



MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: October 29, 2024

File Nos: GP-11-22-015959, ZC-11-22-015960, UPR-11-22-015962, DR-11-22-015961

APN: 005-050-020

Project Title: Cormorant Energy Storage Project

Project Location: The approximately 11.5-acre project site is located at 2150 Geneva Avenue in Daly City.

Project Applicant(s): Arevon Energy
Attn: Aron Branam
8800 N Gainey Center Dr., Suite 250
Scottsdale, AZ 85258

Project Description: The project at 2150 Geneva Avenue (APN 005-050-020) has two main components: 1) the approximately 6.9-acre Battery Energy Storage System (BESS) facility with associated 0.71-acre substation, and 2) an underground 115 kilovolts (kV) transmission line to the PG&E Martin Substation. The transmission line would travel underground for up to 1.2 miles along one of three alignments to the PG&E Martin Substation. The project site has a General Plan land use designation of Commercial Retail and Office (C-RO) and is zoned Light Commercial (C1). In order to develop the proposed project, the project proposes to amend the General Plan land use designation to Industrial (I) and rezone the site to Heavy Commercial

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(C2). Rezoning the site would allow the project to develop the BESS and substation with a use permit.

II. DETERMINATION

In accordance with the City of Daly City procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project which will reduce all identified potential impacts to less than significant levels, and, therefore, this **MITIGATED NEGATIVE DECLARATION** (MND) has been prepared.

III. CONDITIONS (MITIGATION MEASURES)

A. *Air Quality*

MM AIR-1.1: BAAQMD Best Management Practices: The project shall implement the Bay Area Air Quality Management District's (BAAQMD's) recommended best management practices (BMPs) and additional measures to reduce construction equipment exhaust emissions. These measures shall include the following:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to site located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take

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corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall be visible to ensure compliance with applicable regulations.

- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and water appropriately until vegetation is established.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the amount of excavated material or waste materials stored at the site.
- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

MM AIR-1.2: Selection of Construction Equipment: All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for NO_x.

B. Biological Resources

MM BIO-1.1: Initiation of construction activities during the avian nesting season (February 1 through August 31) shall be avoided to the extent feasible. If construction initiation during the nesting season cannot be avoided, pre-construction nesting bird surveys shall be conducted by a qualified biologist within 14 days of initial ground disturbance or vegetation removal to avoid disturbance to active nests, eggs, and/or young of nesting birds. Surveys shall be used to detect the nests of special-status as well as non-special-status birds. Surveys shall encompass the entire construction area and the surrounding 500 feet. An exclusion zone where no construction would be allowed shall be established around any active nests of any protected avian species found in the Study Area until a qualified biologist has determined that all young have fledged and are independent of the nest. Suggested exclusion zone distances differ depending on species, location, and placement of the nest, and shall be at the discretion of the biologist and, if necessary, the California Department of Fish and Wildlife. These surveys would remain valid as long as construction activity is consistently occurring in a given area and shall be completed again if there is a lapse in construction activities of more than 14 consecutive days during the breeding bird season.

A report of findings shall be prepared by the qualified biologist and submitted to the Director of Economic and Community Development or Director's designee for review and approval prior to initiation of construction during the nesting season (February 1 to August 31). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if construction is initiated during the non-nesting season (September 1 to January 31) and continues uninterrupted according to the above criteria.

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MM BIO-2.1: Initiation of construction activities during the bat maternity season (generally April through October) shall be avoided to the extent feasible, any tree removal or trimming should be conducted outside of the bat maternity season. If this work window is not feasible, pre-construction bat roost assessments conducted by a qualified biologist at least 14 days and no more than 30 days prior to removal shall be conducted to determine if bats roosts are present that may be impacted by project activities. If special-status bat species or maternity roosts are detected during these surveys, a qualified biologist shall identify any additional measures required to protect the roosts, such as including avoidance of the roost sites until the end of the maternity roosting season.

Regardless of the timing of tree removal or trimming activities, all felled trees or large limbs should remain on the ground for at least 24-hours prior to chipping, off-site removal, or other processing to allow any roosting individual bats to vacate the premises of their own volition.

A report of findings shall be prepared by the qualified biologist and submitted to the Director of Economic and Community Development or Director's designee for review and approval prior to initiation of construction during the maternity roosting season (April through October). The report shall either confirm absence of any active maternity roosts or specify any additional measures necessary to protect roosts until the end of the maternity roosting season. No report of findings is required if construction is initiated during the non-maternity roosting season (November through March) and continues uninterrupted according to the above criteria.

C. Cultural Resources

MM CUL-1.1: Undiscovered Archaeological Resources. If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

MM CUL-1.2: Report of Archaeological Resources. If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.

MM CUL-2.1: Human Remains. If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager and the San Mateo County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Daly City shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Daly City, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

D. Geology and Soils

MM GEO-1.1: Unique Paleontological and/or Geologic Features and Reporting. Should a unique paleontological resource, site, or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

E. Hazards and Hazardous Materials

MM HAZ-1.1: Prior to any grading, excavation, or construction of the transmission line, the Department of Toxic Substances Control (DTSC) shall be notified of the proposed construction activities at the PG&E Martin Substation. Per the Land Use Covenant for the PG&E Martin Substation, a Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared by a qualified environmental professional and submitted to DTSC for review and approval. The SMP and HSP and evidence of regulatory oversight shall be provided to the Director of Economic and Community Development.

F. Noise and Vibration

MM NOI-1.1: The applicant shall implement the following best management practices:

- Limit construction hours, including deliveries of materials and equipment, to between 8:00 a.m. and 5:00 p.m., Monday through Friday, and prohibited on weekends and holidays in accordance with the City's General Plan, unless permission is granted by the City of Daly City's Planning Manager or the Planning Manager's designee to conduct construction outside the allowable hours with a development permit or other planning approval.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- At a minimum, the construction contractor shall implement the following control measures: improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds.
- Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. A muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of five dBA. Quieter procedures shall be used (such as drilling rather than impact equipment) wherever feasible.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- The construction contractor shall not allow any construction equipment, trucks, or vehicles to idle.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

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- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

IV. FINDING

The City of Daly City hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project which will reduce all identified potential impacts to less than significant levels.

V. LEAD AGENCY REPRESENTATIVE



Sam Fielding, Associate Planner

11/1/24

Date

VI. CONTACT INFORMATION

For additional information, please contact Sam C. Fielding at the City of Daly City Planning Division at (650) 991-8156.

Written comments may be sent to Sam C. Fielding via email at sfielding@dalycity.org or at City of Daly City Planning Division, 333 90th Street, Daly City, CA 94015.

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