

DOCKETED

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NOTICE OF AVAILABILITY

OF A DRAFT ENVIRONMENTAL IMPACT REPORT

The California Energy Commission (CEC) has prepared a Draft Environmental Impact Report (DEIR) in accordance with the California Environmental Quality Act (CEQA) for the proposed Great Oaks South Backup Generating Facility (GOSBGF).

SV1, LLC, a wholly owned subsidiary of Equinix, LLC (SV1 or applicant) filed an application with the CEC seeking an exemption from the CEC's jurisdiction (Small Power Plant Exemption, or SPPE) for the GOSBGF (20-SPPE-01). The GOSBGF would be part of the Great Oaks South Data Center (GOSDC) to be located in the City of San Jose (collectively the project). The DEIR also may be used by the City of San Jose and Bay Area Air Quality Management District (BAAQMD), as responsible agencies as defined by CEQA, in their respective permitting processes for the project. The DEIR describes the proposed project and evaluates the potential environmental impacts associated with its construction and operation. The DEIR also analyzes two project alternatives in addition to two "no project" alternatives. Pursuant to CEQA, the DEIR includes sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

The DEIR was released for public review on May 21, 2021. The DEIR will be available on the CEC project website, as listed below in this notice. Comments on the DEIR will be received for a 45-day period, commencing on May 21, 2021 and ending on July 6, 2021.

PROJECT LOCATION AND DESCRIPTION

The project would be located at 123, 127, and 131 Great Oaks Boulevard in San Jose, California. GOSBGF would be a backup generating facility with a generation capacity of up to 99.0 megawatts (MW) to support the GOSDC in the event electricity from Pacific Gas and Electric Company (PG&E) is unavailable. The GOSBGF would consist of 36 diesel-fired back up generators, arranged in six generation yards, each designed to serve one of the three data center buildings that make up the GOSDC. Project elements would also include switchgear and distribution cabling to interconnect the six generation yards to their respective buildings. In addition, the GOSBGF would include three life safety diesel-fired generators, each capable of generating 0.50 MW.

The project proposes to construct three, two-story data center buildings that would each be approximately 182,350 square feet in size with a building footprint of approximately

92,000 square feet. Each building would contain server cabinets on each floor and three loading docks for shipping and receiving uses.

A two-story office component, approximately 49 feet in height (53 feet to top of parapet) and 15,000 square feet in size, would also be part of each building. The office space would provide customer care, security, building operations, and flex office functions.

The new data center buildings would house computer servers and supporting equipment for private clients in environmentally controlled structures. The proposed data center buildings would each include twelve generators (ten primary and two redundant) located adjacent to the buildings. Each generator would have an electric capacity of 3.25 MW and provide standby backup electricity for the new buildings. Diesel fuel for the generators would be stored in 9,200 gallon above-ground tanks under each generator. The project would be supported from a new PG&E Santa Teresa Substation, a 115 kilovolt (kV) transmission line extension to the substation from the existing Metcalf-Edenvale 115 kV transmission line, and five new 21 kV distribution feeders that would extend underground along Via Del Oro and/or Santa Teresa Boulevard to the data center site.

HAZARDOUS WASTE SITES

The project parcels are not listed on the California Hazardous Waste and Substances Sites List (also known as the Cortese List), published under Government Code section 65962.5.

ANTICIPATED ENVIRONMENTAL EFFECTS

Typical of projects proposing to use large amounts of fossil fuel, the project's potential impacts of concern largely center on the proposed burning of diesel fuel. The project would emit GHGs, criteria air pollutants, including NO_x, NO₂, PM; non-criteria air pollutants, including ammonia and diesel particulates. These emissions not only have the potential to impact public health, but also, in the case of NO_x, have the potential to result in impacts to biological resources. Operation of the engines also may produce noise impacts with the potential to affect nearby workers or residents. Construction of the project also has the potential to affect cultural and tribal resources, paleontological resources, and air quality. Staff considered all these potential impacts, as well as others, in its evaluation.

The proposed project would result in no impacts to agricultural and forestry resources, mineral resources, and wildfire. The project would have less than significant impacts without mitigation on: energy and energy resources; hazards and hazardous materials; hydrology and water quality; land use and planning; population and housing; public resources; recreation; transportation; and, utilities and service systems.

The DEIR evaluates potentially significant impacts requiring mitigation in the following technical areas:

- **Air Quality:** The applicant proposes project design (PD) measure PD AQ-1 to reduce air quality impacts during project construction. This measure requires incorporation of the local air district's best management practices to control fugitive dust. Staff

recommends mitigation measure **(MM) AQ-1**, which adds exhaust control measures to reduce emissions from construction equipment. With implementation of these measures during construction (and through the local air district's permitting requirements), the project would not cause a cumulatively considerable net increase of any criteria pollutant, and impacts would be reduced to **less than significant with mitigation incorporated**.

- **Biological Resources:** The project as proposed would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Staff has proposed mitigation to mitigate potentially significant impacts on special-status species through habitat modifications. Staff recommends **MM BIO-1** to reduce the proposed project's significant impacts from nitrogen deposition due to point source emissions on serpentine habitat to **less than significant with mitigation incorporated**. Impacts from nitrogen deposition on serpentine habitat would result in a significant impact but could be mitigated to a less than significant level, both individually from the project, and cumulatively, with the inclusion of **MM BIO-1**. This measure includes a one-time payment proportional to the proposed project's contribution of nitrogen deposition in sensitive habitat
- **Cultural and Tribal Cultural Resources:** The applicant proposed design measure, PD CUL-2 includes procedures for the treatment of any human remains encountered during construction. Staff recommends a set of mitigation measures **(MM CUL-1 through MM CUL-4)**, which are similar to the measures the City of San Jose included in its Special Use Permit (SP15-031) issued in 2017 for the previously approved data center on the project site (SV1 2020d). The mitigation measures for the proposed project include a supplementary presence/absence trenching program **(MM CUL-1)**. **MM CUL-2 through MM CUL-4** consist of implementing a workers' environmental awareness program during construction **(MM CUL-2)**, procedures for evaluating and mitigating any buried cultural resources encountered during construction **(MM CUL-3)**, and a final report of findings from implementing **MM CUL-1 through CUL-3 (MM CUL-4)**. With implementation of PD CUL-2 and these mitigation measures, potential impacts on cultural and tribal cultural resources would be reduced to **less than significant with mitigation incorporated**.
- **Geology and Soils (paleontology):** To reduce impacts relating to seismic hazards, the applicant proposes project design measure PD GEO-1 to ensure conformance with requirements of a final geotechnical engineering investigation and California and local building standards and codes. Incorporation of this measure would reduce potential impacts from seismic hazards to **less than significant**.

Earth moving during project construction has the potential to disturb paleontological resources. Staff recommends **MM GEO-1** to train construction personnel and guide recovery and processing of any significant paleontological finds; implementation of this measure would reduce the impact to **less than significant with mitigation incorporated**.

- **Greenhouse Gas Emissions:** The greenhouse gas (GHG) emissions for the annual testing and maintenance emissions from the facility's stationary sources would be well below the BAAQMD significance thresholds of 10,000 MTCO₂e/yr. The City of San Jose's GHG Reduction Strategy is a Qualified Climate Action Plan under CEQA. This project would comply with the requirements of that plan with implementation of **MM GHG-1**, which would require the applicant to participate in San Jose Clean Energy at the TotalGreen level. Pursuant to California Code of Regulations, title 14, section 15183.5, the CEC may rely on that compliance in its analysis of GHG emissions impacts. Accordingly, staff concludes with implementation of **MM GHG-1**, the project's GHG emissions impacts would be **less than significant with mitigation incorporated**.
- **Noise:** Construction activities would elevate noise levels at adjacent businesses and residences nearest the project site. The applicant proposes project design measures PD NOI-1 and PD NOI-2 to reduce temporary noise from construction. Staff recommends **MM NOI-1** to add nearby residents to the construction notification requirements. The inclusion of **MM NOI-1** with PD NOI-1 and PD-NOI-2 would reduce noise impacts to **less than significant with mitigation incorporated**.

The DEIR evaluates the potential for the proposed project to result in growth inducing effects and associated secondary environmental impacts. This DEIR also considers whether the proposed project would result in a cumulatively considerable contribution to existing significant cumulative environmental effects when combined with other past, present, and reasonably foreseeable future projects.

The DEIR concludes that all potential impacts from the project would be less than significant with implementation of identified mitigation measures.

PUBLIC REVIEW PROCESS

The purpose of this Notice, consistent with Sections 15086 and 15087 of the State CEQA Guidelines, is to consult with and request comments from responsible agencies, organizations, and interested parties regarding the environmental analyses presented in the DEIR. The DEIR is being circulated for review and comment by appropriate agencies, as well as organizations and individuals who have requested notification. In accordance with Section 15205(d) of the State CEQA Guidelines, the CEC has scheduled a 45-day public review period for the DEIR, ending on July 6, 2021.

Extended by Executive Order (EO) N-80-20 until the State of Emergency due to the COVID-19 pandemic is terminated, certain CEQA noticing requirements (e.g., the requirement to publicly post and file materials concerning the project with the county clerk) have been suspended as authorized by Governor Newsom's previous EO N-54-20. Therefore, access to the Draft EIR and other project information/reports will be available electronically through the CEC's project docket website at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01> and at the State Clearinghouse through the CEQANet Database.

Consistent with subparagraphs (a) through (c) of Paragraph 8 of EO N-54-20, this Notice of Availability of a Draft Environmental Impact Report has also been mailed to nearby property owners, responsible and trustee agencies, and the county clerk, and sent to the California State Clearinghouse. Persons who cannot access the materials through the link above are encouraged to email the CEC at: lisa.worrall@energy.ca.gov with a subject line "Great Oaks South", or call 916-661-8367 to arrange for alternative means of access to project materials.

The DEIR is available for review on the project's docket page, at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01>

Written comments on the DEIR may be submitted to the project's docket submittal page, at: <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=20-SPPE-01>. Alternatively, comments may be submitted to: lisa.worrall@energy.ca.gov.