# GREAT OAKS SOUTH BACKUP GENERATING FACILITY

## Final Environmental Impact Report

## SCH # 2020100431

CALIFORNIA ENERGY COMMISSION
Gavin Newsom, Governor

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# Final Environmental Impact Report

## Great Oaks South Backup Generating Facility

(20-SPPE-01)

Lead Agency

**California Energy Commission**

**July 2021**

# Table of Contents

# Section 1

Summary

# 1 Summary

This environmental impact report (EIR) has been prepared by the California Energy Commission (CEC) to evaluate the potential environmental effects of the development of the Great Oaks South Backup Generating Facility and associated data center (project), in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, the Warren-Alquist Act, and California Code of Regulations, Title 20 (Small Power Plant Exemptions).

The CEC has the exclusive authority to certify all thermal power plants (50 megawatts [MW] and greater) and related facilities proposed for construction in California. The Small Power Plant Exemption (SPPE) process allows applicants with facilities between 50 and 100 MW to obtain an exemption from CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. 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. Public Resources Code section 25519(c) designates CEC as the lead agency, in accordance with CEQA, for all facilities seeking an SPPE.

## 1.1 Project Summary

SV1, LLC, a wholly owned subsidiary of Equinix, LLC (SV1 or applicant) filed an SPPE application seeking an exemption from the CEC's jurisdiction for the Great Oaks South Backup Generating Facility (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. The project was approved by the City of San Jose on February 1, 2017. Since its approval, SV1, LLC has made project design changes and is now seeking approval of an SPPE for the GOSBGF.

The GOSDC would consist of three 182,350 square foot, two-story data center buildings. The approximately 18-acre project site is associated with three addresses (123, 127, and 131 Great Oaks Boulevard) in the City of San Jose.

The GOSBGF would consist of 36 3.25-MW diesel-fired generators in six generation yards that would each be separately electrically interconnected to the three data center buildings. The GOSBGF would be used exclusively to provide backup generation and uninterruptible power supply for the GOSDC, and other than for routine maintenance and testing, would only operate in the event of a failure of the electrical service from Pacific Gas and Electric Company (PG&E) to the data center. In addition, the GOSBGF would include three life safety diesel fired generators, each capable of generating 0.50 MW. GOSBGF would have a generating capacity of up to 99.0 MW.

The GOSDC would connect to a new PG&E substation via five new 21 kilovolt (kV) distribution feeders that would extend underground along Via Del Oro and/or Santa Teresa to the project site. The California Public Utilities Commission has granted PG&E approval to construct the new substation, which is called the "Santa Teresa Substation".

### *Project Goals and Objectives*

The applicant's primary goal is to develop a state-of-the-art data center that would be part of the single, largest internet hub on the west coast. The primary project objective is to reliably meet the increased demand of the digital economy and its customers (SV1 2020k).

In addition to its primary goal, the applicant has set forth these project objectives:

- Develop a state-of-the-art data center with up to 547,000 square feet.
- Develop the data center on land that has been previously approved for a similar size data center.
- Develop a data center that can be constructed in phases which can be timed to match projected customer growth.
- Meet high sustainability and green building standards by designing the data center to meet U.S. Green Building Code LEED and Cal-Green standards for new construction.
- Incorporate the most reliable and flexible form of backup electric generating technology considering the following evaluation criteria:
    - Commercial Availability and Feasibility. The selected backup electric generation technology must currently be in use and proven as an accepted industry standard for technology. It must be operational within a reasonable timeframe where permits and approvals are required.
    - Technical Feasibility. The selected backup electric generation technology must utilize systems that are compatible with one another.
    - Reliability. The selected backup electric generation technology must be extremely reliable in the case of an emergency loss of electricity from the utility.
    - Industry Standard. The selected backup electric generation technology must be considered industry standard or best practice. The customers of SV1 are informed consumers and will request SV1 to provide a detailed description of the type of backup generation that it delivers as part of the customer's due diligence. If the selected technology does not meet customers' requirements, they will not put their servers in the Great Oaks South Data Center.

## 1.2 Summary of Environmental Impacts and Mitigation Measures

The applicant proposed design measures (PD) listed in **Table 1-1** are considered part of the project design and would help avoid potentially significant impacts from construction and operation of the project. The measures listed below are those proposed design measures that staff has found adequate. For the measures that were not found sufficient, staff edited the measures, now termed mitigation measures (**Table 1-12**).

In accordance with section 25519(c) of the Public Resources Code and CEQA, CEC serves as the lead agency to review an SPPE application and perform any required environmental

analyses. Upon granting of an exemption, the local permitting authorities—in this case the City of San Jose and Bay Area Air Quality Management District (BAAQMD)—would perform any follow-up CEQA analysis and impose mitigation, as necessary, for granting approval of the project.

**Table 1-1** provides an overview of the analysis in **Section 4 Environmental Setting, Impacts, and Mitigation**. Impacts are categorized by the type of impact as follows:

- No Impact. The scenario in which no adverse physical changes to (or impacts on) the environment would be expected.
- Less Than Significant Impact. An impact that would not exceed the defined significance criteria or would be eliminated or reduced to a less than significant level through implementation of the applicant's project design measures and/or compliance with existing federal, state, and local laws and regulations.
- Less Than Significant with Mitigation Incorporated. An impact that would be reduced to a less than significant level through implementation of the identified mitigation measure(s).
- Significant and Unavoidable Impact. An adverse effect that meets the significance criteria, but there appears to be no feasible mitigation available that would reduce the impact to a less than significant level. In some cases, mitigation may be available to lessen a given impact, but the residual effects of that impact would continue to be significant even after implementation of the mitigation measure(s).

Staff concludes that with the implementation of the following applicant project design measures (PDs) and the addition of the proposed mitigation measures (MMs) presented in **Table 1-1~~2~~**, potentially significant impacts identified in this EIR would be avoided or reduced to less than significant levels. Staff concluded that impacts in the areas of Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils (paleontology), and Noise would be potentially significant, but with mitigation measures would be reduced to less than significant. Agriculture and Forestry Resources, Mineral Resources, and Wildfire would have no impact from the project. The remaining environmental topic areas would have a less than significant impact. The following summarizes the potential impacts and mitigation as required.

Please note that PD BIO-1, BIO-3, GEO-1, NOI-1, and NOI-2 have all been slightly modified based on comments received and the word "updated" has been added to their names to reflect that they now differ from what the applicant originally proposed. The changes clarify, amplify, and make insignificant modifications to the DEIR. They do not alter the analyses or the conclusions reached. All references to the original PD in the document should be read to also refer to the updated version.

**Aesthetics.** Construction and operation of the project would not have a substantial adverse effect on a scenic vista or substantially damage scenic resources. Furthermore,

construction and operation of the project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts to aesthetic resources would be **less than significant**.

**Agriculture and Forestry Resources.** The Farmland Mapping Monitoring Program maps show that the project site is not mapped as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The project site is zoned IP, Industrial Park and is within an area designated for urban uses in the General Plan. No land in the area is zoned for forest land, timberland, or timberland production, nor is the project site contain forest land or is in a region where forest land is present. Project construction, operation, and maintenance would cause no changes in the existing environment that would cause conversion of Farmland to a non-agricultural use or forest land to a non-forest use. Therefore, the project would not convert Farmland to a non-agricultural use, not conflict with zoning for agricultural use or a Williamson Act contract and would not cause the loss of forest land. The project's construction and operation would have **no impact** on agriculture and forestry resources.

**Air Quality.** The project would not conflict with or obstruct implementation of the applicable air quality plan. The project would not expose sensitive receptors to substantial pollutant concentrations. The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The applicant proposes project design (PD) measure PD AQ-1 to reduce air quality impacts during project construction. This measure requires incorporation of the BAAQMD'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. During readiness testing and maintenance, the oxides of nitrogen (NOx [as an ozone precursor]) emissions of the standby generators would be fully offset through the permitting process with the BAAQMD. With implementation of these measures during construction and NOx offsets for readiness testing and maintenance through BAAQMD'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 would not affect state or federally protected wetlands, or interfere with the movement of any native resident or migratory fish or wildlife species or established wildlife corridors, or impede the use of native wildlife nursery sites. To avoid conflict with City of San Jose (City) policies and its Municipal Code regarding tree removal and protection of the Heritage Tree at the northeast corner of the project site, the applicant proposes project design measure PD BIO-1 specifying the tree replacement ratio and other mitigation to compensate for loss of trees on the site. The applicant proposes project design measure PD BIO-2 specifying protection measures to reduce impacts on the Heritage Tree during project construction. The applicant also proposes project design measure PD BIO-3 specifying pre-construction nesting bird surveys. Incorporation of PD BIO-1, PD BIO-2, and PD BIO-3 would reduce impacts on trees and nesting birds to **less than significant**. 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 on serpentine habitat to **less than significant with mitigation incorporated**. **MM BIO-1** would also mitigate the proposed project's incremental contribution towards nitrogen deposition to less than cumulatively considerable.

**Cultural and Tribal Cultural Resources.** The project would not impact any known resources that could meet CEQA's criteria for historical resources. However, previous cultural resources studies in the project area indicate that buried archaeological or ethnographic resources could be encountered during ground disturbing activities at the site. 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~~ **MM CUL-1** through **MM CUL-4**, which are similar to the measures the City 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.**

**Energy and Energy Resources.** Construction activities would consume nonrenewable energy resources, primarily fossil fuels (oil, gasoline, and diesel), for construction equipment and vehicles. It is anticipated that these nonrenewable energy resources would be used efficiently during construction activities and would not result in long-term significant depletion of these energy resources or permanently increase the project's reliance on them. PD AQ-1 would minimize the idling of construction equipment and would require all such equipment to be maintained and properly tuned, ensuring that fuel consumed during construction would not be wasted through unnecessary idling or operation of poorly maintained equipment. The project's use of fuel constitutes a small fraction of available resources and the supply is more than sufficient to meet necessary demand. For these reasons, the project's use of fuel is less than significant. Impacts related to energy and energy resources would be **less than significant**.

**Geology and Soils (paleontology).** Construction would temporarily increase sedimentation and erosion by exposing soils to wind and runoff until construction is complete and new vegetation is established. The city's National Pollutant Discharge Elimination System Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and

building permit process. In accordance with General Plan policies, implementation of the regulatory programs and policies in place would reduce possible impacts of accelerated erosion during construction to a less than significant level. Continuous operation and maintenance work would not result in increased erosion or topsoil loss. The project site is located on expansive soil. With implementation of the anticipated project-specific recommendations in the final geotechnical engineering report (PD GEO-1) construction of the project would not expose people or property, directly or indirectly, to significant impacts associated with expansive soil. 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 $MTCO_2e/yr$. 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, or negotiate an electricity contract with San Jose Clean Energy that accomplishes the same goals as the Total Green Level, to ensure compliance with the 2030 Greenhouse Gas Emissions Strategy. 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 would not have a significant direct or indirect impact on the environment. The project's likelihood of operating for non-testing/non-maintenance (emergency) purposes is low and if such operation did occur it would be infrequent and of short duration. Staff concludes that these emissions would be less than significant. With implementation of the efficiency measures to be incorporated into the project, and **MM GHG-1**, GHG emissions related to the project would not conflict with the City's GHG Reduction Strategy or other plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. Because the project would be consistent with applicable plans and policies adopted to reduce GHG emissions and would comply with all regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, the potential for the project to conflict with an applicable plan, policy or regulation for GHG reductions would be less than significant. With implementation of **MM GHG-1**, impacts related to GHG emissions would be **less than significant with mitigation incorporated**.

**Hazards and Hazardous Materials.** During the construction phase of the project, the only hazardous materials used would be paints, cleaners, solvents, gasoline, motor oil,

welding gases, and lubricants. When not in use, any hazardous material would be stored in designated construction staging areas in compliance with local, state, and federal requirements. Any impacts resulting from spills or other accidental releases of these materials would be limited to the site due to the small quantities involved and their infrequent use, hence reduced chances of release. Temporary containment berms would also be used to help contain any spills during the construction of the project. The transportation of the diesel fuel to the site would take many tanker truck trips for the initial fill. Deliveries of diesel fuel during the project's operation would be scheduled on an as-needed basis resulting in twenty fuel tanker truck trips annually. Diesel fuel has a long history of being routinely transported and used as a common motor fuel. Projects with diesel-fired back up generators would use standard practice for fuel quality and maintenance of stored diesel fuel. The risk to the off-site public or environment through the routine transport, use or disposal of hazardous materials would have a less than significant impact. Hazardous materials would be stored, handled, and used in accordance with applicable regulations. Personnel would be required to follow instructions on health and safety precautions and procedures to follow in the event of a release of hazardous materials. All equipment and materials storage would be routinely inspected for leaks. Records would be maintained for documenting compliance with the storage and handling of hazardous materials. The risk to the off-site public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials would have a less than significant impact. Soil samples collected from the adjacent parcel south of the project site indicate concentrations of organochlorine pesticides and lead that exceeds residential and commercial screening levels (assessor parcel number 706-02-058). The applicant proposes project design measure PD HAZ-1, which requires fencing the adjacent parcel to eliminate the potential to track contaminated soil onto the project site during project construction. Implementation of this measure would reduce the impact to **less than significant**.

**Hydrology and Water Quality.** The project's proposed use of 4 acre-feet (AF) of water during construction and 4 acre-feet per year (AFY) during operation would not substantially decrease critical groundwater supplies. The project's impact on groundwater supplies, recharge, or sustainable groundwater management during construction and operation would therefore be **less than significant**. The proposed project also would not be expected to add significantly to the existing potential of the site to impede or redirect flood flows, therefore, significant obstruction of floods is not expected from the proposed project. The project has the potential to degrade the quality of storm water runoff during project construction and operation. However, the project will be required to prepare a Storm Water Pollution Prevention Plan for the construction phase of the project and will be required to comply with the city of San Jose's Post-Construction Urban Runoff Policy No. 6-29 and the Santa Clara Valley Urban Runoff Pollution Prevention Program during operations. These requirements would reduce potential construction and operations-related impacts on water quality to **less than significant**.

**Land Use and Planning.** The project would not physically divide a community. The project is consistent with the General Plan and the Zoning Code. With the issuance of an

amendment to the Special Permit by the City of San Jose, which is contingent on the City's decision makers determining that the findings are satisfied, the project would not cause a significant impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts on land use and planning would be **less than significant**.

**Minerals.** The project's construction and operation would have **no impact** on minerals as the project site is in a developed urban area and does not contain any known or designated mineral resources; therefore, the project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.

**Noise.** Sources of groundborne vibration associated with project operation would include the backup generators and rooftop equipment. These pieces of equipment would be well-balanced, as they are designed to produce very low vibration levels throughout the life of a project. In most cases, even when there is an imbalance, they could contribute to ground vibration levels only in the vicinity of the equipment and would be dampened within a short distance. Furthermore, the backup generators would be equipped with specifications that ensure sufficient exhaust silencing to reduce vibration. Therefore, vibration impacts due to project operation would be less than significant. The project site is not in the vicinity of a private airport and it would not place sensitive land uses within an airport noise contour (the site is 6.8 ~~11~~ miles from the Reid-Hillview Airport~~Norman Y. Mineta San Jose International Airport~~). Thus, the project would not combine with the airport to expose people to excessive noise levels. 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**.

**Population and Housing.** The project would not directly or indirectly induce substantial unplanned growth in the City of San Jose. The project does not propose new housing or land use designation changes and it would not facilitate growth through the extension of roads, water supply pipelines, or other growth inducing infrastructure. If the few new operation workers were to relocate closer to the project site, it would not result in unplanned population growth. Impacts would be **less than significant**.

**Public Services.** The slight increased need for fire protection response during project construction would not be sufficient to induce the construction of new or physically altered governmental facilities that could result in significant environmental impacts. The project facilities would be constructed to conform with current building and fire codes. The impacts to the fire protection service would be less than significant. Construction of the project may result in a slight increase in the need for police services. However, the average response times for the police department would not be significantly affected by

the project construction. The project would not induce construction of new or physically altered governmental facilities, such as police stations that could result in significant environmental impacts. Therefore, impacts would be less than significant. The project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police service facilities to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant. Based on the proposed size of the three buildings, an estimated $292,173 school impact fee would be assessed and collected at the time the applicant applies for building permits from the City of San Jose. Impacts on schools would be less than significant. The project's approximately 42 operations workers would be drawn from the greater Bay Area and are not likely to relocate closer to the project. If some operations workers were to relocate, the few new residents would have a negligible increase on the usage of or demand for parks or other recreational facilities. Therefore, the project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered park facilities to maintain acceptable service ratios or other performance objectives. Impacts would be less than significant. If some construction workers were to temporarily relocate closer to the project site, they are not likely to visit public facilities such as public libraries while working in the project area and tend to return to their primary residence for the weekends. If some operations workers were to relocate closer to the project site, the few new residents would likely have a negligible increase in the usage of or demand for the surrounding libraries or public facilities. Impacts to public services would be **less than significant**.

**Recreation.** The construction needs of the project would be supplied by the existing workforce from the greater Bay Area and would not require an influx of new workers. Construction workers would commute to the project site during construction and they are not likely to temporarily relocate closer to the project. If some operations workers did move closer to the project, they would not be in numbers that would require the construction or expansion of recreational facilities. Therefore, operation of the project would have a less than significant impact on recreation facilities and would not require the construction or expansion of recreational facilities to accommodate the project. Impacts to recreation would be **less than significant**.

**Transportation.** Project construction would not significantly obstruct any transit, roadway, bicycle, or pedestrian facilities in the area. Construction activities would occur mostly onsite and not in the public right-of-way, with the exceptions of: installation of underground electrical distribution feeders at Via Del Oro; sidewalk improvements along Great Oaks Boulevard, San Ignacio Avenue, and Via Del Oro; removal of triangular raised ("pork chop") islands at Great Oaks Boulevard and Santa Teresa Boulevard intersection; addition of a new Class II bicycle lane along Via Del Oro; and construction of project access points at Great Oaks Boulevard, San Ignacio Avenue and Via Del Oro. Project construction would not otherwise temporarily or permanently alter any public roadways or intersections. Project operation would occur on-site. Project-generated vehicle miles traveled (VMT) per employee would exceed the City's thresholds for industrial employment and office employment uses. The applicant proposes project design measure

PD TRA-1 requiring preparation and implementation of Transportation Demand Management measures, which would cause the project VMT to fall below the thresholds, thereby reducing the impact to less than significant. The project would not result in hazards to aircraft from either a geometric design feature, such as structure height, or incompatible uses, including land uses or thermal plumes. The project would not increase any other hazards. A fire access lane would be constructed along the southern property boundary of the site to provide site access for emergency vehicles. The project would not physically block any access roads or result in traffic congestion that could significantly compromise timely access to this facility or other facilities located within the project vicinity during construction and operation. Impacts to transportation would be **less than significant**.

**Utilities and Service Systems.** San Jose Clean Energy has sufficient energy to serve the expected future demand of the project. Project electric demand during construction and operation would not be substantial and would not be expected to affect existing users. The applicant anticipates that buildout of the project would occur based on market conditions, and thus full electrical load may develop over a phased period. To serve the full electrical load of the project, reconductoring of the existing Metcalf-Edenvale 115 kV transmission line or line re-rate, may be necessary. The early phases of the project would not require any changes to the transmission line and any changes necessitated by the third phase would be reviewed by the California Public Utilities Commission (CPUC) pursuant to CEQA. Telecommunication services for the proposed project would be provided by providers that have been serving the existing business in the project area. Those providers have adequate available capacity to accommodate the project needs during construction and operation. Natural gas for the project would be supplied by PG&E. PG&E has adequate natural gas supplies to supply the project and therefore, construction and operation of the project would not require the construction of any additional off-site facilities. Great Oaks Water Company (GOWC) would have sufficient supplies between 2020 and 2040 during normal, single-dry, and multiple-dry years to serve the proposed project and foreseeable future development. GOWC and the Santa Clara Valley Water District have adopted water conservation policies to reduce demand such that available supplies are sufficient to meet demand. There is an abundance of capacity at the San Jose-Santa Clara Regional Wastewater Facility to accommodate project wastewater flows. Construction activities for the project would result in minor amounts of solid waste and a temporary increase in solid waste. Operations would result in long-term generation of a small amount of solid waste. The project would not significantly increase solid waste generation and could be accommodated by existing solid waste facilities. Impacts to utilities and service systems would be **less than significant**.

**Wildfire.** A project could have an impact related to wildfire if it is located in or near a State Responsibility Area or a very high Fire Hazard Severity Zone, or on land classified as having a fire threat by the CPUC (wildland and urban interface or in the vicinity of wildlands). The project's construction and operation would have **no impact** on wildfire as the project is not located in or near a State Responsibility Area or a very high Fire Hazard Severity Zone and is on land classified industrial and in an urban environment

### *Summary*

The CEC determines whether the project qualifies for an SPPE and if the project is granted the exemption, the project would seek permits from the local responsible agencies. The applicant project design measures and mitigation measures proposed in **Table 1-1** would be enforced by the appropriate responsible agency under CEQA, which includes the City of San Jose.

| TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION | | | |
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| **CEQA Criterion** | **Level of Significance Prior to Mitigation** | **Mitigation** | **Level of Significance After Mitigation** |
| Impact Codes | | | |
| NA- Not Applicable | NI- No Impact | LTS- Less than Significant Impact | |
| LTS With Mitigation- Less Than Significant with Mitigation Incorporated | | PS- Potentially Significant Impact | |
| **Aesthetics** | | | |
| 4.1-a Have a substantial adverse effect on a scenic vista? | LTS | None required | LTS |
| 4.1-b Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | LTS | None required | LTS |
| 4.1-c In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | LTS | None required | LTS |
| 4.1-d Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | LTS | None required | LTS |
| **Agriculture and Farmland** | | | |
| 4.2-a Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | NI | None required | NA |
| 4.2-b Conflict with existing zoning for agricultural use, or a Williamson Act contract? | NI | None required | NA |

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| 4.2-c Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | NI | None required | NA |
| 4.2-d Result in the loss of forest land or conversion of forest land to non-forest use? | NI | None required | NA |
| 4.2-e Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | NI | None required | NA |
| **Air Quality (including Public Health)** | | | |
| 4.3-a Conflict with or obstruct implementation of the applicable air quality plan? | LTS | None required | LTS |
| 4.3-b Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | PS | PD AQ-1: To ensure that fugitive dust impacts are less than significant, the project will implement the BAAQMD's recommended BMPs [best management practices] during the construction phase. These BMPs are incorporated into the design of the project and will include:<br>• All exposed surfaces (soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day.<br>• All haul trucks transporting material offsite shall be covered.<br>• All track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.<br>• All vehicle speeds on onsite unpaved surfaces shall be limited to 5 miles per hour.<br>• All roadways, driveways, and sidewalks shall be paved as soon as possible. Building pads shall be completed as soon as possible after grading unless seeding or soil binders are used.<br>• Equipment idling times shall be minimized to 5 minutes per the Air Toxics Control Measure (ATCM). Idling time signage | LTS with Mitigation |

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| | | shall be provided for construction workers at all access points.<br>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.<br>• Information on who to contact, contact phone number, and how to initiate complaints about fugitive dust problems will be posted at the site. | |
| | | **MM AQ-1:** To minimize the exhaust emissions during construction, the project owner shall implement the following measures:<br>• Use diesel construction equipment that meets US EPA Tier 4 interim or Tier 4 final emission standards if commercially available.<br>• If Tier 4 engines are not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet US EPA emission standards for Tier 3 engines. If such are not available, Tier 2 or lower Tier engines using retrofit controls verified by ARB or US EPA can be used.<br>• Provide line power, if available, to the site to minimize the use of diesel-powered stationary equipment, such as generators. | |
| 4.3-c Expose sensitive receptors to substantial pollutant concentrations? | LTS | None required | LTS |
| 4.3-d Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | LTS | None required | LTS |
| **Biological Resources** | | | |
| 4.4-a Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California | PS | Updated PD BIO-3: The following measure will be implemented to reduce impacts to nesting birds:<br>• If possible, construction should be scheduled between September and January (inclusive) to avoid the nesting season. If this is not possible, pre- construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active nests | LTS with Mitigation |

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| Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | | that may be disturbed during project implementation onsite and within 250 feet of the site. Between February 1 and August 31 pre-construction surveys shall be conducted no more than 14 days prior to construction activities or tree relocation or removal. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests.<br>• If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.<br>• The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or building permit. | |
| | | **MM BIO-1:** Additional Nitrogen Deposition Fee for Point Source Emissions.<br><br>Complete and submit an Application for Nitrogen Deposition-Only Projects to the city of San Jose and reference the original data center project. Pay the additional one-time nitrogen deposition fee of $864.01 to the city of San Jose. | |
| 4.4-b Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | PS | **MM BIO-1**. See impact 4.4-a. | LTS with Mitigation |
| 4.4-c Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, | NI | None required | NA |

<table>
<tr><td>filling, hydrological interruption, or other means?</td><td></td><td></td><td></td></tr>
<tr><td>4.4-d Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td><td>NI</td><td>None required</td><td>NA</td></tr>
<tr><td>4.4-e Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td><td>LTS</td><td>Updated PD BIO-1: ~~In accordance with current City policies and Municipal regulations, trees removed will be replaced at the ratios identified in Table 4.6-1 [SPPE Application, pg. 105].~~<br>• ~~In the event replacement/mitigation trees cannot be accommodated on the site, tree removal shall be mitigated through a donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. Trees removed shall be replaced at these ratios, or the applicant shall pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site.~~<br><br>Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Updated Table PD BIO-1 below, as amended.<br><br>UPDATED TABLE PD BIO-1: Tree Replacement Ratios
<table>
<tr><td rowspan="2">Circumference of Tree to be Removed</td><td colspan="3">Type of Tree to be Removed</td><td rowspan="2">Minimum Size of Each Replacement Tree</td></tr>
<tr><td>Native</td><td>Non-Native</td><td>Orchard</td></tr>
<tr><td>38 inches or more</td><td>5:1</td><td>4:1</td><td>3:1</td><td>15-gallon</td></tr>
<tr><td>19 up to 38 inches</td><td>3:1</td><td>2:1</td><td>none</td><td>15-gallon</td></tr>
<tr><td>Less than 19 inches</td><td>1:1</td><td>1:1</td><td>none</td><td>15-gallon</td></tr>
<tr><td colspan="5">x:x = tree replacement to tree loss ratio</td></tr>
</table></td><td>LTS</td></tr>
</table>

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| | | Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree = two 15-gallon trees Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.<br>• Since one (1) onsite ordinance trees would be removed, the one tree would be replaced at a 3:1 ratio. The total number of replacement trees required to be planted would be four (4) trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement or Director's designee.<br>• In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee, at the development permit stage:<br>○ The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.<br>○ Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the offsite tree replacement fee(s) to plant trees at alternative sites. | |
| | | PD BIO-2: In accordance with guidelines established by the International Society for Arboriculture, the following tree protection measures will be implemented to reduce impacts to the Heritage Tree: | |

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| | | • Establish an area surrounding the Heritage Tree to be protected during construction as defined by a circle concentric with each tree with a radius 1-1/2 times the diameter of the tree canopy drip line. This "tree protection zone" is established to protect the tree trunk, canopy and root system from damage during construction activities and to ensure the long-term survival of the protected trees. The tree protection zone shall: (1) ensure that no structures or buildings, that might restrict sunlight relative to the existing conditions, will be constructed in close proximity to the trees; and (2) that no improvements are constructed on the ground around the tree within the tree protection zone, thus ensuring that there is sufficient undisturbed native soil surrounding the tree to provide adequate moisture, soil nutrients and oxygen for healthy root growth.<br>• Protect tree root systems from damage caused by (a) runoff or spillage of noxious materials while mixing, placing, or storing construction materials and (b) ponding, eroding, or excessive wetting caused by incident rainfall through use of the following measures during excavation and grading:<br>o Excavation: Do not trench inside tree protection zones. Hand excavate under or around tree roots to a depth of three feet. Do not cut main lateral tree roots or taproots. Protect exposed roots from drying out before placing permanent backfill.<br>o Grading: Maintain existing grades within tree protection zones. Where existing grade is two inches or less below elevation of finish grade, backfill with topsoil or native soil from the project site. Place fill soil in a single un-compacted layer and hand grade to required finish elevation.<br>o Apply six-inch average thickness of wood bark mulch inside tree protection zones. Keep mulch six inches from tree trunks.<br>• Provide 48-inch tall orange plastic construction fencing fastened to steel T-posts, minimum six feet in length, | |

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| | | using heavyweight plastic ratchet ties. Install fence along edges of tree protection zones before materials or equipment are brought on site and construction operations begin. Maintain fence in place until construction operations are completed and equipment has been removed from site.<br>• Provide temporary irrigation to all trees in protection zones using a temporary on-grade drip or bubbler irrigation system sufficient to wet the soil within tree protection zones to a depth of 30 inches per bi-weekly irrigation event.<br><br>**Heritage Tree Design Recommendations**<br>• Establish the horizontal and vertical elevation of the Heritage Tree. Include the trunk location and tag number on all plans.<br>• Design finish grades so that no water accumulates around the base of the trunk of the Heritage Tree.<br>• Allow the Consulting Arborist to review all future project submittals including grading, utility, drainage, irrigation, and landscape plans.<br>• Maintain the tree protection zone around the Heritage Tree as depicted on the Grading and Drainage Plan prepared by Ruth and Going. The tree protection zone shall be the limit of work.<br>• Route underground services including utilities, sub-drains, water or sewer around the tree protection zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.<br>• Use only herbicides safe for use around trees and labeled for that use, even below pavement.<br>• Design the landscape around the Heritage Tree to be compatible with the cultural requirements of native oak trees. | |

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| | | • Any irrigation system must be designed so that no trenching will occur within the dripline of the Heritage Tree.<br><br>**Pre-construction and demolition treatments and recommendations**<br>• The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.<br>• Install protection at the tree protection zone prior to demolition, grubbing, or grading.<br>• No entry is permitted into a tree protection zone without permission of the project superintendent.<br>• The Heritage Tree should be pruned to reduce the length and weight of long, horizontal branches. Remove stubs only when there is well-developed woundwood present at the attachment. Do not remove the large stub in the center of the crown. All pruning shall be completed by an ISA Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for tree work (Z133 and A300) and International Society of Arboriculture Best Management Practices, Pruning.<br>• The Heritage Tree should also be evaluated for installation of new cables to support heavy horizontal limbs.<br><br>**Tree protection during construction**<br>• Any grading, construction, demolition or other work that occurs within the tree protection zone should be monitored by the Consulting Arborist.<br>• If injury occurs to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.<br>• Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project superintendent.<br>• Construction trailers, traffic and storage areas must remain outside fenced areas at all times. | |

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| | | • No materials, equipment, soil, waste, or wash-out water may be deposited, stored, or parked within the tree protection zone (fenced area).<br>• Any tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.<br>Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw. | |
| 4.4-f Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan? | PS | **MM BIO-1**. See impact 4.4.a | LTS with Mitigation |
| **Cultural and Tribal Cultural Resources** | | | |
| 4.5-a Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | PS | PD CUL-2: The following project-specific measures shall be implemented during construction to avoid significant impacts to unknown subsurface cultural resources:<br>• In the event that human remains are discovered during on-site construction activities, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. All actions taken under this mitigation measure shall comply with Health and Human Safety Code § 7050.5(b). | LTS with Mitigation |
| | | **MM CUL-1:** An archaeologist qualified in local historical and prehistory archaeology shall augment the applicant's subsurface presence/absence program by excavating additional backhoe trenches in the archaeological PAA prior to construction. The purpose of excavating the trenches is to determine whether any intact archaeological deposits are present on-site. Based on the archaeological site dimensions presented in Table 5.5-2, a trenching interval with a reasonable chance of finding buried archaeological resources (if present) would be about 150 feet (the median value of site dimensions in Table 5.5-2 is 153 feet). | |

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| | | Should any archaeological features or deposits be identified, a focused research design and treatment plan shall be prepared to address any potential resources exposed during construction activities followed by archaeological excavation of these features. The applicant will secure the services of a Secretary of the Interior-qualified archaeologist and a Native American monitor to observe grading of native soil once all pavement is removed from the project site. The applicant shall submit the name and qualifications of the selected archaeologist and Native American Monitor to the Director of Community Development prior to the issuance of a grading permit. Preference in selecting Native American monitors shall be given to Native Americans with:<br>1. Traditional ties to the area being monitored.<br>2. Knowledge of local historic and prehistoric Native American village sites.<br>3. Knowledge and understanding of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.<br>4. Ability to effectively communicate the requirements of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.<br>5. Ability to work with law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.<br>6. Ability to travel to project sites within traditional tribal territory.<br>7. Knowledge and understanding of Title 14, California Code of Regulations, section 15064.5.<br>8. Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding CEQA mitigation provisions.<br>9. Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory.<br>10. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation. | |

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| | | **MM CUL-2:** Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program training to all existing and any new employees. This training should include: a discussion of applicable laws and penalties under the laws; samples or visual aids of artifacts that could be encountered in the project vicinity, including what those artifacts may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources discovery, and notify the city-approved archaeologist and Native American cultural resources monitor. The applicant shall contract with qualified cultural resources specialists to prepare the training materials. | |
| | | **MM CUL-3:** If prehistoric, archaeological, and/or historic resources are encountered during construction, all activity within a 50-foot radius of the find will be stopped and the archaeologist and Native American monitor will examine the find and record the site, including field notes, measurements, and photography for a Department of Parks and Recreation 523 Primary Record form. The archaeologist will provide recommendations regarding eligibility for the California Register of Historical Resources, data recovery, curation, or other appropriate mitigation. Ground disturbance within the 50-foot radius can resume once these steps are taken and the Director of Planning, Building and Code Enforcement or Director's designee ~~City of San Jose~~ has concurred with the recommendations. | |
| | | **MM CUL-4:** Within 30 days of the completion of construction, the applicant shall have the archaeologist/Native American monitor prepare a report of findings. The report shall document the archaeological/Native American resource finds, if any, recommendations, data recovery efforts, and other pertinent information gleaned during construction. The report shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee ~~City of San Jose~~ for review and approval. The applicant shall submit the final report to the Northwest Information Center of the California Historical Resources Information System. | |

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| 4.5-b Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5? | PS | PD CUL-2, and **MM CUL-1** through **MM CUL-4**. See impact 4.5-a. | LTS with Mitigation |
| 4.5-c Disturb any human remains, including those interred outside of formal cemeteries? | PS | PD CUL-2, and **MM CUL-1** through **MM CUL-4**. See impact 4.5-a. | LTS with Mitigation |
| 4.5-d Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? | LTS | None required | LTS |
| 4.5-e A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | PS | PD CUL-2, and **MM CUL-1** through **MM CUL-4**. See impact 4.5-a. | LTS with Mitigation |
| **Energy and Energy Resources** | | | |
| 4.6-a Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | LTS | None required | LTS |
| 4.6-b Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | NI | None required | NA |
| **Geology and Soils** | | | |
| 4.7-a Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:<br>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning | NI | None required | NA |

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| Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | |
| ii. Strong seismic ground shaking? | LTS | None required | LTS |
| iii. Seismic-related ground failure, including liquefaction? | LTS | None required | LTS |
| iv. Landslides? | NI | None required | NA |
| 4.7-b Result in substantial soil erosion or the loss of topsoil? | LTS | None required | LTS |
| 4.7-c Be located on geologic units or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | LTS | Updated PD GEO-1: In order to ensure the project design conforms to the requirements of a final geotechnical engineering investigation and California and local building standards and codes, the following is proposed as mitigation incorporated into the project. Incorporation will ensure seismic hazards are reduced to less than significant levels.<br><br>• The project shall be constructed in conformance with the recommendations of the design-level geotechnical investigation prepared for the project, as well as at the 2019~~7~~ California Building Code, or subsequent adopted codes.<br>• Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San Jose Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils and undocumented fill. Options to address these conditions may range from the use of deep foundations and/or removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. | LTS |
| 4.7-d Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2010), creating | LTS | None required | LTS |

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| substantial direct or indirect risks to life or property?* | | | |
| 4.7-e Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? | NI | None required | NA |
| 4.7-f Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | PS | **MM GEO-1:**<br>To ensure impacts to paleontological resources are less than significant:<br>• Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and shall follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate its significance.<br>• If a fossil is found and determined by the qualified paleontologist to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and salvage plan in accordance with Society of Vertebrate Paleontology standards. Construction work in these areas shall be halted or diverted to allow recovery of fossil remains in a timely manner. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall then be deposited in a scientific institution with paleontological collections. A final Paleontological Mitigation Plan Report shall be prepared that outlines the results of the mitigation program. The Director of Planning<u>, Building and Code Enforcement or Director's designee</u> ~~and Inspection~~ shall be responsible for ensuring | LTS with Mitigation |

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| | | that the paleontologist's recommendations regarding treatment and reporting are implemented. | |
| **Greenhouse Gas Emissions** | | | |
| 4.8-a Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | LTS | None required | LTS |
| 4.8-b Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | PS | **MM GHG-1:** The project owner shall participate in the San Jose Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project, or negotiate an electricity contract with San Jose Clean Energy that accomplishes the same goals as the Total Green Level. | LTS with Mitigation |
| **Hazards and Hazardous Materials** | | | |
| 4.9-a Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | LTS | None required | LTS |
| 4.9-a Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | LTS | None required | LTS |
| 4.9-b Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | NI | None required | LTS |
| 4.9-c Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | LTS | PD HAZ-1: The project proposes to implement the following measures which will reduce the potential for tracking of impacted soil from the adjacent parcel to the project site.<br>• During construction activities (e.g. grading, vehicle travel, movement of equipment or materials, etc.), adjacent to APN 706-02-058, the project contractor shall fence the southwesterly adjacent parcel (APN 706-02-058) separately from the rest of the site. | LTS |
| 4.9-d For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or | NI | None required | NA |

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| excessive noise for people residing or working in the project area? | | | |
| 4.9-e Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | NI | None required | NA |
| 4.9-f Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | NI | None required | NA |
| **Hydrology and Water Quality** | | | |
| 4.10-a Violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | LTS | PD HYD-1: The project will incorporate the following into the design and these measures should be treated as mitigation incorporated into the project. The following will reduce construction-related water quality impacts:<br>• Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.<br>• Earthmoving or other dust-producing activities shall be suspended during periods of high winds.<br>• All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.<br>• Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.<br>• All trucks hauling soil, sand, and other loose materials shall be required to be covered trucks or maintain at least two feet of freeboard.<br>• All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site shall be swept daily (with water sweepers).<br>• Vegetation in disturbed areas shall be replanted as quickly as possible.<br>• All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City. | LTS |

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| | | • The project proponent shall comply with the City of San Jose Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.<br>• A Storm Water Permit shall be administered by the SWRCB. Prior to construction grading for the proposed land uses, the project proponents will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that will be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.<br>• The SWPPP shall be posted at the project site and shall be updated to reflect current site conditions.<br>• When construction is complete, a Notice of Termination for the General Permit for Construction shall be filed with the SWRCB. The Notice of Termination shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site. | |
| 4.10-b Substantially decrease groundwater supplies or interfere substantially with groundwater discharge such that the project may impede sustainable groundwater management of the basin? | LTS | None required | LTS |
| 4.10-c Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:<br>i. result in substantial erosion or siltation, on- or offsite; | LTS | None required | LTS |

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| ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | LTS | None required | LTS |
| iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | LTS | None required | LTS |
| iv. impede or redirect flood flows? | LTS | None required | LTS |
| 4.10-d Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | LTS | None required | LTS |
| 4.10-e Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | LTS | None required | LTS |
| **Land Use and Planning** | | | |
| 4.11-a Physically divide an established community? | NI | None required | NA |
| 4.11-b Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | LTS | None required | LTS |
| **Mineral Resources** | | | |
| 4.12-a Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | NI | None required | NA |
| 4.12-b Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | NI | None required | NA |
| **Noise** | | | |

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| 4.13-a Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | PS | Updated PD NOI-1: The project proposes to implement the following measures to reduce temporary construction noise to less than significant levels.<br>• Construction activities within 200 feet of commercial uses shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday.<br>• Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.<br>• Prohibit all ~~U~~unnecessary idling of internal combustion engines ~~within 200 feet of commercial uses is strictly prohibited~~. Equipment shall be turned off when not in use and the maximum idling time shall be limited to five minutes.<br>• Locate staging areas and construction material areas at least 200 feet from adjacent office and commercial land uses to the greatest extent feasible.<br>• Locate stationary noise-generating equipment such as air compressors or portable power generators at least 200 feet from adjacent office and commercial uses, unless doing so creates a risk to the safety of the worker(s) or makes the project work impossible to accomplish~~to the greatest extent feasible~~. If such equipment cannot be located at least 200 feet away, "quiet" equipment shall be used where technology exists.<br>• Utilize "quiet" air compressors and other stationary noise sources, where technology exists. A letter from a qualified acoustic specialist shall be attached to the noise logistics plan along with a list of proposed construction equipment, including air compressors and other stationary noise sources, certifying that the proposed construction equipment includes the best available noise attenuating technologies. Notify all adjacent business and other noise-sensitive land uses of the construction schedule, in writing, and provide a | LTS with Mitigation |

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| | | written schedule of "noisy" construction activities to the adjacent land uses. | |
| | | Updated PD NOI-2: The project applicant shall prepare a noise logistics plan, which shall be submitted for review and approval by the ~~Supervising Planner of the Environmental Review Division of the Department~~ Director of Planning, Building, and Code Enforcement or Director's designee prior to issuance of grading and building permits. This plan shall include, at a minimum, the following measures to reduce the exposure of adjacent office buildings to construction noise:<br>• All internal combustion engine-driven equipment shall use best available noise control practices and equipment (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds). A letter from a qualified acoustic specialist shall be attached to the noise logistics plan along with a list of proposed construction equipment, certifying that the proposed construction equipment includes the best available noise attenuating technologies.<br>• The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control "disturbance coordinator" and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members. The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator construction site shall be posted on the construction site and included in a notice sent to adjacent commercial businesses regarding the construction schedule. | |

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| | | • All measures in the approved noise logistics plan shall be printed on all approved plans for grading and building permits. | |
| | | **MM NOI-1:** The project shall implement the following measures to reduce temporary construction noise to less than significant levels.<br>• Notify the residents south of the project site immediately across Santa Teresa Boulevard of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses.<br>• Include the telephone number for the disturbance coordinator construction site in a notice regarding the construction schedule sent to residents south of the project site immediately across Santa Teresa Boulevard. | |
| 4.13-b Generation of excessive groundborne vibration or groundborne noise levels? | LTS | None required | LTS |
| 4.13-c For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | LTS | None required | LTS |
| **Population and Housing** | | | |
| 4.14-a Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | LTS | None required | LTS |
| 4.14-b Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | LTS | None required | LTS |
| **Public Services** | | | |

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| 4.15-a Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:<br>i. Fire protection? | LTS | None required | LTS |
| ii. Police Protection? | LTS | None required | LTS |
| iii. Schools? | LTS | None required | LTS |
| iv. Parks? | LTS | None required | LTS |
| v. Other public facilities? | LTS | None required | LTS |
| **Recreation** | LTS | None required | LTS |
| 4.16-a Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | LTS | None required | LTS |
| 4.16-b Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | LTS | None required | LTS |
| **Transportation** | | | |
| 4.17-a Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | LTS | None required | LTS |
| 4.17-b Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | LTS | PD TRA-1: Prior to the issuance of any Public Works clearances, the project shall implement the following Transportation Demand Management (TDM) measures:<br>• Expand the Reach of Bike Access with Investment in Infrastructure (Tier 2- Bike Access Improvements): | LTS |

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| | | Implement bicycle facilities that close gaps in the bicycle network and/or improve the existing bicycle network (e.g. construct barrier or buffer for an existing bike lane). Improving bike access to the project promotes biking as an alternative to driving and reduces vehicle miles travelled (VMT). The San Jose Better Bike Plan 2025 identifies Class II bike lanes along Via Del Oro between Bernal Road and Raleigh Road. Additionally, the existing Class II bike lanes along Great Oaks Boulevard, San Ignacio Avenue, and Santa Teresa Boulevard in the project vicinity are planned to be converted to Class IV protected bike lanes. The project would be required to implement Class II bike lanes along Via Del Oro on the opposing side of the project frontage between San Ignacio Avenue and Great Oaks Boulevard.<br>AND<br>• Provide Pedestrian Network Improvements for Active Transportation (Tier 2- Pedestrian Access improvements): Implement pedestrian improvements both on-site and in the surrounding area. Improving pedestrian connections encourages people to walk instead of drive and reduces VMT. The project would be required to remove each of the pork chop islands on the north leg (Great Oaks Boulevard) at the Santa Teresa Boulevard/Great Oaks Boulevard intersection to improve pedestrian safety and access. A signal modification will be needed for the implementation of the pork-chop island removal at the northeast and northwest corners of Santa Teresa Boulevard/Via Del Oro intersection. In-lieu of the installed ADA curb ramps at Great Oaks Boulevard/Via Del Oro intersection, the project will be required to provide contribution towards the signal improvements including pan, tilt, zoom (PTZ) cameras at the Via Del Oro/San Ignacio Avenue and Via Del Oro/ Great Oaks Boulevard intersections to improve the pedestrian network in the project vicinity. | |
| 4.17-c Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | LTS | None required | LTS |

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| 4.17-d Result in inadequate emergency access? | LTS | None required | LTS |
| **Utilities and Service Systems** | | | |
| 4.18-a Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | LTS | None required | LTS |
| 4.18-b Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | LTS | None required | LTS |
| 4.18-c Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | LTS | None required | LTS |
| 4.18-d Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | LTS | None required | LTS |
| 4.18-e Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | NI | None required | NA |
| **Wildfire** | | | |
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | |
| 4.19-a Substantially impair an adopted emergency response plan or emergency evacuation plan? | NI | None required | NA |
| 4.19-b Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, | NI | None required | NA |

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| pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | | | |
| 4.19-c Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | NI | None required | NA |
| 4.19-d Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | NI | None required | NA |
| **Mandatory Findings of Significance** | | | |
| 4.20-a Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | PS | **MM BIO-1**, **MM CUL-1** through **MM-CUL-4**. See impact 4.4-a and 4.5-a. | LTS with Mitigation |
| 4.20-b Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | PS | **MM AQ-1**, **MM BIO-1**, **MM CUL-1** through **MM-CUL-4, MM GEO-1**, **MM GHG-1**, and **MM NOI-1**. See impact 4.3.b, 4.4.a, 4.5.a, 4.7-f, and 4.13-a. | LTS with Mitigation |
| 4.20-c Does the project have environmental effects which will cause | PS | **MM AQ-1**, **MM GHG-1**, and **MM NOI-1**. See impact 4.3.b, 4.8.b, and 4.13-a. | LTS with Mitigation |

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| substantial adverse effects on human beings, either directly or indirectly? | | | |

## 1.4 Summary of Alternatives to the Project

CEQA requires that an EIR identify alternatives to the project as proposed and evaluate their comparative merits. CEQA Guidelines Section 15126.6 states that an EIR must describe a "reasonable range of potentially feasible alternatives," focusing on those that "would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant environmental effects of the project." Based on the requirements of CEQA and the summary of environmental impacts presented above, this EIR describes and analyzes three alternatives to the proposed project. A summary of project alternatives follows. A full analysis of project alternatives is provided in **Section 5 Alternatives**, along with a description of other alternatives considered but not carried forward for full analysis.

### 1.4.1 Alternative 1a: No Project – No Build Alternative

Staff evaluated a No Project scenario in which no development of the project site would occur, and current conditions would continue at the site for an unknown period. Although a different project would likely be proposed at the site in the future, no development plan exists to allow a comparison with the proposed project, and it would be speculative to assume the characteristics of such an alternative. Alternative 1a would avoid the proposed project's potentially significant impacts identified in this environmental impact report (EIR) (no impact compared to the proposed project), and therefore would be *environmentally superior*. If the project were not constructed, the applicant's project objectives would not be attained.

### 1.4.2 Alternative 1b: No Project – Development of Previously Approved Data Center Project

Staff evaluated a second No Project scenario that assumes development of the previously approved Equinix Data Center's project on the GOSBGF site. The applicant would be required to change the diesel-fueled engines to meet the more stringent Tier 4 emission standards. Staff concluded that this alternative is *somewhat environmentally superior* to the proposed project because of the reduced number of engines and the accompanying reduction in air emissions compared to the proposed project. For biological resources, staff compared the impact of nitrogen deposition on serpentine habitat and concluded that this alternative would have a lower impact. Staff has insufficient data to reach comparative conclusions for health risks and GHG emissions for this alternative. This alternative would meet all the objectives except being able to match the projected customer growth for the proposed project as stated by the applicant's project objectives.

### 1.4.3 Alternative 2: Alternative Fuel – Renewable Diesel

The Renewable Diesel Alternative would substitute renewable diesel fuel for the GOSBGF's conventional, petroleum-based diesel fuel. Air quality and public health impacts using renewable diesel during project operations would likely be less than those that would occur under the proposed project. However, the reduction would need to be

confirmed with testing under controlled conditions for the engines with diesel particulate filters and selective catalytic reduction being operative. Biological resources staff compared the impact of nitrogen deposition on serpentine habitat and concluded that this alternative would have a lower impact. Staff concluded that this alternative is *somewhat environmentally superior* to the proposed project although further study and analysis would be needed to fully compare this alternative to the proposed project. The GHG impacts from this alternative would likely be less than those of the GOSBGF due to the reduced GHG emissions during the entire fuel cycle. Two options would make this alternative potentially feasible. One option is to use renewable diesel as the primary source for the project, with conventional diesel as its backup fuel. The second option is to solely use renewable diesel. To only use renewable diesel, a second renewable fuel source should be available for reliability purposes. Future renewable diesel fuel suppliers have announced plans to provide additional fuel for California as early as 2022. If these plans are implemented and the supply becomes plentiful, the project owner should revisit the feasibility of replacing conventional diesel with renewable diesel.

This alternative could potentially attain the project objectives if a reliable fuel source could be obtained.

### 1.4.4 Alternative 3: Natural Gas Internal Combustion Engines

The Natural Gas ICEs Alternative would replace the GOSBGF's generators with engines that would be fueled by natural gas. Criteria pollutant emissions and air quality impacts using natural gas ICEs are expected to be much less than those that would occur with the GOSBGF's diesel engines. Although no testing data has been provided for toxics emissions, these emissions are expected to be reduced due to the reductions reported for volatile organic compounds and particulate matter. Therefore, public health impacts using natural gas ICEs would likely be less than those that would occur with the GOSBGF's diesel engines. Biological resources staff compared the impact of nitrogen deposition on serpentine habitat and concluded that this alternative would have a much lower impact. The GHG impacts of this alternative would likely be less than those of the GOSBGF due to the reduced GHG emissions during the entire fuel cycle. Staff concluded that this alternative is *environmentally superior* to the proposed project due to its deep reductions in criteria air pollutants.

Redesigning the project with natural gas ICEs technology would increase the number of engines onsite. Onsite storage as a secondary supply source is considered potentially infeasible. Therefore, the preferred option to supply fuel would be through pipeline connection. Two independent pipelines may be needed to match the fuel supply reliability of the proposed project.

There are two PG&E feeder pipelines in the project area that could potentially connect to GOSDC. The route to the first nearby pipeline located to the west of the project site is approximately 1.2 miles long. The route of the second pipeline, which would connect to a transmission pipeline east of the project site, is approximately 4.3 miles long. Permitting and construction of the new pipelines would take time to complete.

This alternative could potentially attain the project objectives if a reliable fuel source could be obtained and the technology were to become industry standard.

## 1.5 Known Areas of Controversy

The CEC issued a Notice of Preparation on October 26, 2020, seeking input from responsible (City of San Jose and Bay Area Air Quality Management District) and trustee agencies (California Fish and Wildlife and Santa Clara Valley Habitat Agency) and the public regarding the scope and context of environmental areas in the EIR. CEC staff also hosted a public scoping meeting on November 17, 2020 and a continuation of the public scoping meeting on December 11, 2020, during which environmental areas with potential significant impacts were discussed and comments heard. The comment period was extended beyond the required 30 days to include the continued scoping meeting. The comment period began on October 26, 2021 and ended on December 18, 2021. In total, six comment letters and emails were received. Questions and issues of concern reflected in these letters and emails include, but are not limited to, the following:

- Air Quality and Greenhouse Gas Emissions:
    - Concern about the potential increase in air emissions from the proposed project and the location of the diesel backup generators behind the data center buildings.
    - The greenhouse gas (GHG) impact analysis should include an evaluation of the project's consistency with the most recent draft of the AB 32 Scoping Plan by the California Air Resources Board and with the State's 2030, 2045, and 2050 climate goals.
    - The EIR should estimate and evaluate the potential health risk to existing and future sensitive populations within and near the project area from toxic air contaminants (TAC) and fine particulate matter (PM2.5) as a result of the project's construction and operation.
    - The EIR should include various scenarios of backup power generation operations beyond routine testing and maintenance.
    - The EIR should evaluate all feasible measures, both onsite and offsite, to minimize air quality and GHG impacts.
    - The EIR should evaluate the project's consistency with the Bay Area Air Quality Management District's 2017 Clean Air Plan (2017 CAP).
    - Will Tier 4 equipment be used during construction of the project to minimize air quality impacts?
    - Identify and assess the direct and indirect air quality impacts of the project on sensitive receptors, including students and staff attending the Oak Grove School District's (school district) Santa Teresa Elementary School and Bernal Intermediate School, and students/staff traveling to and from the school district's administrative office.

- Identify and assess cumulative air quality impacts on schools and the community in general resulting from the proposed project.
- What impact will the project have on climate change? Is the project in compliance with State goals to reduce greenhouse gas emissions?

- Alternatives:
  - The EIR should include a robust alternatives analysis, with consistent application of analytical standards and substantiation of claims.
- Energy and Energy Resources:
  - Will the data centers be designed to achieve LEED or other green building standards by using recycling materials, natural lighting, and other measures to reduce energy, water, and other natural resources?
- Hazards and Hazardous Materials
  - What is the "blast area" of the generators? Please thoroughly discuss the public health risks associated with the project particularly the risks to Kaiser facilities, day care centers, residents, and schools.
- Hydrology and Water Quality:
  - What water conservation measures will the data centers employ? Will recycled water be used?
- Noise:
  - Identify any noise sources and volumes which may affect school facilities, classrooms, and outdoor school areas.
- Public Services:
  - Describe existing and future conditions within the school district, on a school-by-school basis, including size, location and capacity of facilities.
  - Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.
  - Describe the school district's past and present enrollment trends.
  - Describe the school district's current uses of its facilities.
  - Describe projected teacher/staffing requirements based on anticipated population growth and existing State and school district policies.
  - Describe any impacts on curriculum because of anticipated population growth.
  - Identify the cost of providing capital facilities to properly accommodate students on a per-student basis, by the school district (including land costs).
  - Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.

- Assess the school district's present and projected capital facility, operations, maintenance, and personnel costs.
- Assess financing and funding sources available to the school district, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.
- Identify any expected fiscal impacts on the school district, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.
- Assess cumulative impacts on schools resulting from additional development already approved, pending, or anticipated.
- Identify how the school district will accommodate students from the project who are not accommodated at current school district schools, including the effects on the overall operation and administration of the district, the students and employees.

- Transportation:
  - The project should include features (e.g., improved access to bike and pedestrian facilities, electric vehicle (EV) charging) that promote alternative commutes to reduce employee vehicle miles traveled (VMT).
  - Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from Santa Teresa Elementary School and Bernal Intermediate School, and including consideration of bus routes.
  - Assess the impact(s) of increased vehicular movement and volumes caused by the project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and busing activities to and from Santa Teresa Elementary School and Bernal Intermediate School.
  - Estimate travel demand and trip generation, trip distribution, and trip assignment by including consideration of school sites and home-to-school travel.
  - Assess the impacts on the routes and safety of students traveling to school and the school district office by vehicle, bus, walking, and bicycles.
- Tribal Cultural Resources
  - Ensure that the CEC complies with Assembly Bill 52 (includes tribal consultation requirements) in its review of the proposed project.
- Cumulative (Mandatory Findings of Significance):
  - The EIR needs to consider the China Mobile site directly across the street as well as the Equinix sites already operational just a half mile away from this proposed site. There are three Equinix data centers currently operational and one more nearly completed just a half a mile from this proposed site. Additionally, directly across the street from this proposed site is a China Mobile data center under

construction. An EIR needs to consider the environmental impact of all the data centers in immediate location of each other.

- Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and neighborhood.

- General:
  - All direct and indirect impacts related to the project's proximity to the school district's schools and administrative office should be thoroughly reviewed, analyzed, and mitigated in the forthcoming Draft EIR.
  - The project is located near Santa Teresa Light Rail Station, an end-of-the-line facility which encompasses a storage yard, light rail platform, bus transit center, operator facility, and park-and-ride lot. Please coordinate with the Santa Clara Valley Transportation Authority (VTA) regarding electrical substations and other operations that may be impacted by the project.

In addition to the comments received during the NOP comment period, several comments were received during the development of the Draft EIR. Comments and concerns include: air quality, duration of construction noise, use of diesel-powered equipment for backup power generation, amount of diesel fuel storage, property value impacts, and the proximity of residents. The VTA Santa Teresa Light Rail Station is located approximately one-block to the west of the site and the VTA has approximately 30 plus acres at that location that the VTA Board of Directors has designated for future Transit-Oriented Development (TOD). Property owners in the area are interested in creating more mixed-use development in the future that includes employment uses as well as significant residential uses. CEC staff has reviewed and considered the comments received and addressed them as appropriate in the applicable sections of this EIR.

## 1.5 Issues to be Resolved

Staff concluded that all potentially significant impacts can be mitigated to a less than significant level. There are no remaining issues to be resolved.