

County of Santa Clara
Airport Land Use Commission



DATE: December 16, 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 6:00 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	Absent	
Christina Johnson	Proxy Commissioner - 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. Approve minutes of the November 18, 2020 Regular Meeting.

3 RESULT: APPROVED [UNANIMOUS]
MOVER: Walter Windus, Commissioner - Seat 1
SECONDER: Glenn Hendricks, Commissioner - Seat 7
AYES: Windus, Johnson, Blake, Donahue, Graham, Matichak, Hendricks

4. Held from November 18, 2020 (Item No. 5): Consider recommendations relating to the General Plan Amendment regarding the Midtown Specific Plan, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File Nos. GPT20-003, GP20-006) (ID# 104021)

Possible action:

- a. Find the General Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

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

Mark Connolly, Senior Planner, Department of Planning and Development (PLN), reported that the staff report attached to the November 2020 agenda required clarification regarding uses and boundaries. He clarified that there is no area in the Midtown Specific Plan that is within the Airport Influence Area (AIA) of SJC and that the General Plan Amendment (GPA) does not include any new incompatible land use designations.

Approved finding the GPA consistent with the policies contained within the SJC CLUP.

4 RESULT: APPROVED [UNANIMOUS]

MOVER: Walter Windus, Commissioner - Seat 1

SECONDER: Glenn Hendricks, Commissioner - Seat 7

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

5. Consider recommendations relating to the Diridon Station Area Plan Amendment, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File No. GP20-007) (ID# 103913)

Possible action:

- a. Find the Specific Plan Amendment consistent with the policies contained within the 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 amendments to the Diridon Station Area Plan include changes to land use designations, boundaries, and height allowances. He further noted that approximately half of the project is within the AIA of SJC.

Regarding noise, Mr. Connolly reported that the Plan area is located between the 60 and 70 decibel Community Noise Equivalent Level (CNEL) noise contours, in which commercial uses are generally acceptable, but residential uses are generally unacceptable and further noted that outdoor activities are likely to be adversely affected, pursuant to the SJC CLUP.

Regarding safety, Mr. Connolly reported that four areas of the Plan are located within the outer safety zone of SJC which would allow commercial, and residential uses. He further reported that the SJC CLUP only allows nonresidential uses with a maximum density of 300 people per acre with 20 percent required for open space. Mr. Connolly

further reported that the Plan would allow up to 800 dwelling units per acre, which would likely exceed the 300 people per acre limit within the outer safety zone.

Regarding height, Mr. Connolly reported that an amendment to the Diridon Station Area Plan would change the height restriction boundary used by the City of San Jose from Part 77 to Terminal Instrument Procedures (TERPS). He further noted that the City of San Jose recently adopted TERPS, however the Airport Land Use Commission (ALUC) uses the Federal Aviation Administration (FAA) Part 77 surface limit. Mr. Connolly provided information relating to the differences between the two height restriction boundaries and noted that structures would penetrate the Part 77 surface limit if developed to the limit of TERPS and would therefore be inconsistent with the height policies in the SJC CLUP.

Commissioner Graham expressed concern relating to potential safety issues with heavy airplanes departing southwest when there are 400-foot tall buildings in the area.

Commissioner Hendricks noted that the report indicates the amendment would be consistent with the CLUP's safety and noise policies if the City of San Jose is amenable to adding additional language to the amendment and inquired whether the City would agree to this request.

John Tu, Supervising Planner, City of San Jose, stated that the City is only attending the meeting to listen and did not come to answer any questions.

Rob Eastwood, Planning Manager, PLN, suggested the possibility of finding the amendment consistent with the condition that the City add the language as described in the staff report to make it consistent with the CLUP when the amendment is considered by City Council. Commissioner Hendricks stated that because the City is present and cannot say, "yes," then the obvious answer is "no."

Elizabeth Pianca, Lead Deputy County Counsel, advised the ALUC to make a determination based on the referral that was applied for and submitted. She further noted that if the ALUC does not take action, the proposal would be deemed consistent pursuant to the ALUC statute.

In response to an inquiry from Commissioner Windus, Ryan Sheelen, Airport Planner, SJC, stated that SJC is considering using the One Engine Inoperative as a height restriction boundary and that the airline carriers would decide whether to compensate or cancel flights if surfaces are higher over downtown San Jose, which, in most cases, would be international airlines.

Chairperson Donahue commented that the Plan itself states it must be consistent with airport CLUPs.

Commissioner Hendricks expressed his disappointment that the representatives from the City attending the meeting were not prepared to answer questions.

Approved finding the Specific Plan Amendment inconsistent with the policies of safety, height, and noise contained within the SJC CLUP.

5 RESULT: APPROVED [UNANIMOUS]

MOVER: Glenn Hendricks, Commissioner - Seat 7

SECONDER: Walter Windus, Commissioner - Seat 1

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

6. Consider recommendations relating to a request from the City of San Jose for a General Plan Amendment and Rezoning for the Downtown West Project, within the Airport Influence Area of San Jose International Airport (SJC). (City of San Jose Planning File Nos. GP19-009, PDC19-039-multiple parcels) (ID# 103914)

Possible action:

- a. Find the General Plan Amendment and Rezoning consistent with the policies contained within the SJC Comprehensive Land Use Plans (CLUP).

OR

- b. Find the General Plan Amendment and Rezoning inconsistent with the policies contained within the SJC CLUP.

Commissioners Donahue, Graham, Blake, Johnson, Hendricks, and Matichak each disclosed for the record that they met individually with the applicant prior to the meeting.

Mr. Connolly provided information relating to various uses the Downtown West Project GPA and rezoning would allow including commercial, mixed use, and residential development.

Regarding noise, Mr. Connolly reported that the project area is located between the 60 and 65 decibel Community Noise Equivalent Level (CNEL) noise contours, in which commercial uses are generally acceptable, but residential uses are generally unacceptable and further noted that outdoor activities are likely to be adversely affected, pursuant to the SJC CLUP.

Regarding safety, Mr. Connolly reported that the project area is located outside all safety zones and therefore the project does not conflict with any safety policies.

Regarding height, Mr. Connolly reported that TERPS was used as a height restriction boundary for this project and noted that the ALUC uses the FAA Part 77 surface limit, which is much lower than the TERPS limit. He further clarified that the GPA and rezoning would allow development in conflict with the Part 77 surface limit.

Bhavesh Parikh, Director, Real Estate Development, Google, stated that Google is aware that approximately 400 out of the 4,000 proposed residential units are located within the 65 decibel noise contour, but it is a priority to offer residents private outdoor space with consideration of their health and wellness. He further stated that raising the height in the

area has been an important aspect per community discussion and will allow Google to achieve its vision.

In response to an inquiry from Commissioner Matichak relating to the possibility of moving the 400 units to another location, Mr. Parikh expressed the importance of appropriate transition of residential to residential uses. He further clarified that residents will receive a notification that the buildings are located in close proximity to the airport and expressed the importance for the units to have outdoor patios. Commissioner Windus suggested that Google survey residents currently living in the same noise environment to determine patio use patterns for Google's decision-making process. Mr. Parikh noted that based on community input, Google is confident that more people want outdoor space than not and that using the balcony is optional.

Commissioner Hendricks expressed the importance for the City of San Jose to participate in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable to hear noise complaints from residents that other elected officials hear.

Discussion ensued relating to San Jose's use of TERPS, San Jose's long-standing efforts to have taller buildings in the downtown area; the importance of surveying future residents with balconies to determine the level of noise concern; the potential for building at the proposed height impacting the status of SJC as an international airport; and, the importance of protecting people from aircraft noise and aircraft incidents.

Approved finding the General Plan Amendment and Rezoning inconsistent with the policies of height and noise contained within the SJC CLUP.

6 RESULT: APPROVED [UNANIMOUS]

MOVER: Glenn Hendricks, Commissioner - Seat 7

SECONDER: Walter Windus, Commissioner - Seat 1

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

7. Receive report relating to plans for the future of Reid-Hillview Airport pursuant to actions taken by the Board of Supervisors. (Ken Betts)

No report was received.

8. Receive report from Assistant Director of County Airports. (Ken Betts)

Commissioner Blake advised of the recent lease approval for San Martin Aviation, a new Fixed Base Operator (FBO) at San Martin Airport, and reported that the County is purchasing the fuel system from the previous FBO, that results of the lead study at Reid-Hillview Airport are expected in approximately three months, that Trade Winds Aviation plans to establish a flight school and aircraft rental operation at San Martin Airport, and that the County has assumed responsibility to rent out hangars at San Martin Airport.

8 RESULT: RECEIVED

9. Receive report from Chairperson relating to Commission activities. (Paul Donahue)

No report was received.

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

Mr. Connolly noted upcoming staffing changes in the Department of Planning and Development.

10 RESULT: RECEIVED

11. Receive report from Airport Planner, San Jose International Airport. (Ryan Sheelan)

No report was 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)

Mr. Connolly advised of plans for outreach to Palo Alto Airport in early 2021.

13 RESULT: RECEIVED

14. Propose future agenda items.

Commissioner Windus noted that Officer elections are scheduled for January 2021.

Announcements

15. Announcements and correspondence:

a. Commissioners' announcements.

No announcements were received.

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, January 27, 2021 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 7:39 p.m.

Respectfully submitted,

Jean Anton

Deputy Clerk