

From: [Han, James](#)
To: [Downtown West Project](#)
Subject: FW: ALUC Final Downtown West Letter
Date: Friday, December 18, 2020 12:09:20 PM
Attachments: [image001.png](#)
[ALUC Final Downtown West.pdf](#)

James Han
Planner | Planning Division | PBCE
City of San José | 200 East Santa Clara Street
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For More Information Please Visit: <http://www.sanjoseca.gov/planning>

San José City Hall is closed in response to COVID-19.
I am working remotely in accord with governor's and City's direction.
I will monitor email during this time.

From: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>
Sent: Thursday, December 17, 2020 8:58 AM
To: Han, James <James.Han@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Ruano, Jose <Jose.Ruano@sanjoseca.gov>
Cc: Eastwood, Rob <Rob.Eastwood@PLN.SCCGOV.ORG>; Pianca, Elizabeth <Elizabeth.Pianca@cco.sccgov.org>; Sheelen, Ryan <rsheelen@sjc.org>
Subject: ALUC Final Downtown West Letter

[External Email]

Good Morning-

Please find attached the final determination letter from last evenings ALUC meeting regarding the Downtown West project.

Thank you,



Mark J. Connolly | Senior Planner, Deputy Zoning Administrator
Airport Land Use Commission Planning Program Manager
Department of Planning and Development
County of Santa Clara
70 West Hedding Street, East Wing, 7th Floor | San José, CA 95110
Phone: (408) 299-5786

In light of COVID-19 response measures from the Governor of the State of California and the County

Public Health Department, commencing **Tuesday, March 17 through TBD**, the Department of Planning and Development will only be providing Essential Public Services that are necessary to protect the health, safety, and welfare of our community.

To facilitate these measures, all Non-essential staff will be under a “Shelter In Place” directive, working remotely from home. If you need an emergency permit, please call (408) 299-5700 and your call or message will be addressed as soon as possible. For non-emergency inquiries, please fill out the form linked [here](#). The non-emergency inquiry will be reviewed daily and will be responded to on a case-by-case basis.

Due to the immediate need of the Department of Planning and Development staff to support the County-wide effort regarding the COVID-19 Pandemic; there will be a delay in our ability to respond to telephone calls and emails.

Please visit our [website](#).

Click [here](#) to look up unincorporated property zoning information.

Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

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December 17, 2020

James Han

Planner | Planning Division | PBCE

City of San José | 200 E. Santa Clara St. 3rd Floor San José, CA 95113

RE: ALUC consistency determination for a referral from the City of San Jose for the Downtown West General Plan Amendment and Rezoning (City of San Jose file numbers GP19-009, PDC19-039), affecting lands within the San Jose International Airport Influence Area (AIA).

Dear Mr. Han:

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 December 16, 2020 Meeting.

The proposed General Plan Amendment and Rezoning would allow development in conflict with Table 4-1 and Noise policy N-4 of the SJC CLUP.

Table 4-1 of SJC CLUP states: “residential uses are “Generally Unacceptable” between the 65-70 dBA CNEL Noise Contours. 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.”

Policy N-4 of the SJC CLUP states: “No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed-use residential project or a multi-unit residential project. (Sound wall noise mitigation measures are not effective in reducing noise generated by aircraft flying overhead.) “

The proposed General Plan Amendment and Rezoning would also allow building heights in conflict with FAA Part 77 Surfaces by using TERP surfaces to define future building heights. The ALUC uses FAA Part 77 Surfaces as a height restriction boundary.

The ALUC found the referral **Inconsistent** with the noise and height policies as defined in the San Jose International Airport Comprehensive Land Use Plan (SJC CLUP).

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

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

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,

A handwritten signature in blue ink that reads "Mark J. Connolly". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark J. Connolly
Senior Planner / ALUC Program Manager