year of plant failure.

**Remaining Impacts:** Remaining impacts related to aesthetics impacts to scenic vistas, the visual quality and character of the project area, and cumulative impacts will be significant and unavoidable even with implementation of MM AES-1.

**Overriding Considerations:** As more fully explained in the Statement of Overriding Considerations contained in **Exhibit C** to the Resolution to which these CEQA Findings are attached, the County finds that there are environmental, economic, or other benefits of the

approved project that override the remaining significant and unavoidable impacts from the project related to aesthetic impacts.

## Land Use and Planning

**Impact LUP-2: The proposed project would conflict with any land use plan, policy, or regulation.**

**Impact LUP-3: The proposed project would contribute to a significant cumulative impact with respect to land use and planning.**

**Potential Impact:** The potentially significant impacts to land use and planning relate to that the proposed project would not be consistent with the long-term preservation of open space intent of the Resource Management (RM) East County Area Plan (ECAP) land use designation. Conflict with the RM land use designation would be potentially significant.

**Mitigation Measure:** No feasible mitigation measures were identified to reduce the potentially significant impact to a less-than-significant level.

**Findings:** Based on the EIR and the entire record before the County, the County finds that the proposed project's impact to lands designated as RM in the ECAP would be significant and unavoidable. Two project action alternatives have been identified and analyzed in the EIR that would avoid development in lands designated for RM and would eliminate the significant and unavoidable land use and planning impacts.

**Overriding Considerations:** As more fully explained in the Statement of Overriding Considerations contained in **Exhibit C** to the Resolution to which these CEQA Findings are attached, the County finds that there are environmental, economic, or other benefits of the approved project that override the remaining significant and unavoidable impacts from the project related to land use and planning impacts from development within the RM ECAP land use designation.

## Findings and Recommendations Regarding Significant Impacts Which are Mitigated to a Less-Than-Significant Level

### Air Quality

**Impact AQ-2: The proposed project may 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.**

**Impact AQ-5: The proposed project may contribute to a cumulatively considerable impact on regional air quality.**

**Potential Impact:** The potential impacts from project construction and decommissioning fugitive dust emissions and use of diesel-powered equipment are discussed in Section 4.3 of the final EIR. Project construction and decommissioning activities could result in a cumulatively considerable net increase of NO<sub>x</sub> emissions.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in Section 4.3 of the final EIR, are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM AQ-1: Basic Construction Mitigation Measures**

**MM AQ-2: USEPA Tier 4 Final Emissions Standards**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by MM AQ-1 and AQ-2 will ensure that the project construction and decommissioning impacts on NO<sub>x</sub> emissions will be mitigated to a less-than-significant level. The project applicant will be required to implement basic construction mitigation measures and all diesel-powered off-road equipment with 50 or more HP to be USEPA Tier-4 certified or be retrofitted with CARB-approved diesel emissions reduction devices meeting Tier 4 standards.

**Remaining Impacts:** Any remaining impacts related to air quality will be less than significant.

## **Biological Resources**

**Impact BIO-1: The proposed project may 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

**Impact BIO-5: The proposed project may conflict with local policies or ordinances protecting biological resources.**

**Impact BIO-7: The proposed project may contribute to a significant cumulative impact to biological resources.**

**Potential Impact:** The potential impacts related to special-status species are discussed in Section 4.4 of the final EIR. Ground-disturbing activities during project construction and decommissioning could result in direct and indirect impacts on special-status species.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in Section 4.4 of the final EIR, are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

Implementing MMs BIO-1 through BIO-7 would avoid and minimize impacts on special-status species and reduce this impact to a less-than-significant level.

**MM BIO-1: General Mitigation Measures**

**MM BIO-2: California Tiger Salamander and California Red-Legged Frog**

**MM BIO-3: Burrowing Owl**

**MM BIO-4: American Badger**

**MM BIO-5: San Joaquin Kit Fox**

**MM BIO-6: Special-Status Birds and other Nesting Migratory Birds and Raptors**

**MM BIO-7: Avian Effects during Operations of the Solar Facility**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measures recommended by MMs BIO-1 through BIO-7 will ensure that the impacts on special-status species will be mitigated to a less-than-significant level. The project applicant will be required to implement general protection measures during construction and decommissioning, restore disturbed annual grasslands, conduct preconstruction surveys, install exclusionary fencing, and retain a qualified biological monitor during ground disturbing activities to avoid disturbance of wildlife species.

**Remaining Impacts:** Any remaining impacts related to special-status species, either directly or through habitat modification, will be less than significant.

**Impact BIO-2: The proposed project may result in a substantial adverse effect on a sensitive natural community.**

**Impact BIO-3: The proposed project may result in a substantial adverse effect on State or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) or other waters of the U.S. and State through direct removal, filling, hydrological interruption, or other means.**

**Potential Impact:** The potential impacts related to sensitive natural communities and State protected wetlands are discussed in Section 4.4 of the final EIR. Ground disturbance associated with project construction may impact 0.08 acre of waters of the State, which could include sensitive natural communities.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.4 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM BIO-8: Jurisdictional Waters**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM BIO-8 will ensure that impacts to waters of the State will be mitigated to a less-than-significant level. The project applicant will be required to secure any required aquatic resources permits for impacts to jurisdictional waters of the State from the San Francisco Bay RWQCB and CDFW, and shall comply with all conditions of such permits including providing compensatory mitigation as required to achieve no net loss of wetlands or other waters.

**Remaining Impacts:** Any remaining impacts related to sensitive natural communities and State protected wetlands will be less than significant.

**Impact BIO-4: The proposed project may interfere substantially with the movement of native resident wildlife species or with established native resident or migratory wildlife corridors.**

**Potential Impact:** The potential impacts related to project construction and operation may interfere with the movement of native resident wildlife species or with established native resident or migratory wildlife corridors and are discussed in Section 4.4 of the final EIR.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in Section 4.4 of the final EIR, are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM BIO-2: California Tiger Salamander and California Red-Legged Frog**

**MM BIO-5: San Joaquin Kit Fox**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measures recommended by MMs BIO-2 and BIO-5 will ensure that the project's proposed wildlife friendly fencing will allow for safe passage of small to medium-sized species through the project site following project construction.

**Remaining Impacts:** Any remaining impacts related to project interference with wildlife corridors will be less than significant.

## **Cultural and Tribal Cultural Resources**

**Impact CUL-1: The proposed project may cause a substantial change in the significance of a historical resource.**

**Potential Impact:** The potential impacts related to a barn and shed to be preserved in place that are considered historical resources under CEQA and are discussed in Section 4.5 of the final EIR. The proposed project will indirectly impact these historical resources by disrupting the integrity of their setting and feeling, causing a potentially significant impact under CEQA.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.5 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM CUL-1: Historical American Building Survey Documentation of Historical Resource**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM CUL-1 will ensure that the historic setting be restored as it existed prior to project construction upon project decommissioning.

**Remaining Impacts:** Any remaining impacts to historical resources will be less than significant.

**Impact CUL-2: The proposed project may cause a substantial change in the significance of a unique archaeological resource.**

**Impact CUL-4: The proposed project could result in a substantial adverse change to a tribal cultural resource as defined in Public Resources Code Section 502.1 (k).**

**Impact CUL-5: The proposed project could potentially cause a substantial adverse change of a tribal cultural resource pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.**

**Potential Impact:** The potential impacts related to inadvertent discovery of cultural and/or tribal cultural resources from project construction are discussed in Section 4.5 of the final EIR. Impacts to a previously unknown cultural and/or tribal cultural resource would be potentially significant.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in Section 4.5 of the final EIR, are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM CUL-2: Worker Training Program**

**MM CUL-3: Inadvertent Discoveries**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measures recommended by MMs CUL-2 and CUL-3 will ensure that in the event that previously unknown cultural or tribal cultural resources are exposed during ground-disturbing activities, proper protocols would be followed to evaluate the resource and appropriate parties contacted.

**Remaining Impacts:** Any remaining impacts to cultural or tribal cultural resources will be less than significant.

**Impact CUL-3: Implementation of the proposed project may result in disturbance of human remains, including those interred outside of formal cemeteries.**

**Potential Impact:** The potential impacts related to inadvertent discovery of human remains from project construction are discussed in Section 4.5 of the final EIR. Disturbance of human remains would be potentially significant.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.5 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM CUL-4: Discovery of Human Remains**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:



**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM CUL-4 will ensure that in the event that human remains are exposed during ground-disturbing activities, proper protocols would be followed to evaluate the remains and appropriate parties contacted.

**Remaining Impacts:** Any remaining impacts to cultural or tribal cultural resources will be less than significant.

## **Geology, Soils, Mineral Resources, and Paleontological Resources**

**Impact GEO-1: The proposed project may directly or indirectly cause potential substantial adverse effects involving rupture of known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction or landslides.**

**Impact GEO-4: The proposed project may be located on expansive soil, creating loss of life or property if the site is located on expansive soils.**

**Potential Impact:** The potential impacts related to adverse effects from expansive soils and/or rupture of known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction or landslides are discussed in Section 4.7 of the final EIR. Ground failure from seismic impacts would be potentially significant.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.7 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

### **MM GEO-1: Final Site-Specific Geotechnical Investigation**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM GEO-1 will ensure that the project is designed and constructed as recommended by the licensed geotechnical engineer or engineering geologist with local expertise. The project applicant shall implement the recommendations identified in the final site-specific geotechnical report.

**Remaining Impacts:** Any remaining impacts to geology resources will be less than significant.

**Impact GEO-8: The proposed may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

**Potential Impact:** The potential impacts related to inadvertent discovery of paleontological or other geologically sensitive resources from project construction are discussed in Section 4.7 of the final EIR. Disturbance of paleontological or other geologically sensitive resources would be potentially significant.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.7 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

### **MM GEO-2: Avoid and Minimize Impacts to Paleontological Resources**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM GEO-2 will ensure that in the event that paleontological or other geologically sensitive resources are discovered during ground-disturbing activities, proper protocols would be followed to evaluate the resources and appropriate parties contacted.

**Remaining Impacts:** Any remaining impacts to paleontological or other geologically sensitive resources will be less than significant.

## **Hydrology and Water Quality**

**Impact HYD-1: The proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.**

**Impact HYD-3: The proposed project would not substantially alter the existing drainage pattern of the site or area.**

**Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.**

**Impact HYD-6: The proposed project would not contribute to a significant cumulative impact with respect to hydrology and water quality resources.**

**Potential Impact:** The potential impacts related to project construction and operation impacts to water quality, waste discharge impacts to surface or groundwater quality, and existing site drainage patterns are discussed in Section 4.10 of the final EIR. Degradation of surface or groundwater quality or substantial impacts to existing site drainage patterns would be potentially significant.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.10 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

### **MM HYD-1: Stormwater Quality Protection**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM HYD-1 will ensure that the project applicant file a Notice of Intent (NOI) to comply with the Construction General Permit with the San Francisco Bay RWQCB prior to each phase of construction and project decommissioning. Individual Stormwater Pollution Prevention Plans shall be prepared for each NOI (project construction and project decommissioning) and shall detail the treatment measures and BMPs to control pollutants that shall be implemented and complied with during the construction and post-construction phases of the project.

**Remaining Impacts:** Any remaining impacts to water quality, including surface and groundwater quality, or existing site drainage patterns will be less than significant.

## Noise

**Impact NOI-1: The proposed project could result in a temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the County Noise Ordinance.**

**Potential Impact:** The potential impacts related to exposure of residences to increased ambient noise level during project construction are discussed in Section 4.12 of the final EIR. The proposed project could result in a temporary increase in ambient noise levels during project construction in the vicinity of the project in excess of standards established in the County Noise Ordinance.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.12 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

### **MM NOI-1: Construction Hourly Limits**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measures recommended by MM NOI-1 will ensure that the exposure of residences to temporary increased ambient noise levels during project construction will be mitigated to a less-than-significant level. The project applicant will be required to restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. to 7:00 p.m., Monday through Friday, and between 8:00 a.m. to 5:00 p.m. on Saturdays, Sundays, and County recognized public holidays, and post a publicly visible sign at the primary project construction entrance listing the permitted construction days and hours, complaint procedures, and who to notify in the event of a problem. The sign shall also include a listing of telephone numbers to be used during regular construction hours and off-hours to contact both the County and the construction contractor regarding noise complaints.

**Remaining Impacts:** Any remaining impacts related to exposure of residences to increased ambient noise levels during project construction will be less than significant.

## Utilities and Service Systems

**Impact UTIL-1: The proposed project would not have a significant impact on water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. However, the project may require or result in the construction of new water, wastewater treatment or storm water drainage, or electric power of which may result in a significant impact.**

**Potential Impact:** The potential impacts related to avian collisions with the installation of new overhead infrastructure are potentially significant and discussed in Section 4.17 of the final EIR.

**Mitigation Measure:** The following mitigation measure, discussed in Section 4.17 of the final EIR, is hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM BIO-7e: Compliance with Avian Power Line Interaction Committee’s Guidance**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigation measure recommended by MM BIO-7e will ensure that the new overhead power lines will be constructed in compliance with the Avian Power Line Interaction Committee’s (APLIC) guidance, *Reducing Avian Collisions with Power Lines: State of the Art in 2012* (APLIC 2012). Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with APLIC (2012) guidance to reduce the likelihood of large bird electrocutions and collisions.

**Remaining Impacts:** Any remaining impacts related to avian collisions with new power lines will be less than significant.

## **Findings and Recommendations Regarding Impacts which are Less Than Significant**

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the EIR.

### **Aesthetics**

**Impact 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.**

**Impact 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.**

The project’s potential impacts related to aesthetics is discussed in Section 4.1 of the final EIR. There are no notable trees, rock outcroppings, or historical buildings on the project site that would be affected, and the proposed project would not alter long-range views to the ridgelines or other natural features. Therefore, impacts would be less than significant.

Solar PV modules are designed to absorb as much sunlight as possible and to reflect as little sunlight as possible to maximize electricity generation. Accordingly, 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. With the addition of the anti-reflective coating or treatment, the reflectivity can be reduced to less than four percent of incoming sunlight. Therefore, the proposed project would have a less than significant impact on light or glare. Since the solar panels would have low reflective intensity and would be covered with antireflective coating, any resulting glare effects would not be disruptive to aircraft operations in the area, and impacts would be less than significant.

## **Agriculture and Forestry Resources**

**Impact AG-1: The proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.**

**Impact AG-2: The proposed project would not conflict with existing zoning for agricultural use or a Williamson Act Contract.**

**Impact AG-3: The proposed project would not conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned for Timber Production.**

**Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.**

**Impact AG-5: The proposed project would not result in changes to the existing environment which, due to their location or nature, would result in conversion of agricultural lands to non-agricultural use or forest land to non-forest land.**

**Impact AG-6: The proposed project would not contribute to a significant cumulative impact with respect to agricultural or forestry resources.**

The project's potential impacts related to agricultural and forestry resources are discussed in Section 4.2 of the final EIR. Because the proposed project is not located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, would maintain grazing activities, and would be restored to pre project conditions upon decommissioning to the extent feasible, the project would have a less than significant impact. The proposed project would sustain agricultural operations on lands designated as grazing land, and no project parcels associated with the proposed project are under Williamson Act contract. Therefore, the proposed project would not conflict with an existing Williamson Act contract or agricultural zoning, and impacts would be less than significant.

Lands within the project site do not meet the PRC Section 12220(g) definition of forest land as land that can support ten percent native tree cover of any species under natural conditions, PRC Section 4526 definition of timberland as land available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest product or Government Code 51104(g) definition of land devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. Therefore, the proposed project would not result in the loss or conversion of forest land to non-forest use, and no impact would occur.

## **Air Quality**

**Impact AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.**

**Impact AQ-3: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.**

**Impact AQ-4: The proposed project would not result in substantial emissions of odors adversely affecting a substantial number of people.**

The project's potential impacts related to air quality are discussed in Section 4.3 of the final EIR. The BAAQMD's 2017 Clean Air Plan is the applicable air quality plan for the SFBAAB and the County, adopted on April 19, 2017 (BAAQMD 2017b). The Clean Air Plan contains control measures that identify actions to be taken by the air district, local government agencies, and private enterprises to reduce stationary and mobile sources of criteria pollutants and ozone precursors, TACs, and GHG emissions in the SFBAAB. As a PV electricity generation and energy storage facility, the project would be consistent with the Energy Control Measure EN1, Decarbonize Electricity Production, which strives to maximize the amount of renewable energy contributing to the production of electricity within the SFBAAB as well as electricity imported into the region (BAAQMD 2017b). None of the other control measures in the 2017 Clean Air Plan would be directly applicable to the project. Therefore, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan, and the impact would be less than significant.

Considering the highly dispersive nature of DPM and the fact that any concentrated use of heavy construction equipment would occur at various locations throughout the project site only for short durations, construction of the project would not expose sensitive receptors to substantial DPM concentrations, and the impact would be less than significant. Traffic associated with long-term operation of the project would be up to 48 trips per day and would not result in any intersections traffic volume exceeding the BAAQMD CO hotspot screening guidelines. Therefore, impacts related to CO hotspots would be less than significant. Implementing the required training and the safety measures recommended for minimizing impacts from Valley fever, along with measures discussed elsewhere in this EIR to limit fugitive dust, would further minimize this less than significant impact. operation of the project would not result in emissions leading to odors that would adversely affect substantial numbers of people, and the impact would be less than significant.

## Biological Resources

**Impact BIO-6: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, other approved local, regional, or State habitat conservation plan.**

The project's potential impacts related to biological policy conflicts are discussed in Section 4.4 of the final EIR. The proposed project does not fall under the purview of any HCPs or NCCPs. The East Alameda County Conservation Strategy, although affiliated with the East Bay Resource Conservation Investment Strategy, is not recognized within Alameda County as an HCP. Therefore, the project would not conflict with any provisions of an adopted HCP, and no mitigation is required.

## Energy

**Impact ENE-1: The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.**

**Impact ENE-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.**

**Impact ENE-3: The proposed project would not contribute to significant cumulative impacts on regional energy supplies and sources.**

The project's potential impacts related to energy resources are discussed in Section 4.6 of the final EIR. While construction activities would consume petroleum-based fuels, consumption of such resources would be temporary and would cease upon the completion of construction. The petroleum consumed during project construction would be typical of similar solar PV generation projects and would not require the use of new petroleum resources beyond those typically consumed in California annually for construction activities. Based on these considerations, construction of the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and the impact would be less than significant. Because the amount of energy consumed by project operation would be inconsequential compared to the amount of energy generated by the project, the operation of the project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, and the impact would be less than significant.

Although the EBCE would not be obligated to purchase energy from the project, the proposed project would provide a potential local source of renewable energy with reduced GHG emissions, and it would support the objectives of the EBCE's implementation plan. Therefore, the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and there would be no impact.

In consideration of cumulative energy use, the proposed project would not contribute to a substantial demand on energy resources or services such that new regional energy facilities would be required to be constructed as a result of the incremental increase in energy demand resulting from the proposed project. Therefore, the project's contribution to cumulative energy demand would be less than cumulatively considerable, and there would be no cumulative energy impacts.

## **Geology, Soils, Mineral Resources, and Paleontological Resources**

**Impact GEO-2: The proposed project would not result in substantial soil erosion or loss of topsoil.**

**Impact GEO-3: The proposed project would not be located on a geologic unit or soils that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.**

**Impact GEO-5: The proposed project would not have soils that are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.**

**Impact GEO-6: The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.**

**Impact GEO-7: The proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.**

The project's potential impacts related to geology, soils, mineral resources, and paleontological resources are discussed in Section 4.7 of the final EIR. The proposed construction and decommissioning activities would result in some soil disturbance and

vegetation removal. However, preparation of a site-specific SWPPP and compliance with County stormwater management plan standards would ensure that ground-disturbing activities do not result in significant erosion. Typical erosion-prevention measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover would be used to minimize erosion impacts. Implementation of these standard measures and the site-specific SWPPP would ensure that potential impacts of soil erosion would be less than significant.

Existing nearby developments in the immediate vicinity of the project site constructed on sites with similar topography and underlying geologic units and soils that have not experienced soil failure or resulted in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the proposed project is unlikely to result in significant adverse impacts related to unstable geologic units or soil, and impacts would be less than significant.

The proposed On-site Wastewater Treatment System would be constructed and installed in adherence to all federal, State, and local building and plumbing codes. Therefore, the proposed project would not install a septic system on soils incapable of adequately supporting the use of septic tanks, and impacts would be less than significant.

There are no known mineral resources in the project area. Alameda County is located within the South San Francisco Bay Production-Consumption (P-C) Region of the California Division of Mines and Geology land classification map. According to this map, the project site and surrounding area are not designated as an MRZ (CDC 1996). Additionally, the General Plan does not identify mineral resources within the general vicinity of the project site. Therefore, the proposed project would have no impact for impacts GEO-6 and GEO-7.

## **Greenhouse Gas Emissions**

**Impact GHG-1: The proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.**

**Impact GHG-2: The proposed project would not conflict with applicable plans, policies, and regulations related to GHG emissions reductions.**

**Impact GHG-3: The proposed project would not contribute to a significant cumulative impact to regional and State GHG emissions.**

The project's potential impacts related to greenhouse gas emissions are discussed in Section 4.8 of the final EIR. The project would result in a reduction in GHG emissions of 51,542 MT CO<sub>2</sub>e per year. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and the impact would be less than cumulatively considerable. The proposed project would not conflict with the BAAQMD 2017 Clean Air Plan, the County CAP, or Plan Bay Area 2040. Therefore, the project would not conflict with applicable plans, policies, and regulations related to GHG emission reductions, and the impact would be less than significant.



## Hazards and Hazardous Materials

**Impact HAZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.**

**Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

**Impact HAZ-3: The proposed project would not emit hazardous emissions or require handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

**Impact HAZ-4: The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Section 65962.5 of the California Government Code and, as a result, would not create a significant hazard to the public or the environment.**

**Impact HAZ-5: The proposed project, which is not within an airport land use plan or within two miles of a public airport or public use airport, would not result in a safety hazard or excessive noise for people residing or working in the project area.**

**Impact HAZ-6: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

**Impact HAZ-7: The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.**

**Impact HAZ-8: The proposed project would not contribute to a significant cumulative impact with respect to hazards and hazardous substances.**

The project's potential impacts related to hazards and hazardous materials are discussed in Section 4.9 of the final EIR. Adherence to the project-specific Hazardous Materials Business Plan would minimize the potential hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant. The potential use of CdTe PV modules for the proposed project would not result in a significant risk of a release of hazardous materials that would be harmful to human health or the environment. Therefore, the potential for health hazard due to CdTe PV panels would represent a less than significant impact. The proposed project would have no impact on emitting hazardous emissions or require handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of the existing school. The proposed project is not located on a site listed under Section 65962.5 of the California Government Code. Therefore, the proposed project would have no impact. An FAA Airspace Determination was issued for nine structures that are part of the proposed project on October 13, 2020 (FAA 2020). In each case, the FAA issued a Determination of No Hazard. Therefore, the proposed project would not result in a safety hazard or excessive noise for people working in the project area, and impacts would be less than significant. The proposed project would not impact private driveways or access to residences in the area. The impact would be less than significant. The proposed project would not expose people or

structures to a significant risk of loss, injury or death involving wildland fires, and impacts would be less than significant.

## Hydrology and Water Quality

**Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.**

**Impact HYD-4: The proposed project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.**

The project's potential impacts related to hydrology and water quality are discussed in Section 4.10 of the final EIR. The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin, and impacts would be less than significant. The proposed project would not be constructed within the 100-year flood zone mapped for the project site or within 50 feet of the banks of Cayetano Creek and its tributaries. The project site is 40 miles inland from the Pacific Ocean and is not subject to tsunamis, nor is it subject to seiche as the nearest lake is 5 miles southwest of the project site. Therefore, impacts from the risk of release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones would be less than significant.

## Land Use and Planning

**Impact LUP-1: The proposed project would not physically divide an established community.**

The project's potential impacts related to land use and planning are discussed in Section 4.11 of the final EIR. The proposed project would not develop any new major roadways or physical features or alter existing roadways through existing residential neighborhoods or other communities. Therefore, the proposed project would not physically divide an established community, and no impact would occur.

## Noise

**Impact NOI-2: The proposed project would not result in the generation of excessive groundborne vibration levels.**

**Impact NOI-3: The proposed project would not expose people residing or working in the project area to excessive noise levels from public use airports or private airstrips.**

The project's potential impacts related to noise are discussed in Section 4.12 of the final EIR. although vibrations from pile driving and vibratory rollers may be perceptible to nearby receptors, temporary groundborne vibration impacts associated with project construction would be less than significant. Groundborne vibration impacts associated with project operational use of water trucks or other off-road equipment would be less than significant. The project is not within the Livermore Executive Airport influence area or within any of the designated airport noise compatibility zones (Alameda County 2012). Therefore, the

project would not expose people residing or working in the project area to excessive noise levels from airport operations, and the impact would be less than significant.

## Population and Housing

**Impact POP-1: The proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly.**

**Impact POP-2: The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of housing elsewhere.**

**Impact POP-3: The proposed project would not result in a significant cumulative impact with respect to population and housing.**

The project's potential impacts related to population and housing are discussed in Section 4.13 of the final EIR. Construction and operation of the project would create up to 400 short-term, temporary construction jobs as project construction is anticipated to last approximately 9 months and up to 4 long-term, permanent jobs for ongoing facility maintenance and repairs. However, both the construction and operational labor force would be based locally, and the proposed project would not induce substantial unplanned population growth in the area, either directly or indirectly. Therefore, impacts would be less than significant.

The project site is generally undeveloped with the exception of the existing Stanley Ranch and associated structures located in the southern portion of the project site as well as a concrete slab foundation occupied by a modern camping trailer in the northwest corner of the large central section of the project site, just south of Manning Road. The residents and workers of the Stanley Ranch would not be displaced as the ranch and associated structures are outside of the project development footprint and would remain on-site and active. The camping trailer and its residents would relocate upon project construction but would not be displaced due to the mobility of their trailer. There are recreational vehicle (RV) parks in the East Bay area that allow for long-term stays including, but not limited to, the Trailer Haven Mobile Home & RV Park (approximately 27 driving miles west of the project site), Sunny Acres Mobile Home and RV Park (approximately 28 driving miles northwest of the project site), Marlin's RV Park (approximately 37 driving miles northwest of the project site), and Rodeo Mobile Home & RV Park (approximately 49 driving miles northwest of the project site). Therefore, there are ample nearby RV parks available for the camping trailer and its residents to relocate, and the proposed project would not displace substantial numbers or people or housing. Impacts would be less than significant.

## Public Services

**Impact PS-1: The proposed project would not result in the need for new or physically altered governmental facilities.**

**Impact PS-2: The proposed project would not result in a significant cumulative impact with respect to public services.**

The project's potential impacts related to public services are discussed in Section 4.14 of the final EIR. Project impacts related to an increase in fire protection services that would necessitate the alteration or construction of fire stations or other infrastructure to combat fire would be less than significant. Project impacts related to an increase in demand for law enforcement services that would necessitate the alteration or construction of new or expanded facilities to maintain adequate service levels would be less than significant. Although not required, the project applicant proposes to dedicate land immediately west of the project site to the East Bay Regional Park District for their use to construct a public hiking trail in the future, if desired. Therefore, impacts to park facilities would be less than significant. No residential uses are proposed as part of the proposed project, and most jobs created by the proposed project would be short-term and temporary. Therefore, no new students would be generated by the proposed project. Temporary and permanent employees are anticipated to reside locally and commute into the area, and their school-aged children are assumed to be part of the existing or anticipated student population. Therefore, implementation of the project would not require the construction or expansion of school facilities, and no impact would occur.

## Recreation

**Impact REC-1: The proposed project would not increase the use of existing neighborhood and regional parks resulting in substantial physical deterioration.**

**Impact REC-2: The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities, resulting in an adverse physical impact on the environment.**

**Impact REC-3: The proposed project would not contribute to a significant cumulative impact with respect to recreational resources.**

The project's potential impacts related to recreation resources are discussed in Section 4.15 of the final EIR. Implementation of the proposed project is not anticipated to increase the use of existing parks or other recreational facilities such that substantial physical deterioration would result or be accelerated. Because the proposed project would not result in an increased demand for recreational facilities, no new recreational facilities would need to be constructed and no existing recreational facilities would need to be expanded. Therefore, the proposed project would have no impact. The proposed project, in combination with the other nearby projects, would not bring new residents to the area requiring the development of new recreational facilities or the expansion of existing recreational facilities. Therefore, the proposed project would not contribute to a significant cumulative impact to recreation resources.

## Transportation

**Impact TRA-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities.**

**Impact TRA-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).**

**Impact TRA-3: The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

**Impact TRA-4: The proposed project would not result in inadequate emergency access.**

**Impact TRA-5: The proposed project would not contribute to a significant cumulative impact with respect to transportation.**

The project's potential impacts related to transportation are discussed in Section 4.16 of the final EIR. The project would not conflict with any applicable plan, ordinance, or policies establishing measures of effectiveness for the performance of the circulation system, and impacts would be less than significant. The project construction traffic volumes would fluctuate over the course of a nine-month period and increase daily VMT compared with the existing agricultural cultivation and grazing uses at the project site during this period. During the peak construction period, workers would generate approximately 25,070 VMT (375 workers multiplied by approximately 66.9 miles per worker) per day and hauling trucks would generate approximately 4,127 VMT per day (approximately 60 truck round-trips multiplied by 68 miles per trip). This peak period would last for up to 50 days out of the entire 9-month duration, and the level of construction traffic outside of this period would be substantially lower for the majority of the time. The construction-generated VMT would be temporary in nature, and thus, its impacts would be considered to be less than significant. Furthermore, once the project is constructed, the project would generate a very small amount of operational traffic volumes with an average of four worker trips each weekday and up to 12 worker trips per year for scheduled module washing. The minimal number of vehicle trips generated by the project once in operation would not represent a significant increase in regional VMT. For these reasons, the project would result in less-than-significant impacts related to VMT.

The proposed project would not impact private driveways or access to residences in the area. Furthermore, the analyzed project-generated traffic would be related to temporary construction whose short-term traffic increases would end when construction is completed. Therefore, the proposed project would result in a less-than-significant impact related to emergency access, and impacts related to increased hazards due to design features or incompatible uses. In combination with the nearby projects, the proposed project would not contribute to a significant cumulative transportation impact, and impacts would be less than significant.

## **Utilities and Service Systems**

**Impact UTIL-2: The proposed project would not have a significant impact on water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.**

**Impact UTIL-3: The proposed project would 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.**

**Impact 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.**

**Impact UTIL-5: The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.**

The project's potential impacts related to utilities and service systems are discussed in Section 4.17 of the final EIR. The Water Supply Assessment concludes that sufficient water supply is available to meet the project's maximum potential water demands over a 20-year projection, and that water supply is reliable under normal year, single-dry-year, and multiple-dry-year conditions. This conclusion is based upon conservative water demand factors assumed for the proposed project, and allows for the project's use of local groundwater pumped from the underlying Livermore Valley Groundwater Basin, which is managed by Zone 7 in accordance with SGMA, and/or the project's use of imported surface water purchased from Zone 7 or from one of the four local water purveyors that receive their imported surface water supply through Zone 7 (California Water Service Company – Livermore District, Dublin San Ramon Services District, City of Livermore, and City of Pleasanton). Although regional water shortages may occur during the project's lifetime, such conditions may occur regardless of the proposed project and are accounted for in UWMP water supply availability projections. Therefore, it is anticipated that sufficient water would be available to serve the project and reasonably foreseeable future development, and impacts would be less than significant.

The proposed project would include the installation of an on-site septic system, and connection to the region's wastewater treatment systems would not be necessary. Therefore, the proposed project would have no impact on the projected demand and service of local wastewater treatment providers. Because the proposed project is a solar energy generation and storage facility and would have few employees regularly on-site, operation of the proposed project would generate a small amount of solid waste, which would be a negligible increase in solid waste generation on-site. Therefore, the proposed project would not exceed State or local standards or exceed the capacity of the receiving landfills, and impacts would be less than significant. As a result, the proposed project would have a less than significant impact regarding management and reduction statutes and regulations related to solid waste.

## **Wildfire**

**Impact FIRE-1: The proposed project would be located in a State Responsibility Area but would not impair an adopted emergency response plan or emergency evacuation plan.**

**Impact FIRE-2: The proposed project would be located in a State Responsibility Area but would exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire.**

**Impact FIRE-3: The proposed project would be located in a State Responsibility Area but would not require the installation or maintenance of associated infrastructure that may exacerbate fire risks.**

**Impact FIRE-4: The proposed project would be located in a State Responsibility Area but would not expose people or structures to significant risks including downstream or downslope landslides or flooding as a result of runoff, post-fire slope instability or drainage changes.**

**Impact FIRE-5: The proposed project would be located in a State Responsibility Area but would not contribute to a significant cumulative impact with respect to wildfire.**

The project's potential impacts related to wildfire are discussed in Section 4.18 of the final EIR. The proposed project would not impair an adopted emergency evacuation plan or access routes within Alameda County, and no impact would occur. The proposed project would have a fire prevention and management system in place and would not expose workers and the surrounding neighborhoods to pollutant concentrations or the uncontrolled spread of wildfire.

Damage to the overhead distribution lines from fallen trees or high wind and storm conditions could cause live wires to fall onto nearby dry grass and potentially start a fire. The project site is generally flat agricultural land with few on-site trees, and the average wind speed during the windiest month of the year is 9.6 miles per hour. On-site vegetation would be managed by sheep grazing, and the proposed internal access roads would act as fuel breaks in the event of a fire. Furthermore, the proposed overhead lines would be designed and maintained in accordance with General Order 95, which was updated in January 2020 and includes requirements to ensure overhead lines are constructed safely and appropriately to prevent wildfires. Therefore, the construction and operation of the proposed project is not anticipated to exacerbate fire risks in the area, and impacts would be less than significant. Due to the relatively flat topography of the project site, on-site stormwater detention basins, and lack of change in topography and vegetation, the proposed project would not result in substantial runoff, postfire slope instability or drainage changes and therefore would not expose people or structures to significant risks from flooding or slope instability in the aftermath of a wildland fire.

Compliance with California Fire Code, California Building Code, the California Public Resources Code, Alameda County Emergency Operations Plan, and other State and local regulations would reduce cumulative 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 significant cumulative increase in wildland fire hazards in the immediate vicinity of the project site or throughout the region, and the potential for cumulative impacts associated with wildfire hazards would be less than significant.

## Findings for Alternatives Considered in the EIR

Section 15091(a)(3) of the State CEQA Guidelines requires findings about the feasibility of project alternatives whenever a project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect that has not been mitigated to a less-than-significant level. The significant impacts that require such findings are:

- **Aesthetics**
  - Impacts on a scenic vista (Significant and unavoidable with mitigation incorporated)
  - Impacts on existing visual character or quality of public views of the site and its surroundings (Significant and unavoidable with mitigation incorporated)
  - Contribution to significant cumulative aesthetic impact (Significant and unavoidable with mitigation incorporated)
  
- **Land Use and Planning**
  - Impacts on the RM ECAP land use designation (Significant and unavoidable)
  - Contribution to significant cumulative land use and planning impact (Significant and unavoidable)

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval (Public Resources Code § 21002). With the exception of the No Project Alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d. 553, 556). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (Public Res. Code § 21000). In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished by identifying two project action alternatives that would eliminate the significant and unavoidable land use and planning impacts identified for the proposed project.

### Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project (CEQA Guidelines § 15126(d)(2)). Thus, an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR.

The overall objectives of the proposed project are to:



- Assist California residents in meeting their renewable energy generation goals under Senate Bill 100, requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045;
- Create up to 400 living-wage, all union construction jobs and up to four permanent jobs in the San Francisco Bay Area;
- Minimize environmental impacts associated with renewable energy development by siting a renewable energy facility on previously disturbed lands, in proximity to a high-voltage substation with available capacity to facilitate grid interconnection;
- Dedicate land to accommodate a potential future public hiking trail, in the event the County decides to construct a public trail on the project site;
- Deploy industry-leading solar and storage technology to generate 100 MW of solar capacity on less than 500 acres of land, including making use of single-axis tracking technology and 4-hour battery storage duration technology to provide local resource adequacy capabilities to the Bay Area;
- Achieve economies of scale to generate, store, and transmit up to 100 MW of affordable, local, wholesale solar electricity to Bay Area residents;
- Help Bay Area Community Choice Aggregators in fulfilling their local renewable energy procurement goals.

## Alternatives Analyzed in the EIR

The CEQA Guidelines (Section 15126.6(a)) state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project. Section 15091 of the CEQA Guidelines further requires that the County identify specific economic, legal, social, technological, or other considerations, such as employment of highly trained workers, which make it infeasible to approve project alternatives identified in the Final EIR that would avoid or substantially lessen significant impacts on the environment. The County evaluated the alternatives listed below and makes associated findings.

### No Project Alternative

According to Section 15126.6 (e)(3)(B) of the State CEQA Guidelines, if the project is other than a land use or regulatory plan, for example a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed. The No Project Alternative would result in no changes to the project site, and no construction or operation of the proposed solar energy generation and storage facility would take place. It is assumed that the existing land use would continue. Under the No Project Alternative, the proposed project would not be developed with a solar energy generation and battery storage facility, and the project site would remain in agricultural use for oat and hay cultivation and cattle grazing.

**Findings and explanation:** Based on the EIR and the entire record before the County, the County finds that the No Project Alternative would avoid the proposed project’s significant and unavoidable impacts to Land Use and Planning by avoiding development within land designated for RM in the ECAP and to

Aesthetics by avoiding development along the County-designated scenic corridors. However, the No Project Alternative would not fulfill any of the project objectives for meeting renewable energy generation goals, job creation, siting a solar facility in previously disturbed lands, dedicating land to accommodate a potential future public hiking trail, deploying industry-leading solar and storage technology to generate 100 MW of solar capacity on less than 500 acres of land, achieving economies of scale to generate, store, and transmit 100 MW of solar electricity, and helping Bay Area Community Choice Aggregators in fulfilling local renewable energy procurement goals because it would not allow the project applicant to construct or operate the proposed solar facility. In addition, the No Project Alternative would not dedicate land to accommodate a potential future public hiking trail.

For the purpose of meeting the project objectives, the No Project Alternative is considered infeasible.

### **Resource Management Avoidance Alternative**

Under the Resource Management Avoidance Alternative, 385 acres would be developed for the solar facility, a reduction of 25 acres compared to the proposed project. The same parcels would be developed; however, the footprint would be reduced by not developing the northern portion of the northern section of the project site that is designated for RM by the ECAP. Similar to the proposed project, the Resource Management Avoidance Alternative would include project development within areas designated for LPA and WM but would be designed to avoid areas within the 100-year floodplain and high flow areas near Cayetano Creek and its tributaries where the WM designation occurs and would include an approximately 5,000-sf project substation in the same 0.9-acre dedicated area, battery storage system on a 5-acre portion of the site, and a 400-sf O&M building.

The Resource Management Avoidance Alternative would reduce the energy generation production at the same solar PV module ground cover ratio as the proposed project. However, up to 100 MW of power could potentially be achieved at a higher ground cover ratio (by constructing a higher density of solar PV modules within the reduced footprint area), but at an impaired performance level as the density and close proximity of modules would reduce production from panel shading. Lower sun angles in the early morning and late afternoon would result in modules casting shadows on one another, and energy generation during these time periods would be impaired. Therefore, generation 100 MW of energy within the reduced footprint with the same number of solar PV panels but at a higher ground cover ratio would not be as efficient or effective as the proposed project.

**Findings and Explanation:** Based on the EIR and the entire record before the County, the County finds that the Resource Management Avoidance Alternative would result in mostly similar and slightly reduced impacts as compared to the proposed project, and it would eliminate the significant and unavoidable impacts regarding Land Use and Planning by avoiding development of lands within the RM designation.

Overall, the Resource Management Avoidance Alternative would meet the objectives of assisting California reach its renewable energy generation goals under Senate Bill 100, requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045, creating up to 400 living wage jobs and up to four permanent jobs in the San Francisco Bay Area; minimize environmental impacts by siting a facility on disturbed lands in proximity to a high-voltage substation with available capacity to facilitate grid interconnection; dedicating land to accommodate a potential future public hiking trail; deploying industry-leading solar and storage technology to generate 100 MW of solar capacity on less than 500 acres of land, including making use of single-axis tracking technology and 4-hour battery storage duration technology to provide local resource adequacy capabilities to the Bay Area; achieving economies of scale to generate, store, and transmit up to 100 MW affordable, local, wholesale solar electricity to Bay Area residents; and helping Bay Area Community

Choice Aggregators in fulfilling their local renewable energy procurement goals. Overall, the Resource Management Avoidance Alternative would meet all seven of the project objectives.

For the purposes of meeting the project objectives and eliminating significant impacts on land use and planning, the Resource Management Avoidance Alternative is considered feasible.

### **Reduced Footprint Alternative**

Under the Reduced Footprint Alternative, 359 acres would be developed for the solar facility, a reduction of 51 acres compared to the proposed project. The same parcels would be developed, however, the footprint would be reduced by not developing the northern portion of the northern section of the project site (22 acres) that is designated for RM by the ECAP and locating the solar PV modules and internal access roads outside of the lands designated for WM within the central section of the project site (21 acres). Similar to the proposed project, the Reduced Footprint Alternative would include project development within lands designated for LPA only and include an approximately 5,000-sf project substation in the same 0.9-acre dedicated area, battery storage system on a 5-acre portion of the site, and a 400-sf O&M building. The Reduced Footprint Alternative would reduce the energy generation production from 100 MW to 75 MW at the same solar PV module ground cover ratio as the proposed project.

**Findings and Explanation:** Based on the EIR and the entire record before the County, the County finds that the Reduced Footprint Alternative would result in mostly similar and slightly reduced impacts as compared to the proposed project, and it would eliminate the significant and unavoidable impacts to Land Use and Planning by avoiding development of lands within the RM designation.

However, the Reduced Footprint Alternative would reduce the energy generation production from 100 MW to 75 MW at the same solar PV module ground cover ratio as the proposed project. This reduction would lessen the proposed project's contribution to assisting California reach its renewable energy generation goals under Senate Bill 100, requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045 and would not meet the objectives to deploy industry-leading solar and storage technology to generate 100 MW of solar capacity on less than 500 acres of land, including making use of single-axis tracking technology and 4-hour battery storage duration technology to provide local resource adequacy capabilities or achieve economies of scale to generate, store, and transmit up to 100 MW affordable, local, wholesale solar electricity to the Bay Area residents. The Reduced Footprint Alternative would, however, meet the objectives of creating up to 400 temporary living wage jobs and up to four permanent jobs in the San Francisco Bay Area; minimizing environmental impacts by siting a facility on disturbed lands in proximity to a high-voltage substation with available capacity to facilitate grid interconnection; dedicating land to accommodate a potential future public hiking trail; and helping Bay Area Community Choice Aggregators in fulfilling their local renewable energy procurement goals. Overall, the Reduced Footprint Alternative would meet four of the seven project objectives.

For the purpose of meeting the project objectives and eliminating significant impacts on land use and planning, the Reduced Footprint Alternative is considered infeasible.

### **Environmentally Superior Alternative**

CEQA requires an EIR to examine a range of feasible alternatives to the project. State CEQA Guidelines Section 15126.6(e)(2) requires that the EIR identify which of those alternatives is the environmentally superior alternative. If, in the course of identifying the environmentally superior alternative, the No Project Alternative is found to be the environmentally superior alternative, then Section 15126.6(e)(2)

of the State CEQA Guidelines requires that the EIR identify which among the other alternatives is the environmentally superior alternative. In the case of this proposed project and its alternatives, the No Project Alternative would be considered environmentally superior. Consequently, although the No Project Alternative is evaluated and is presented for comparison purposes, determination of the environmentally superior alternative primarily reflects the differences in impacts among the two project action alternatives. 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.

The proposed project would result in significant and unavoidable impacts to land use and planning for conflicting with the RM designation in the ECAP and to aesthetics for significantly altering the visual character and quality of public view points along County-designated scenic corridors. Compared to the proposed project, both the Resource Management Avoidance Alternative and Reduced Footprint Alternative would avoid development in land designated for RM in the ECAP which would reduce the significant and unavoidable land use impact from the proposed project to a less than significant land use impact. The Reduced Footprint Alternative would result in similar or slightly reduced impacts to other resource areas where the impacts are less than significant under both the proposed project and the Resource Management Avoidance Alternative because the Reduced Footprint Alternative would also avoid development in lands designated for WM and develop 26 acres fewer than the Resource Management Avoidance Alternative. Therefore, the Reduced Footprint Alternative is the environmentally superior project alternative per State CEQA Guidelines Section 15126.6(e)(2).

## **Findings and Recommendations Regarding Significant Irreversible Changes**

CEQA Section 21100(b)(2)(B) requires that an EIR identify any significant effect on the environment that would be irreversible if the project were implemented. Section 15126.2(c) of the State CEQA Guidelines characterizes irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

The project's significant and irreversible changes are discussed in Section 6.0, Significant Irreversible Environmental Changes, of the final EIR and summarized below. Although the project site is currently undeveloped and used for oat and hay cultivation and cattle grazing, 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 and associated infrastructure are able to be decommissioned, and the site could revert back to agricultural and grazing land. If repowering were to be pursued, it would require the facility owner to obtain all required permit approvals. Project decommissioning would occur in accordance with the expiration of the CUP and would involve the removal of above-grade facilities, buried electrical conduit, and all concrete foundations in accordance with a project-specific Decommissioning Plan.

Construction activities associated with development of the proposed project would involve some risk for environmental accidents. However, the risk of accidental release of hazardous materials would be reduced by compliance with County, State, and federal regulations, including the County-approved Hazardous Materials Business Plan. 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 irreversible damage from environmental accidents.

Consumption of non-renewable resources includes issues related to increased energy consumption, conversion of agricultural lands, and loss of access to mining reserves. During construction, oil, gas, and other fossil fuels and non-renewable resources would be consumed and irreversible commitments of small quantities of non-renewable resources would occur as a result of long-term operations. However, the use of non-renewable resources for the project is not substantial, and once operational, the proposed project would create a new source of renewable energy to offset the use of non-renewable energy.

## **Findings and Recommendations Regarding Growth-Inducing Impacts**

Section 15126.2(d) of the State CEQA Guidelines states that an EIR should discuss “...the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth can be induced in a number of ways, including through elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

The Project’s growth inducing impacts are discussed in Section 7.0, Growth Inducement, of the final EIR. The proposed project would not create any growth in population. No residential uses are proposed as part of the proposed project, and most jobs created by the proposed project would be short-term and temporary. Construction and operation of the project would create up to 400 short-term, temporary construction jobs as project construction is anticipated to last approximately 9 months and up to 4 long term, permanent jobs for ongoing facility maintenance and repairs. However, both the construction and operational labor force would likely be based in the region and workers would commute each day into the project area. Also, the proposed project would not induce substantial unplanned population growth in the area, either directly or indirectly. Additionally, the proposed project would not include the extension of utility infrastructure or construction of new roadways that could induce development in the area. The proposed project would assist California in meeting its air quality and GHG emissions reduction goals. As such, the proposed project would not directly induce growth related to provision of additional electric power. Rather, energy demand, as determined by the California Public Utilities Commission with input from the California Energy Commission, drives generation procurement; procurement does not drive an increase in either utility customers or energy consumption. Furthermore, implementation of the proposed project would not permit any investor-owned utility to expand its service territory. For these reasons, the proposed project would not directly or indirectly induce substantial population growth. As such, construction and operation of the proposed project is not expected to have substantial adverse growth inducing impacts.