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*Comment Received From: Mimi Patterson
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Public Comment re Equinix Data Centers & Sm Power Plant - Great Oaks South Project

Additional submitted attachment is included below.

From: [Mimi Patterson](#)
To: robert.manford@sanjoseca.gov; rosalynn.hughey@sanjoseca.gov; timothy.rood@sanjoseca.gov
Cc: [Avalos, Rosemary@Energy](mailto:Avalos.Rosemary@Energy)
Subject: Equinix Data Centers and Small Power Plant - Great Oaks South Project
Date: Friday, September 25, 2020 1:25:27 PM

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Dear Rosalynn, Robert and Tim,

On Wednesday, September 23, 2020, I participated in a CEC webinar regarding the Equinix Data Centers (SV-12, SV-13, SV-14) and new Santa Teresa Substation. My family and I have lived on San Ignacio Avenue, two blocks from the proposed site, for over 20 years.

I have a deep understanding of entitlement, including the requirements and conditions of both the site development and CEQA processes. As such I am incredibly angry, frustrated, and disappointed by the City's inability (or unwillingness) to protect the residents of this neighborhood and protect what's best for the environment.

I would begin with a distinct lack of community outreach. Members of this community first learned of the Project when the redevelopment sign was posted on site in May of this year. At that time I made contact with Stephanie Farmer who in turn directed me to Gerry DeYoung at Ruth and Going. I attended the CEC webinar at Mr. DeYoung's suggestion. From the information I have gathered through email correspondence with Ms. Farmer and Mr. DeYoung, online research, and discussion with the CEC webinar, it would appear entitlement started some five years ago. If that is in fact accurate Equinix violated the City's Public Outreach Policy regarding on-site sign posting. (FYI, they are still in violation as the project is 550,000sf and the site sign is 2 x3. Policy mandates a 4 x 6 sign for projects 100,000 sf and more.) I have personally communicated with several dozen neighbors since the sign was posted and like me, none of them knew of the Project. Should there not have been a Community Meeting and Director's Hearing earlier in the process?! The City of San Jose and your Department have failed us.

At the CEC meeting, a resident by the name of Nick Rena remarked during the public comments portion that "had the City of San Jose and the applicant fulfilled their obligation to notify the public and community, we certainly would be in a different scenario today." I wholeheartedly agree with Mr. Rena's comments. As a result of the City's and the Applicant's negligence, the community was placed in the dark about this project, and is now in an unfair and likely untenable position of fighting an uphill battle with a \$5.5 billion company and its ruthless lawyers.

Regarding CEQA, I simply do not understand why, in light of the obvious vast environmental impacts of a generator farm, why your department would have issued an IS/MND in lieu of an EIR. It is only now that Equinix has increased the number of generators from 21 to 36 that preparation of an EIR is being considered, and that directive is coming from the CEC and not the City. Perhaps this is a typical pathway but, again, it makes me wonder why the directive is not coming from the City. For your reference, Mr. Wesley Dyer, attorney for California Air Resources Board, on the call stated that the current design is dramatically different than what was originally proposed by Equinix.

At the CEC meeting, Scott Galati, attorney for Equinix, incessantly tried to dissuade Mr. Wesley Dyer, attorney for the California Area Resources Board, Mr. Jakub Zielkiewicz, Bay Area Air Quality and the CEC Staff to expedite their reports by deeming their analysis redundant and unnecessary. On the contrary, Mr. Dyer, Mr. Zielkiewicz and the CEC Staff's analysis and research are critical to finding that these massive data centers and thirty-six (36) generators, essentially a small power plant will have extreme and dire negative impact on our community. Mr Galati repeatedly tried to minimize these potential dangers during our meeting which is both disturbing and unethical.

Consider the noise and diesel exhaust fumes from 36 generators and the adverse pollution impact. During the generator refueling process it is typical for diesel to spill, and make its way to the storm drainage system and the Bay, poisoning our water. Not only will our loved ones and neighbors be affected by these hazardous conditions, but the blue and grey herons, the hawks, the coyotes, the foxes, deer and other wildlife will also be threatened.

In my review of the past documents filed in your office, the following are outdated and therefore deficient of recent information:

1) IS/MND - December 2016 - Initial Study/Mitigated Negative Declaration for Equinix Data Centers (SV-12, SV13, SV-14) and Santa Teresa Substation (File # SP-15-031)

This report was done December 2016 with outdated information including the names of the Data Centers and there is no application of the 36 generators, a small power plant.

2) Appendix A - June 16, 2016 - Air Quality Report

Report has the incorrect firm name, Xilinx and contains outdated information.

3) Appendix B - November 11, 2015 - Tree Survey and Biology Report

This report is from 2015 and should be updated.

4) Appendix C - January 26, 2016 - GeoTechnical Investigation Report

This should be revised and updated.

5) Appendix D - February 23, 2015 - Phase I Environmental Site Assessment

Surprising that the City would still accept a Phase I that was performed 5 years ago.

6) Appendix E - May 31, 2016 - Noise Assessment

Report only includes seven (7) generators generating a total sound pressure level at 86 DBA at a distance of 25 feet. This is deceiving as it does not account for the actual 36 generators which will inevitably create noise pollution and negative impact to the environment and may affect the health and well-being of the surrounding community.

7) Appendix F - May 5, 2016 - Energy Report

NO information on 36 generators and its impact on the environment and community.

As you can see, many of these reports were done in **2015 and 2016**. We are now in 2020 and quickly approaching 2021. A great deal has changed and as such, the information in these documents are outdated and are no longer applicable to this specific project. These reports and documents should be revised with the appropriate updated information and the entire project should be revisited.

If you can explain, in detail, how, when and why this behemoth Equinix project was initially approved without the proper public notices, and what your department intends to do to amend this situation going forward. I also want to know what your process will be to update and modify all the necessary reports and documents for this massive project. In addition, when will a public forum be held for the community about this specific project, whether via a zoom meeting, conference call and/or some other type

of in-person social distance meeting? I look forward to hearing from all of you as soon as possible.

Best,
Mimi Patterson