

DOCKETED

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**CALIFORNIA
ENERGY COMMISSION**



**CALIFORNIA
natural
resources
AGENCY**

August 28, 2020

Digital Realty
C/O Scott A. Galati
1720 Park Place Drive
Carmichael, California 95608

Data Requests Set 2 for Lafayette Backup Generating Facility (20-SPPE-02)

Dear Mr. Galati:

Pursuant to Title 20, California Code of Regulations, sections 1941 and 1716, California Energy Commission (CEC) staff is asking for the information specified in the enclosed Data Requests Set 2, which is necessary for a complete staff analysis of the Lafayette Backup Generating Facility (LBGF) and associated Lafayette Data Center (LDC), collectively the "project" under the California Environmental Quality Act (CEQA).

Responses to the data requests are due to staff within 30 days. If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send written notice to me and the Committee within 20 days of receipt of this letter. Such written notification must contain the reasons for not providing the information, the need for additional time, or the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

If you have any questions, please email me at leonidas.payne@energy.ca.gov.

_____/S/_____

Leonidas Payne
Project Manager

Enclosure: Data Requests Set 2

**LAFAYETTE BACKUP GENERATING FACILITY SPPE
DATA REQUESTS SET 2**

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PROJECT DESCRIPTION

BACKGROUND: Floor Area Ratio

Drawings A1.1 and A1.2 in Attachment PD DR-1 (Response to Data Request Set 1) show a floor area ratio (FAR) of 0.90 for the "proposed new building." Staff has been unable to replicate the applicant's calculation of FAR. The City of Santa Clara 2010–2035 General Plan states that "FAR expresses the ratio of building square footage to land square footage." The City's Zoning Code uses the example of a single-family home to define FAR as the "gross floor area...divided by the total lot area."

Staff calculated FAR for this project by dividing the total building square footage by the total lot area. The applicant's project modifications show a lot area of 15.875 acres (with the lot line adjustment), or 691,526 sq. ft. Staff calculated FAR using the modified total building square footage of 575,401 sq. ft. from response to Data Request 10 and determined a FAR of 0.83 for the project.

(Also, the SPPE application states that the General Plan land use designation for the site is Heavy Industrial (pages 27, 139 and 140). This is incorrect. The General Plan designation for the site is Light Industrial, which has a maximum FAR of 0.60.)

DATA REQUEST

96. The applicant's drawings A1.1 and A1.2 in Attachment PD DR-1 show a FAR of 0.90. Please explain how a FAR of 0.90 was calculated. If staff's calculation of FAR is incorrect, please explain why.

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BIOLOGICAL RESOURCES

BACKGROUND: Clarifications on Responses to Data Requests Set 1 and Follow up Requests

Staff needs clarifications regarding the applicant's Responses to Data Requests Set 1 for staff to complete its CEQA analysis. Furthermore, CEC staff is proposing changes to PD BIO-2, a mitigation measure provided by the applicant in the Responses to Data Requests Set 1 that would be incorporated into the project design to reduce impacts to existing trees to remain on site. Changes are necessary because PD BIO-2 does not list all trees proposed to be removed as part of the project. In addition, it does not include language to allow flexibility if the City of Santa Clara determines that additional avoidance and minimization needs to be implemented to avoid impacts to trees that are to remain on site.

DATA REQUESTS

97. The Response to Data Request 69 only stated "Please [s]ee the Landscape Drawing Set included in Attachment PD DR-1" for all the information requested below in bullets a) and b). However, these drawings do not provide adequate information in response to Data Request 69. There is no information related to construction parking or material laydown areas in the Landscape Drawing Set.

The only potentially relevant information included on these drawings was the location of "LID/Stormwater Treatment Trees" and "LID/Stormwater Treatment Plants" displayed on the Landscape Plan on Sheet L2.0 and an inventory of "LID/Stormwater Treatment Trees" and "LID/Stormwater Treatment Plants" on the Landscape Notes and Schedule on Sheet L2.1.

Please clarify if the areas displayed as "LID/Stormwater Treatment Trees" and "LID/Stormwater Treatment Plants" are the same as the "bioswales" referenced on page 135 of the LBGF SPPE application and "bioretention" areas referenced on pages 17-18 and 136 of the LBGF SPPE application?

98. In addition, as requested in Data Request 69, answer the clarification questions and provide more descriptive information (design, materials, location, and so forth) and detailed figures, if not already included on Landscape Plan on Sheet L2.0, for the following:
- a. Bioretention/Bioswale areas, including the landscape planting and the impervious surface areas that would drain to these structures. Also, clarify if the bioretention/bioswale areas would function as retention ponds during flood events.
 - b. Sections 2.2.11 and 2.3.3 and 2.3.4 discuss project construction and site parking; laydown areas for construction materials and construction

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worker parking is not mentioned. Please clarify whether all construction parking and material laydown would occur on-site. If not please provide details, location and map of any off-site parking and laydown areas.

99. The Arborist Report included in the Applicant's Responses to Data Requests Set 1 – Part 3 includes a Tree Inventory on Pages L1.2 and L1.3. Staff requires clarification on the inventory as there is some missing and/or inaccurate information. Please provide the following additional information:
- a. Tree 420 is not included on Tree Inventory Sheet L1.3. Please include all data for this tree from the tree inventory, including Species, Latin Name, DBH (in.), TPZ radius (ideal: feet), Project Feature(s) Impacting, and Disposition.
 - b. For the following tree #s, the species name is not paired with the correct Latin name on Tree Inventory Sheet L1.2 and Tree Inventory Sheet L1.3:
 - i. Tree 136: green ash/ *Pinus sabiniana*
 - ii. Tree 208: evergreen pear/ *Malus* sp.
 - iii. Tree 221: Japanese maple/ *Pinus sabiniana*
 - iv. Tree 332: ornamental cherry/ *Pinus thunbergii*
 - v. Tree 381: Italian cypress/ *Pinus thunbergii sabiniana*
 - c. For Tree 338 (London plane), please clarify if the tree is to be removed or retained. The tree inventory states "Retain" but "Recommendation #1" from the Arborist Report on Sheet L1.5 lists it as a tree to be removed. This is the only tree where the tree inventory did not agree with the list of trees included at Recommendation #1. It is noted as a tree to be removed on the Tree Disposition Plan.
 - d. Tree 341 (holly oak) and Tree 343 (Peruvian pepper), are protected trees species under General Plan Policy 5.10.1-P4. Both trees are listed as "to be retained" in the Arborist Report as they can reasonably be protected during project construction. However, the applicant has listed these trees as to be removed on Tree Disposition Plan (Sheet L1.0). Please provide justification for their removal as the City of Santa Clara expects the applicant to retain protected trees on site if feasible where they would not conflict with building or required parking placement.
 - e. If any changes are made to the trees to be retained or removed, please provide an updated tally of trees to be removed, updated list in PD BIO-2 bullet 1 (see below), and an updated Tree Disposition Plan (Sheet L1.0).
100. In response to Data Request 71, staff reviewed Attachment PD DR 1 and agrees that the correct number of trees currently existing on the site is 476. The applicant stated that of these, 375 will be removed, 99 will remain, and 2 are stumps that would be removed. However, based on staff's review of the Tree Disposition Plan (Sheet L1.0) included in Attachment PD DR 1, it is documented that 376 would be removed, 98 would remain, and 2 stumps would be removed.

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- a. Please clarify the correct number of trees to be removed and trees to remain. If there are any corrections to Tree Disposition Plan (Sheet L1.0) please provide an updated Tree Disposition Plan (Sheet L1.0).
- b. Please provide the Tree ID# and species name for the additional tree to be removed.
- c. Please provide adequate mitigation for this additional tree.
- d. If it is a protected tree, please provide justification for its removal as the City of Santa Clara expects the applicant to retain protected trees on site, if feasible, where they would not conflict with building or required parking placement.

101. In response to Data Request 70, the applicant provided PD BIO-2 in their Response to Data Requests Set 1. Staff has reviewed PD BIO-2 and notes the following:

- a. PD BIO-2, bullet 1 does not include all trees to be removed as noted on the Tree Disposition Plan (Sheet L1.0) and only lists those listed in the "recommendations" for the Arborist Report and included on L1.4. Only 319 trees are listed in bullet 1, while the Tree Disposition Plan (Sheet L1.0) labeled 376 trees that would be removed.
- b. Tree 315 and 358 are labeled as an "EXISTING TREE - TO REMAIN PROTECT IN PLACE" on Sheet L1.0 but are listed in PD BIO-2 as to be removed. Please clarify if these are to be removed or to be retained.

Staff proposes the following alterations to the language of PD BIO-2 (new language is in **bold text**). In addition, staff requests the applicant revise bullet 1 to accurately include all tree numbers proposed for removal as indicated on Tree Disposition Plan L1.0. Please show new language in **bold text** and deleted language in ~~strike-through text~~).

Please provide the final version of PD BIO-2 with a statement that the applicant will accept these changes and incorporate the revised version of PD BIO-2 into the project. If the applicant disagrees with any of these changes, please propose alternate language.

PD BIO-2: The project will incorporate the following measures, in accordance with the arborist recommendations, to protect trees from harm that could occur during construction. **Any additional measures required by the City of Santa Clara would also be implemented.**

- Remove trees #1-6, 15, 21, 23-25, 42-78, 80-83, 94-97, 99-251, 253-257, 259-263, 268-270, 277-313, 315-328, 330-332, 335-338, 340, 411, 414, 420-433, 446-448, 450-453, 456-470, 475, and 476, upon approval from the City of Santa Clara.
- Remove deadwood from remaining Callery pears and Raywood ashes. This will benefit both tree health and worker safety.

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- All tree work must be completed by trained tree care personnel under the direction of an International Society of Arboriculture Certified Arborist.
- The Applicant shall alert the Project Arborist when new drawings are available showing grading, utilities, retention area details, or material changes to project features.
- Tree protection fencing shall be installed prior to any demolition equipment entering the site.
 - Fencing shall be installed at or outside the tree protection areas of all trees to be retained.
 - Where existing pavement is within tree protection zones, install tree protection fencing at the edge of pavement. After demolition, relocate tree protection fencing to the edge of the tree protection area.
 - Install tree protection fencing at the edge of the project features.
 - For areas where no construction will occur, tree protection fencing will be installed at the perimeter of the area instead of around each tree individually.
 - Spread wood chips at least four inches thick within tree protection fencing.
- For existing hardscape to be demolished within tree protection zones:
 - Demolish the area nearest the tree first, and work outwards.
 - Do not operate machinery on unpaved areas within tree protection zones.
 - Upon completion of demolition, relocate tree protection fencing to at or outside the tree protection area.
- Minimize grading near trees. Do not complete any grading inside tree protection fencing.
- If live roots over one inch in diameter are encountered at any time, in any location, they must be pruned with a sharp saw or bypass pruners, as close to the edge of the excavation as possible. If roots over three inches in diameter are encountered, do not prune, but instead contact the Project Arborist to determine the best course of action.
- Irrigate all trees to be retained on a monthly basis with potable water, in the absence of heavy rain.
 - Irrigate using a soaker hose placed as close to the tree driplines as practical. Irrigate for 2-4 hours at a very low flow. If this causes runoff, reduce the flow rate. If this is impractical for any tree for any reason, contact the Project Arborist.

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UTILITIES AND SERVICE SYSTEMS

BACKGROUND

No information was provided in the SPPE application regarding the amount or source of water expected to be used during the construction phase of the proposed project. Staff needs this information to complete its analysis of the SPPE.

DATA REQUEST

102. Please provide the necessary information about the amount and source(s) of water for the construction phase.

BACKGROUND

The proposed project would use potable water for its operation. However, recycled water is available in the project area and there are recycled water connections in the vicinity of the project site as acknowledged by the applicant.

DATA REQUEST

103. Please explain why the applicant is not planning to use recycled water for its evaporative cooling, for which, high-quality water is not needed.