

DOCKETED

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**CALIFORNIA
ENERGY COMMISSION**



**CALIFORNIA
NATURAL
RESOURCES
AGENCY**

April 25, 2024

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

Data Requests Set 3 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 3, which is necessary for the staff analysis of the San José Data Center project (SJDC 04 or project) (22-SPPE-02). SJDC 04 would include components constructed both on APN 101-02-020 and within the offsite infrastructure areas. Together, these constitute the “project” under the California Environmental Quality Act (CEQA). This Data Requests Set 3 seeks further information in the areas of air quality, hazards, land use, and transportation based on the contents of the application and supplemental filings 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. Staff incorrectly numbered some data requests in Set 1. The applicant’s responses to Set 1 correctly used what staff’s numbers should have been. In the Air Quality section in Set 1, data request 11 was correctly numbered, but the next request should have read 12, but the numbering started back at 1. This Data Requests Set 3 now correctly numbers the requests.

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 renee.longman@energy.ca.gov.

_____/S/_____

Renee Longman
Project Manager

Enclosure: Data Requests Set 3

SAN JOSÉ DATA CENTER 04 SPPE DATA REQUESTS SET 3

AIR QUALITY

Author: Wenjun Qian, Ph.D., P.E.

BACKGROUND: REVISED CONSTRUCTION IMPACTS MODELING

In AQ Memorandum Revised Construction Analysis (TN 255059), the Project Owner’s representative states that the revised construction emissions are all less than the construction emission calculations presented in the original submittal of the Small Power Plant Exemption (SPPE) application. However, as shown in the table below, the revised maximum annual emissions for some pollutants (marked in **bold**) would be higher than those in the original submittal of the SPPE application. Staff needs an updated ambient air quality impacts analysis and an updated health risk assessment to understand whether the revised construction emissions would not cause significant impacts.

	ROG	NOx	CO	SO ₂	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total
Max Tons per Year										
Original (TN 245949)	3.127	0.835	1.969	0.006	0.271	0.008	0.278	0.097	0.008	0.104
Revised Non-Phased (TN255059)	1.774	2.656	2.638	0.0154	0.288	0.0274	0.315	0.110	0.0264	0.1364
Revised Phase 1 (TN255059)	0.913	1.402	1.96	0.0088	0.21	0.016	0.225	0.087	0.015	0.102
Revised Phase 2 (TN 255059)	1.62	1.28	1.02	0.007	0.222	0.013	0.235	0.06	0.012	0.072

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81. Please provide an updated ambient air quality impacts analysis and an updated health risk assessment for both the non-phased and phased construction scenarios.
82. Please provide an updated ambient air quality impacts analysis and an updated health risk assessment for the overlap period with readiness testing and maintenance of Phase I engines and construction of Phase II building for the phased scenario.
83. Please provide the updated CalEEMod spreadsheets used to calculate both the phased and non-phased revised construction emissions.

SAN JOSÉ DATA CENTER 04 SPPE DATA REQUESTS SET 3

HAZARDS

Author: Aurie Patterson

BACKGROUND: DEPTH OF EXCAVATION FOR PACIFIC GAS AND ELECTRIC COMPANY MICROWAVE TOWERS

Pacific Gas and Electric Company (PG&E) would install two microwave towers as part of its reconductoring activities. These towers are expected to be approximately 80 to 90 feet in height and consist of three-leg, self-supporting lattice steel towers on top of 20-foot by 20-foot slab foundations. No information regarding the anticipated ground disturbance for the microwave towers was included.

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84. Please provide information on the anticipated extent and depth of ground disturbance/excavation for the microwave towers.

LAND USE

Author: Jeanine Hinde

BACKGROUND: CONSISTENCY WITH LAND USE PLANS AND POLICIES

In Data Request Set 2, staff described how 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 Mineta International Airport. Staff stated that the Land Use analysis "walks through each applicable policy or regulatory requirement and provides information to justify consistency conclusions" (Data Request #69, TN 249643).

CEC staff also referred to the applicant's responses to Data Request Set 1, which included this statement: "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" (Response to Data Request #43, TN 249012).

In its response to Data Request Set 2, the applicant provided a copy of the "City's departmental and agency comments and requests for project revisions and potential conditions of approval" (Response to Data Request #69, TN 250708). The City's comments from December 2022 and January 2023 provided detailed requests for revisions, including the requirement for the project to obtain a Conditional Use Permit (CUP) because an electrical substation would be part of the project.

SAN JOSÉ DATA CENTER 04 SPPE DATA REQUESTS SET 3

DATA REQUESTS

85. Staff requests information on any updated reviews and comments from the City as part of its review of project completeness and consistency with relevant policies and regulations. If the City has updated its departmental comments and requests for project revisions, please provide a copy.
86. Staff requests information on the project's consistency with the CLUP, including Policy G-5, which requires dedication of an avigation easement to the City as a condition of approval on all projects located in the Airport Influence Area.
87. Please explain whether there is an existing avigation easement governing structure heights for the property, and if there is, please state whether it is consistent with the October 24, 2023, Federal Aviation Administration Final Notices of Determination of No Hazard issued for the proposed project (TN 255061, Appendix J).

TRANSPORTATION

Author: Franziska Church

BACKGROUND: CONSTRUCTION ACTIVITIES AND WORKER VEHICLE TRIPS

As noted in in Data Request Set 1, the San Jose Transportation Handbook, Section 4.19 Construction, states "To the extent possible the operational analysis should include information about the project construction such as duration, hours of operations, any required grading, potential haul routes, traffic control plans, closure or relocation of bus stops, street closures and construction entrances."

After review of the SPPE application and Draft Vehicle Miles Traveled (VMT) Analysis in Appendix I, Data Request Set 1 (TN 248456) requested additional detail on construction worker activities to adequately answer CEQA Transportation question b:

- 55. Please provide a table labeled "Construction Trip Generation" that includes offsite construction worker trips that would be routed to the 2825 Lafayette Street parking and staging area. The trip generation table should include information on trip type (delivery/haul trucks, maximum and average amount of construction workers, and total construction traffic) and AM and PM peak hour trips.*
- 56. Please include anticipated schedules for the construction worker shuttle buses.*
- 57. Please provide a map of the construction worker parking and laydown areas. Include the route(s) to be used to get to and from the project site.*
- 58. Approximately how long would construction take to complete the new 1.5-mile recycled water connection?*
- 59. Approximately how long would construction take to complete pedestrian improvements along Component Way? Would improvements take place during project construction?*

**SAN JOSÉ DATA CENTER 04 SPPE
DATA REQUESTS SET 3**

Detailed responses were provided in Microsoft Responses to CEC Data Request Set 1 - SJ04 - Part I (TN 249012).

DATA REQUEST

88. Staff requests that the responses to Data Request 1 be reviewed and that updated information be provided, as needed, to reflect the Revised Project Description Figures (TN 255411).