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Docket Number:	19-SPPE-03
Project Title:	Sequoia Data Center
TN #:	232018
Document Title:	City of San Jose Airport Department Comments - Aviation-Related Information and Analysis in the Initial Study
Description:	N/A
Filer:	System
Organization:	City of San Jose Airport Department
Submitter Role:	Public Agency
Submission Date:	2/12/2020 2:34:16 PM
Docketed Date:	2/12/2020

Comment Received From: City of San Jose Airport Department
Submitted On: 2/12/2020
Docket Number: 19-SPPE-03

Aviation-Related Information and Analysis in the Initial Study

Additional submitted attachment is included below.

February 12, 2020

**Subject: Sequoia Data Center Initial Study and Proposed Mitigated Negative Declaration
Docket Number 19-SPPE-03**

The City of San Jose Airport Department appreciates the opportunity to review the aviation-related information and analysis in the subject CEQA document. The Airport has no concerns with the findings of the Initial Study or with the proposed issuance of a MND. However, we do request consideration of the following suggested edits to Initial Study Section 5.9 (Hazards and Hazardous Materials), Page 5.9-8, Checklist Item “e”.

1. In the 1st paragraph under “Construction”, the 2nd sentence reference to an FAA “maximum structure height of 162 feet AMSL at the project site” is not strictly correct. Rather, and as correctly stated elsewhere in Section 5.9, the reference is to the most restrictive FAA *obstruction surface* applicable to the proposed structure.

This is an important clarification in that the FAA, under its regulatory authority, has the discretion to determine a proposed structure elevation that exceeds an obstruction surface to be conditionally acceptable (i.e., an obstruction but not a hazard) or, conversely, to determine that a proposed structure elevation that is below an obstruction surface to be unacceptable (i.e., a hazard), the point being that FAA airspace safety reviews account for factors other than just obstruction surface elevations. As of the date of this comment letter, the FAA has not yet issued a “determination of no hazard” to the applicant for the proposed 105-ft. AGL/149-ft. AMSL structure high point.

2. In turn, we suggest that the last paragraph under “Construction” be modified to appropriately add the following: Prior to local approval of construction, the permitting agency shall require the applicant to (a) obtain an FAA “determination of no hazard” clearance for the structure’s highest point(s), and (b) comply with any conditions set forth by the FAA in its determinations. This added sentence would support the Initial Study finding that the project would not have an adverse impact on airport safety.

For any questions regarding the above comments, contact the undersigned.



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