

County of Santa Clara  
Airport Land Use Commission

Wednesday, November 28, 2007  
Minutes

**Regular Meeting**

1. **Call to Order/ Roll Call.**

The regular meeting of the Airport Land Use Commission (ALUC) is called to order by Chairperson Sturdivant at 6:00 p.m. in Room 157, County Government Center, 70 West Hedding Street, San Jose. A quorum is present.

**Members Present:**

E. Ronald Blake  
Ralph Britton  
Arthur Knopf  
Ira Spector (Alt. for Barbara Spector)  
Robert Sturdivant, Chairperson  
Walter Windus

**Members Absent:**

Jack Morton

Chairperson Sturdivant announces that Commissioner Spector has been elected as Mayor of Los Gatos, and he congratulates Alternate Commissioner Spector.

2. **Public Presentations**

There are no public presentations.

3. **Approve minutes of September 26, 2007 and October 24, 2007.**

Chairperson Sturdivant notes that the minutes of October 24, 2007, page 5, second full paragraph should be amended by deleting the first sentence, which begins with "Val Alexeeff, Director,..."

Alternate Commissioner Spector notes that Commissioner Barbara Spector has requested that the minutes of September 26, 2007 be amended on page 6, second paragraph, to reflect "a vote of 6 to 1, with Chairperson Sturdivant voting no". Chairperson Sturdivant expresses

agreement with the amendment.

On motion of Commissioner Knopf, seconded by Commissioner Windus, it is ordered on a vote of 5 to 0, with Alternate Commissioner Spector abstaining, that the minutes of September 26, 2007 and October 24, 2007 be approved, as amended.

On order of the Chairperson, there being no objection, the agenda is taken out of order.

8. **Consider subdivision application to divide a 20.13 gross-acre parcel into four parcels. Parcels 1 and 4 are proposed to be 5.06 acres each. Parcel 2 is proposed to be 5.01 acres and Parcel 3 is proposed to be 5.00 acres. Property located at 560 Church Avenue (File # 2787 -73 -28 -07S; APN:830 -05 -047); Owner: Conrique.**

Mark Connolly, Planner III, Department of Planning and Development, distributes copies of a memorandum requesting that this item be held due to the pending approval of the South County Airport Master Plan and receipt of an incomplete application for the project. Mr. Connolly reads the memorandum, noting that the Department requests that this item be held until the application is deemed complete. Chairperson Sturdivant notes that the applicants are present, and he invites them to provide any comments they may have.

Commissioner Britton moves that the staff recommendation be approved to hold this item to a date uncertain until the application is deemed complete. Commissioner Blake seconds the motion.

Commissioner Windus advises that the ALUC does not need a Master Plan in order to adopt a Land Use Plan for South County Airport (E16). Ex-Officio (EO) Commissioner Honaker, Director of County Airports, reports that the proposed Master Plan is complete and has been submitted to the Federal Aviation Administration (FAA). He notes that the Master Plan cannot be adopted until an Environment Impact Report (EIR) is complete and that he expects to receive funding to conduct the EIR next spring. He informs the Commission that the proposed Master Plan will expand the safety zones, and the entire property at 560 Church Avenue will be within the safety zone. He states that the County

may request FAA funding to purchase the property at that time if the owners are willing to sell it.

Commissioner Windus inquires about the timeline for adoption of the Master Plan, and EO Commissioner Honaker responds that it will take at least 24 months. Commissioner Windus suggests that staff investigate the impact of the proposed change in the noise contour. EO Commissioner Honaker advises that the Master Plan proposes changing the Airport from a B-I designation to a B-II designation, which designates limits on approach speed and wingspan for aircraft arrivals and departures. He notes that this will create much larger safety zones for the airport.

On motion of Commissioner Britton, seconded by Commissioner Blake, it is unanimously ordered that the staff recommendation be approved to hold this item to a date uncertain until the application is deemed complete.

9. **Consider recommendations relating to the construction and operation of a new emergency helipad to replace an existing temporary helipad at the Regional Medical Center of San Jose located at 225 N. Jackson Avenue, San Jose, CA (City of San Jose File # GP03 -05 -10 and PDC03 -093).**

Mr. Connolly states that this referral is an application for the construction and operation of a new helipad to replace a temporary helipad that is currently operating at Regional Medical Center. He notes that the applicant is present to answer questions. Commissioner Windus inquires if staff has seen a copy of the Environmental Impact Report (EIR), and Mr. Connolly responds that he has seen only excerpts of the EIR due to the large size of the document. Commissioner Windus inquires about the noise contours, and Mr. Connolly directs attention to page 5 of the staff report, which was distributed to Commissioners prior to the meeting.

EO Commissioner Cary Greene, Planner, San Jose International Airport, inquires if this is a voluntary referral from the City of San Jose, noting that there is no Comprehensive Land Use Plan (CLUP) to govern helipads that are not near airports. Mr. Connolly notes that

there is a section of the County CLUP that governs helipads. Lizanne Reynolds, County Counsel, clarifies that the ALUC receives three types of referrals, and this referral falls into the category of voluntary referral because it is not a Master Plan or a General Plan amendment. Chairperson Sturdivant inquires about the impact of this, and Ms Reynolds responds that if the ALUC determines that the application is not consistent with ALUC policies, the City of San Jose is not required to override the determination. She notes that the Public Utilities Code outlines that the ALUC has responsibility to review construction plans for any heliports.

Ricarda Bennett, Heliport Consultants and representative of the Applicant, states that there is a section of the Public Utilities Code that requires that the ALUC review heliports, even if they are not near an airport; however, the review is voluntary and advisory in nature. She notes that the Division of Aeronautics reviews the design of heliports, and the criteria for land use is not specified and is often guided by the City Zoning Ordinances. Chairperson Sturdivant inquires if the heliport requires a use permit from the City of San Jose. Ms Bennett responds that it does; however, the City cannot place conditions on the hours or number of flights because they are for a medical use. She notes that she has the complete EIR if the Commission would like to review it.

Commissioner Blake reminds the Commissioners that the ALUC decided not to include heliports in the new CLUP documents because they are already regulated and there are no public use heliports in Santa Clara County, as all are designated for law enforcement or medical uses. EO Commissioner Honaker advises that the Airports Department has no objection to this application. He notes that the heliport falls within the traffic pattern for Reid-Hillview Airport; however, the Department does not object as long as the helicopter pilots are required to contact the air traffic control tower when arriving or departing, in order to avoid any conflicts.

On motion of Commissioner Britton, seconded by Commissioner Windus, it is unanimously ordered that the proposed helipad be found to be consistent with the ALUC Land Use Plan for areas surrounding Santa Clara County Airports, and a favorable recommendation be

forwarded to the City of San Jose.

4. **Accept staff report relating to minor project referrals.**

Mr. Connolly advises that there are no minor project referrals at this time.

5. **Accept verbal reports from Ex-Officio Commissioners.**

a. **Airport Planner, San Jose International Airport**

EO Commissioner Greene directs attention to the report entitled "FAA Obstruction Evaluation Actions within SJC Referral Area, October - November 2007". He notes that the first project listed is new to this Report and is currently pending action by the FAA. He advises that the City of San Jose submitted comments to the FAA recommending that the proposed project be determined to be a hazard.

EO Commissioner Greene further reports that the San Jose City Council approved an agreement between the City of San Jose and the County of Santa Clara to provide sound-proofing to homes near the Reid Hillview Airport.

Commissioners and staff discuss an article in the November 20, 2007 issue of the San Jose Mercury News relating to proposed residential high rises in downtown San Jose. Commissioner Britton notes that the noise level would be greater in the upper stories than on the ground, and inquires if there is any process for notifying prospective home buyers. EO Commissioner Greene advises that avigation easements would be granted; however, there is no accurate method to measure the noise level on the upper stories.

b. **Director of County Airports**

EO Commissioner Honaker reports that the County has reached an agreement with the City of San Jose to utilize the successful Acoustic Treatment program, and he commends the City and the County for their cooperation with one another. He notes that seven homes near Reid Hillview Airport will be retrofitted and the grant funds received from the FAA will be paid to the City of San Jose. He informs the Commission that the acoustic treatment retrofitting is expected to be complete in Summer of next year.

Alternate Commissioner Spector inquires about what is entailed in the acoustic treatment. EO Commissioner Honaker responds that the retrofitting is offered to the homeowner, extra insulation is provided in the attic, doors and windows are replaced with types that provide a better sound barrier, and if the home has no air conditioning it is added so that windows can remain closed. He notes that the home will be renovated to ensure that the interior sound does not exceed 45 decibels. He further advises that the acoustic treatment provides approximately \$40,000 to \$50,000 in added value to the home.

EO Commissioner Honaker concludes by advising that the contract for the Noise Monitoring and Flight Tracking System is expected to be signed during the week of November 26, 2007 and that implementation is expected to be complete by December 2008.

On Commission consensus, it is ordered that the verbal reports be accepted.

6. **Accept Chairperson's verbal report.**

Chairperson Sturdivant reports that there is a new law in California, Government Code Section 50485, which relates to prohibiting structures and/or trees in airport runway protection zones. He notes that the law must be adopted by the County and/or City in order to take effect in each jurisdiction. Ms Reynolds advises that the new law makes it a misdemeanor to place obstructions in the zones, and Commissioner Windus notes that this law makes it enforceable that obstructions must be removed.

On Commission consensus, it is ordered that the Chairperson's verbal report be accepted.

7. **Discuss draft Palo Alto Airport Comprehensive Land Use Plan.**

Mr. Connolly distributes copies of the draft Palo Alto Airport Comprehensive Land Use Plan (CLUP). He notes that the purpose of distributing the CLUP at the meeting this date is to review the major components with the Commissioners, and that the CLUP will be placed on the agenda for the next meeting as well, in order for Commissioners to provide their comments and input. He advises that the maps that have been completed in Geographic

Information System (GIS) were distributed at the meeting this date, and that the Palo Alto Airport CLUP was created from the template of the Reid Hillview Airport CLUP. He informs the Commission that the Palo Alto Airport CLUP is not completed, and there are some maps that require information from other jurisdictions.

Commissioner Windus directs attention to the noise section of the CLUP. He notes that the noise criterion in the City of Palo Alto is different from that of the City of San Jose. He further advises that most of the noise impacts from the Palo Alto Airport are in East Palo Alto, and that the CLUP specifies that its criteria apply only to Santa Clara County and not to San Mateo County. He directs attention to the safety zones displayed in Figure 7. Chairperson Sturdivant inquires if it would be useful to show the boundary between the two counties on Figure 7 and if it would be useful to communicate with the County of San Mateo to determine if they would be willing to adopt the same criteria from the CLUP. Commissioner Windus expresses agreement, and notes that there will be a series of public hearings and discussions relating to the CLUP before it is finalized.

Commissioner Windus directs attention to Table 2 -1, General Aviation Based Aircraft, and states that the numbers are estimates and will change when data is received. Commissioners discuss methods for obtaining the most accurate data.

Ms Reynolds inquires if the Commission will desire other changes to the County CLUP in 2008, besides the adoption of the Palo Alto Airport CLUP. She notes that the Commission will need to have a California Environmental Quality Act (CEQA) document completed for the CLUP amendments, and all changes will need to be included. Commissioners and staff discuss CLUP adoption in relation to adoption of airport Master Plans. Ms Reynolds inquires if there are any amendments to the South County portion of the CLUP that the Commission feels are urgent. EO Commissioner Honaker notes that the City of San Martin is in the process of being incorporated, and that this may affect referrals and jurisdiction at the South County Airport. Commissioners and staff discuss the benefits of revising sections of the County CLUP relating to the South County Airport in 2008 and the Master Plan and CLUP adoption process.

Chairperson Sturdivant expresses the opinion that it would be useful to prepare the South County Airport CLUP with the current runways, and amend later as necessary.

Commissioner Blake notes that it will be of great benefit to the ALUC for all three general aviation airports to have their own CLUP documents, and that the existing CLUP will then be utilized only for San Jose International Airport.

Commissioners and staff discuss the mapping technologies available.

10. **Accept correspondence.**

There is no correspondence.

11. **Announcements**

- a. Annual Form 700 Conflict of Interest documents will be mailed in January of 2008, to be completed and returned by April 1, 2008.
- b. Mr. Connolly announces that there is only one potential item for December, which would be the fee schedule increase, and he recommends cancellation of the December ALUC meeting.

12. **Adjournment**

On motion of Commissioner Windus, seconded by Commissioner Knopf, it is unanimously ordered that the December ALUC meeting be canceled.

On order of the Chairperson, there being no objection, it is ordered that the meeting be adjourned at 7:35 p.m. to the next regular meeting on Wednesday, January 23, 2008 at 6:00 p.m. in Room 157, County Government Center, 70 West Hedding Street, San Jose.

Respectfully submitted,

JoLene Mittelsteadt

Deputy Clerk