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RESPONSE TO CEC STAFF DATA REQUEST SET 2 (93-105)

Sequoia Backup Generating Facility (19-SPPE-03)

SUBMITTED TO: CALIFORNIA ENERGY COMMISSION
SUBMITTED BY: **C1-Santa Clara, LLC**

October 2019

DAYZEN LLC

INTRODUCTION

Attached are C1-Santa Clara, LLC's (C1) responses to California Energy Commission (CEC) Staff Data Request Set No. 2 (93-105) for the Sequoia Backup Generation Facility (SBGF) Application for Small Power Plant Exemption (SPPE) (19-SPPE-03). Staff issued Data Request Set No. 2 (93-105) on October 11, 2019.

The Data Responses are grouped by individual discipline or topic area. Within each discipline area, the responses are presented in the same order as Staff presented them and are keyed to the Data Request numbers (93-105). Additional tables, figures, or documents submitted in response to a data request (e.g., supporting data, stand-alone documents such as plans, folding graphics, etc.) are found at the end each data response and are not sequentially page-numbered consistently with the remainder of this document, although they may have their own internal page numbering system.

For context the text of the Background and Data Request precede each Data Response.

GENERAL OBJECTIONS

C1 objects to all data requests that require analysis beyond which is necessary to comply with the California Environmental Quality Act (CEQA) or which requires C1 to provide data that is in the control of third parties and not reasonably available to C1. Notwithstanding this objection, C1 has worked diligently to provide these responses swiftly to allow the CEC Staff to prepare the Initial Study/Mitigated Negative Declaration (IS/MND).

BIOLOGICAL RESOURCES

BACKGROUND

The applicant submitted Data Request Response 64, and supplemental filing Appendix BIO-64, to meet staff's request (Data Request 64) which included Sheet L1.01 of the Tree Removal and Protection Plan. The Tree Removal and Protection Plan indicates in the table at the bottom of Sheet L1.01 that there are four trees on site and two trees on a neighboring property overhanging into property to remain. However, upon review of the submittal by staff only three trees are labeled as an "existing tree to be protected" on Sheet L1.01 of the Tree Removal and Protection Plan. No information is provided on trees #170, #171, and #172 and staff assumes these trees were included on Sheet L1.02, which was not provided in the submittal.

In addition, the table at the bottom of Sheet L1.01 notes there are two trees identified as a "Tree on Neighboring Property Overhanging Into Property" that would remain which would be mapped as an "existing tree to be protected". However, the three trees mapped as an "existing tree to be protected", trees #101, #141,#166, were all identified in the arborist report as being on a neighboring property. Therefore, the number of trees to remain identified as being on a neighboring property does not match between the arborist report and the Tree Removal and Protection Plan.

Additionally, staff must determine if the proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Santa Clara General Plan Policy 5.10.1-P4 provides for the protection of all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference. The applicant is proposing removal of two holly oak (Quercus ilex) trees, labeled as #108 and #120, and one Brazlian pepper tree (Schinus terebinthifolius), labeled as #142, instead of preserving these three trees as is recommended by the arborist report. It is unclear why these trees are being removed instead of preserved since they are in a location where the applicant proposed to plant trees as part of the landscaping plan. In addition, on page 4.4-8 the applicant states that "two of the trees on site would qualify as street trees, and the applicant would be required to obtain a permit from the City for their removal." However, the applicant did not identify which trees these are.

Staff needs additional information to determine how the applicant is proposing to provide replacement trees for all protected trees, either on or off site and at what ratio {e.g.1:1 or 2:1). There are sheets noted on the Tree Removal and Protection

Plan, Sheet Numbers L2.01 and L2.02 that were not included in the submittal and may contain the information that staff requires to complete their analysis.

DATA REQUESTS

93. Please provide additional information on Trees #170, #171 and provide the sheet from the Tree Removal and Protection Plan where these trees are displayed (Sheet Number L1.02).

RESPONSE TO DATA REQUEST 93

Please see updated plans for Tree Removals and Protection Plan, sheets L0.03 and L0.04 included in Appendix BIO DR-93. Trees #170, #171, and #172 are shown on L0.04 and located at the entry on Martin Ave.

94. Please clarify if Trees #101, #141, #166 are on a neighboring property or not.

RESPONSE TO DATA REQUEST 94

Please see updated sheet L0.03 included in Appendix BIO DR-93. Trees #101, #141 and #166 are located off site and noted as such.

95. Please provide additional information as to how the proposed removal of Quercus #108, Quercus #120, and Schinus #142 does not conflict with General Plan Policy 5.10.1-P4.

RESPONSE TO DATA REQUEST 95

It appears that the overall objective of the General Plan Policy is to protect existing habitats. The SDC site does not provide quality habitat given its proximity to the airport, active rail corridor and existing use for industrial/commercial uses. While the policy goals are to protect pepper trees, this is not a native species and pepper trees have become widely naturalized due to their prolific fruit protection. Cal-IPC (California Invasive Plant Council) considers this tree invasive in coastal regions as it has recently become a significant issue in southern California.

While City's General Plan Policy 5.10.1-P4 as a Conservation Policy sets the requirement for preserving and protecting pepper trees over 36 inches, City's Municipal Code 12.35.020 does provide the permitting process for removal of a protected tree.

Trees #108, #120, cannot be preserved as their present location is in conflict with the location and type of the proposed improvements. There is an existing fire service line in the close proximity to Tree # 142. As part of the overall site improvements the existing

fire system and appurtenances are being upgraded, removed and replaced. The proposed modifications to the fire service line would not allow preservation of the tree.

96. Please provide the Tree ID number for the two trees on site that would qualify as street trees.

RESPONSE TO DATA REQUEST 96

Trees #106 and #107 are located on site along the street edge. After further review because neither tree is currently located within City Right of Way, these are not street trees.

97. Please provide Sheet Numbers L2.01 and L2.02 of the Tree Removal and Protection Plan.

RESPONSE TO DATA REQUEST 97

Please see Appendix BIO DR-93. The plans indicate that the SDC is proposing a 1:1 replacement ratio with all new trees proposed at 24” box size.

CULTURAL AND TRIBAL CULTURAL RESOURCES

BACKGROUND

In Data Request 67, staff asked whether the applicant proposes to support foundations for the data center building or backup generators with piles (CEC 2019, p.17). The applicant responded that, "piles are not anticipated for the SDC [Sequoia Data Center] foundation" (DayZen 2019, p.48). To date, staff and the applicant have used similar terminology to refer to the proposed project, but with different meanings. Staff refers to the entire project as the Sequoia Data Center (SOC), whereas the applicant distinguishes between the Sequoia Backup Generating Facility (SBGF) and the SDC in its application (Circlepoint 2019, p.1-1). The applicant's data response references the SDC but is not explicit whether the response applies to the SDC and SBGF alike.

DATA REQUEST

98. In answering Data Request 67, did the applicant follow staff's use of SDC as referring to both the data center building and SBGF? Has the applicant affirmed that they are not considering piles to support the backup generators?

RESPONSE TO DATA REQUEST 98

Neither the SDC buildings nor the SBGF generators will be supported on piles.

HAZARDS AND HAZARDOUS MATERIALS

BACKGROUND

The project design calls for a separate diesel fuel tank for each emergency generator. Each diesel engine will be readiness tested on a regular schedule, consuming a portion of its fuel.

DATA REQUEST

99. Please provide the fuel tank replenishment strategy and frequency, and the estimated frequency of fuel trucks needing to visit the facility for refueling.

RESPONE TO DATA REQUEST 99

Any and all diesel fuel deliveries will be made via truck by a qualified delivery service when required. Each generator is initially filled to only 95% capacity of its tank. Refills occur when the tank reaches 83% of its capacity. Each generator is run once a month for 30 minutes with no load on the engine. This run rate will require each generator to be refilled to the required 95% capacity approx. every 3 to 5 months, depending on the size of the tank to be replenished. Each generator is also run for a total of four hours per year, under max load, for yearly proving/testing purposes. Upon completion of these tests, the generators will require to be refilled to 95% capacity.

Each diesel fuel fill truck is equipped with spill kits which are either deployed or made at the ready during fill operations. CyrusOne also requires a two-man fill protocol to be observed during all fuel handling operations. This protocol is greater in redundancy than what is followed to replenish fuel tanks at public fuel fill stations.

BACKGROUND

Stored diesel fuel is subject to degradation over time, which can render it unsuitable for use and potentially requiring it to be changed-out for fresh fuel.

DATA REQUEST

100. Please describe what measures are planned to maintain adequate quality of the stored fuel. How often might the stored fuel need to be changed-out for new? If needed, how would this be accomplished? How many fuel truck visits would be required?

RESPONSE TO DATA REQUEST 100

Modern commercial diesel fuels contain biocides preventing microbial growth. These and other additives aid to stabilize the fuel ensuring the fuel quality remains high and the fuel viable as it rests. Along with these additives and precautions taken to keep the fuel contained properly and free from exposure to the elements, diesel fuel has the capability to remain viable for several months. Additionally, when replenished with fresh diesel fuel after each month testing procedures, the possibility of the fuel becoming contaminated is again reduced.

Should fuel need to be extracted from a generator tank, the procedures followed to fuel a generator will be strictly adhered to, but run in reverse using an empty fuel delivery truck, two-man protocol for removal and monitoring of the de-fueling procedures with spill kits made ready for immediate use.

The capacity of one 7,500 gallon fuel truck exceeds the capacity of the generators 6,000 gallon belly tank; therefore one fuel truck will be more than adequate to remove the fuel from one generator tank. The number of trucks required to be mobilized in order to remove contaminated fuel from the site is contingent upon the amount of fuel needed to be removed, and will need to be calculated once contaminated fuel is discovered.

LAND USE PLANNING/PROJECT DESCRIPTION

BACKGROUND

The SPPE application states that the proposed project site encompasses 15 acres on assessor's parcel number (APN) 230-03-105. In preparing the first set of data requests, staff checked the City of Santa Clara's online zoning map, which seems to indicate that APN 230-03-105 covers 24.27 acres. Based on that assumption, staff prepared data request #74 (Land Use and Planning) asking for information on what the applicant proposes to do with the remaining 9.27 acres that is not part of the 15-acre project site. The applicant responded that the entire 24.27 parcel is under C1 control but has no plans for developing the remaining 9.27 acres at this time (TN #229938-1).

Since receiving the data response, staff re-reviewed the parcel map and now understands that APN 230-03-105 (SDC site) covers 14.959 acres. The adjacent parcel to the south, APN 230-03-106, covers 9.312 acres, for a total of 24.27 acres. The applicant's response to data request #74 implies that C1 owns the separate, adjacent parcel to the south; however, public records show June 28, 2012, as the last transfer date for that property.

DATA REQUEST

101. Please provide information on whether the applicant has an option to purchase or plans to purchase the adjacent parcel south of the SOC site (APN 230-03-106), site address 2500 De La Cruz Boulevard.

RESPONSE TO DATA REQUEST 101

The property is a single lot with a condo agreement between parcels. CyrusOne does not have any ownership or control of the southern (OneWork) portion of the site and does not hold an option or plan to purchase that property at this time.

BACKGROUND

On February 19, 2019, C1 published a press release (attached) announcing its plan to develop the "CyrusOne Santa Clara Data Center campus" on two adjacent land parcels that will be capable of "delivering over 100 MWs of capacity." Shortly before the press release, C1 purchased the adjacent 8.35-acre parcel north of the SOC property at 2750 De La Cruz Boulevard (APN 230-03-099). The total area for the two properties is 23.3 acres.

On February 22, 2019, the online publication, Data Center Frontier, posted an article (attached) describing the C1 plan to deploy 144 MWs of new data center capacity on two adjoining parcels totaling 23 acres. The article describes how the adjacent 8-acre parcel will house a 48-MW data center, resulting in the "largest contiguous data center campus in Santa Clara…."

DATA REQUESTS

102. Staff requires additional information from C1 on its overall plan for the data center campus to determine how these projects may interrelate and the extent to which additional information is needed for the cumulative impacts analysis. Staff requests additional information on C1's plans for the data center campus as follows:

    a. Please provide information on the anticipated schedule for developing the 48-MW data center, including the schedule for filing a planning application with the City of Santa Clara. Please provide details of this project's scope and functions, if available.

    b. Please describe all common elements and facilities for the 144-MW data center campus.

    c. Please describe whether the electrical distribution facilities for the data center campus would need to be expanded beyond what is currently proposed and, if so, please describe how the facilities would be expanded.

RESPONSE TO DATA REQUEST 102

There are no current plans or schedule for the data center campus described in the February Company Press Release. The current plan for the property is as presented in the SBGF SPPE Application. When the Company considers property for acquisition and development, one of the considerations for underwriting is the potential “yield” of the property. This may involve “test-fitting” a possible building or buildings on a site to come up with a MW number for underwriting and marketing purposes. The actual MW eventually constructed will depend on a number of factors, including the availability of power; building and planning limitations such as height restrictions and air quality modelling, and customer demand. Any number of test fits may be created and evaluated for hypothetical scenarios that are never taken to the planning or development phase. The Press Release identified Company plans in February 2019. Subsequent due diligence and “test fitting” have reduced the size of the feasible data center.

Considering many factors including the fact that the 8-acre parcel is currently subject to a long term lease and the rejection of use of the cogeneration facility (now demolished),

the SDC presented in the SBGF SPPE Application and Planning Application sent to the City of Santa Clara is the design for the site. Since there is no “48 MW additional data center” planned, questions a., b. and c. are moot.

TRANSPORTATION

BACKGROUND

The applicant's response to Data Request 89 states that the applicant was planning to file a formal application with the City of Santa Clara in September 2019, and that the City's response to that application was expected to provide an analysis of the project's conformance with the Comprehensive Land Use Plan (CLUP).

The project is located within the Turning Safety Zone and Inner Safety Zone of the San Jose International Airport, as designated by the CLUP for the airport. According to Policy S-4 of the CLUP, above-ground fuel storage and hazardous materials facilities are not permitted in these zones. The project has above-ground diesel storage tanks (total capacity 367,200 gallons).

DATA REQUESTS

103. Please provide a copy of the application materials submitted to the City of Santa Clara.

RESPONSE TO DATA REQUEST 103

A Planning Application for the SDC was provided to the City of Santa Clara on September 24, 2019. A copy is included in Appendix TRANS DR-103.

104. Please provide the approximate timing of the City of Santa Clara's review of the application.

RESPONSE TO DATA REQUEST 104

The first step in reviewing the Planning Application is the Project Clearance Committee (PCC) hearing. The SDC is scheduled for its first PCC Hearing on October 29, 2019.

105. Please provide a copy of the City of Santa Clara's analysis of the application materials, when available.

RESPONSE TO DATA REQUEST 105

C1 will provide a copy of the City’s analysis when available.