

California Department of Transportation

DIVISION OF AERONAUTICS - M.S. #40
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August 5, 2024

Bethelhem Telahun
Planner
City of San Jose
200 E. Santa Clara
San Jose, CA 95113

Electronically Sent <Bethelhem.Telahun@sanjoseca.gov>

Dear Bethelhem Telahun:

Caltrans Division of Aeronautics (Division) has reviewed the Mitigated Negative Declaration (MND) for the Columbus Park Redevelopment Project in Santa Clara County. One of the goals of the California Department of Transportation, Division of Aeronautics, is to assist cities, counties, and Airport Land Use Commissions (ALUC) or their equivalent, to understand and comply with the State Aeronautics Act (SAA) pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Division in the review of the MND.

The Project site is approximately 0.5 miles north of the San Jose Mineta International Airport and is within the Inner Safety Zone of the Airport Land Use Compatibility Plan (ALUCP) for Santa Clara County. Therefore, it must adhere to the safety criteria and restrictions defined in the ALUCP, adopted by the ALUC pursuant to PUC Section 21674 and is subject to review authority by the ALUC. The Inner Safety Zone represents the approach/departure zone and contains a high-risk level as assessed in the California Airport Land Use Planning Handbook (Handbook). Per the ALUCP, nonresidential uses in this zone should be activities that attract relatively few people.

In accordance with the CEQA PUC Section 21096, the Handbook must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. In addition, per the SAA PUC Section 21674.7(b):

"It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established...and referred to as the Airport Land Use Planning Handbook published by the Division."

"Provide a safe and reliable transportation network that serves all people and respects the environment"

The Project site is proposing to demolish and redevelop approximately 10 acres of an existing park that is within an airport safety zone. To this note, the Handbook states on the Expansion, Conversion, or Redevelopment of Existing Uses:

"The limitation on ALUC authority over existing land uses applies only to the extent that the use remains constant. Merely because a land use exists on a property does not entitle the owner to expand the use, convert it to a different use, or otherwise redevelop the property if new or increased compatibility conflicts would result. To the extent that such land use changes require ministerial or discretionary approval on the part of the county or city, they fall within the authority of the ALUC to review" (PG. 4-41).

Given the site's proposed use as a children's soccer area and play area, along with soccer and lawn practice areas that may have varying demographics, the Project should consider the uses in relation to Vulnerable Occupants per the Handbook's guidance:

"Other types of land uses also tend to be given special deference by the community. These are uses for which risk acceptability cannot be measured simply in terms of the number of occupants. The vulnerability of the occupants to the risks of aircraft accidents must also be considered. In many instances, the appropriate policy may be outright prohibition of new instances of these uses and expansion of existing facilities... Two other segments of the population whom are often afforded special consideration and protection are the elderly and disabled. As with children, both groups include individuals who may not know how to respond to an emergency or maybe physically unable to do so" (PG. 4-29).

The Project site is located in the 70 dB noise contour of the ALUCP. New construction or development of neighborhood parks is generally unacceptable in this noise contour and should be discouraged. The site is conditionally acceptable for outdoor spectator sports. However, it should be noted that outdoor activities may be adversely affected due to limited noise mitigation measures for outdoor use. While the redevelopment Project is not introducing a new sensitive land use, it would continue to expose those in the area to excessive noise levels. Additionally, due to its proximity to the airport, the Project site may be subject to frequent aircraft overflights and subsequent aircraft-related noise and safety impacts.

Compatibility concerns regarding airport obstructions and hazards to flight (such as wildlife attractants, lighting, or glare, etc.) should also be considered for further review. Proposed structures that exceed FAA Regulations Part 77 height criteria are subject to an Obstruction Evaluation/Airspace Analysis for determination.

These comments reflect the areas of review by Caltrans Aeronautics with respect to airport-related noise, safety, and land use planning issues. If you have any questions, please contact me at tiffany.martinez@dot.ca.gov.

Bethelhem Telahun, Planner

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Sincerely,

A handwritten signature in cursive script that reads "Tiffany Martinez".

Tiffany Martinez

Associate Transportation Planner

c: State Clearing House <state.clearinghouse@opr.ca.gov>, Matthew Friedman, Chief
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