

**DOCKETED**

<b>Docket Number:</b>	20-SPPE-01
<b>Project Title:</b>	Great Oaks South Backup Generating Facility Small Power Plant Exemption
<b>TN #:</b>	235162
<b>Document Title:</b>	Mimi Patterson email to Wesley Dyer of CARB
<b>Description:</b>	Email string communications between Mimi Patterson and Wesley Dyer.
<b>Filer:</b>	Rosemary Avalos
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Public Advisor
<b>Submission Date:</b>	10/8/2020 1:30:35 PM
<b>Docketed Date:</b>	10/8/2020

**From:** [Mimi Patterson](#)  
**To:** [Dyer, Wesley@ARB](mailto:Wesley.Dyer@ARB)  
**Cc:** [Nick Renna](#); [Patricia sheehan](#); [Bill Dunmyer](#); [Avalos, Rosemary@Energy](mailto:Rosemary.Avalos@Energy)  
**Subject:** Re: Great Oaks South - 20-SPPE-01  
**Date:** Friday, October 2, 2020 4:26:47 PM  
**Attachments:** [image001.png](#)  
[Email to Stefanie Farmer - Equinix Data Centers Project.pdf](#)

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Hi Wesley,

Thank you for your prompt response and clarification. I appreciate all the detailed information you provided. Coincidentally, I did reach out to Stefanie Farmer back in early August 2020, but because the Equinix project was already approved in 2016-17, she did not have any further information. Stefanie actually directed me to a person named Gerry DeYoung, of Ruth and Going, a civil engineering firm hired by Equinix. I have enclosed a copy of my email to Stefanie Farmer for your convenience.

Unfortunately for many of my neighbors and I, we did have any knowledge of this Equinix project until recently. There were obvious code and city ordinance violations relating to public notice and outreach, but no one is willing to claim responsibility. It is only due to the increased number of generators that the CEC, CARB and BAAQMD are stepping in to review the matter and requesting an EIR.

Our main concern is that Equinix has deep pockets with highly compensated attorneys like Scott Galati and strong lobbyists like Paul Brownell advocating for a quick turnaround and approval of the special use permit (SUP) amendment. During the zoom CEC webinar, Scott Galati repeatedly tried to expedite the SUP amendment by overstating any new requirements and encouraging an MND over an EIR. I strongly oppose his abrupt judgment as there were so many discrepancies and violations leading up to the application process back in 2015-2017. I believe that the EIR should be completed with due diligence and compliance, without interference from lobbyists and attorneys.

Thank you again for all your information and your time.

Have a great weekend.

Best,  
Mimi Patterson

On Fri, Oct 2, 2020 at 3:24 PM Dyer, Wesley@ARB <[wesley.dyer@arb.ca.gov](mailto:wesley.dyer@arb.ca.gov)> wrote:

Hi Mimi,

Thanks so much for your email and the information you provided. The California Air Resources Board (CARB) certainly is interested and plans to continue to participate in the Great Oaks SPPE

application process. As I believe you are aware (I recognize your name from the September 23 CEC Committee conference), CARB very much supports conducting an EIR for this proposed project.

However, CARB is not the lead agency for the environmental review of this project—CEC is. As I understand it, the CEC Committee will ultimately direct CEC staff to either prepare an EIR or a mitigated negative declaration. In the meantime, CARB is continuing to collaborate with CEC and the Bay Area Air Quality Management District so that data center projects generally will have more robust and comprehensive environmental review, particularly with respect to air quality and related health impacts.

With respect to your question regarding the City of San Jose’s Planning Department, I unfortunately am not familiar with their processes or how one would best request requiring a new or amended application. Off the cuff, I would suggest emailing [ZoningQuestions@sanjoseca.gov](mailto:ZoningQuestions@sanjoseca.gov). It also looks like Stefanie Farmer was the project manager, and her contact info is toward the bottom of [this page](#).

Since CEC is the lead agency here, and to ensure your comments and concerns are included in the Great Oaks application docket, I am forwarding your email to Ralph Lee, who is a Co-Hearing Officer for the CEC Committee overseeing the Great Oaks application.

Thanks again for reaching out and being involved. I’m a native Californian, and so I found New York winters to be a bit unpleasant—but New York City sure was a fun place to be.



**Wesley Dyer**

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*I am currently working from home, but of course am still available via email and phone. Calls to my office number are being forwarded to my mobile phone during this time.*

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**From:** Mimi Patterson <[patterson.mimi@gmail.com](mailto:patterson.mimi@gmail.com)>

**Sent:** Friday, October 2, 2020 1:42 PM

**To:** Dyer, Wesley@ARB <[wesley.dyer@arb.ca.gov](mailto:wesley.dyer@arb.ca.gov)>

**Subject:** Great Oaks South - 20-SPPE-01

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Good afternoon Wesley,

Let me introduce myself. I am Mimi Patterson and I am a current resident of South San Jose, California near the proposed Equinix three data centers and small power plant site (20-SPPE-01). Like you, I recently participated in the California Energy Commission (CEC) zoom webinar regarding this massive project. It is my understanding that you are the lead agency for the environmental investigation and revision to Equinix' special use permit.

I recently found out about this behemoth project through a tiny 2' x 3' sign posted on a smaller, less traveled street, Via Del Oro. I have attached pictures of the sign for your convenience. (I have also attached pictures of herons that have been seen on this site). Prior to this, there were no public notices, no public outreach or any type of signage as required by the city of San Jose Planning and Development codes and ordinances. Angela Wang, Planner III City of San Jose Planning and Development even admitted that in her exact words:

***"For public outreach for SP15-031, I checked the comment letters in our file system and it showed that the PM requested the applicant to post the sign in October, 2015 in her 1<sup>st</sup> review letter."***

Yet, no signage was ever erected in 2015, 2016 or 2017, and no one at the City of San Jose Planning and Development Department ever followed up with this mandated request. As such, no one in my neighborhood or community was ever informed and there was no public response. We were kept in the dark of the entire process dating back to 2015 and throughout 2016-17 when the project was submitted, reviewed and approved. Had there been public

outreach, we would be in a very different scenario today with this proposed project.

I am reaching out to you today for your assistance and guidance in this matter. I believe a full Environmental Impact Report (EIR) is a more prudent and responsible process than simply a Mitigated Negative Declaration (MND) that the City of San Jose Planning and Development initially granted. I know Equinix's attorney, Scott Galati, incessantly tried to dissuade you and Jakub Zielkiewicz on the zoom webinar call by attempting to expedite your reports and input by deeming your analysis redundant and unnecessary. On the contrary, your expertise and analysis are crucial in finding that these data centers and small power plant will have extreme and dire negative impacts on our community. I hope you will complete a full EIR.

Also, with the additional fifteen (15) generators, huge time lapse since initial application and the magnitude of the design change, is there a way to recommend to the City of San Jose Planning and Development Department and the applicant to complete a new application process?

Thank you for taking the time out of your busy schedule to review my email. I appreciate any thoughts and feedback. I noticed that you graduated from Pace University School of Law. I was born and raised in New York City, went to Bronx High School of Science and graduated from Cornell University. I miss the east coast, but I do enjoy the beautiful weather in California. I know you are busy, but I thought I share my east coast history. Again, thank you for your help and time.

Best,

Mimi Patterson











