

<b>DOCKETED</b>	
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<b>Project Title:</b>	Lafayette Backup Generating Facility
<b>TN #:</b>	251129
<b>Document Title:</b>	ALUC Staff Consistency Determination of the Environmental Impact Report Prepared for the Proposed Lafayette Data Center
<b>Description:</b>	Letter
<b>Filer:</b>	Marichka Haws
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	7/21/2023 12:46:46 PM
<b>Docketed Date:</b>	7/21/2023

July 20, 2023

Ashley Gutierrez  
Compliance Project Manager  
CALIFORNIA ENERGY COMMISSION  
Siting, Transmission & Environmental Protection (STEP) Division  
715 P Street, MS-2000  
Sacramento, CA 95814

**RE: ALUC Staff Consistency determination of the Environmental Impact Report prepared for the Proposed Lafayette Data Center / Lafayette Backup Generating Facility located at 2825 Lafayette Street in Santa Clara.**

Dear Ms. Gutierrez:

An Draft Environmental Impact Report ([DEIR](#)) has been prepared by the California Energy Commission (CEC) staff to evaluate the potential environmental effects of the development of the Lafayette Data Center (LDC) and the Lafayette Backup Generating Facility (LBGF)<sup>1</sup>, in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, the Warren-Alquist State Energy Resources Conservation and Development Act, and the California Code of Regulations, Title 20, Chapter 5, Article 5 (Small Power Plant Exemptions).

Digital Realty (applicant) is seeking a SPPE from the CEC's jurisdiction for the project. The applicant proposes to construct and operate the project at 2825 Lafayette Street, Santa Clara. The project would consist of an approximately 575,400 square-foot three-story tall data center building. The project includes forty-four (44) 3.0-megawatt diesel-fired emergency backup generators to provide an uninterruptable power supply for its servers. The LBGF would be capable of generating sufficient electricity to serve the data center building. The LBGF would only operate for maintenance and testing and during emergency utility power outages.

San Jose International Airport (SJC) Airport Land Use Compatibility Plan (ALUCP) Policy 4.3.5.1 (S-4) states, "Storage of fuel or other hazardous materials shall be prohibited in the Runway Protection Zone. Above ground storage of fuel or other hazardous materials shall be prohibited in the Inner Safety Zone and Turning Safety Zone. In the Sideline Safety Zones and Outer Safety Zones, storage of fuel or other hazardous materials not associated with aircraft use should be discouraged." The proposed project is partially within the Inner Safety Zone and the Turning Safety Zone of SJC. The submitted plans show no above-ground storage tanks of any type within either of these zones, as such, the proposed plans are consistent with the SJC ALUCP.

ALUC Staff has determined that the Draft Environmental Impact Report prepared for the Proposed Lafayette Data Center / Lafayette Backup Generating Facility to be consistent with the Airport Land Use Compatibility Plan (ALUCP) of San Jose International Airport (SJC). ALUC Staff considered the EIR for consistency with the policies of safety, height and noise contained within the SJC ALUCP. To ensure consistency and to secure ALUC Staff approval, the following items must be added / addressed within the text of the EIR:

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<sup>1</sup> [Lafayette Data Center Project Page](#)

- Prior to the issuance of building permits, pursuant to SJC CLUP (ALUCP) policy G-5, an Avigation Easement shall be dedicated to the City of San Jose on behalf of San Jose International Airport. The easement shall be similar to that shown as Exhibit 1 in Appendix A of the SJC CLUP (ALUCP).<sup>2</sup>
- In the table associated with Section 4.9 Hazards and Hazardous Materials, revise conclusion (e) “For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard of excessive noise for people residing or working in the project area?” from “Less Than Significant Impact” to “Less Than Significant with Mitigation Incorporated.” This revision is necessary to help ensure compliance with the density and open space requirements as shown in the SJC CLUP (ALUCP) as different portions of the parcel are within the Inner Safety Zone (ISZ), Turning Safety Zone (TSZ) and the Traffic Pattern Zone (TPZ) (see Attachments A&B). As such, the following language should be incorporated into **Section 4.9 Hazards and Hazardous Materials** of the EIR, “Prescribed density and open space requirements for the different safety zones, as noted in Table 4-2 of the SJC CLUP (ALUCP), must be incorporated into the design.
- Throughout the City of Santa Clara review and implementation process, assumptions and conclusions made in the Kimley-Horn and Associates, Inc. Airspace Study<sup>3</sup>, dated 10/20/22 and updated 12/8/22, must be monitored to ensure any changes to the maximum thermal plume elevations from the diesel and chiller systems remain lower than the average observed minimum height of overflights of the site as well as overflights of the anticipated maximum plume distribution area (see EIR Section 4.17.2 (c) / Operation / Thermal Plumes).

If you have any questions, please feel free to contact ALUC Staff Coordinator, Carl Hilbrants, at 408-299-5781, or via e-mail at [carl.hilbrants@pln.sccgov.org](mailto:carl.hilbrants@pln.sccgov.org).

Sincerely,

*Carl Hilbrants*

Carl Hilbrants

Senior Planner / ALUC Coordinator

cc: Reena Brillot, Assistant Director

Planning Division | Community Development Department  
1500 Warburton Avenue | Santa Clara, CA 95050

Attachments:

- Attachment A—SJC CLUP Safety Zone Text
- Attachment B—SJC Safety Zone Map
- Attachment C—SJC CNEL Map

<sup>2</sup> [https://stgenpln.blob.core.windows.net/document/ALUC\\_SJC\\_CLUP.pdf](https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf)

<sup>3</sup> [Kimley-Horn Aeronautical Impacts Study](#)

# ATTACHMENT A

## 4.3.5 Safety Compatibility

The objective of safety compatibility criteria is to minimize the risks associated with potential aircraft accidents. These include the safety of people on the ground and the safety of aircraft occupants. Land uses of particular concern are those in which the occupants have reduced effective mobility or are unable to respond to emergency situations.

### 4.3.5.1 Policies

S-1 These policies and the Safety Zone Compatibility Policies presented in Table 4-2 shall be used to determine if a specific land use is consistent with the CLUP. Safety impacts shall be evaluated according to the Airport Safety Zones presented on Figure 7.

S-2 Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled shall be prohibited within the Runway Protection Zones (RPZs), Inner Safety Zones (ISZs), Turning Safety Zones (TSZs), Sideline Safety Zones (SSZs), and Outer Safety Zones (OSZs) presented in Table 3-2.

S-3 Amphitheatres, sports stadiums and other very high concentrations of people shall be prohibited within the Runway Protection Zones (RPZs), Inner Safety Zones (ISZs), Turning Safety Zones (TSZs), Sideline Safety Zones (SSZs) and Outer Safety Zones (OSZs) presented in Figure 7.

S-4 Storage of fuel or other hazardous materials shall be prohibited in the Runway Protection Zone. Above ground storage of fuel or other hazardous materials shall be prohibited in the Inner Safety Zone and Turning Safety Zone. In the Sideline Safety Zones and Outer Safety Zones, storage of fuel or other hazardous materials not associated with aircraft use should be discouraged.

S-5 In addition to the requirements of Table 4-2, open space requirements, for sites which can accommodate an open space component, shall be established at the general plan level for each safety zone where feasible as determined by the local jurisdiction, as individual parcels may be too small to accommodate the minimum-size open space requirement. To qualify as open space, an area must be free of buildings and have minimum dimensions of at least 75 feet wide by 300 feet long along the normal direction of flight. Streets and parks may function as such open spaces without limitations on vegetation or right of way improvements. The alignment of streets to runways, clustering of development and provision of contiguous landscaping and parking areas will be encouraged to increase the size of open space areas.

**Table 4 - 2**

### SAFETY ZONE COMPATIBILITY POLICIES

Safety Zone	Maximum Population Density	Open Space Requirements	Land Use
Runway Protection Zone – RPZ	-0- (No people allowed)	100 percent (No structures allowed)	Agricultural activities, roads, open low-landscaped areas. No trees, telephone poles or similar obstacles. Occasional short-term transient vehicle parking is permitted.

Inner Safety Zone – ISZ	Nonresidential, maximum 120 people per acre (includes open area and parking area required for the building’s occupants and one-half of the adjacent street area)	30 percent of gross area open. No structures or concentrations of people between or within 100 feet of the extended runway centerlines.	No residential. Nonresidential uses should be activities that attract relatively few people. No shopping centers, restaurants, theaters, meeting halls, stadiums, multi-story office buildings, labor-intensive manufacturing plants, educational facilities, day care facilities, hospitals, nursing homes or similar activities. No hazardous material facilities (gasoline stations, etc.).
Turning Safety Zone – TSZ	Nonresidential, maximum 200 people per acre (includes open area and parking area required for the building’s occupants and one-half of the adjacent street area)	20 percent of gross area  Minimum dimensions: 300 ft by 75 ft parallel to the runway(s).	Residential - if non-residential uses are not feasible, allow residential infill to existing density. No regional shopping centers, theaters, meeting halls, stadiums, schools, day care centers, hospitals, nursing homes or similar activities. No hazardous material facilities (gasoline stations, etc.).
Outer Safety Zone – OSZ	Nonresidential, maximum 300 people per acre (includes open area and parking area required for the building’s occupants and one-half of the adjacent street area)	20 percent of gross area	Residential - if non-residential uses are not feasible, allow residential infill to existing density. No regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes or similar activities. No above ground bulk fuel storage.
Sideline Safety Zone – SSZ	Nonresidential, maximum 300 people per acre (includes open area and parking area required for the building’s occupants and one-half of the adjacent street area)	30 percent of gross area	Residential - if non-residential uses are not feasible, allow residential infill to existing density. No regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes or similar activities. No above ground bulk fuel storage.
Traffic Pattern Zone – TPZ	No Limit	10 percent of gross area located within one-half mile of the project	Residential – No Limit. No sports stadiums (greater than 20,000 person capacity) or similar uses with very high concentration of people. Note that this applies only to those areas inside the Airport Influence Area. (See Paragraph 3.5.7, Pg 3-16)

Source: Based on 2002 *Airport Land Use Planning Handbook* prepared by the California Department of Transportation, Division of Aeronautics

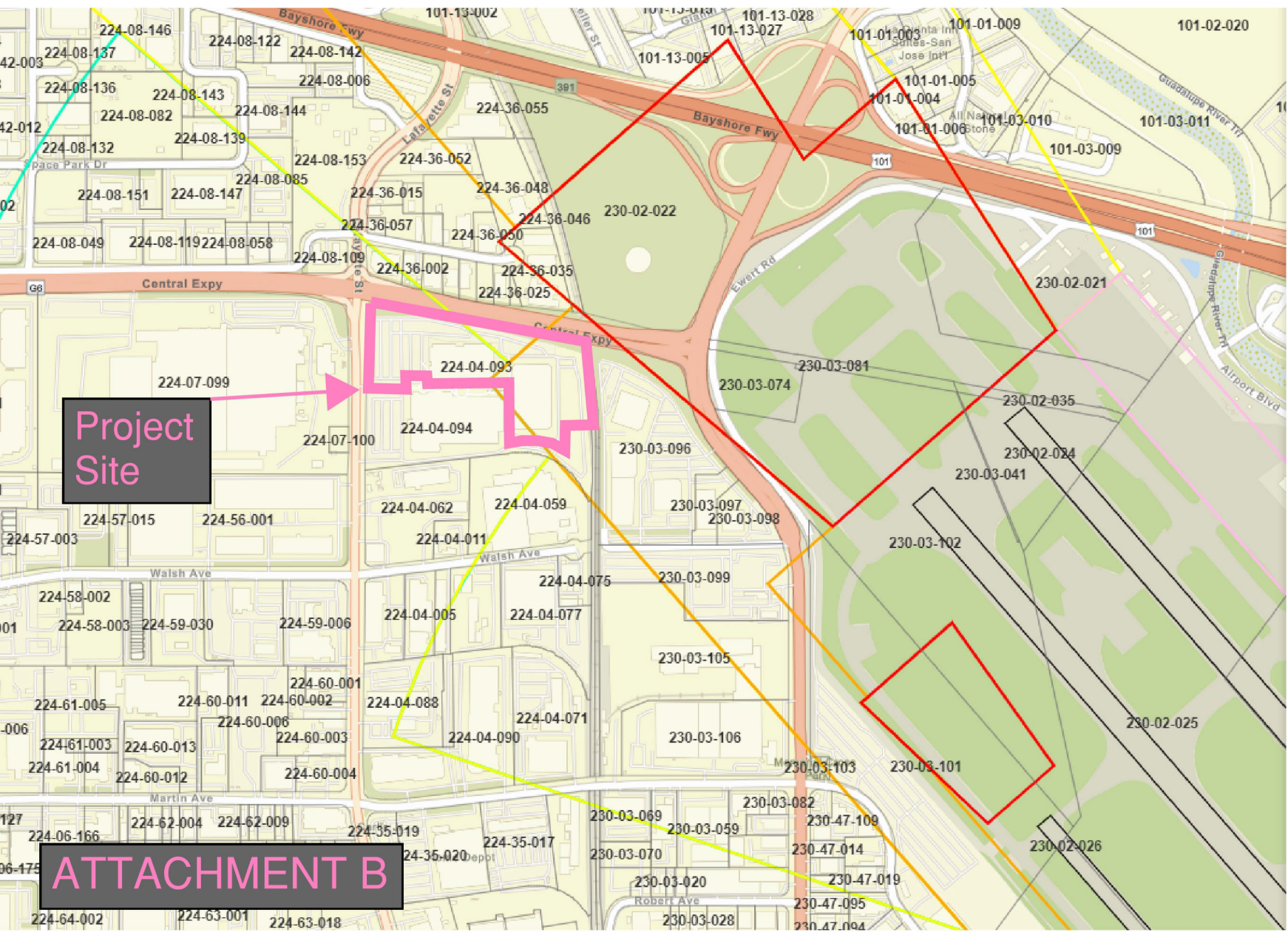
S-6 The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents. A method for determining the concentration of people for various land uses is presented in Section 5.0, Implementation.

S-7 The following uses shall be prohibited in all Airport Safety Zones:

- Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
- Any use that would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise negatively affect safe air navigation within the area.
- Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation, communication or navigation equipment.

S-8 In unique cases an exception can be granted, at the discretion of the ALUC, on the basis of mitigation measures proposed by the applicant which would result in the final project improving the overall safety in the safety zones in comparison to the situation existing prior to the project. An example of such a possible mitigation is the removal of existing incompatible structures in exchange for constructing less incompatible structures. The following conditions must be met for this variance to be granted:

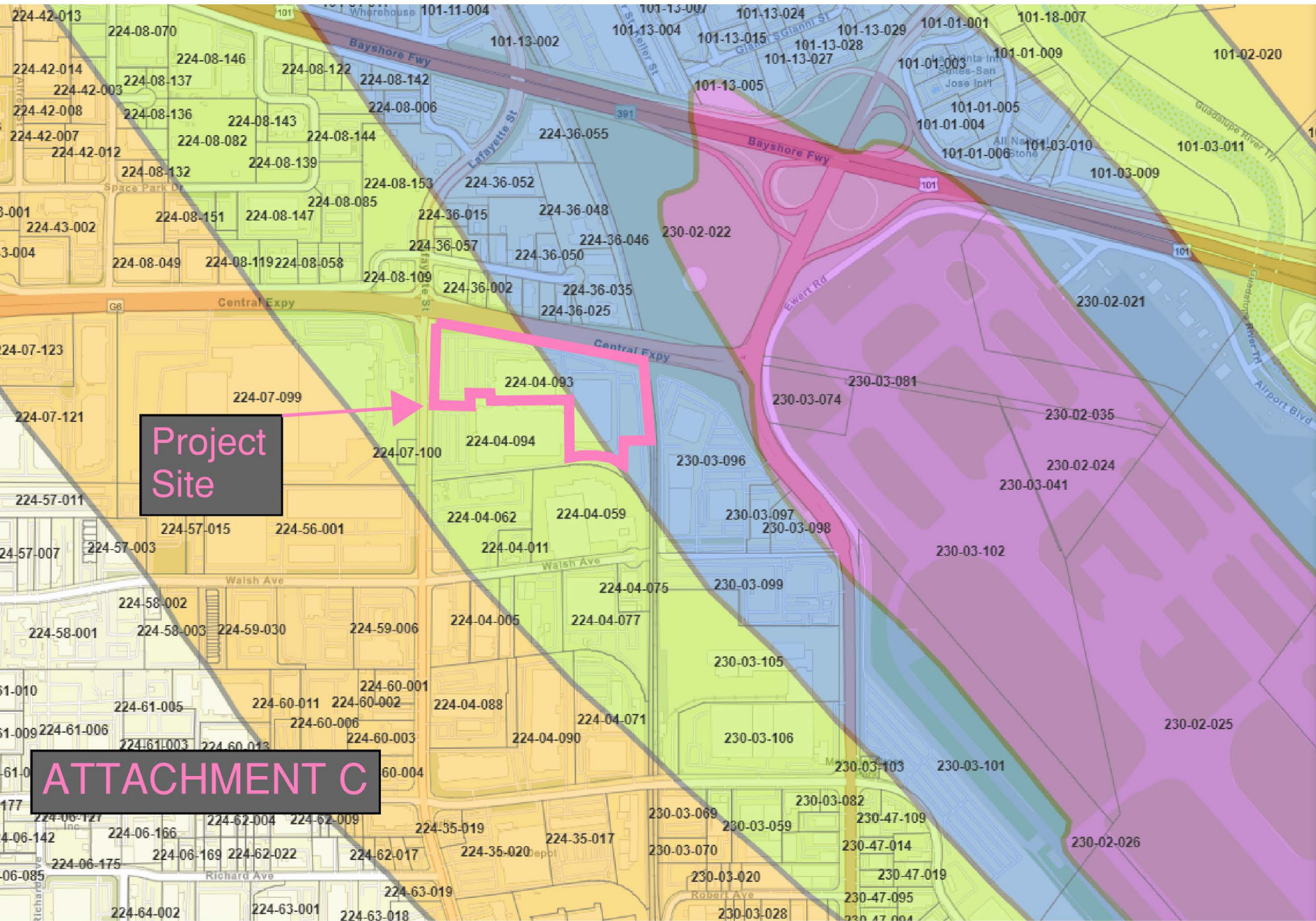
- a. There must be a clear, demonstrable net improvement in safety.
- b. The mitigation must provide a permanent improvement in safety. For instance, in the example above, the removed structures could not be replaced by other structures at a later date.



- Parcels (visible at 0.4 miles)
- National Hydrography Dataset Plus V Flowlines
- ALUC - AIA
- ALUC - CNEL
- ALUC - Flightpaths
- ALUC - part 77
- ALUC - SafetyZones
- Runway
- Inner Safety Zone
- Outer Safety Zone
- Runway Protection Zone
- Sideline Safety Zone
- Traffic Pattern Zone
- Turning Safety Zone
- PCLS2\_DEPARTMENT\_VIEW - Tax Ra

**Project Site**

**ATTACHMENT B**



- Parcels (visible at C
- National Hydrogra  
Flowlines
- ALUC - AIA
- ALUC - CNEL
- 55
- 60
- 65
- 70
- 75
- ALUC - Flightpaths
- ALUC - part 77
- ALUC - SafetyZone
- PCLS2\_DEPARTME

**Project Site**

**ATTACHMENT C**