

Summary Form for Electronic Document Submittal**Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Great Oaks South Data CenterLead Agency: California Energy CommissionContact Name: Lisa WorrallEmail: Lisa.worrall@energy.ca.govPhone Number: 916-661-8367Project Location: San Jose*City*Santa Clara County*County*

Project Description (Proposed actions, location, and/or consequences).

See Attachment A

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See Attachment A

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Nearby residents are concerned about project noise, air pollution, transportation, and property value issues. A nearby business has tenants that are concerned about how their electrical supply and their business operations would be affected during project construction.

Provide a list of the responsible or trustee agencies for the project.

Responsible Agencies:

City of San Jose

Bay Area Air Quality Management District

Trustee Agencies:

California Department of Fish and Wildlife

Santa Clara Valley Habitat Agency

Summary Form Attachment A

Project Description (Proposed actions, location, and/or consequences).

The California Energy Commission (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 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 the California Environmental Quality Act (CEQA), for all facilities seeking an SPPE.

SV1, LLC, a wholly owned subsidiary of Equinix, LLC (SV1 or applicant) filed an application with the CEC seeking an exemption from the CEC's jurisdiction (Small Power Plant Exemption, or SPPE) for the 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 on February 1, 2017 but was not constructed. 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 along 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".

Identify the projects significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Less Than Significant With Mitigation or Potentially Significant Impact

Air Quality

(including Public Health)

The proposed project would be located in Santa Clara County in the San Francisco Bay Area Air Basin (SFBAAB), under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB is in non-attainment for ozone and particulate matter (PM) ambient air quality standards. The backup diesel generators proposed for the project would result in diesel PM emissions and emissions of ozone precursors (nitrogen oxides [NO_x] and reactive organic gases [ROG]). The NO_x emissions of the project may result in significant air quality impacts under BAAQMD's CEQA significance threshold and require mitigation; however, CEC staff has not completed its analysis of the significance of the project's potential impacts and is yet to reach a definitive conclusion.

The EIR will discuss whether the project would result in potential cumulatively considerable net increase of a criteria pollutant(s) for which the project region is non-attainment under an applicable federal or state ambient air quality standard. The EIR will also discuss whether the project would: conflict with or obstruct implementation of the applicable air quality plan; expose sensitive receptors to substantial pollutant concentrations, including impacts from criteria pollutants and toxic air contaminants; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. If project impacts related to air quality and public health are determined to be significant, mitigation will be identified to reduce impacts to a less than significant level, as feasible.

Biological Resources

The project's incremental effects to federally-listed species and other rare plants would be a cumulatively considerable significant impact due to habitat modification (increase in non-native weed invasions). This impact would be caused by nitrogen deposition on sensitive serpentine habitat from point source emissions from the testing and maintenance of the backup generators. Serpentine habitat in the Santa Teresa Hills, Tulare Hill, and Coyote Ridge areas support populations of the Bay checkerspot butterfly (federally threatened), Santa Clara Valley dudleya (federally endangered and rare plant rank 1B.1), Metcalf Canyon jewelflower (federally endangered and rare plant rank 1B.1), along with three rare plants: fragrant fritillary, smooth lessingia, and most beautiful jewelflower (rare plant rank 1B.2). This impact could be reduced to less than significant with the incorporation of proposed mitigation. CEC staff is working with regulatory agencies (Santa Clara Valley Habitat Agency, California Department of Fish and Wildlife, and United States Fish and Wildlife Service) to finalize a mitigation

measure that would mitigate point source nitrogen deposition emission impacts to less than significant.

Cultural and Tribal Cultural Resources

The applicant identified one artifact (a piece of stone tool-flaking waste) on the project area's surface; however, this artifact does not meet CEQA's criteria for a historical resource or unique archaeological resource. Staff's literature review reveals that numerous archaeological sites are located in the project vicinity, some of which previous investigators only found below the ground surface after project excavations started. The buried archaeological sites are in environments that have a history of soil formation similar to the project area. While staff did not identify any tribal cultural resources in consultation with California Native American tribes or through communication with the Native American Heritage Commission, tribal cultural resources could exist in similar contexts as buried prehistoric archaeological sites. Ground disturbance proposed as part of the project could encounter and damage buried resources that meet CEQA's criteria for historical, unique archaeological, or tribal cultural resources. The resulting impacts would likely be significant under CEQA. CEC staff is crafting measures to avoid or otherwise mitigate these impacts.

Geology and Soils

The project site is in the Santa Clara Valley, an area known to have scientifically significant but widespread or intermittent fossil discoveries. Surficial sediment at the project site is generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils. However, Pleistocene age (2.6 million to 11,700 years before present) sediments may also be present at or near the surface. Although unlikely, paleontological resources could be encountered during construction requiring earth moving, such as grading, trenching for utilities, excavation for foundations, and installation of support structures where native soil would be disturbed. The EIR will discuss the project's potentially significant impacts due to the possible direct or indirect destruction of a unique paleontological resource if discovered during project construction. These impacts could be reduced to less than significant levels with the incorporation of proposed mitigation. CEC staff is crafting a mitigation measure that would mitigate impacts to less than significant.

Greenhouse Gas Emissions

The project would result in greenhouse gas (GHG) emissions from three categories of activities: direct emissions from construction, direct emissions from the testing and maintenance of the backup diesel generators, and indirect emissions from the data center's electricity use. CEC staff expects the temporary direct emissions from construction will be adequately addressed through the use of best management practices. To address the indirect emissions from the data center's electricity use, the

project applicant has proposed to purchase the 80 percent clean energy portfolio offered by San Jose Clean Energy. San Jose's clean energy plan, however, relies on customers to use the 100 percent clean energy portfolio in order to ensure the city will meet the state's 2030 GHG targets. Staff will be exploring whether a change in the energy portfolio is necessary to avoid a potential significant impact and whether this purchase should be extended to clients of the data center as well. Lastly, staff will be exploring whether BAAQMD's current threshold of significance is still applicable to the backup generator emissions and, if not, what threshold should apply and, if mitigation is determined to be necessary, what options are available.

Transportation

The EIR will discuss the project's potentially significant impacts from vehicle miles traveled (VMT). The project-generated VMT per employee (14.51) is greater than the City of San Jose's threshold of 14.37 VMT per employee for industrial uses. CEC staff is anticipating the applicant will work with the City of San Jose to prepare a transportation analysis report in accordance with the City's Transportation Analysis Handbook, which will identify appropriate mitigation to reduce transportation impacts to less than significant.