

3. AIRPORT HEIGHT CONSTRAINTS

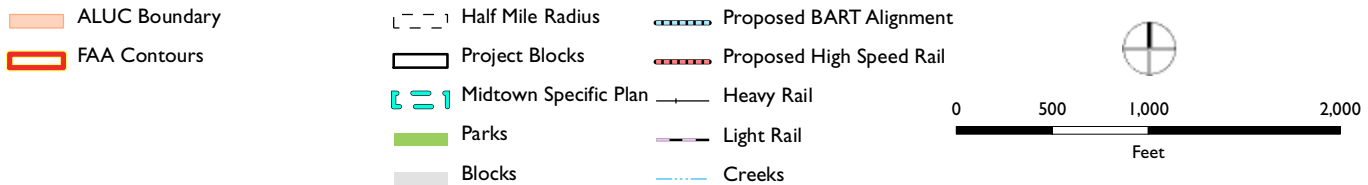
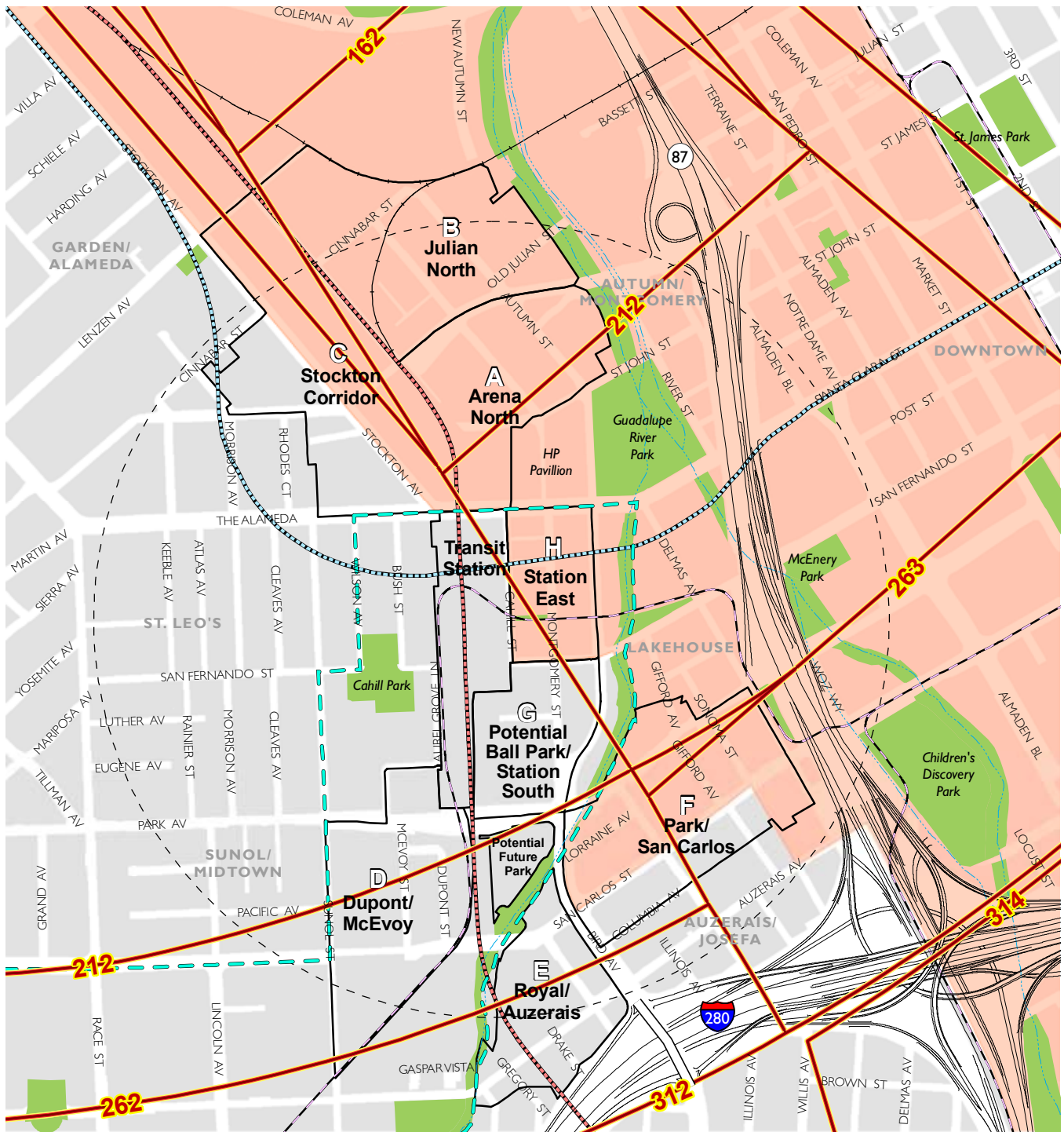
3.1 Airport Height Constraints

The Diridon Station planning area is subject to height constraints related to the Norman Y. Mineta International Airport (Airport). Building heights in the planning area are subject to the Federal Aviation Administration (FAA) regulations for navigable, obstruction free airspace. The City of San José also establishes aviation policies in the San José 2020 General Plan, which may be further delineated by additional airline safety criteria identified in the pending Airport Obstruction Study conducted by the City of San José so that new development in the Airport vicinity will not impact airline service or emergency flight routes.

ALUC AND FAA IMAGINARY SURFACES

The Diridon Station planning area is located approximately 1.5 miles southeast of the Airport and is subject to height and land use restrictions defined by the Santa Clara County Airport Land Use Commission (ALUC) and FAA. The ALUC maintains a Comprehensive Land Use Plan for Areas Surrounding Santa Clara County Airports (ALUCP) that provides for the orderly growth of the area surrounding the County's four airports, including the Airport in San José. The ALUCP establishes provisions for the regulation of land use, building height, safety, and noise insulation within areas adjacent to an airport to minimize the public's exposure to safety hazards and excessive noise. Any proposed plan, project or land use change within the ALUC referral area must be submitted for review by the ALUC to determine whether it is consistent or inconsistent with the ALUCP. The ALUC referral area for the Airport is mapped in Figure 3-1. Local agencies can overrule ALUC findings if the jurisdiction disagrees with an identified inconsistency. In order to overrule a finding of inconsistency, a jurisdiction must hold a public hearing, make specific findings that the action proposed is consistent with the purposes of the ALUC statute, and approve the proposed action through a two-thirds vote of the local agency's governing body.

Figure 3-1: DIRIDON STATION AREA PLAN - FAA CONTOURS AND ALUC BOUNDARY



Approximately 109.5 acres of the Station planning area are located in the ALUC referral area for the Airport. The planning area is also subject to height regulations administered by the FAA through the implementation of Federal Aviation Regulation (FAR) Part 77, "Objects Affecting Navigable Airspace." Part 77 sets forth standards and review requirements for the protection of airspace, including the height of potential structures, use of reflective surfaces and flashing lights, electronic interference, and other potential hazards to aircraft in flight. Any proposed structure or object within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from an airport's runways or which stands at least 200 feet in height above ground must be submitted to the FAA for an aeronautical study to determine whether the specific structure would constitute a hazard to aircraft.

FAA surfaces for the Airport are shown in Figure 3-2. The entire Station planning area is located within the FAA imaginary surface, with the most restrictive height limits in the northern portion as the imaginary surface descends northward towards the Airport. In addition to the FAA height criteria, the City of San José holds an aviation easement over a portion of the Station Area which sets forth specific height limitations that generally correspond with, or are slightly more restrictive than, current FAA criteria.

SAN JOSÉ AIRPORT OBSTRUCTION STUDY

In addition to the ALUC and FAA regulations, the City of San José has undertaken an Airport Obstruction Study to identify potential conflicts between high-rise development and airline service safety criteria. The Study identifies two corridors for One-Engine Inoperative (OEI) surfaces, which represent the minimum required airspace needed for safe emergency maneuvers of an aircraft with an inoperable engine. One corridor is located above Downtown San José, and the other is located above the Diridon Station planning area. The OEI surfaces may be more restrictive than the FAA surfaces. If the recommendations of the Airport Obstruction Study are approved by the City Council, future building heights in the Station Area may be subject to the heights delineated by the OEI surface.

SAN JOSÉ 2020 GENERAL PLAN AVIATION POLICIES

The San José General Plan supports continued growth and aviation services at the Airport while minimizing impacts to the surrounding community. Policies support continued capital improvements at the Airport and foster compatible land uses around the Airport. Specific policies that apply to ALUC and FAA regulations include:

47. Development in the vicinity of airports should be regulated in accordance with FAA guidelines to:
 - Maintain the airspace required for the safe operation of these facilities.
 - Avoid reflective surfaces, flashing lights and other potential hazards to air navigation.
48. Development in the vicinity of airports should take into consideration the safety areas identified in ALUC policies.
49. As a condition of approval of development in the vicinity of airports, the City should require aviation easement dedications.

RESULTING HEIGHT CONSTRAINTS

Topography of the planning area is relatively flat, and is generally located 85 to 90 feet above msl (mean sea level) in the north and 95 to 105 feet above msl in the south. Given the general elevation of the planning area, the FAA and OEI surfaces will limit achievable heights to a greater extent in the north of the planning area to generally 130 feet, or eight to 11 stories, depending on the building type. This is comparable to the existing height of the HP Pavilion.