

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) ADOPTING THE POWER SANTA CLARA VALLEY PROJECT ENVIRONMENTAL IMPACT REPORT, PREPARED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION (A.24-04-017; SCH NO. 2024090200); (2) ADOPTING THE POWER THE SOUTH BAY PROJECT ENVIRONMENTAL IMPACT REPORT, PREPARED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION (A.24-05-014; SCH NO. 2024071095); (3) MAKING CERTAIN FINDINGS AS THE RESPONSIBLE AGENCY FOR PURPOSES OF AND PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970; AND (4) ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM AND CONSTRUCTION IMPACT MITIGATION PLAN, IN CONNECTION WITH THE APPROVAL OF DISCRETIONARY ACTIONS BY THE CITY NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE POWER SANTA CLARA VALLEY PROJECT AND THE POWER THE SOUTH BAY PROJECT

WHEREAS, the California Independent System Operator, a non-profit Independent System Operator that oversees the operation of California’s bulk electric power system, transmission lines, and electricity market generated and transmitted by its member utilities, selected LS Power Grid California, LLC (“LS Power”) to develop, construct, and own a high-voltage transmission line to meet electric reliability needs in the South Bay; the high-voltage transmission line projects are known as the Power Santa Clara Valley Project and the Power the South Bay Project, which will provide 2,000 megawatts of new capacity to the grid (collectively, the “Project”); and

WHEREAS, the Power Santa Clara Valley Project, also known as the Metcalf – San José B High-Voltage Direct Current Project, will come from the south along Monterey Road to Downtown San José. The Skyline terminal in Downtown San José will include a 230 kilovolt (“kV”) switchgear and will interconnect to Pacific Gas & Electric Company’s

("PG&E") existing San José B substation. The Grove terminal in south San José will include a 500 kV switchgear and will interconnect to PG&E's existing Metcalf substation via a new 500 kV underground transmission line, approximately one mile in length. A new 320 kV high-voltage direct current underground transmission line within Monterey Road, spanning approximately 13 miles, will connect the two terminals. Additionally, 10 x 32 x 12 feet concrete splice vaults will be placed approximately every 1,500 to 3,000 feet along the underground transmission line to facilitate installation of the underground cables; and

WHEREAS, the Power the South Bay Project will come through the northern part of San José via approximately two miles of 230 kV alternating current overhead and underground transmission lines that cross the residual solids management operational area of the San José-Santa Clara Regional Wastewater Facility and then run along Los Esteros Road from Zanker Road to Gold Street; and

WHEREAS, the City of San José ("City") will be considering proposed discretionary actions necessary to support the implementation of the Project within its jurisdiction, including an ordinance granting a franchise to LS Power pursuant to Article XIII of the San José City Charter, the procedure by which the City may grant a franchise for the purpose of furnishing the City or its inhabitants with water, light, heat, and gas, etc., or any other public utility or service using or proposing to use any public street, way, alley or place in San José, for the installation and construction of electric interconnection and transmission facilities and appurtenances within the City's public rights-of-way on Monterey Road from the existing PG&E San José B Substation to the existing PG&E Metcalf Substation and on Los Esteros Road from Zanker Road to Gold Street ("Franchise Agreement"); and

WHEREAS, approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related State and local

implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, "CEQA"); and

WHEREAS, on March 19, 2026, the California Public Utilities Commission ("CPUC"), acting as the lead agency for the Project, approved and certified Final Environmental Impact Reports ("FEIRs") evaluating the potential environmental effects of the development of the Project, in compliance with CEQA, the State CEQA Guidelines (California Code of Regulations §15000 et seq.), the Warren-Alquist Act, and California Code of Regulations, General Order 131-D and Rule 3.1 (for a Certificate of Public Convenience and Necessity); and

WHEREAS, the FEIRs concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce those significant effects to a less-than-significant level; and

WHEREAS, pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, when an agency adopts mitigation measures as part of a project approval, the agency is required to adopt a mitigation monitoring and reporting program to ensure compliance with those measures; and

WHEREAS, the CPUC, as Lead Agency, has adopted a Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, the City, as a Responsible Agency under CEQA, desires to approve the Mitigation Monitoring and Reporting Program and related Construction Impact Mitigation Plan, and conditions of approval and applicable City permit processes, as well as compliance with the Construction Impact Mitigation Plan, will be incorporated into the Franchise Agreement and/or subsequent encroachment permits and approvals; and

WHEREAS, LS Power will be responsible for implementing all applicable mitigation measures and applicant-proposed measures identified in the FEIRs, as well as complying with City requirements, including finalization and implementation of the Construction Impact Mitigation Plan for work within the public right-of-way; and

WHEREAS, prior to approving discretionary actions necessary to support the implementation of the Project within its jurisdiction, the City Council, deemed the decision-maker of the City as a Responsible Agency under CEQA, desires to make certain findings pursuant to Title 14 of the California Code of Regulations, Sections 15091 and 15096, promulgated under CEQA in connection with the reasonably foreseeable discretionary actions to be considered and taken by the City in connection with the implementation of the project within the City's jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. That the above recitals are true and correct; and
2. That the City has reviewed the information contained in the FEIRs that is relevant to its approval of discretionary actions within the City's jurisdiction necessary for City support of the design and construction of the Project as described in the FEIRs prior to acting on the Franchise Agreement; and
3. That the City has reviewed the CEQA Findings, and the City Council hereby determines and concludes all of the following:
 - a. The CPUC has identified, disclosed and adopted the mitigation measures recommended in the FEIRs; and

- b. The City retains its responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project which the City decides to implement, finance, or approve; and
 - c. The City Council has reviewed and considered the FEIRs together with the related CEQA Findings and determines that the information and analyses contained in the FEIRs, together with the related CEQA Findings, are adequate for its use as a decision-making body for a responsible agency and for its consideration of discretionary actions necessary to implement the Project within its jurisdiction; and
 - d. Approvals of the discretionary actions within the City are within the scope of the activities described and evaluated in the FEIRs; and
 - e. The City has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment.
3. That, therefore, based upon all of the foregoing, the City, as a Responsible Agency under CEQA, hereby approves the CPUC's CEQA findings for the Project as its own findings under CEQA to the fullest possible extent that said CEQA findings are relevant to City's decision to approve discretionary actions necessary to implement the Project within its jurisdiction; and
4. That the City Council was presented with, and has independently reviewed and analyzed the Final EIRs and other information in the record and has considered the information contained therein, and has found that the FEIRs represent the independent judgment of the City, as Responsible Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at the

Director's office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and record of proceedings on which the decision of the City is based; and

5. That the significant environmental impacts identified in the FEIRs will be mitigated through implementation of the mitigation measures identified in the FEIRs; and
6. That the implementation and monitoring of the mitigation measures identified in the FEIRs will be carried out by the CPUC as Lead Agency or by other agencies with jurisdiction, and that the City hereby adopts the Mitigation Monitoring and Reporting Programs and Construction Impact Mitigation Plan for the Project; and
7. The City Council therefore relies on the mitigation monitoring and reporting programs adopted by the CPUC as Lead Agency to ensure implementation of the mitigation measures identified in the Final Environmental Impact Report.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113.

NOTICE OF DETERMINATION

BE IT FURTHER RESOLVED that the Director of Planning, Building and Code Enforcement is hereby directed to prepare a Notice of Determination under CEQA and cause the same to be filed with the County Clerk of the County of Santa Clara promptly following the City's approval of any discretionary action related to the project.

ADOPTED this ____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk