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**CALIFORNIA
ENERGY COMMISSION**



**CALIFORNIA
NATURAL
RESOURCES
AGENCY**

April 13, 2023

Microsoft Corporation
C/O Scott A. Galati
1720 Park Place Drive
Carmichael, California 95608

Data Requests Set 2 for San José Data Center 04 (22-SPPE-02)

Dear Scott Galati:

Pursuant to California Code of Regulations, title 14, section 15084(b) and title 20, section 1941, the California Energy Commission (CEC) staff is asking for the information specified in the enclosed Data Requests Set 2, which is necessary for the staff analysis of the San José Data Center (SJDC 04 or project) (22-SPPE-02). The SJDC 04 would include two data center buildings; emergency backup generating facilities; recycled water storage, fire water storage, pipelines, and support buildings; building cooling equipment; an on-site substation and switchyard; potentially two distribution transmission lines; and ancillary support facilities. Together, these constitute the "project" under the California Environmental Quality Act (CEQA). This Data Requests Set 2 seeks further information in the areas of air quality, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, and land use based on the contents of the application submitted thus far. Staff may submit subsequent data requests in these, and other resource areas based on further information received or as necessary for a complete analysis of the project.

To assist staff in timely completing its environmental review and to meet the requirements of CEQA (see Cal. Code Regs., tit. 14, §§ 15108, 15109), staff is requesting responses to the data requests within 30 days. If you are unable to provide the information requested or need to revise the timeline, please send written notice to me within 10 days of receipt of this letter.

If you have any questions, please email me at lisa.worrall@energy.ca.gov.

Lisa Worrall

Project Manager

Enclosure: Data Requests Set 2

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AIR QUALITY

Authors: Andres Perez, Jacquelyn Record, and Wenjun Qian

BACKGROUND: Documentation for C27 Engines

As part of the response to CEC Data Request Set 1 number 6 (TN 249012), the applicant provided Caterpillar documentation showing the warmup times at different load points for the C175 engines. Staff needs a similar documentation showing the warmup times at different load points for the C27 engines.

In addition, the applicant's screening modeling analysis for Data Request Set 1 number 7 included different exhaust parameters and emission factors at different load points for both the C175 engines and the C27 engines. Appendix AQ-2 of the Small Power Plant Exemption (SPPE) application included performance data for the C175 engines. Staff needs similar performance data for the C27 engines to verify the exhaust parameters and emission factors at different load points.

DATA REQUESTS

50. Please provide documentation showing warmup times at different load points for the C27 engines.
51. Please provide performance data showing emission factors and exhaust parameters at different load points for the C27 engines.

BACKGROUND: Cooling Tower Emissions Rates

As part of the response to CEC Data Request Set 1 number 10, the applicant provided corrected modeling files, which include particulate matter emission rates for the cooling tower from Tables AQ1-3 and AQ1-4 of the SPPE application. However, the applicant's response to CEC Data Request Set 1 number 19 includes a revised Table AQ1-3 with lower cooling tower emission rates based on the updated water use information. Staff needs to confirm whether the applicant would revise the modeling files to match the lower cooling tower emission rates provided in the revised Table AQ1-3. If not, staff would use the more conservative modeling results with the use of the cooling tower emission rates from Tables AQ1-3 and AQ1-4 of the SPPE application.

DATA REQUEST

52. Please confirm whether the modeling files would be revised to match the lower cooling tower emission rates provided in the revised Table AQ1-3 in TN 249012.

BACKGROUND: Refrigerant Leak Estimate

Section 3.3.4.2 describes the cooling system that will be used for the data center. The section states that R-410A refrigerant will be utilized in battery room AC units and in the

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dedicated outside air units used to provide air for each data center room. Staff requests a quantification of the refrigerant leakage rate associated with the cooling system.

DATA REQUEST

53. Please provide an estimate of the annual refrigerant leakage for the cooling system, reported as carbon dioxide equivalent (CO₂-e).

BIOLOGICAL RESOURCES

Author: Carol Watson

BACKGROUND: Crotch Bumble Bee

Application materials state that the Crotch bumble bee (among other species) is absent from the project site due to “less urbanized settings in the South Bay, or in specialized habitats in the South Bay, are absent from the project site due to a lack of suitable habitat and/or isolation of the site from populations by urbanization” (TN 245947, page 27). This species is a candidate for listing under California Fish and Game Code (CDFG) and therefore is eligible for CEQA consideration (Appendix G). Further, this species is known from the California Natural Diversity Database (CNDDDB 2023) to occur in the project vicinity: in the San Jose West topographic quadrangle (an old occurrence from 1903 as well as a more recent occurrence in iNaturalist (iNaturalist 2023) from 2021).

A succinct, comprehensive species account for the Crotch bumble bee states “Bumble bees are social insects that live in colonies composed of a queen, workers, and reproductives (males and new queens). Colonies are annual and only the new, mated queens overwinter. These queens emerge from hibernation in the early spring and immediately start foraging for pollen and nectar and begin to search for a nest site. Nests are often located underground in abandoned rodent nests, or above ground in tufts of grass, old bird nests, rock piles, or cavities in dead trees. Initially, the queen does all of the foraging and care for the colony until the first workers emerge and assist with these duties. Bumble bees collect both nectar and pollen of the plants that they pollinate.” (IUCN Redlist 2023).

While nectar (food) sources may not be available on site for Crotch bumble bee, they have been documented foraging up to 10 km (6 miles) away (NatureServe Explorer 2023). Further, while the site is occasionally mowed, tufts of grass, old bird nests, rock piles, and dead tree cavities may exist on or immediately offsite adjacent the Guadalupe River corridor, as well as to vacant properties to the immediate northeast (across Orchard Parkway) and southeast (across Component Drive). Food plants include milkweeds, chaenactis, lupines, medics, phacelias, and sages (Hatfield et al 2015); with milkweed a favorite nectar source of Crotch bumble bee. These food sources may exist offsite within 10 km foraging distance of the species, and with potential nesting habitat onsite, staff requests the following information to assess direct and indirect impacts to

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this species. While a formal protocol for this species is not currently published, California Department of Fish and Wildlife (CDFW) has committed to reviewing and providing feedback on project-specific protocols for this species on another project (Willow Rock 21-AFC-02) when submitted by the applicant (TN 248949).

DATA REQUESTS

54. Please explain why this species was dismissed from further consideration.
55. Please review and evaluate if a habitat assessment should be prepared and provide the rationale for staff's review. Please contact CDFW to determine whether surveys for Crotch bumble bee are required, and for expert guidance in this effort.
56. Please provide the property's actual mowing regime and history when it started, if available; if known, please provide maintenance schedule (if any) for adjacent vacant properties.

REFERENCES

- CNDDDB 2023 – California Natural Diversity Database (CNDDDB). 2023. RareFind 5 [Internet]. California Department of Fish and Wildlife, Version Date: March 3, 2023. Accessed on March 29, 2023
- Hatfield et al. – Hatfield, R., Jepsen, S., Thorp, R., Richardson, L. & Colla, S. 2015. *Bombus crotchii*. *The IUCN Red List of Threatened Species* 2015: e.T44937582A46440211. Available online at: <https://dx.doi.org/10.2305/IUCN.UK.2015-2.RLTS.T44937582A46440211.en>. Accessed on April 6, 2023
- iNaturalist 2023 – Crotch's bumble bee. Accessed on March 30, 2023. Available online at: https://www.inaturalist.org/observations?place_id=any&subview=map&taxon_id=271451
- IUCN Red List 2023 – International Union for Conservation of Nature and Natural Resources (IUCN). Crotch Bumble Bee. Accessed on March 27, 2023. Available online at: <https://www.iucnredlist.org/species/44937582/46440211>
- NatureServe Explorer 2023 – *Bombus crotchii*. Accessed on March 27, 2023. Available online at: https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.834085/Bombus_crotchii

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CULTURAL AND TRIBAL CULTURAL RESOURCES

Authors: Lauren DeOliveira, Roger Hatheway, and David Clinnick

BACKGROUND: Cultural Resources Report Content

Staff has reviewed the results of the applicant's August 2, 2022, cultural resources literature review (CLR) by PaleoWest (PaleoWest 2022a). The CLR does not include many standard cultural resource management report components required to evaluate the impacts of the proposed project on cultural resources (see OHP 1990). Therefore, additional information is required to complete staff's analysis of the proposed project.

DATA REQUEST

57. Please use the existing CLR to prepare a cultural resources assessment report for the project that meets the information requirements established by the Office of Historic Preservation (OHP 1990), which include regulatory setting, environmental setting, and cultural setting (prehistoric and historic contexts) including a discussion of what kinds of cultural resources could be present within the project area. An example of a report that meets these standards is the PaleoWest October 13, 2022, cultural resources assessment for the STACK Trade Zone Park (21-SPPE-02) project (PaleoWest 2022b). Considerable cultural information is presented in the application (DayZenLLC 2022a) that does not appear in the CLR, and it is suggested that this data be included in the revised CLR. This may include, but should not be limited to, a discussion of possible buried resources such as Trimble Road, possible mission associated structures, historic period villages, etc. In addition, the CLR references a property owned by M. Dawson depicted on an 1876 Thompson & West map (PaleoWest 2022a), but it does not mention that a building is depicted on this map that might be within the project site or discuss possible buried cultural resources in relation to this building. The CEC staff have also conducted research that indicates Mission-related activities, including built features, may have taken place on the east side of the Guadalupe River in the vicinity of the project site prior to the final establishment of the river as the dividing line between the Mission and the Pueblo de San Jose (Hall 1871: 64). This data should support the recommendations of the revised CLR. Please also use the current project name (San José Data Center (SJDC 04)) throughout the revised cultural resources assessment report.

Note: Other SJDC 04 project documents may also need to be updated to incorporate the results of this data request and others that follow. This includes but is not limited to TN 245946 Sections 4.5 and 4.18 (DayZenLLC 2022a).

BACKGROUND: Defining Project Boundaries

The CLR uses the terms study area and project area throughout (see Figures 2 and 3 in the CLR depicting project area). The term study area is defined in the CLR as a 0.50-mile buffer surrounding the project area and is depicted on five Resource Maps.

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Unfortunately, the project area as defined in the CLR does not depict the full extent of the area required to evaluate the effects of the proposed SJDC 04 project on built environment resources. More specifically, a minimal one-building/parcel-band around the area where construction shall take place is required to evaluate the potential effects/impacts of any proposed project on built environment resources. Figures 2 and 3 as presented in the CLR do not include a one-building/parcel-band surrounding the area where construction shall take place.

DATA REQUEST

58. Please revise all existing figures and text in the existing CLR to include the following descriptors in a revised cultural resources assessment report for the project. The term project site shall be defined as including that property or area of land on which any form of construction activity for the proposed project will take place. The term project area shall be defined as including that geographic area formed by a one-building/parcel-band surrounding the project site. The use of the term study area may remain the same.

In responding to this data request, PaleoWest staff may need to employ more than a one parcel or property band surrounding the newly defined project site as the surrounding properties are not fully built-out on largely flat land, and the project description implies that the proposed buildings would be four stories in height. This may extend the visual impact area of the proposed project farther out than a one-building or one-parcel band. For example, it is suggested that the visual impact area or project area may extend to the south and southwest to include the United States 101 freeway as the southern boundary of the freeway is visible at several locations from the north side path adjacent to the Guadalupe River.

BACKGROUND: Discussion of Parking and Staging Areas

The draft CLR does not include a discussion of two potential construction locations that are not on the newly defined 22-acre project site. First, the application notes that off-site "Construction worker parking and staging areas will be off-site at an existing commercial property parking lot located at 2825 Lafayette Street, approximately 1.9 miles from the Project Site" (DayZenLLC 2022a, page 19). Second, the draft CLR does not include a discussion of proposed traffic improvements at the intersection of Trimble Road and Orchard Parkway. The application notes that improvements "to the intersection corners will consist of removal of the existing pedestrian refuge (pork-chop) islands at the southwest and southeast corners" (DayZenLLC 2022a, page 18).

DATA REQUEST

59. Please discuss the proposed project staging/parking area in the revised cultural resources assessment report as follows.

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- a. Please provide a map in the revised report showing the location of the proposed staging and parking area and briefly describe the proposed location setting in text (i.e., commercial, industrial properties, railroad alignment to east, etc.).
- b. Please incorporate all City of Santa Clara cultural resource guidelines and evaluation procedures, as appropriate, as they relate to the staging area at 2825 Lafayette Street, and access routes that are within the city boundary.
- c. Please state whether underground utilities or above-ground power poles would need to be installed at the staging area. If subsurface excavation is required, please indicate the depth of disturbance, then discuss and mitigate as appropriate in the revised report. If above-ground construction at the staging area has the potential to cause temporary visual impacts on adjacent historic structures or districts, then discuss and mitigate as appropriate in the revised report. If there is no potential for either underground or above-ground project related impacts at the proposed staging and parking area, then please clearly state there is no such potential.
- d. Please state whether the proposed improvements would involve ground-disturbing activities at the intersection of Trimble Road and Orchard Parkway (DayZenLLC 2022a, page 18). Please indicate the depth of potential disturbance if known. If this location has not been surveyed for cultural resources within the last five years, then a survey is necessary unless otherwise justified. If this is so, please clearly state this in the revised CLR text.

BACKGROUND: Built Environment Study

The literature review states that “PaleoWest archaeologist, Erin Dresser, surveyed the approximately 22-acre project area on Friday, July 15, 2022” for archaeological resources (PaleoWest 2022a, page 17). Neither the application for SPPE nor the literature review state that a built environment survey was conducted by or under the direction of a qualified architectural historian.

In reviewing data presented in the application (Burns & McDonnell 2020, Appendices E–F), staff has identified multiple built environment and other potential historic resources surrounding the project site (DayZenLLC 2022b). Table 1 summarizes these findings.

Table 1. Unrecorded 45+ Year Old Potentially Historic Resources in Project Area

| Resource | EDR Aerials Appendix F | EDR USGS Maps Appendix F | Recommendations |
|-------------------|--|--|--|
| Transmission Line | 1956: Possible building or structure (probably transmission line tower) at SW end of project site. | 1961: San Jose, USGS Topo Map - Possible building or structure (probably transmission line tower) at SW end of project site. | This tower, or a more recent replacement tower, appears to exist within the project site today. Please determine if this potential historic resource is within the |

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| Resource | EDR Aerials Appendix F | EDR USGS Maps Appendix F | Recommendations |
|--|--|--|--|
| | 1963 – 1974: Definite building and/or structure (probably transmission line tower) at SW end of project site. | 1968-1980: San Jose, USGS Topo Map - Definite building and/or structure (probably transmission line tower) at SW end of project site depicted crossing SW'ly end of project site. | project site and/or project area and if it is 45+ years in age. If so, please prepare Department of Parks and Recreation (DPR) 523 forms and document in the cultural resources report. |
| Industrial Buildings Across River from SW Corner of Project Area Built 1968-1974 | 1968: Not there. 1974: Constructed substantially as existing. Note: Google Earth Parlay records as built 1973-1974. | 1968: San Jose, USGS Topo Map – Buildings not there. 1973: San Jose, USGS Topo Map – Buildings not there. 1980: Buildings constructed substantially as existing. | Please determine if these potential historic resources are within the Built Environment survey project area and if they are 45+ years in age. If so, please prepare DPR 523 forms and document in the cultural resources report. |
| Guadalupe River Channel | 1956: Partially channelized Guadalupe River with levees depicted to SE of project site. 1963: Fully channelized and realigned Guadalupe River depicted to SE of project site. | 1953: San Jose, USGS Topo Map – Partially channelized Guadalupe River with levees depicted on either side of river to SE of project site. 1961: San Jose, USGS Topo Map – Fully channelized and realigned Guadalupe River depicted to SE of project site. | Please determine if this potential historic resource is within the project area and if it is 45+ years in age. If so, please prepare DPR 523 forms and document in the cultural resources report. |
| 101 Freeway | 1939: Major roadway alignment depicted. 1948-Present: Major divided roadway alignment depicted. 1956: No offramp depicted. 1963: Offramp depicted. | 1953: San Jose, USGS Topo Map – 2 lanes each direction. 1961: San Jose, USGS Topo Map – 3 lanes each direction + off ramp under construction. | Please determine if this potential historic resource is within the Project Area and if it is 45+ years in age. If so, please prepare DPR 523 forms and document in the cultural resources report. |
| Mission Santa Clara de Asis (Site) | | 1953: San Jose, USGS Topo Map – Mission Site depicted as outline at SE corner of project site. | Conduct research to determine location per Data Request #62, prepare any DPR 523 forms as necessary, and document in the cultural resources report. |

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| Resource | EDR Aerials Appendix F | EDR USGS Maps Appendix F | Recommendations |
|--|---------------------------|-----------------------------|---|
| Other potential Project Area historic properties 45+ years in age. | | | Appendix F contains pictures of the project site and vicinity. Several potentially historic features are depicted in the Project Area including a sanitary sewer vent, public sidewalk, curbs and gutters, etc. Please determine if these features or any features in the newly defined Project Area are 45+ years in age. If so, please prepare DPR 523 forms and present findings in the cultural resources report. |

Following determination of an appropriate one-building/parcel-band surrounding the project site, CEC staff is requesting that PaleoWest address the following sites adjacent to the proposed project that appear to be at least 45+ years old. This should not be interpreted as meaning CEC staff recommends only evaluating the above noted properties as CEC staff research has been very limited. PaleoWest staff need to determine the actual construction dates, conduct historical research, and evaluate all 45+ year old historic properties within the project area in accordance with California Register of Historical Resources and/or local landmark guidelines. This will allow the CEC staff to properly evaluate potential impacts to built environment resources.

DATA REQUEST

60. Please conduct a built environment survey using a qualified architectural historian (Secretary of the Interior’s standards for professional architectural historians). The survey must encompass the project site and the built environment study area defined in response to Data Request #55, including the identification of and evaluation of all linear features in the project site and associated with the staging/laydown area located at 2825 Lafayette Street, City of Santa Clara, California.

Minimally, the CEC staff are requesting the following.

- a. A clear statement that all buildings within a one-building/parcel-band of the project site were surveyed and evaluated, and a description of how and by whom they were surveyed.
- b. How PaleoWest determined dates of construction for all historic properties within the project area or within a one-building/parcel-band of the project site.

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- c. Some type of listing, figure, or simple table of all buildings noted by project site and project area with addresses, assessor parcel numbers, estimated dates of construction with a 45 +/- year old stylistic determination if an exact date is unknown, and a California Register of Historical Resources eligibility determination. Other data may be listed based on consultant knowledge of the properties and consultant preferences.

BACKGROUND: Properties Less than 50 Years Old

The draft CLR does not include a statement regarding Special Considerations whereby buildings and structures less than 50 years old are evaluated using California Environmental Quality Act or City of San José guidelines. Preliminary research conducted by staff indicates that several such buildings exist immediately adjacent to what would eventually be called the project site and/or within the newly defined project area.

DATA REQUEST

61. Specifically identify any properties less than 50 years old within the future defined project area. Please provide a statement regarding Special Considerations for any such historic properties and a listing or table by address or parcel for any properties so evaluated.

BACKGROUND: Mission Santa Clara De Asis Location

The CEC staff have conducted limited historic research resulting in a 1953 San Jose Quad 15 Minute United States Geological Survey topographic map shows the Mission Santa Clara de Asís site as abutting the south end of the current Project Area (Burns & McDonnell 2020, Appendix F, page 11). A landmark was supposed to have been placed in this location by the Santa Clara Lions Club in 1953. This marker was relocated to the south of Highway 101 along De La Cruz Boulevard. The marker inscriptions suggest that the location marked on the 1953 topographic map, abutting the project area, was the location of the first Santa Clara Mission, which was built alongside an Ohlone village (HMdb.org 2023). The marker claims that the mission was located near the "Old Spanish Bridge". According to the 1866 GLO (general land office) Map, T6S R1W (Mount Diablo Meridian), the "Old Spanish Bridge" is marked at the southern portion of the current Project Area (GLO 1866). The application for SPPE contains only passing references to the mission site and no discussion in text of the associated Spanish Bridge or Ohlone village site, nor does the SPPE application or CLR contain an analysis of potential impacts to these resources. (DayZenLLC 2022a, page 143; PaleoWest 2022a, page 5).

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DATA REQUEST

62. If revisions to the CLR as requested in Data Request #57 result in evidence of Santa Clara De Asís Mission facilities or activities and the associated Ohlone village having been located near or within the project site, then:
- a. Specifically address these possible cultural resources in the recommendations section of the cultural resources report with careful consideration of the potential impacts of the proposed project.
 - b. Prepare new or update existing DPR 523 forms as necessary.

BACKGROUND: Discussion of Record Search Data

The CLR lacks discussion of prehistoric resource results from the record search and therefore it is difficult to assess the probability of below ground resources within the future defined project site. Further, the lack of a description of these resources and their potential relationship to the prehistoric and ethnographic setting makes the assessment of the significance of potential below ground or undetected surface cultural resources difficult.

DATA REQUEST

63. Include in the revised cultural resources assessment report a discussion of the known recorded prehistoric resources within the study area, how these resources relate to the overall cultural background, and what specific recommendations are proposed in consideration of the known record. Please also provide copies of all reports within the 0.5-mile record search boundary and any site records not included in Appendix A of the CLR.

BACKGROUND: Native American Heritage Commission Request and Tribal Outreach

The application for SPPE does not document what geographic area the applicant asked the Native American Heritage Commission (NAHC) to search its Sacred Lands File and Native American contacts database (DayZenLLC 2022a). The NAHC letter from July 27, 2022, requests specific consultation with the North Valley Yokuts Tribe. The CLR provides no context or discussion of consultation with the North Valley Yokuts Tribe nor any further consultation/outreach with other Native American communities per the NAHC response letter.

DATA REQUEST

64. Please specify the geographic search area requested of the NAHC and add to the cultural resources assessment report any dates and results of consultation with Native American contacts provided by the NAHC. Also, please provide additional missing data, including but not limited to historic context and setting, as this information will facilitate the better understanding of cultural issues to the public.

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BACKGROUND: Ground Disturbance

Neither the SPPE Application nor the CLR clearly discuss the depth of all proposed ground disturbance.

DATA REQUEST

65. Include the location(s) of all ground disturbing activity proposed as part of the project and the depth of each identified disturbance in the cultural resources assessment report.

REFERENCES

Burns & McDonnell 2020 – Burns & McDonnell (TN 245978), *Phase I Environmental Site Assessment, 07USW, 350 West Trimble Road, San Jose, California*. Prepared for Microsoft Corporation. Los Angeles, CA. December 14, 2020

DayZenLLC 2022a – DayZenLLC (DayZenLLC). (TN 245946) San Jose Data Center 04 - SPPE Application - Main App and App A, Part I. Available online at: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=245946&DocumentContentId=80140>

DayZenLLC 2020b – DayZenLLC (DayZenLLC). (TN 245978) San Jose Data Center 04 - SPPE Application - Appendix F, Part I. Available online at: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=245978&DocumentContentId=80189>

GLO 1866 – General Land Office (GLO). Survey Plat of Township No. 6 South, Range No. 1 West, Mount Diablo Meridian. May 12. San Francisco, CA. Surveyed 1851, 1853, 1857–1862, 1865–1866

Hall 1871 – Frederic Hall. *The History of San Jose and Surroundings with Biographical Sketches of Early Settlers*, Printing House of A. L. Bancroft and Company, San Francisco. 1871

HMdb.org 2023 – "Old Sites of Mission Santa Clara de Asis and Old Spanish Bridge". Historical Marker Database. Last updated February 7, 2023. Available online at: <https://www.hmdb.org/m.asp?m=195668>

OHP 1990 – Office of Historic Preservation, *Archaeological Resource Management Reports (ARMR), Recommended Contents and Format*, Sacramento, CA: Office of Historic Preservation, February 1990. Available online at: <https://ohp.parks.ca.gov/pages/1069/files/armr-remediated.pdf>

PaleoWest 2022a – PaleoWest, LLC, Confidential Letter Regarding Results of the Literature Review for the Trimble Road Data Center Project, City of San José, County of Santa Clara, California. Prepared for David J. Powers and Associates, Inc., Oakland, CA. Prepared by PaleoWest, LLC, Walnut Creek, CA. August 2, 2022

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PaleoWest 2022b – Paleowest Archaeological Assessment - Trade Zone Park: Results of the Archaeological Resources Assessment in Support of the 1849 Fortune Drive and 2400 Ringwood Avenue Project, City of San Jose, Santa Clara County, CA, October 13, 2022

HAZARDS AND HAZARDOUS MATERIALS

Author: Aurie Patterson

BACKGROUND: Diesel Fuel Transfer Between the Underground Storage Tanks and the Backup Generators

The backup generators would use diesel fuel supplied from eight underground storage tanks (UST) located on the north and south of each building. Sixteen 3,000 kilowatt (kW) generators and one 500 kW administrative generator would be located within each building. These generators would be located within designated interior generator rooms within the two buildings. Each floor would have 4 backup generators except the 2nd floor which would house the administrative generator. Additionally, diesel exhaust fluid would be stored in 55-gallon drums in each of the interior generator rooms. The application does not provide a description of how the fuel would be delivered to the backup generators nor does it include any discussion of safety measures for leaks or spills of fuels during initial filling of these tanks or during operation.

DATA REQUESTS

66. Please provide a discussion of how the fuel (both diesel fuel and diesel exhaust fluid) would be transferred to the backup generators from the USTs. Please provide locations of exterior and interior piping that may be used for fueling.
67. Please provide a discussion of safety measures that would be used during the initial filling of the backup generators to prevent spills or leaks.
68. Please provide a discussion of safety measures that would be used in the event of spills or leaks of fuel piping or day tanks during general operation.

LAND USE

Author: Jeanine Hinde

BACKGROUND: Consistency with Land Use Plans and Policies

The Land Use analysis is largely focused on evaluating consistency of the project with municipal government agency plans, policies, and regulations, including the *Envision San José 2040 General Plan*, the City's zoning ordinance, and the Comprehensive Land Use Plan (CLUP) for the San José International Airport. Because the proposed project would be located inside the Airport Influence Area (AIA), staff's analysis of consistency

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with policies and regulations addressing airport safety and airspace protection will compose a significant part of staff's analysis.

In the response to Data Request #43 in Set 1, it states: "Microsoft has received City Departmental/Agency comments/requests for project revisions and potential conditions of approval. The Microsoft design team is currently responding to these comments and preparing plan revisions." Staff presumes that the City's comments address specific policies and regulatory compliance issues, such as requiring an aviation easement as a condition of approval in accordance with Policy G-5 of the CLUP. Staff's Land Use analysis walks through each applicable policy or regulatory requirement and provides information to justify consistency conclusions. Having access to the City's comments and requests would allow staff to document the City's views on satisfying its requirements for the project.

DATA REQUEST

Please provide a copy of the City's departmental and agency comments and requests for project revisions and potential conditions of approval.