

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-02
<b>Project Title:</b>	Walsh Data Center
<b>TN #:</b>	230433
<b>Document Title:</b>	City of San Jose Airport Department Comments on Walsh Data Center
<b>Description:</b>	Comments received from Cary Greene, Airport Planner, City of San Jose Airport Department
<b>Filer:</b>	Steve Kerr
<b>Organization:</b>	City of San Jose Airport Department/Cary Greene
<b>Submitter Role:</b>	Public Agency
<b>Submission Date:</b>	10/29/2019 1:21:58 PM
<b>Docketed Date:</b>	10/29/2019

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**Subject:** Comments on Walsh Data Center (Docket No. 19-SPPE-02)

Hello Leonidas,

The City of San Jose Airport Department has reviewed the posted material on the subject project and finds the CEQA analysis contained in the "Application for SPPE for the Walsh Backup Generating Facility" does not correctly or completely address the aviation-related height issues. The Airport requests that the CEQA analysis contained in the application be revised in consideration of the following comments and, in turn, that project approval be contingent upon applicant receipt and compliance with Federal Aviation Administration (FAA) "determinations of no hazard" for the project structures.

#### **Section 4.9 Hazards**

- **Page 117.** In the 1<sup>st</sup> full paragraph, the last sentence is incorrect and should be replaced with the following suggested new text: For the project site, any proposed structure more than a single story in height would exceed the FAR Part 77 notification surface. As the project proposes multiple-story structures up to a maximum building height to 122.5 feet, airspace safety review by the FAA is required.
- **Page 121.** The 2<sup>nd</sup> sentence of the "Impact HAZ-5" statement is partially incorrect and should be replaced or revised with: The project will need to file for FAA airspace safety review and receive "determination of no hazard" clearances in order to be constructed.
- **Page 122.** The top two sentences in the paragraph continued from Page 121 should be replaced with: Pursuant to FAR Part 77, proposed structures on the site more than one story in height require FAA airspace safety review. FAA issuance of "determination of no hazard" clearances, and subsequent applicant compliance with any conditions set forth in such FAA determinations, would ensure that the project does not have an adverse impact on airspace safety.

#### **Section 4.11 Land Use and Planning**

- Page 131. The last sentence in the paragraph under "Norman Y. Mineta San Jose International Airport" should be replaced with: Proposed structures on the project site are also subject to FAA airspace safety review as discussed in Section 4.9 Hazards.

***Advisory Note: There are FAA airspace safety criteria applicable to the project site that may be more restrictive than the FAR Part 77 obstruction surfaces. Thus, FAA issuance of “determination of no hazard” clearances for structure heights up to the proposed 122.5 feet above grade is not assured.***

Please contact me or Ryan Sheelen of my office if you have any questions or need any clarification regarding the above comments. As a general practice, we also suggest that future draft CEC CEQA documents involving projects located within the AIA of San Jose International Airport be transmitted to the City of San Jose Airport Department, as well as to the ALUC, as part of the public review process.

Thanks.

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