

RESOLUTION NO. 20-8909

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING OVERRIDING FINDINGS REGARDING THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION DETERMINATION OF INCONSISTENCY FOR THE TASMAN EAST SPECIFIC PLAN AMENDMENT PROJECT, A 45 GROSS ACRE PLAN AREA BOUNDED BY TASMAN DRIVE TO THE SOUTH, THE GUADALUPE RIVER TO THE EAST, THE SANTA CLARA GOLF CLUB TO THE NORTH, AND LAFAYETTE STREET TO THE WEST

SCH# 2016122027

CEQ2016-01026

(EIR)

PLN2016-12400 (General Plan Amendment, Specific Plan and Rezoning)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on November 13, 2018, the City of Santa Clara (the "City") adopted the Tasman East Specific Plan ("TESP") for the approximately 45 gross acre plan area bounded by Tasman Drive to the south, the Guadalupe River to the east, the Santa Clara Golf Club to the north, and Lafayette Street to the west, to guide the transition of this underutilized, industrial area into a pedestrian-friendly and transit-oriented development with the addition of 4,500 new residential units, 100,000 square feet of neighborhood-oriented and convenience retail, 10 acres of open space, and an urban school (the "2018 Specific Plan");

WHEREAS, the urban school authorized by the 2018 Specific Plan is permitted to be located at the ground floor of a mixed-use building, and will be accessible to public open space of a minimum of one acre. This urban school may be private or public;

WHEREAS, because the TESP is located within the Mineta San Jose International Airport Influence Area ("AIA"), prior to taking action on the 2018 Specific Plan, the City submitted the proposal to the Airport Land Use Commission of Santa Clara County ("ALUC") for a determination of consistency with the ALUC's Comprehensive Land Use Plan ("CLUP");

WHEREAS, at its September 26, 2018 meeting, the ALUC found the 2018 Specific Plan to be consistent with the policies of the CLUP;

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WHEREAS, the City is now contemplating the adoption of amendments to the TESP, the most significant of which is to replace a proposed street extension for Calle Del Sol with a pedestrian and bicycle paseo. The proposed amendments would also allow for alternate methods of trip reduction and correct a clerical error related to affordable housing, and the City is also considering a minor amendment to the zoning ordinance to allow certain non-residential uses within the first three floors of mixed-use buildings, and to correct another clerical error related to density. (The Specific Plan Amendments and Zoning Code Amendments are referred to collectively hereinafter as the "Paseo Amendments"). The Paseo Amendments do not propose any changes to the previously-authorized urban school;

WHEREAS, on September 10, 2020, pursuant to the provisions of Section 21670 et seq. of the California Public Utilities Code ("Section 21670"), the City referred the Paseo Amendments to the ALUC for a determination of consistency with the CLUP;

WHEREAS, on September 23, 2020, the ALUC, acting pursuant to its authority under Section 21670, determined that the Paseo Amendments were inconsistent with the CLUP. The project would not result in a change to the overall number of units or approved residential densities, but the ALUC nevertheless found that the proposed amendment would be inconsistent with the Noise Policies of the CLUP for areas surrounding Santa Clara County airports, based on the fact that the 2018 Specific Plan authorized the construction of the urban school within an airport noise contour;

WHEREAS, a city may overrule a determination of the ALUC if it makes findings that the proposed project is consistent with the purposes of Section 21670 regarding the protection of public health, safety and welfare in areas surrounding airports and by providing the ALUC with a copy of the proposed decision and findings at least 45 days prior to the City's action to overrule the ALUC;

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WHEREAS, on October 1, 2020, the City of Santa Clara provided the ALUC and the California Department of Transportation, Division of Aeronautics ("Division") with the proposed decision and findings in accordance with the 45-day period required under Section 21670;

WHEREAS, the Public Utilities Code provides that the ALUC and the Division shall respond to the referral of the findings of override within 30 days of receiving the proposed decision and findings;

WHEREAS, in the event that the ALUC or Division's comments are not available within this time limit, the City may act without them;

WHEREAS, on October 28, 2020, at a regularly scheduled meeting, the ALUC reviewed the City's proposed decision and findings to overrule the ALUC's determination of inconsistency and the ALUC decided to not provide comments on the proposed decision and findings to the City of Santa Clara;

WHEREAS, the City has obtained the meeting minutes from the September 23, 2020 meetings containing ALUC comments, which are attached herein and incorporated hereto by this reference;

WHEREAS, the City received comments from the Division on October 22, 2020, regarding the City's proposed decision and findings to override the ALUC's determination of inconsistency, which are attached hereto and incorporated by this reference;

WHEREAS, the comments by the ALUC or Division are advisory to the City under State law and; and,

WHEREAS, the City Council shall include comments from the ALUC and the Division in the final record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the Council.

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NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City of Santa Clara hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That Public Utilities Code Section 21676 provides that a local governing body may overrule the Commission if it makes specific findings that the proposed action is consistent with the purposes of Public Utilities Code Section 21670. The City Council therefore finds the following:

A. The first purpose of Section 21670 is to provide for the orderly development of each public use airport in this State and the area surrounding these airports so as to promote the overall goals and objectives of California airport noise standards and to prevent the creation of new noise and safety problems. The second purpose of Section 21670 is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

B. At the September 26, 2018 Airport Land Use Commission (ALUC) meeting, the County Airport Land Use Commission found the 2018 Specific Plan, which authorized the urban school, to be consistent with the policies of San Jose Airport Comprehensive Land Use Plan (CLUP), in that the Tasman East plan area is outside of the airport safety zone and the noise contours of the airport area. The ALUC also found that any individual buildings proposed within the Specific Plan area that would be more than approximately 175 feet in height are required to obtain a No Hazard Determination from the Federal Aviation Administration. That consistency determination and the associated requirement for a No Hazard Determination remains in effect.

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C. The proposed Paseo Amendments would not introduce new uses into the plan area or create new conflicts with adopted CLUP policies, so as to create safety or noise concerns. The only significant change to the 2018 Specific Plan proposed by the Paseo Amendments is related to the proposed conversion of the Calle del Sol extension to a pedestrian paseo. The proposed Specific Plan Amendment does not increase residential densities, building height limits or the total number of units within the plan area. The ability to locate the urban school within the plan area was allowed as a part of the original 2018 Specific Plan approval, and will remain so whether or not the City Council adopts the Paseo Amendments.

D. The Paseo Amendments would also authorize nonresidential uses on the first three floors of mixed-use buildings, as opposed to only the ground floor, as is currently permitted. This minor conversion of more-sensitive residential uses to less-sensitive nonresidential uses would not have any adverse noise or safety impacts.

E. The Paseo Amendments do not address, expand or revise the ability to locate the urban school within the plan area, which was adopted as part of the original General Plan Amendment, 2018 Specific Plan and Zoning Code approvals, and therefore the basis for the ALUC's determination of inconsistency is not related to the proposal referred to the Commission. The original approval that permits a school to be located in the plan area remains in effect, and will remain so regardless of whether the City approves or disapproves the Paseo Amendments. Accordingly, even if the ALUC had a valid basis for concluding that the urban school was an incompatible use, the property is already devoted to that use under the 2018 Specific Plan.

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3. That the City of Santa Clara, based on the above findings, does hereby override the ALUC determination of inconsistency, as provided by laws of the State of California.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 17TH DAY OF NOVEMBER, 2020, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Chahal, Davis, Hardy, O'Neill, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. City of Santa Clara referral to the ALUC, dated September 10, 2020
2. Santa Clara County determination of inconsistency
3. Minutes from the September 23, 2020 ALUC meeting
4. Comments received from the Caltrans Division of Aeronautics



**City of
Santa Clara**
The Center of What's Possible

Community Development

September 10, 2020

Mark Connolly, ALUC Program Manager
County of Santa Clara Planning Department
70 West Hedding Street, East Wing, 7th Floor
San José, CA 95110

Subject: ALUC Referral for an Amendment to the Tasman East Specific Plan

Dear Mark:

The City of Santa Clara would like to have the ALUC review a Specific Plan Amendment for the Tasman East area in North Santa Clara at their September hearing.

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| Project Title: | Amendments to Tasman East Specific Plan (Amendment #1) and an Amendment to Santa Clara City Code Section 18.75, the Transit Neighborhood Zoning District. |
| Location: | Approximately 45 gross acre plan area bounded by Tasman Drive to the south, the Guadalupe River to the east, the Santa Clara Golf Club to the north, and Lafayette Street to the west; APN: multiple; property is zoned Transit Neighborhood (TN). |
| Applicant / Owners: | The City of Santa Clara / Various Owners |
| Subject: | The City proposes to amend the Tasman East Specific Plan adopted on November 13, 2018 to replace a proposed street extension for Calle Del Sol with a pedestrian and bicycle paseo, to allow for alternate methods of trip reduction, and to correct a clerical error in the Plan regarding the affordable housing requirement; and to amend Santa Clara City Code Section 18.75 Transit Neighborhood Zoning District to allow certain non-residential uses within the first three floors of a mixed use building and to correct an error regarding permissible density ranges. The project would not result in a change to the overall number of units or approved residential densities. |

Please contact both me and Reena Brilliot, Planning Manager, with information on payment for processing of the referral.

Sincerely,

John Davidson
Principal Planner, City of Santa Clara

cc: Reena Brilliot, Planning Manager



Airport Land Use Commission

County Government Center, 70 W. Hedding Street, East Wing, 7th Fl., San Jose, CA 95110
(408) 299-5786 FAX (408) 288-9198

September 25, 2020

John Davidson
Principal Planner
Planning Division | Community Development Department
1500 Warburton Avenue | Santa Clara, CA 95050

RE: ALUC consistency determination for a referral from the City of Santa Clara for an amendment of the Tasman E. Specific Plan, affecting lands within the San Jose International Airport Influence Area (AIA).

Dear Mr. Davidson:

The ALUC considered the above referral for consistency with the policies of safety, height and noise contained within the San Jose International Airport Comprehensive Land Use Plan (SJC CLUP), at their September 23, 2020 Meeting.

The proposed amendment to the Tasman E. Specific Plan would allow the replacement of a street extension of Calle Del Sol with a pedestrian and bicycle paseo and to allow for additional methods of site-wide transportation demand management measures. Also, the Specific Plan proposes an amendment to the City's Transit Neighborhood Zoning District, which would allow for non-residential uses to be permitted within the first three floors of new mixed-use buildings, which are currently only allowed for non-residential uses on the ground floor of new mixed-use buildings.

The ALUC found the referral **Inconsistent** with the noise policies as defined in the San Jose International Comprehensive Land Use Plan (CLUP), because the Plan allows for a potential school for up to 600 students within the 60dBA CNEL Noise Contour.

According to Table 4-1 of the SJC CLUP, Schools are Generally Unacceptable land uses within the 60dBA CNEL Noise Contour, with the following:

New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor activities are likely to be adversely affected.

A primary concern and reason for the ALUC's decision, was because outdoor school play areas cannot be mitigated for aviation activity occurring over the site.

Please note that pursuant to the Public Resources Code 21670, the City of Santa Clara has the option of overruling the ALUC's determination. Overrules require a 2/3 vote of the entire body of the City of Santa Clara City Council. The notification process to the ALUC and Cal Trans Division of Aeronautics shall also be complied with.

ALUC

SANTA CLARA
COUNTY AIRPORT LAND
USE COMMISSION

Airport Land Use Commission

County Government Center, 70 W. Hedding Street, East Wing, 7th Fl., San Jose, CA
95110
(408) 299-5786 FAX (408) 288-9198

If you have any questions, please feel free to contact ALUC staff, Mark Connolly, at 408-299-5786, or via e-mail at mark.connolly@pln.sccgov.org.

Sincerely,



Mark J. Connolly
Senior Planner / ALUC Program Manager

County of Santa Clara
Airport Land Use Commission



DATE: September 23, 2020, Regular Meeting
TIME: 6:00 PM
PLACE: By Virtual Teleconference Only

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Donahue called the meeting to order at 6:01 p.m. A quorum was present via teleconference, pursuant to the provisions of Executive Order N-29-20 issued on March 17, 2020 by the Governor of the State of California.

| Attendee Name | Title | Status | Arrived |
|-----------------|---------------------------|--------|---------|
| Walter Windus | Commissioner - Seat 1 | Remote | |
| Diego Barragan | Vice Chairperson - Seat 2 | Remote | |
| E. Ronald Blake | Commissioner - Seat 3 | Remote | |
| Paul Donahue | Chairperson - Seat 4 | Remote | |
| Keith Graham | Commissioner - Seat 5 | Remote | |
| Lisa Matichak | Commissioner - Seat 6 | Remote | |
| Glenn Hendricks | Commissioner - Seat 7 | Remote | |

2. Public Comment.

No public comments were received.

Regular Agenda - Items for Discussion

3. Minutes approval.

a. Approve minutes of the August 26, 2020 Regular Meeting.

Approved as amended to replace the text of the last paragraph of Item No. 7 to read "Proxy Commissioner Holbrook provided information relating to projected activity growth for SJC and also the Environmental Impact Report for SJC regarding anticipated increases in aircraft engine noise upon arrivals as the fleet shifts from the 737-800 to the 737-8MAX."; and, to reflect that the meeting referenced in Item No. 16a was a community meeting rather than a County meeting.

3.a RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Glenn Hendricks, Commissioner - Seat 7

SECONDER: Walter Windus, Commissioner - Seat 1

AYES: Windus, Barragan, Blake, Donahue, Graham, Matichak, Hendricks

b. Approve minutes of the September 9, 2020 Special Meeting.

Approved as amended to add to the beginning of Item No. 3: "Commissioner Matichak recused herself due to her participation in decisions relating to this development as a Member of the Mountain View City Council, and left the meeting at 6:02 p.m."

3.b RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Glenn Hendricks, Commissioner - Seat 7

SECONDER: Walter Windus, Commissioner - Seat 1

AYES: Windus, Barragan, Blake, Donahue, Graham, Matichak, Hendricks

4. Consider recommendations relating to a request from the City of San Jose for the 2030 Greenhouse Gas Reduction Strategy and Envision San Jose 2040 General Plan Text Amendment. (City File No. GPT20-002) (ID# 102991)

Possible action:

- a. Find the General Plan Text Amendment consistent with the policies contained within the San Jose International Airport (SJC) and Reid-Hillview Airport (RHV) Comprehensive Land Use Plans (CLUPs).

OR

- b. Find the General Plan Text Amendment inconsistent with the policies contained within the SJC and RHV CLUPs.

Mark Connolly, Senior Planner, Department of Planning and Development, reported that the citywide referral affects the Airport Influence Areas (AIAs) of both SJC and RHV. He further advised that the referral would have minimal land use impacts and noted that any future structure development would be considered by the Airport Land Use Commission separately.

Approved finding the General Plan Text Amendment consistent with the policies contained within the SJC and RHV CLUPs.

4 RESULT: APPROVED [UNANIMOUS]

MOVER: Diego Barragan, Vice Chairperson - Seat 2

SECONDER: Walter Windus, Commissioner - Seat 1

AYES: Windus, Barragan, Blake, Donahue, Graham, Matichak, Hendricks

5. Consider recommendations relating to a request from the City of Santa Clara regarding the Tasman East Specific Plan Amendment. (ID# 102990)

Possible action:

- a. Find the Specific Plan Amendment consistent with the policies contained within the San Jose International Airport (SJC) Comprehensive Land Use Plan (CLUP).

OR

- b. Find the Specific Plan Amendment inconsistent with the policies contained within the SJC CLUP.

Mr. Connolly reported that the referral from the City of Santa Clara is an amendment to the Tasman East Specific Plan and noted that some areas are located within the SJC AIA. He further noted that the Specific Plan would maintain allowance of dwelling units, retail space, and a potential school.

Regarding safety, Mr. Connolly reported that the project site lies outside of all safety zones for SJC, therefore none of the safety policies contained within the SJC CLUP are applicable to the proposed project.

Regarding noise, Mr. Connolly reported that the project is located outside of the 65-decibel noise contour, however it is within the 60-decibel noise contour. He further noted that the SJC CLUP states that schools within the 60-decibel noise contour should be discouraged and that noise reduction mitigation is required, however outdoor activities are likely to be adversely affected. Mr. Connolly further noted that the area is affected by other noise, such as commuter trains.

Regarding height, Mr. Connolly reported that the project site lies between the 312-612 feet Mean Sea Level (MSL) surface limits, with the Specific Plan allowing a maximum height of 220 feet Above Grade Level and the elevation at approximately 8-10 feet Above Mean Sea Level (AMSL), for a total height of 230 feet AMSL. He further clarified that the project would be consistent with height policies.

Finally, Mr. Connolly reported that for project-specific development, staff recommends the requirement of an aviation easement dedicated to the City of San Jose on behalf of SJC.

Commissioner Hendricks expressed concern relating to potential impact of outdoor aviation noise for a school and the importance of notifying residents of potential noise impacts.

Commissioner Windus commented that he is less concerned about outdoor noise at a school because outdoor activities are generally recreational. Commissioner Graham commented that the bulk of noise during school hours will be from aircraft rather than commuter trains. Vice Chairperson Barragan noted that outdoor activities at schools include learning curricula and are not solely recreational.

John Davidson, Principal Planner, City of Santa Clara, advised that the Specific Plan including the potential school was previously approved and that the amendment is for the configuration of roadways and to allow non-residential uses. Mr. Connolly reminded the Commission that the amendment to the Plan is what referred the matter to the ALUC for consideration.

Commissioner Hendricks noted that the ALUC has the authority to consider the entire amended Plan, regardless of the previous consistency determination for the Plan which included a potential school.

In response to an inquiry from Commissioner Matichak, Mr. Connolly clarified that the ALUC cannot determine the Specific Plan amendment consistent with the exception of the school.

Commissioner Windus made a motion to find the Specific Plan Amendment consistent with the policies contained within the SJC CLUP with the condition that an aviation easement be dedicated on behalf of SJC. The motion was seconded by Commissioner Blake. The motion failed on a vote of 3-4, with Commissioners Barragan, Donahue, Matichak, and Hendricks opposing.

On motion of Vice Chairperson Barragan, seconded by Commissioner Hendricks, the Commission voted 4-3 to find the Specific Plan inconsistent with the policies contained within the SJC CLUP.

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| 5 RESULT: | APPROVED [4 TO 3] |
| MOVER: | Diego Barragan, Vice Chairperson - Seat 2 |
| SECONDER: | Glenn Hendricks, Commissioner - Seat 7 |
| AYES: | Barragan, Donahue, Matichak, Hendricks |
| NAYS: | Windus, Blake, Graham |

6. Discuss possible amendments to the San Jose International Airport Comprehensive Land Use Plan, for consideration at a future Commission meeting.

Mr. Connolly provided a presentation relating to a comparison of the existing noise contours and the updated San Jose noise contours. He further requested feedback from the Commissioner to determine which model the Commission prefers. Finally, Mr. Connolly advised that although the hybrid approach of extending the 60-decibel noise contour in the south pursuant to the SJC Master Plan contour but retaining the current contour in the north would provide the most protection, it could potentially leave the ALUC open to future challenges from jurisdictions. In response to an inquiry from Commissioner Hendricks, Mr. Connolly clarified that the reason the hybrid model may be less quantifiable and defensible as the other models is because it is not based on a specific scientific methodology, but rather a blending of two models. In response to an inquiry from Commissioner Windus, Mr. Connolly clarified that CLUP policies only apply in areas within the 60-decibel noise contour and also within the AIA of an airport. Discussion ensued relating to the feasibility of expanding the AIA of SJC as the process will require various studies and potential pushback from the City of San Jose. Vice Chairperson Barragan expressed the need for protection south of the airport as growth is expected in the area.

Mr. Connolly provided information relating to types of uses allowed in each noise contour as specified in the SJC CLUP.

Commissioner Blake noted that having noise contours outside of the AIA is still useful as it provides information regarding aircraft noise to developers and citizens.

The Commissioners requested that staff pursue the hybrid approach for the amended noise contour within the SJC CLUP, extending the 60-decibel noise contour in the south pursuant to the SJC Master Plan contour but retaining the current contour in the north.

Discussion ensued relating to necessary amendments to the AIA due to the removal of Runway 11-29.

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| 6 RESULT: RECEIVED |
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7. Receive verbal report from the Department of Planning and Development relating to proposed Diridon Station and Downtown Core development in San Jose. (Mark Connolly)

Mr. Connolly reported that plans for Google to develop in downtown San Jose are on hold indefinitely.

In response to an inquiry from Vice Chairperson Barragan, Mr. Connolly stated that proposals to build an art structure or a Space Needle type structure near the SAP Center have not been received by the Department of Planning and Development.

In response to an inquiry from Commissioner Hendricks, Mr. Connolly stated that he would seek clarification on whether Commissioner Hendricks would have a conflict of interest to determine consistency for development in the Diridon Station area due to his position as a Valley Transportation Authority Board Member.

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| 7 RESULT: RECEIVED |
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8. Receive report from Chairperson relating to Commission activities. (Paul Donahue)

No report was received.

9. Receive report from the Department of Planning and Development. (Mark Connolly)

Mr. Connolly noted that homeless encampments in the Guadalupe Garden area near SJC have recently expanded.

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| 9 RESULT: RECEIVED |
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10. Receive report from Airport Planner, San Jose International Airport. (Cary Greene)

Mr. Greene reported that a design competition for an art structure in downtown San Jose is underway and that restrictions regarding height limits and lighting were required for all design concepts submitted, therefore SJC has no issue with any of the three competition finalists.

Mr. Greene reported that SJC is aware of the homeless encampments in the Guadalupe Gardens area, however the City of San Jose is not currently moving homeless encampments due to the COVID-19 pandemic. He further noted that he expects SJC to push for a cleanup at the earliest time possible.

10 RESULT: RECEIVED**11. Receive report from Assistant Director of County Airports. (Ken Betts)**

Commissioner Blake noted that the Airports Commission will meet on October 6, 2020.

11 RESULT: RECEIVED**12. Receive report from Moffett Federal Airfield representative. (David Satterfield)**

No report was received.

13. Receive report relating to Palo Alto Airport. (Mark Connolly)

No report was received.

14. Propose future agenda items.

Chairperson Donahue noted that ALUC will continue discussion of CLUP amendments in preparation for adoption at the November 2020 meeting.

Announcements**15. Announcements and correspondence:****a. Commissioners' announcements.**

No announcements were made.

b. There are currently no vacancies on the Commission. For internet access to the vacancies list and applications, please visit <http://www.sccgov.org/sites/cob/bnc>.**c. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information please contact the Office of the Clerk of the Board at (408) 299-5001.**

Adjourn

- 16. Adjourn to the next regular meeting on Wednesday, October 28, 2020 at 6:00 p.m. in Room 157, County Government Center, 70 W. Hedding Street, San Jose, or by virtual teleconference.**

Chairperson Donahue adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Jean Anton

Deputy Clerk

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

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October 22, 2020

*Making Conservation
a California Way of Life.*

Mr. John Davidson, Principal Planner
City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050-3713

Electronically Sent
JDavidson@SantaClaraCA.gov

Dear Mr. Davidson:

One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of their communities in which aeronautical activities take place. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Division in the review of the proposed override of the Santa Clara County ALUC for the Norman Y. Mineta San Jose International (SJC) Airport.

On October 1, 2020, the Division received a notification letter from the City of Santa Clara (City) regarding a proposed override of the Santa Clara County ALUC determination of inconsistency regarding an amendment of the Tasman East Specific Plan (Plan). The Plan covers an area in Santa Clara County of approximately 45 gross acres. The location of this area is bounded by Tasman Drive to the south, the Guadalupe River to the east, the Santa Clara Golf Club to the north, and Lafayette Street to the west.

On September 23, 2020, the ALUC found the Plan was inconsistent with the current SJC-Airport Comprehensive Land Use Plan (CLUP) as amended on November 16, 2016. The ALUC found the Plan inconsistent with the noise policies of the CLUP because this Plan allows for a school to be located within the 60 decibel Community Noise Equivalent Level (CNEL) Noise Contour.

The Division agrees with the ALUC that the Plan is inconsistent with the current adopted CLUP for the SJC Airport. The CLUP states that schools are generally unacceptable land uses within the 60 decibel CNEL Noise Contour, and that new construction or development should be discouraged. If new construction

or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. The CLUP also states that outdoor activities are likely to be adversely affected.

The ALUC is correct in applying the noise policies of the CLUP. As mandated (California Public Utilities Code sections 21674(c), 21675, and 21676 (b)), Land Use Plans such as this CLUP are the fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility, in order to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare. The ALUC used the criteria of the CLUP in making its determination of inconsistency, and the Division supports the ALUC's determination.

Please note: The Division comments are to be included in the public record of any decision to overrule the ALUC.

If you have questions or we may be of further assistance, please contact me via email at tony.sordello@dot.ca.gov.

Sincerely,

Originally signed by

TONY SORDELLO, Aviation Planner
Office of Aviation Planning

c: Mr. Mark Connolly, ALUC Program Manager, County of Santa Clara, Planning Department, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110, Mark.Connolly@PLN.SCCGOV.ORG