From: Neustaetter, Jenna <Jenna.Neustaetter@sanjoseca.gov>
Sent: Tuesday, October 27, 2026 2:58 PM
To: Garaffo, Erica <Erica.Garaffo@sanjoseca.gov>
Cc: Balis, Anne <Anne.Balis@sanjoseca.gov>; Benabente, Julie <Julie.Benabente@sanjoseca.gov>; Charley, William <William.Charley@sanjoseca.gov>
Subject: Public Comment: BPO and Large Energy Buildings

Hi Erica,

Just sharing this emailed public comment for your records. This public comment pertains to the proposed BPO changes, as they relate to Large Energy Buildings.

Thank you,

Jenna Neustaetter

Environmental Services Specialist | Energy Department

City of San José | Building Performance Ordinance

200 East Santa Clara Street

San José, CA 95113

Office: 408-975-2522

Visit: www.sanjoseca.gov/benchmarking



Outlook

San Jose Energy and Water Building Performance Ordinance Updates Public Comment

From Sireesha Dandamudi <sireesha.dandamudi4@gmail.com>
Date Thu 10/22/2026 1:39 PM
To CED-Benchmarking <benchmarking@sanjoseca.gov>

[**External Email**. Do not open links or attachments from untrusted sources. Learn more]

You don't often get email from sireesha.dandamudi4@gmail.com. Learn why this is important

Dear San José Energy Department Building Performance Ordinance Team,

My name is Sireesha Dandamudi. I am a policy intern for Run On Climate focused on San Jose and a student at San Jose State University.

Regarding the first draft update, I support the suggested additions. These changes incentivize effective measures that building owners could not previously receive credit for. Nonetheless, San Jose ultimately needs to amend the Building Performance Ordinance to require building emissions reductions that reduce the city's emissions from large buildings to zero by 2050.

With the third draft update, I strongly support the closing of the zoning-based designation exemption for buildings with the nameplate electrical capacity of 20 MW or more. Large energy users should not be able to avoid the ordinance based on their zoning designation. I also ask the city to clarify its CEQA alignment in terms of how energy and water use will be compared against the CEQA report, given that CEQA figures are often projections and may sometimes be an overestimate. I also ask that you specify the baseline, any normalization, and the review timeline. Additionally, I support the 15% maximum water loss standard. Specificity is needed, however, in how loss will be measured and verified, ensuring there are robust penalties if a property exceeds it.

Lastly, I have serious concerns regarding transparency. Benchmarking results and compliance status for large energy buildings should be publicly available, which would build community trust as the number of data centers and other large energy users increases, help the public hold non-compliant large energy buildings accountable, and provide community organizations with better data. Additionally, PG&E's reliability in sourcing nameplate electrical capacity, as they fund six city staff positions to approve certain energy projects, could be a future roadblock in community transparency as residents cannot trust their reporting dependability.

I, along with Run On Climate, urge the council to consider these suggestions with proper deliberation. Thank you for your time.

Sincerely,

Sireesha Dandamudi

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: Ada E. Marquez [redacted]
Sent: Friday, October 16, 2026 12:23 AM
To: erica.garaffo@sanjose.ca; Pineda, Manuel <Manuel.Pineda@sanjoseca.gov>
Subject: Proposed Data Center and Large Energy Project Uniform Standards

[**External Email.** Do not open links or attachments from untrusted sources. Learn more]

You don't often get email from [redacted]. Learn why this is important

Dear Erica and Manuel:

At the October 15th community meeting, staff indicated that written comments could be submitted by email. Because my comments are longer than may be practical for the online form, I am submitting the attached formal letter.

Please include my comment letter in the public record and provide it to staff, the Planning Commission, and City Council for consideration.

Please confirm receipt and whether this email submission satisfies the comment submission process. If another address is required, please forward my letter or advise me where to submit it.
Thank you for your assistance and for your time.

And thank you for making San Jose a special place to raise our children.

Respectfully,

Ada

These comments are submitted in my personal capacity. Any institutional affiliation is provided for identification purposes only and does not imply institutional endorsement.

--

Ada E. Márquez, M.S., AICP, LEED Green Associate (she/her)

Environmental Scientist

School of Planning, Policy, and Environmental Studies (SPPES)
San Jose State University
One Washington Square Hall
San Jose, CA 95192-0115
Mobile: (408) 835-1795

[redacted]

School Directory | School of Planning, Policy and Environmental Studies

linkedin.com/in/ada-edith-marquez

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 15, 2026

City Staff, Planning Commission, and City Council
City of San José
200 East Santa Clara Street
San José, CA 95113

Comments on Proposed Data Center and Large Energy Project Uniform Standards

Dear City Staff and Members of the Planning Commission and City Council:

I respectfully submit these comments on the City's proposed uniform standards for data centers and other large energy-use projects, including the proposals discussed at the October 15, 2026 community meeting. Please accept this letter as my formal written public comment, include it in the public record, and provide it to the Planning Commission and City Council for their consideration.

I appreciate the City's efforts to establish consistent environmental protections and community expectations. I urge the City to adopt measurable, enforceable standards supported by publicly available technical evidence, with project-specific review and oversight throughout permitting and operations. My concerns include cumulative environmental burdens, public health, biological resources, battery fire hazards, meaningful public participation, and how the City will handle subsequent project changes.

My comments build on my previous participation in environmental review and permitting proceedings involving Los Esteros Critical Energy Facility, January 15, 2021 comments on cumulative environmental impacts and proposed revisions to the natural-gas power plant's Bay Area Air District Title V air-quality operating permit, the Microsoft San José Data Center EIR, and the Tanager Battery Energy Storage System. I submitted my San Jose Microsoft Data Center comment letters in 2021 and 2022. My 2026 Tanager requests for access to records and disclosure of air-quality information are posted on the CA Energy Commission's (CEC)Docket. I ask the City to consider these prior submissions alongside this letter, particularly where they address cumulative environmental impacts, air quality, and public access to information.

- **Los Esteros, January 15, 2021:** Comments on cumulative environmental impacts and the Title V permit, submitted to the Bay Area Air District (BAAD)
- **Microsoft San José Data Center, 2021:** Air Quality Data Request Letter and Response to Staff Memo submitted to CEC
- **Microsoft San José Data Center, February 7, 2022:** *CEQA Comment Letter on Evidence of Significant Environmental Impacts*: Part 1, Part 2, Part 3, and Part 4. (to CEC)
- **Tanager, July 2026 (CEC):** Petition for inspection of confidential records and request for clarification.
- **Tanager, September 2026 (CEC):** Follow-up petition requesting complete disclosure of air-quality information

Technical evidence and the basis for proposed standards

Please publish a technical-support document or evidence matrix identifying the regulatory authority, supporting studies, analytical methods, performance criteria, monitoring requirements, and enforcement mechanisms for each proposed standard. Include relevant environmental data, health-risk assessments, regulatory references, and any applicable nexus studies. The public should have a meaningful opportunity to review this information before the Planning Commission's consideration and before final adoption.

Please distinguish municipal performance standards, California Environmental Quality Act (CEQA) thresholds of significance, and project-specific mitigation measures. Identify whether any proposed standards would also be used as CEQA thresholds of significance and explain how the applicable requirements of

CEQA Guidelines section 15064.7 would be satisfied. I am requesting publication and explanation of the supporting analysis; I am not asserting that the City has conducted no underlying studies.

Local authority and claimed legal limitations.

I respectfully request that the City explain the specific legal limitations identified on page 7 of the October 15, 2026 presentation. California Constitution Article XI, section 7 authorizes cities and counties to adopt regulations protecting public health, safety, and welfare, provided they do not conflict with applicable state law. A state law addressing data centers does not automatically prohibit stronger local protections. Whether a particular local requirement is prohibited depends on the state law's wording, scope, and intended effect. Please identify the specific legal provisions that limit any stronger protections the City has considered. (*Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897–898, California Supreme Court opinion.)

Accordingly, please identify which specific provisions of recently enacted data-center legislation, other statutes, or controlling decisions prevent the City from adopting stronger environmental protections. For each stronger measure considered but not proposed, distinguish a legal prohibition from concerns about cost, feasibility, administrative capacity, or policy preference.

Existing zoning and additional project protections

The presentation explains that data centers in the listed industrial districts still need a Special Use Permit, even where zoning allows that use. Please explain what the City must determine before approving a permit and when it can require protections beyond the proposed uniform standards to address a project's environmental impacts. (City of San José, October 15, 2026 presentation, pp. 7–8, meeting slides.)

Zoning that allows data centers does not, by itself, guarantee approval of a particular project or protection from future rule changes. If the City determines that stronger requirements cannot apply to a project because of prior approvals, a development agreement, or other legally protected rights, please identify those protections and explain which requirements they limit. (*Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785, 795–797, California Supreme Court opinion.)

Environmental impacts and public health

Air quality and generators: I support the City's additional generator protections. Please explain how air-quality analysis addresses the scale and operating patterns of data centers, particularly when generators at multiple facilities operate during the same regional power outage, and how the results inform enforceable permit conditions. Please identify any gaps in existing review and explain how the proposed City standards will address them. Where these issues are already evaluated, make the findings accessible and explain how they translate into enforceable operating conditions. The City should also explain the technical basis for its proposed testing-and-maintenance limit and how emissions during actual outages will be evaluated separately.

Cumulative impacts: Evaluate how a proposed project's emissions and other environmental effects combine with those of existing, approved, and reasonably foreseeable projects affecting the same communities or resources. For generators, examine credible scenarios in which multiple facilities operate during the same regional power outage, as well as cumulative effects from routine testing. For water, noise, and biological resources, identify the relevant geographic area and explain how combined demands or disturbances will be assessed within their baseline conditions. Give particular attention to Alviso and other communities affected by overlapping industrial and energy development.

SJ's Biological resources: Evaluate wetlands, riparian corridors, migratory birds, sensitive species, and wildlife habitat, including habitat supporting the western burrowing owl. Consider continuous mechanical noise, nighttime lighting, construction disturbance, and cumulative effects. Prior development or industrial zoning should not by itself be treated as resolving potential effects on nearby biological resources.

Water and energy use: Require transparent estimates of annual and peak electricity demand, water consumption, cooling-system operations, wastewater generation, and supporting infrastructure needs. Explain how recycled-water and low-water cooling provisions will be measured and enforced, including allowable water loss. Evaluate effects on water supplies, wastewater systems, grid reliability, and greenhouse gas emissions. Define how carbon-neutral electricity claims and energy and water audits will be verified and when findings will require corrective action.

Noise and site design: Explain the technical basis for noise limits, monitoring locations, and monitoring frequency. Evaluate nighttime and cumulative noise and potential effects on wildlife as well as residential uses. Require effective noise controls, shielded lighting, bird-safe design, landscaping, energy-efficient cooling, and appropriate buffers from homes and sensitive habitats.

Please explain how the City will evaluate whether uniform requirements are effective in each project setting and identify circumstances requiring additional analysis or protective measures. Meeting a uniform operational requirement should not be assumed to resolve every project-specific or cumulative environmental concern.

Battery storage fire hazards and emergency preparedness

The standards should clearly address battery energy storage systems (BESS), substations, and other reasonably foreseeable infrastructure supporting data centers and large energy projects. Clarify whether the standards cover associated facilities requiring separate permits or approvals, which agencies oversee each component, and how the components will be evaluated together where CEQA requires.

Require project-specific fire-hazard assessments addressing thermal runaway, accidental fires, hazardous air releases, and potential off-site exposures. Assessments should consider battery chemistry, storage capacity, facility layout, credible accident scenarios, adverse weather conditions, nearby residents and workers, sensitive receptors, and biological resources. Explain when air-dispersion modeling and acute-exposure assessments will be required and which health-based benchmarks will be used.

Routine operational health-risk assessments, such as those for generator emissions, and assessments of accidental fires or hazardous releases address different exposure scenarios. Please identify the methods and benchmarks appropriate to each rather than treating one assessment as a substitute for the other.

Explain how the City will coordinate with the Fire Department, California Energy Commission, and other responsible agencies on fire prevention, emergency response, and environmental safeguards. For locations such as Alviso, evaluate flood hazards, limited evacuation routes, emergency access, and conditions that could complicate an incident response. Provide affected communities with clear information on emergency notifications, shelter-in-place procedures, evacuation considerations, and coordination with responders.

Community participation benefits and neighborhood compatibility

Please explain how the proposed 1,500-foot notification radius was selected and when outreach will extend farther to reflect potential air quality, noise, water, or other impacts. Notification should account for affected neighborhoods, sensitive receptors, and environmental justice concerns. Use multilingual notices, accessible meetings, opportunities for written comments, and direct engagement with residents and neighborhood organizations.

Public participation should continue after initial approval. Provide timely, accessible notice of material project modifications, additional agency permits, monitoring results, and relevant environmental or public-safety concerns. Explain how community comments affect decisions and how commitments will be tracked.

Community benefits should reflect priorities identified by affected neighborhoods, including local hiring, apprenticeships, environmental improvements, urban greening, habitat restoration, and energy resilience. Clearly distinguish voluntary benefits from legally required mitigation. Establish transparent implementation and accountability procedures so residents can assess whether promised benefits are delivered.

Subsequent project changes and coordination among agencies

Please establish a formal procedure to compare later equipment changes, operational modifications, and agency permits with the project originally evaluated under CEQA. Document whether changed circumstances, project changes, or new information warrant further review under CEQA Guidelines sections 15162–15164. A later permit change does not automatically require a new environmental impact report; the applicable review depends on the circumstances and governing requirements. Please make the City's determination and supporting explanation publicly accessible.

Please use the San Jose Microsoft Data-Center project in Alviso as a concrete example to explain how the City reconciles the original environmental review with subsequent Bay Area Air District permits. Identify the relevant City permit numbers and Air District facility and application numbers so the public can follow the same project across agency records. Explain how generator configurations, emissions assumptions, and operating characteristics are compared across approvals and how any differences are evaluated. This request seeks a clear account of agency coordination and does not presume a finding of noncompliance.

Coordinate with the Air District, California Energy Commission, utility providers, and other responsible agencies to evaluate consistency among project descriptions, environmental documents, mitigation measures, permit requirements, and conditions of approval. Clarify how the proposed standards will apply to pending applications and to previously approved projects seeking material modifications, additional discretionary approvals, or operational changes, including changes to associated energy infrastructure.

Public records monitoring and enforcement

Please create a publicly accessible project record linking CEQA documents, approved project descriptions, City permits, subsequent Air District permits, material modifications, and monitoring reports. Establish an interagency tracking and public-notification process that continues throughout the project's life.

Explain who will independently verify compliance with generator testing limits, air quality requirements, noise standards, water use, and other environmental conditions. Identify reporting schedules, measurable compliance criteria, corrective-action triggers, and enforcement responsibilities. Make monitoring results, violations, corrective actions, and enforcement outcomes available to the public.

I respectfully request written responses to the questions and recommendations in this letter, publication of supporting technical materials before the anticipated November 18, 2026, Planning Commission review, and clarification of how these comments will be addressed before the City Council's final consideration. Please acknowledge receipt and confirm that the complete letter will be included in the public record.

Thank you for considering these comments and for the opportunity to help protect our health and wildlife for current and future generations.

Sincerely,

Ada E. Márquez, AICP. LEED Green Associate
District 5 Resident

Gilmore, E. A., Adams, P. J., & Lave, L. B. (2010). Using backup generators for meeting peak electricity demand: A sensitivity analysis on emission controls, location, and health endpoints. Journal of the Air & Waste Management Association, 60(5), 523–531. https://doi.org/10.3155/1047-3289.60.5.523

Tong, Z., & Zhang, K. M. (2015). The near-source impacts of diesel backup generators in urban environments. Atmospheric Environment, 109, 262–271. https://doi.org/10.1016/j.atmosenv.2015.03.020

Zhang, X., & Zhang, K. M. (2015). Demand response, behind-the-meter generation and air quality. Environmental Science & Technology, 49(3), 1260–1267. https://doi.org/10.1021/es505007m

From: Neustaetter, Jenna <Jenna.Neustaetter@sanjoseca.gov>
Sent: Tuesday, October 27, 2026 2:58 PM
To: Garaffo, Erica <Erica.Garaffo@sanjoseca.gov>
Cc: Balis, Anne <Anne.Balis@sanjoseca.gov>; Benabente, Julie <Julie.Benabente@sanjoseca.gov>; Charley, William <William.Charley@sanjoseca.gov>
Subject: Public Comment: BPO and Large Energy Buildings

Hi Erica,

Just sharing this emailed public comment for your records. This public comment pertains to the proposed BPO changes, as they relate to Large Energy Buildings.

Thank you,

Jenna Neustaetter

Environmental Services Specialist | Energy Department

City of San José | Building Performance Ordinance

200 East Santa Clara Street

San José, CA 95113

Office: 408-975-2522

Visit: www.sanjoseca.gov/benchmarking



Outlook

San Jose Energy and Water Building Performance Ordinance Updates Public Comment

From Sireesha Dandamudi <sireesha.dandamudi4@gmail.com>
Date Thu 10/22/2026 1:39 PM
To CED-Benchmarking <benchmarking@sanjoseca.gov>

[**External Email**. Do not open links or attachments from untrusted sources. Learn more]

You don't often get email from sireesha.dandamudi4@gmail.com. Learn why this is important

Dear San José Energy Department Building Performance Ordinance Team,

My name is Sireesha Dandamudi. I am a policy intern for Run On Climate focused on San Jose and a student at San Jose State University.

Regarding the first draft update, I support the suggested additions. These changes incentivize effective measures that building owners could not previously receive credit for. Nonetheless, San Jose ultimately needs to amend the Building Performance Ordinance to require building emissions reductions that reduce the city's emissions from large buildings to zero by 2050.

With the third draft update, I strongly support the closing of the zoning-based designation exemption for buildings with the nameplate electrical capacity of 20 MW or more. Large energy users should not be able to avoid the ordinance based on their zoning designation. I also ask the city to clarify its CEQA alignment in terms of how energy and water use will be compared against the CEQA report, given that CEQA figures are often projections and may sometimes be an overestimate. I also ask that you specify the baseline, any normalization, and the review timeline. Additionally, I support the 15% maximum water loss standard. Specificity is needed, however, in how loss will be measured and verified, ensuring there are robust penalties if a property exceeds it.

Lastly, I have serious concerns regarding transparency. Benchmarking results and compliance status for large energy buildings should be publicly available, which would build community trust as the number of data centers and other large energy users increases, help the public hold non-compliant large energy buildings accountable, and provide community organizations with better data. Additionally, PG&E's reliability in sourcing nameplate electrical capacity, as they fund six city staff positions to approve certain energy projects, could be a future roadblock in community transparency as residents cannot trust their reporting dependability.

I, along with Run On Climate, urge the council to consider these suggestions with proper deliberation. Thank you for your time.

Sincerely,

Sireesha Dandamudi

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: Alice Kaufman [redacted]
Sent: Thursday, November 5, 2026 11:23 AM
To: Pineda, Manuel <Manuel.Pineda@sanjoseca.gov>; Garaffo, Erica <Erica.Garaffo@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; Provenzano, Jeffrey <Jeffrey.Provenzano@sanjoseca.gov>; Mitchell, Lori <Lori.Mitchell@sanjoseca.gov>
Cc: Zekun Li [redacted]; Kamille Lang [redacted] Linda Hutchins-Knowles [redacted]; Marcos Espinoza [redacted]; Dashiell Leeds [redacted]; Amanda Bancroft [redacted] quinn@fossilfreeca.org [redacted]; Cantrell, Charles <BC_Charles.Cantrell@sanjoseca.gov>; Young, Michael <BC_Michael.Young@sanjoseca.gov>; Cao, Daniel <BC_Daniel.Cao@sanjoseca.gov>; Rosario, Carlos <BC_Carlos.Rosario@sanjoseca.gov>; Escobar, Aimee <BC_Aimee.Escobar@sanjoseca.gov>; Bickford, Melissa <BC_Melissa.Bickford@sanjoseca.gov>; Arguello, Luis <BC_Luis.Arguello@sanjoseca.gov>; Oliverio, Pierluigi <BC_Pierluigi.Oliverio@sanjoseca.gov>; Nguyen, Khoi <BC_Khoi.Nguyen@sanjoseca.gov>; Bhandal, Dilpreet <BC_Dilpreet.Bhandal@sanjoseca.gov>; Casey, Lawrence <BC_Lawrence.Casey@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>
Subject: Re: Draft Uniform Standards for Data Centers and Large Energy Projects

[**External Email**. Do not open links or attachments from untrusted sources. Learn more]

Dear Manuel, Chris, Jeff, Lori and Erica,

Please see the attached joint letter regarding the draft uniform standards for data centers and large energy projects from Green Foothills, Silicon Valley Youth Climate Action, Climate Resilient Communities, Fossil Free California, Santa Clara Valley Bird Alliance, Alviso In Action, Sierra Club Loma Prieta Chapter, and Mothers Out Front.

This letter responds to the framework that was presented at the October 15 community meeting about the draft uniform data center standards. We understand that the actual proposed standards, when they are presented to the Planning Commission, may differ from what was presented on October 15. We submit the recommendations in this letter in the hope that they will be incorporated into the proposed standards.

Please contact me and/or the other signatories to this letter (cc'd) with any questions. Thanks for your consideration of our recommendations.

Alice Kaufman (She/Her)

Policy and Advocacy Director

[redacted]

*Donate to Green Foothills by 12/31 and your gift will be **doubled** thanks to a 2X matching grant! Donate today.*

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

November 5, 2026

Manuel Pineda, Deputy City Manager
Chris Burton, Director, Planning, Building & Code Enforcement
Jeff Provenzano, Director, Environmental Services Department
Lori Mitchell, Director, Energy Department
Erica Garaffo, Strategic Energy Customer Development Lead, Office of Economic Development and Cultural Affairs
City of San José
200 E. Santa Clara St.
San José, CA

Re: Draft Uniform Standards for Data Centers and Large Energy Projects

Dear Manuel, Chris, Jeff, Lori and Erica,

The undersigned organizations respectfully submit these comments regarding the proposed uniform standards for data centers and large load energy research and development projects, as described in the October 15 community meeting presentation. This letter is intended to supplement, not replace, previous communications from our organizations. Also, this letter does not represent the sum total of our concerns, and we expect to have additional comments in the future with regard to the proposed standards and data center development in San José in general.[1]

We note at the outset that the City's official policy of working to attract and promote new data center projects is directly at odds with any effort to sincerely and objectively develop data center regulations that will truly protect the public and the environment. The City

[1] There are differing opinions as to the definition of "data center," as acknowledged by the City's proposal to include "large load research and development projects" in the proposed standards. For ease of reference in this letter, we will refer to all projects that would be subject to the proposed standards as "data centers."

cannot claim to be putting residents' health and welfare first when City staff have specific goals for the number of new data center projects to move through permitting and entitlement, and strict deadlines for when this should be achieved. One can reasonably assume that any potential requirement or restriction on location or operations that would benefit public health or environmental resources, but that would cause delays or be financially burdensome for data centers, will not be incorporated into the City's proposed standards for fear of failing to meet these strict goals or driving away potential data center developers. It is impossible for the public to have a good-faith belief in the City's intentions under these circumstances.

For this reason, we strongly urge the City to take a step back and **initiate a community-led, culturally-appropriate and equity-centered public engagement process to develop clear, enforceable standards for data centers.**

As we have previously stated in both written and oral communications to the Council and staff, we strongly believe that **the City should immediately adopt a moratorium** on all data center projects, including those currently under review, and use that time to conduct an extended community engagement process in all districts and in multiple languages, comparable to the community engagement used for the Envision San José 2040 General Plan.

The moratorium should be long enough to allow the City to **conduct studies of the long-term cumulative impacts** of the massive scale of data center development contemplated by the City, which are anticipated to triple our energy use. The City should consult with government agencies and partner organizations (including but not limited to the Santa Clara County Department of Public Health, the Bay Area Air District, Valley Water, the Regional Water Quality Control Board, Santa Clara Valley Habitat Agency, school districts, and other relevant agencies) on a cumulative public health, environmental health and resources, and infrastructure study before additional approvals move forward.

If the City refuses to take these steps and insists on moving forward with its current effort to approve uniform standards by the end of the year, we have the following comments and recommendations regarding the information you shared in your October 15 presentation.

1. Definition of Large Load Data Centers and Large Load Research and Development Facilities

The October 15 presentation proposes the following definitions:

> For Large Load (20 Megawatts or greater) Data Center - The definition of Data Center in the San José Municipal Code to include Large Load Data Center Facility, which is a facility with a Power Demand of twenty (20) megawatts or greater that is used primarily to house networked computer servers for the remote storage, remote computing, or distribution of data, and that is not a Large Load Research and Development Facility. This includes any such facility with backup generation

> capacity, excluding battery energy storage systems, greater than forty percent (40%) of its Power Demand. Examples include cloud services, storing customer data, providing internet services, or operating as enterprise computing infrastructure
>
> Large Load (20 Megawatts or greater) Research and Development Facility - The definition of Research and Development in the San José Municipal Code to include Large Load Research and Development Facility, which is facility with a Power Demand of twenty (20) megawatts or more housing networked computer servers that: (a) support the owner's or operator's own industrial, research, design, engineering, or product development activities, such as chip design, hardware development, and prototype testing, and are not used to sell computing, storage, or data services to others; and (b) have backup generation capacity, excluding battery energy storage systems, of forty percent (40%) or less of the facility's Power Demand.

As noted above, for ease of reference in this letter, we will refer to all development projects proposed to be subject to these new uniform standards as "data centers."

The proposed 20 megawatt threshold is not consistent with new state law. AB 1577 (Bauer-Kahan), signed into law by the Governor in 2026, includes the following definition of "data center":

> (2)(A) "Data center" means, except as provided in subparagraph (B), a facility, or part of a facility, that houses computing infrastructure, including graphics and central processing units, servers, storage devices, networking equipment, and associated power and cooling systems, for the primary purpose of processing, storing, or distributing electronic data.
>
> (B) "Data center" does not include a facility with an electrical capacity of less than 10 megawatts.

Public Resources Code § 25302.10(2)(A) and (B). New state law AB 887 (Padilla) uses this definition of data centers as well.

Therefore, we recommend that the City incorporate into its standards the definition of data center in Section 25302.10 of the Public Resources Code, which applies to facilities of at least 10 MW. This will avoid confusion and will ensure consistency between state and local data center regulations.

The references in the City's proposed definitions to the amount of backup generation capacity (as a percentage of the facility's power demand) need to be explained. Is it the City's intent that any data center with backup generation capacity that is less than 40% of its power demand is **not** subject to these standards? If so, why? Also, why is the definition of "Large Load Research and Development Facility" limited to facilities whose backup

generation capacity is 40% or less of the power demand? These questions need to be answered before the standards are approved.

2. Energy Usage

The October 15 presentation proposes that data centers should be required to either remain enrolled with San José Clean Energy (SJCE), or submit an annual report to SJCE demonstrating use of 100% carbon-neutral energy. This proposed requirement sidesteps a more fundamental issue with the current surge in hyperscale data center development[2] and in the generative artificial intelligence (AI) that is driving that surge: namely, that the energy demand of AI and data centers across the country is so massive that it is consuming all available sources of energy, both renewable and fossil fuels. In this environment, San José cannot be certain that its carbon-neutral energy goals for data centers will be achievable.

The skyrocketing energy demand from data centers has been widely reported. A 2025 report from Grid Strategies found that over the next five years, data centers are expected to account for more than half of the nationwide electricity demand. According to Politico, "BloombergNEF expects data center electricity demand will stand at 194 gigawatts in 2035. . . . U.S. data center demand currently sits around 47 GW." Just this week, the Washington Post reported that "[t]o support their data centers, tech firms are driving construction of a new generation of supersized, gas-fired power plants that could lock in hundreds of millions of tons of climate pollution for decades to come. . . . Industry estimates show these projects have put the tech sector on course to grow from a modest driver of industrial carbon pollution into one of the world's biggest emitters of greenhouse gases. Some anticipate that its share of global carbon emissions will increase as much as fivefold from 2020 to 2030. That would leave the tech industry churning out more than half the climate pollution created by global aviation or shipping — sectors long associated with driving warming."

This huge demand for energy simply cannot be satisfied by current renewable energy systems alone, so it is causing a surge in fossil fuel usage. Politico reports that "U.S. power sector gas consumption [will] grow 50 percent over the next decade, fueled in large part by demand from data centers." Tech companies that once pledged to achieve net-zero emissions by 2030 are now seeing their carbon emissions skyrocket rather than decline. In 2025, Amazon's carbon emissions rose 16%, Google's carbon emissions rose 18%, and Microsoft's rose 25% due to data center energy usage.

---

[2] It is critical to note that the hyperscale data centers being built today to power generative AI are vastly different in their size and energy usage from the pre-AI small data centers that powered the internet for decades. One industry blog notes that "hyperscale data centers are way bigger than traditional data centers. While a data center may take up one room in a building, a hyperscale data center, according to the International Data Corporation (IDC), must house at least 5,000 servers and occupy at least 10,000 square feet of floor space. . . . On average, a hyperscale facility consumes a staggering 30 to 60 megawatts of electricity around the clock, with some even surpassing 100 megawatts of continuous power draw. To put this in perspective, this amount of electricity could theoretically power around 47,000 average US homes (or up to 70,000 homes for facilities consuming 100 megawatts)." We note that all of the projects currently listed on the City's data center projects page appear to fit this definition of a hyperscale data center.

Although California has a goal of achieving 100% clean energy by 2045, recently there are ominous signs that the transition to renewables may be derailed. PG&E is pushing to extend the life of the Diablo Canyon nuclear power plant, once on track to be permanently closed. Meanwhile, there are wait times of several years for new renewable energy generation projects to be connected to the grid, and the current federal administration seems determined to block new solar and wind projects by any means possible. The unprecedented energy demand from the volume of new data center development contemplated by the City will need to be satisfied in some way, e.g. by gas-fired power plants if clean energy is not available. Put simply, availability of 100% clean energy for San José's data centers may not be within the City's control.

Regarding the details in the October 15 presentation, it states that enrollment in San José Clean Energy (SJCE) will satisfy the 100% clean energy requirement, while simultaneously stating that "SJCE provides 90%+ carbon-free energy." Obviously, 90% and 100% are not the same thing. In addition, SJCE's own website states that "[w]ith SJCE, [data centers] can receive between 62% and 100% renewable electricity" – an extremely wide range. But beyond this, there are no guarantees that SJCE will be able to maintain this commitment into the future, considering the likely strain from new data center customers. The promise of 100% carbon-neutral energy is being put at risk by the very facilities which the City is claiming to hold to this standard.

With regard to data centers not enrolled in SJCE, what will be the enforcement mechanism to ensure compliance? The October 15 presentation mentions an annual report, but no details about what information will be provided, or what the consequences will be if data centers fail to meet the 100% carbon-neutral requirement. Will the City require data centers that fail this requirement to immediately cease operations? If not, the requirement is an empty promise.

Finally, will the City allow data centers to satisfy the 100% carbon-neutral requirement through the purchase of carbon offsets? If so, this should be made clear to the public, who might otherwise assume that "100% carbon-neutral energy" means that the actual energy sourced by San José data centers is derived from 100% renewable sources. We recommend that the standards require that all energy used by new data centers be from 100% renewable energy, and that offsets not count toward this requirement.

The City's agreement with PG&E is estimated to provide approximately 2,000 megawatts of energy. For context, the California Public Utilities Commission (CPUC) has stated in its analysis of the Google data center project on Disk Drive in Alviso, that "250 MW is larger than the average demand of all of Marin County in 2024, and about half the overall average demand of San Mateo County." The notion that nearly 10 times this amount of energy is planned to solely serve data centers in San José is staggering. For years, San José has urged residents to conserve energy in order to help the City meet its climate goals. There is something offensive in the fact that ordinary residents have been told to turn off the lights

when they leave the room to help save the planet, and now data centers are apparently allowed to burn through an entire region's worth of energy with no comment.

3. Water Usage

The October 15 presentation proposes that data centers be required to use recycled water for any open loop cooling systems, with potable water being allowed only in low-water cooling technology such as closed-loop or air-cooled systems. As with the requirements regarding energy usage, the sheer volume of water demand from data centers raises questions about the long-term sustainability of this proposal. Recycled water is not an unlimited resource, nor is it a resource that has no value. The Advanced Water Purification Center has ambitious goals for both potable and non-potable uses for recycled water in the community.

The City should perform an analysis of how much recycled water would be needed to meet the cumulative needs of all of San Jose's existing data centers plus all those that could be built under the City's current zoning, assuming they all chose to use open-loop evaporative cooling systems. If, as seems likely, the total recycled water demand would be significant, the City should impose a percentage cap on total data center water use (both recycled and potable). This analysis and cap should take into consideration the likelihood of future drought conditions. In addition, the City should analyze the current level of use of recycled water and what the impacts of diverting recycled water to data centers will be (e.g., whether those current recycled water users will revert to using potable water instead).

The proposed requirement that data centers pay for all improvements necessary to connect to the recycled water system raises the question of how extensive those improvements might be. Would the city entertain a proposal from a data center located miles from the nearest SBWR connection to construct a several-mile-long recycled water line, which might have its own environmental impacts? Community members were told at the District 2 town hall on October 7 that the reason the recycled water pipeline system has not been extended to District 2 is because of the risk of contamination in the unconfined groundwater aquifer if a pipe were to spring a leak. Does this mean that the data center projects in D2 will not be allowed to connect to the SBWR system? If they will be allowed to do this, what safeguards will there be to avoid the groundwater contamination mentioned?

One option that might ameliorate these impacts on water supply would be a requirement that data centers install rooftop rainwater collection systems to satisfy as much of their water demand as possible. We recommend the City consider incorporating this requirement into the standards.

Finally, how does the City plan to monitor and enforce the recycled water requirement? What will be the penalty if a facility is found to be using potable water in an open-loop evaporative cooling system? A fine is not a sufficient deterrent. We recommend that violation of the recycled water requirement result in revocation of the facility's permit.

The closed-loop or air-cooled systems that would be the alternative to open-loop evaporative cooling carry their own environmental impacts. Some of these relate to potential contamination of wastewater (further detailed below under “Wastewater discharges”), but one major environmental consequence of air-cooling in data centers is increased energy usage. When it comes to cooling technology, there is an inverse relationship between water usage and energy usage – any “low-water” cooling technology is necessarily going to be energy-intensive, for the same reasons that ordinary air-conditioning is energy-intensive. Some industry experts believe that data center technology will increasingly move towards closed-loop/air-cooled technology such as direct-to-chip or immersion systems. The potential for increased energy usage from this technology needs to be factored into the overall analysis of data center energy usage.

4. Noise

The October 15 presentation’s treatment of noise impacts is disappointing. No new limitations on noise are proposed, even though we know that residents are already experiencing significant noise impacts from nearby data centers. In an NBC Bay Area segment from this September, Mayor Mahan met with residents in South San José who are experiencing serious distress from a nearby data center’s “constant hum” that gets worse during high temperatures. Presumably, that data center is operating in compliance with San José’s existing noise regulations. Therefore, it is undeniable that those regulations need to be strengthened.

The proposed standards fail to consider noise impacts on open space and wildlife. A glaring flaw is that the 70 decibel limit applies to data centers that are adjacent to not only industrial uses, but any use “other than commercial or residential.” This would presumably include open space, nature preserves, creeks, agriculture, parks, churches, schools, hospitals, and other sensitive uses.

At a very minimum, this loophole in the existing standards must be rectified by explicitly applying stricter noise limits to these sensitive uses. The noise limit for uses adjacent to residential areas must also be lowered, since clearly the 55 decibel limit for data centers adjacent to residential uses is not sufficient to ensure residents’ peace and quiet in their homes.

Noise standards must include stricter limits at night and must address the low-frequency hum and tonal components that characterize data-center cooling equipment. As explained in the independent policy guidance prepared by Kasey Fowler-Finn, Ph.D. (Saint Louis University), General Guidelines for Regulating Data Center Noise (August/September 2026), the commonly used measure, dBA, deliberately de-emphasizes low-pitched sounds (by roughly 30–50 dB in the 20–63 Hz range typical of large chillers and fans). As a result, a facility can meet a dBA limit while still producing a continuous, narrow-band hum that residents hear and are bothered by every day and night, sometimes to a great distance. A second measure, dBC, is flatter and captures more of that low-frequency energy. Both

limits are needed. Because a single broadband number can hide a loud tonal spike by averaging it with quieter frequencies, the standards should also include a defined tonal penalty so that the exact noise residents complain about is made visible and enforceable rather than averaged away.

The City's current noise ordinance measures noise level at the property line. This is insufficient in situations such as the IBM Almaden campus at Harry Road, where a single parcel contains 565 acres of open space and wildlife habitat surrounding a 35-acre industrial site, or in Alviso, where burrowing owl habitat exists within the property boundary of an industrial site. For this reason, the City's standards must require the noise level to be measured at the edge of the developed footprint (or at the nearest sensitive receptor or habitat edge, whichever is more protective), not solely at the property line.

We recommend the following maximum sound levels attributable to data center operations when adjacent to residential uses or sensitive receptors (absolute ceilings, independent of baseline):

Maximum noise level	dBA Day/Night	dBC Day/Night
Residential uses and/or sensitive receptors, including schools, hospitals, parks, protected habitat, areas zoned open space or agriculture, and riparian corridors	50/45	55/50

These limits should be applied together with a requirement that no individual third-octave band between 20–200 Hz may exceed the corresponding broadband limit by more than 5 dB, and that a tonal component triggers an additional +5 dB penalty.

The monitoring requirements are also inadequate. We recommend that any data center located within 1,500 feet of residential use, protected habitat, open space, parks, creeks, or agricultural land must undergo independent noise monitoring every six months (by a City-selected or City-approved acoustician, applicant-funded) that includes a pre-construction baseline survey and at least quarterly (or continuous) monitoring thereafter to capture seasonal changes in operating conditions, including increased cooling demand during hot weather. Each monitoring period must cover daytime and nighttime conditions and report both dBA and dBC levels plus third-octave band data from 20–200 Hz and any tonal components. Reports must be submitted to the Director and made publicly available.

For facilities near sensitive wildlife habitat, the City should also require qualified biologists to document baseline wildlife use before construction begins, before operations begin, and conduct follow-up monitoring to assess potential changes in habitat use, including nesting/breeding, roosting, and wildlife movement.

Noise limits must be backed by enforceable permit conditions. Complaints from any member of the public, including complaints about impacts to open space or wildlife habitat, must trigger a timely investigation and action. The City must have authority and capability to conduct unannounced noise measurements and also, to require independent testing at the operator's expense within a fixed short deadline (e.g., 30 days). Confirmed violations must result in fixed deadlines for corrective action (e.g., 60–90 days), mandatory follow-up testing, and escalating penalties for continued or repeated violations. The City must also have authority to restrict operation of the equipment responsible for ongoing violations until compliance is demonstrated. Complaints, monitoring results, enforcement findings, and corrective actions must be publicly available.

5. Air quality

The October 15 presentation proposes extremely weak regulations regarding backup generator restrictions. Limiting testing and maintenance to 25 hours per year is insignificant considering that the proposed standards allow diesel backup generators to run without limitation during power outages, no matter how long those outages last. In other words, if a power outage lasts several days, these massive diesel power plants can continually spew emissions into the air for the entire time. Given that the industrial zoned parcels are clustered in certain areas, this will almost certainly result in disproportionate air quality impacts on nearby neighborhoods. In Alviso, for instance, generators for the multiple data center projects located within just a few square miles of each other will have a significant cumulative impact on Alviso's frontline community, on the nearby burrowing owl preserve, on the sensitive habitat in the Coyote Creek and Guadalupe River corridors, and on the nearby Bay wetland habitat.

The City should consider a way to limit the number of diesel power plants in any single neighborhood. As noted recently in the Synergy Report, the City has regulations preventing uses such as tobacco retailers from being located too close together. A similar regulation could be applied here.

The October 15 presentation also proposes that "[b]ack up generators shall be located on the site as far from Sensitive Receptors, as feasible, as determined by the Director." This is far too vague and weak to be an actual standard. We recommend that the City impose objective and enforceable buffer zones between backup generators and sensitive receptors (residences, schools, daycares, medical facilities, etc.) and also open space and sensitive habitat areas, similarly as for noise standards. We recommend a buffer zone of 1,000 feet. This is not excessive considering that state law requires a buffer zone of as much as 3,200 feet in some instances, such as for oil and gas facilities.

The standards should also address these additional questions raised by the October 15 presentation:

- Will the City develop regulations for natural gas backup power systems as well as for diesel generators?
- Has the City considered requiring data centers to maximize their use of battery storage systems in their backup power systems?
- What is the definition of "power outage?" Data centers tend to operate their backup power plants during any "state of emergency," not just when the power is actually out.[3] Will the City's standards address this?

Again, monitoring and enforcement are the challenges for regulating air emissions from backup generators. The Bay Area Air District has very few inspection staff to cover the nine-county area, and the logs provided by facilities as part of their self-reporting do not provide enough data to accurately document compliance with the City's requirements. Frankly, the only way to ensure data centers are not running diesel generators in excess of the City's requirements is to ban them entirely. This would be our recommendation.

6. Wastewater discharges

The October 15 presentation's treatment of discharge monitoring is woefully inadequate. The list of contaminants in the presentation (from §15.14.585 of the Municipal Code) is very short, mostly focused on heavy metals and entirely lacking in any mention of the types of substances typically used in data center closed-loop and immersion cooling systems, especially per- and polyfluoroalkyl substances (PFAS). PFAS, also known as "forever chemicals" because they do not break down in the environment, are linked to a multitude of human health impacts, including cancer, heart disease, and developmental and reproductive impacts. PFAS have the potential to leach into soils and groundwater due to system leaks, and can enter waste streams when cooling systems are flushed, as they must be periodically to remove scale, debris and corrosion buildup. Other substances frequently used in cooling systems that get flushed into wastewater include anti-corrosives, antiscalants, and biocides. This is a serious wastewater contamination issue that the October 15 presentation does not address at all.

Current wastewater filtration technology cannot guarantee effective removal of all contaminants including PFAS. Many of these chemicals are so novel that they have not been fully tested to determine their potential for toxicity to humans and in the environment.

These questions must be answered before the standards are finalized**:**

---

[3] "'Whenever there's a state of emergency in the state of California, the diesel generators run. That has not gone unnoticed. The run hours are more frequent than emergency only,' said Allan Schurr, chief commercial officer at Enchanted Rock. This means that the diesel generators are not just running during outages, they also are called on to run when there's an emergency on the grid involving low power resources."
https://www.microgridknowledge.com/distributed-energy/article/11427459/why-do-data-center-operators-choose-diesel-backup-over-cleaner-microgrids

- Has the City determined whether the San José-Santa Clara Regional Wastewater Facility has the capability to remove all the substances data centers are likely to use in their cooling systems and what the cost will be to the facility and ratepayers?
- If not, what is the City's plan for mitigating this potential contamination?

The proposed standards include a requirement that open-loop cooling systems use only recycled water. Since open-loop systems operate by evaporating massive amounts of water, this process will necessarily result in highly concentrated amounts of any contaminants already present in the recycled water, including pharmaceuticals, antibiotics, endocrine disruptors, as well as industrial chemicals. Does the City have a plan for how to deal with this concentrated toxic soup?

We recommend that the City require data centers to submit reports listing all coolants and coolant additives, cooling system treatments, and any other substances used in or to treat or maintain their cooling systems. We also recommend requiring pre-treatment of wastewater to undetectable levels (for PFAS, that would mean a standard of 2 nanograms per liter). Finally, we strongly recommend that the City ban use of PFAS in cooling systems entirely.

7. Lighting

Lighting standards must protect nearby residents, open space, and wildlife habitat from light spill and glare. We recommend the following requirements.

- A maximum color temperature of 2,700 Kelvin, with amber lighting near sensitive habitat and the lowest illumination necessary for the task.
- No ornamental or other unnecessary lighting should be allowed.
- Motion sensors, timers, and dimming controls so outdoor lighting operates only where and when needed. Security lighting should be dimmed when no movement is detected.
- An enforceable limit on light spill, measured at neighboring property boundaries and, where habitat shares the data center parcel, at the edge of the developed footprint facing that habitat. A qualified lighting professional, working with a biologist where appropriate, must demonstrate that fixture placement and shielding prevent direct illumination of sensitive habitat.
- Controls on interior light escaping through windows, illuminated signs, and architectural lighting, particularly where visible from habitat.
- A lighting plan before approval, showing fixture locations, shielding, color temperature, operating schedules, and predicted illumination at nearby properties and habitat. Compliance must be verified after installation and following material changes.
- Construction lighting: Construction-phase lighting must meet the same standards as permanent lighting (2,700 Kelvin or amber, full shielding, enforceable spill limits at property and habitat edges), and a construction lighting plan must be submitted with

the permanent plan. Nighttime work requires advance Town approval, and lights must be off when work stops, with any security lighting motion-activated.
- Seasonal limits and accountability: Nighttime work must be restricted during bird nesting and migration periods, as determined with a qualified biologist, and a posted lighting-complaint contact and prompt correction requirement must apply throughout construction.

Members of the public must be able to report lighting impacts, including impacts to wildlife habitat. Complaints must trigger timely investigation and correction within 30 days, with authority to require additional shielding, dimming, relocation, or removal of offending fixtures.

8. Permitting and Approval Process

The October 15 presentation noted that there are legal limitations on what the City can require of data centers under its current municipal code, but did not consider the possibility of amending the code to give the City Council greater discretion to impose conditions, require community benefits, or deny a project if it is proposed on an inappropriate site. For example, the City could adopt similar language to the municipal code of the city of Mesa, AZ, which states:

> Data Center, as defined in Section 11-86-5, is prohibited in every zoning district, except that a Data Center may be permitted in the Planned Area Development (PAD) Overlay District that is used in combination with the General Industrial (GI) or Heavy Industrial (HI) Base Zoning District only if the Data Center is specifically permitted by the City Council with the approval of the rezoning to the subject PAD Overlay District.

Mesa, AZ Code of Ordinances § 11-31-36(A)(2) (https://library.municode.com/az/mesa/codes/code_of_ordinances?nodeId=COOR_TIT11ZOOR_ART4DERE_CH31STSPUSAC_11-31-36DACE).

San José's zoning code similarly allows for Planned Development (PD) zoning. San José Municipal Code § 20.10.070 states that a PD district "shall be individually designed to meet the needs of the territory so zoned. It shall be adopted by a zoning ordinance which incorporates by reference a general development plan for the entirety of the subject property." San José could adopt language similar to that in the Mesa municipal code, requiring that any data center development be allowed only via a PD zoning district, to be approved by the City Council. This would give the City Council much greater authority to impose conditions on data center projects, to require community benefits, and to reject inappropriate projects if necessary.

Another potential permitting process change that would improve on what is currently proposed would be to require a Conditional Use Permit, rather than a Special Use Permit, for all data center projects. This would both give greater discretion to the City in imposing

conditions on the project, and provide greater transparency and public access. Conditional Use Permits are approved by the Planning Commission, not the Planning Director as with Special Use Permits. Because Planning Commission meetings are held in the evenings, whereas Planning Director hearings are held at 9:00 a.m., the public would be better able to participate in the hearing process. Hearings before the Planning Commission are also more transparent and democratic, since the Planning Commission is an 11-member body appointed by the City Council, as opposed to the Planning Director who is a City employee.

9. Community engagement

This is a serious issue. We hear repeatedly from community members that they are upset and angry with the City for the total lack of transparency and community engagement prior to the City entering into a binding agreement with PG&E on data center development. The Implementation Agreement Between PG&E and the City of San José, entered into in July 2025, committed the City to a path of facilitating new data center and other large load projects as well as the infrastructure and grid capacity to support them, and provided that PG&E would fund staff positions within the City to support this work. None of this was ever conveyed to the public, and no opportunity was ever given to San José residents to comment on whether they agreed that this was a good direction for the City to take, in spite of the fact that the impacts of this unprecedented level of infrastructure and data center buildout would be felt directly by residents.

As noted above, we feel strongly that the only remedy to this fundamental betrayal of trust between City officials and the residents they are supposed to serve is to immediately impose a moratorium on data center proposals and to re-initiate the process of developing standards for data centers, but this time to allow the community to take the lead on what the goals and ultimate outcome should be.

Barring that, we also feel that the proposals for improved community engagement contained in the October 15 presentation fall short of what is needed. The presentation suggests that Council Policy 6-30 be amended to increase the notification radius for data center projects from 1,000 feet to 1,500 feet from the project site. This is almost laughably inadequate. The impacts of data centers are felt far beyond the 1,500 foot radius, and the comments made at data center town halls and listening sessions by hundreds of community members who live nowhere near any proposed data center demonstrate that this is far from being a purely neighborhood-level concern.

We recommend that the City create an online sign-on form, hosted on the City's data center projects webpage, whereby residents can sign up to receive emailed notifications for any and all data center proposals within the City. This is a process that is already in place for individual development projects, and is a reasonable accommodation for residents who wish to stay informed about all data center projects citywide.

Given the high level of community concern about data center projects, we also recommend that the City hold regular informational meetings, whether as City Council study sessions or town halls, to provide an overall picture of the growth of data center development in San José and what can be expected in the next few months. As part of this overview, information about projects that are still in the preliminary application phase should be included so that community members are not blindsided by learning about data center projects only when an application is submitted. Robust community engagement should occur during the pre-application phase of projects, and the contents of the City's pre-application work should be made public. Community engagement should be comprehensive and include materials and direct outreach to non-English speaking communities.

Conclusion

We reiterate that our best recommendation is that the City take a step back and re-initiate the public process to develop data center standards, and that this process be led and shaped by the community. To allow this process to unfold without allowing any data center projects to be approved prematurely, the City should immediately adopt a moratorium on all data center projects, including those currently under review, and use that time to conduct an extended community engagement process in all districts and in multiple languages, comparable to the community engagement used for the Envision San José 2040 General Plan. The City should also conduct studies of the long-term cumulative impacts of the massive scale of data center development contemplated by the City, and should consult with government agencies and partner organizations (including but not limited to the Santa Clara County Department of Public Health, the Bay Area Air District, Valley Water, the Regional Water Quality Control Board, Santa Clara Valley Habitat Agency, school districts, and other relevant agencies) on a cumulative public health, environmental health and resources and infrastructure study before additional data center approvals move forward.

Thank you for your consideration of these comments.

Sincerely,

Alice Kaufman
Policy and Advocacy Director
Green Foothills

Ze-Kun Li
Executive Director
Silicon Valley Youth Climate Action

Kamille Lang
Director of Outreach and Education
Climate Resilient Communities

Quinn Eide
Executive Director
Fossil Free California

Amanda Bancroft
Advocacy & Outreach
Santa Clara Valley Bird Alliance

Dashiell Leeds
Conservation Coordinator
Sierra Club Loma Prieta Chapter

Linda Hutchins-Knowles
Co-Founder and Team Coordinator
Mothers Out Front Silicon Valley

Marcos Espinoza
President
Alviso in Action

Cc: San Jose City Council and Planning Commission

[**External Email.** Do not open links or attachments from untrusted sources. Learn more]

You don't often get email from trelladavis@gmail.com. Learn why this is important

The Planning Commission should require the San Jose Economy PG&E grant paid city staff to take more time to address a significant amount of real problems and risks regarding Data Centers that are missing from current Draft Regulations.

I have come across more and more instances of inconsistencies: like following CEC Draft EIR timelines/guidelines regarding community notice and engagement prior to project approval (see attached CEC Fact Sheets below), lack of Site layout and access for emergency responders for at least 5 heavy lift pump firetrucks and their support vehicles at the same time, and many other problems. CEQA, which was passed in Sept of 1970 was not prepared to address the extreme and unique environmental, legal, community, costs to infrastructure, new classes of chemicals and massive resource impacts that modern and AI data centers create.

The draft standards do not address the following.

San Jose Draft Data Center Regulations have:

- No explicit commitments to prevent increases in utilities costs to citizens (electricity, water, waste, wastewater, infrastructure)
- No plan to prevent a projected 30% increase in polluting emissions and GHGs (Green House Gasses) from direct & indirect electricity production
- No limits on data center generator run times during electricity disruptions
- No waste & eWaste explicit sorting, reuse and recycling certified programs that will not ship materials overseas or dump in landfill
- No measuring or limits on Urban Heating (Heat Domes increase in heat 67 degrees above site vertically & Heat Islanding increases heat 4-16 degrees around site horizontally 5-6 miles)
- No requirements to pre-treat wastewater before sending to San Jose to treat (no requirements on how to treat or remove Blow-down to prevent dumping or leaks)
- No restrictions on Low Frequency Noise/Vibration/'Total Harmonic Distortion - Dirty Electricity'
- No restrictions on pollutants, waste, wastewater, emissions, etc.
- No limits on total reclaimed or portable water usage with measures of direct & indirect (water needed to produce PG&E grid electricity)
- No plan when to fully comply with 2029 EPA PFAS-toxic small molecule filtration for wastewater & no list of data center specific wastewater / blowdown list of chemicals/contaminantes to be tested
- No explicit Open Space or other green space protections
- No Carbon Credit offsets, rainwater capture, geothermal cooling, TED Heat-to-Electricity capture, Dry-Cooling, Switch Tier V standard or other sustainable build proven methods
- No minimum setback requirements
- No specific path to meet San Jose Clean Energy Goals or State of California 2045 100% Renewable Electricity Requirements (e.g. agroviolatics partnerships)
- No restrictions on sites next to sensitive or protected habitats
- No consideration for using San Jose as Human Shield for Data Center site attacks
- No requirements for road and parking lot bandwidth to accommodate a minimum of 5 heavy lift fire trucks plus support vehicles at the same time
- No considerations of what and how AI is used in these locations
- No decommissioning plans (SUPERFUND Site Potential)

- No following California Energy Commission process for community engagement & timeline during Draft EIRs (as mentioned & see CEC attached docs)
- No charging PG&E or data center developers at market rates for providing Draft EIR and Final EIR Lead Services
- No set Community Benefits Agreement CBA or requirements on build quality (e.g. Uptime Tier IV or Switch Tier V)
- No 'Data Center Community Advisory Council' creation
- No explicit punitive or other punishments for data center operators not following state or local ordinances
- No emergency reporting measures for citizens (fire, explosion, high toxic emissions, attack, etc.)
- No cumulative impact studies & addressing safe distances (reference see attached chart)
- No competitive bidding
- No tax revenues per acre performance reviews or requirements (mixed use dev: paid parking basement, ground business, floors 2-4 apartments & condos generates approximately $500k-750k in tax revenues per acre annually which far exceeds data centers without the costs of data centers)
- No local and legal worker minimums in number or percentage (construction, maintenance & operations)
- No real response to what the community wants (Notice After Project Approval is Not Engagement) & acknowledgement of City provided incentives = taxpayer supported
- No plan to deal with Toxic Tort, Class Action, Nuisance, Property Diminution and other lawsuits
- No limits on total data center concentration in the city (total number of sites and sites per mile density will be approaching Virginia Data Center Alley)
- No specific plan for Sales & Use Tax
- No clarity on several draft standards as of Nov 5, 2026 - in which several standards (5, 9, 10, 12, & 13) have "XX% fee", "XXX feet", "use exceeds those levels by XX percent or more"
- No explicit inclusion of franchise taxes on utilities (water, electricity, etc.)
- No concern for severe CONFLICT OF INTEREST (PG&E stock is over 50% owned by 15 Private Equity/Financial Institutions with extensive loans and investments in Data Center REITs, AI-Tech-Data Center Developer/Operators, Hardware, Insurance, etc. AI-Ecosystem)

References:

According to CEC California Energy Commission - who has and is taking lead on Draft EIRs for data centers in San Jose, there is a very specific set of guidelines with a timeline of action steps including several public notices and public hearings before completion of Draft EIR. San Jose does not appear to be following CA State CEC process and the Draft San Jose Data Center guidelines do not reference this timeline as a standard to be followed.

California Energy Commission Certifications EIR CEQA Factsheets. (June 2026). *CEC Certification Program.* https://www.energy.ca.gov/sites/default/files/2026-06/Opt-In_Certification_Factsheet_English_ada.pdf & https://www.energy.ca.gov/sites/default/files/2026-06/Opt-In_Certification_FAQ_English_ada.pdf

Trella M. Davis

[redacted]

CONFIDENTIALITY NOTICE: This email message is covered by the Electronic Communications Privacy Act, and may be legally privileged. The information contained in this email, including any attachments, is intended only for the person or entity to whom it is addressed. Any unauthorized review, use or disclosure is prohibited.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

DATA CENTER LOCAL COSTS REPORT

AI-DATA CENTER "SAFE DISTANCE"

Chart: Trella M. Davis, One-T-G Research

Copyright © Sept 2026 – Link to Chart

