

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-05
<b>Project Title:</b>	Mission College Data Center SPPE
<b>TN #:</b>	232797
<b>Document Title:</b>	Notice of Intent to Adopt a Proposed Mitigated Negative Declaration
<b>Description:</b>	Notice of Intent to Adopt a Proposed Mitigated Negative Declaration - Mission College Data Center
<b>Filer:</b>	Steve Kerr
<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**

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**NOTICE OF INTENT TO ADOPT A  
PROPOSED MITIGATED NEGATIVE DECLARATION**

Mission College Data Center  
(19-SPPE-05)

Oppidan Investment Company (Applicant) filed an application with the California Energy Commission (CEC) on November 25, 2019 (TN 230844-48) requesting a Small Power Plant Exemption (SPPE) for the Mission College Backup Generating Facility (MCBGF), which would provide up to 78.1 megawatts (MW) of backup generation support to the Mission College Data Center (MCDC), collectively the "project", in Santa Clara, California. Additional information regarding the project was provided in response to staff data requests, all of which can be accessed via the project docket (19-SPPE-05).

The CEC is responsible for reviewing, and ultimately approving or denying, all thermal power plants, 50 MW and greater, proposed for construction in California. The SPPE process allows applicants with thermal power plants between 50 and 100 MW to obtain an exemption from the CEC's jurisdiction and proceed with local permitting rather than requiring certification by the CEC. The CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. Section 25519(c) of the Public Resources Code designates the CEC as the California Environmental Quality Act (CEQA) lead agency, as provided in section 21165 of the Public Resources Code, for all thermal power plants that seek an exemption from the CEC's power plant certification process. CEQA requires the lead agency to consider the whole of the action; therefore, CEC staff has included the construction and operation of the data center in the environmental analysis of the backup generation facility.

This Notice of Intent is provided to inform parties, responsible agencies, and members of the public that CEC staff has proposed for adoption a Mitigated Negative Declaration for this project. Staff has prepared a Proposed Mitigated Negative Declaration (PMND) based upon the assessment of potential environmental impacts outlined in staff's Initial Study (IS). As discussed below, both of these documents are now available for public review.

**PROJECT DESCRIPTION**

The project site is located at 2305 Mission College Boulevard within the City of Santa Clara. The project would include construction of two, three-story data center buildings encompassing a total square footage of 490,000, and a backup generating facility with a generation capacity of up to 78.1 MW to support the need for the MCDC to provide uninterruptible power supply for its tenants' servers. The generation facility would

consist of 43, 2.5-MW diesel-fired emergency backup generators, arranged in two generation yards, each designed to serve one of the two data center buildings with backup power and redundant backup power. Project elements would also include switchgear and distribution cabling to interconnect the two generation yards to their respective buildings. Two house power diesel fired generators, each capable of generating 600 kilowatts (kW) to support its respective building in an emergency, are also proposed. The MCDC would be supplied electricity by Silicon Valley Power (SVP) through a new distribution substation constructed by Oppidan in the northeast corner of the MCDC site and to be owned and operated by SVP. The diesel-fired generators would provide emergency backup power supply for the MCDC only during interruptions of electric service from SVP or during an emergency.

## **HAZARDOUS WASTE SITES**

According to a review of the Envirostor and GeoTracker databases, the project site does not have any known, open cases on the hazardous materials sites compiled pursuant to Government Code section 65962.5.

## **AIRPORT IMPACTS**

CEQA requires that prior to adoption of a mitigated negative declaration for a project located within the boundaries of a comprehensive airport land use plan, the lead agency must first consider whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area (CEQA Guidelines, § 15074, subd. (e)).

The project site is located approximately 1.6 miles northwest of the Norman Y. Mineta San Jose International Airport. This location is within the Airport Influence Area and subject to the Comprehensive Land Use Plan (CLUP) for the airport, but outside all Airport Safety Zones identified in the CLUP. The IS concluded that the project would not result in hazards to aircraft from either a geometric design feature, such as structure height, or incompatible uses, including thermal plumes. The IS also determined that the project would comply with City of Santa Clara noise standards and that noise from the project would not combine with the airport's noise to expose people to excessive noise levels. Further, staff found the project consistent with the policies of safety, height, and noise contained within the CLUP. Staff therefore concludes that the project would not result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

## **STAFF CONCLUSIONS**

CEC staff has completed an independent review of the project. Staff concludes that the project, as mitigated, would not have a significant adverse effect on the environment or energy resources. Staff concludes that implementation of the project design measures and mitigation measures detailed in the IS/PMND would be sufficient to ensure there would be no significant impacts from the construction or operation of the project.

## AVAILABILITY OF DOCUMENTS

The IS/PMND for the MDCDC, and all documents incorporated by reference, have been filed in the docket for this project, which can be found on the CEC's Mission College Data Center webpage at the following link: <https://ww2.energy.ca.gov/sitingcases/missioncollege/> (Click "Documents for this Proceeding" to find the IS/PMND and all other documents filed in the proceeding).

In addition, the CEC's Docket Unit has all documents filed in this proceeding. If you would like to obtain a physical copy of a document or documents, please contact the Docket Unit and specify you are looking for documents associated with proceeding 19-SPPE-05:

Docket Unit  
California Energy Commission  
1516 9th Street, MS-4  
Sacramento, CA 95814  
(916) 654-5076  
[docket@energy.ca.gov](mailto:docket@energy.ca.gov)

This Notice of Intent will be mailed to owners and occupants of contiguous properties in accordance with CEQA Guidelines section 15072(b). Additionally, this Notice of Intent, including attachments as specified in CEQA Guidelines section 15073, will be provided to responsible agencies, trustee agencies, the Santa Clara County Clerk, and organizations and individuals who have previously requested such notice. The IS/PMND will also be submitted to the State Clearinghouse to initiate review by state agencies.

## PUBLIC COMMENTS

The public review period for the IS/PMND begins on April 21, 2020. **Written comments will be accepted until 5:00 p.m. on May 22, 2020.** The preferred method for submitting comments is via the CEC's Mission College Data Center webpage: <https://ww2.energy.ca.gov/sitingcases/missioncollege/>.

Click on the "Comment on this Proceeding" link. Please provide your full name, any organization name, an email address, a reference to Docket No. 19-SPPE-05, and preferably put your comment in an attached document (.doc, .docx, or .pdf format). After checking the box to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the CEC Docket Unit.

If you wish to mail written comments on the project, please submit them to the CEC Docket Unit. Please include the docket number (19-SPPE-05) for the Mission College Data Center project in the subject line or first paragraph of your comments and mail or hand-deliver them to the address listed above.

All written comments and materials filed with the Docket Unit will become a part of the public record of the proceeding. Additionally, comments may be posted on the Mission College Data Center webpage of the CEC's website.

**Please note that the IS and PMND are staff documents and are subject to evidentiary hearing and adoption by the CEC as part of its consideration as to whether to grant an exemption from the CEC's jurisdiction.** Staff's recommendation, along with any other recommendations and materials presented by the applicant, interveners, government agencies, and the public, will be considered by the assigned Committee at an evidentiary hearing to be scheduled and conducted by the Committee.<sup>1</sup> Following this hearing, the Committee will issue its proposed decision. In the last step, the full CEC will hold a public hearing to consider the Committee's proposed decision and issue a final decision on the SPPE application. Should an exemption for the Mission College Backup Generating Facility be granted, any permitting decisions for the project would become the responsibility of local permitting authorities, in this case primarily the City of Santa Clara and Bay Area Air Quality Management District.

Please direct technical or project schedule questions to Leonidas Payne, CEC Project Manager, at (916) 651-0966, or by email at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov). If you desire information on participating in the CEC's review of the project, please contact the CEC's Public Advisor's Office, at (916) 654-4489 or toll free in California, at (800) 822-6228. The Public Advisor's Office can also be contacted via email at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov).

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<sup>1</sup> Time and location details will be available in the MCDC docket as this date nears. This date is subject to change upon the Committee's order.