

From: Connolly, Mark
To: [Mahamood, Reema](#)
Subject: RE: Errata for Museum Place Mixed Use Project Draft SEIR
Date: Wednesday, March 29, 2017 2:04:12 PM

Thank you,

Mark J. Connolly
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Please visit our website at www.sccplanning.org
To look up unincorporated property zoning information: www.sccplanning.org/aisprofile
Questions on Plan Check Status?, please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Connolly, Mark
Sent: Friday, February 24, 2017 3:30 PM
To: 'Mahamood, Reema' <reema.mahamood@sanjoseca.gov>
Cc: Freitas, Harry <Harry.Freitas@sanjoseca.gov>; 'CGreene@sjc.org' <CGreene@sjc.org>
Subject: RE: Errata for Museum Place Mixed Use Project Draft SEIR

Reema-

Please consider these formal comments for the record on the Museum Place SEIR, as well as on the Project by Staff to the Santa Clara County Airport Land Use Commission.

Project Description:

Site Development Permit to allow the demolition of Parkside Hall to construct a 24-story, mixed-use high rise with up to 306 residential units, 184 hotel rooms, 209,395 square feet of office use, 13,402 square feet of retail space, and 60,475 square feet of additional museum space on a 2.33 gross acre site (File No. H16-024).

Comments:

Safety:

The project is located outside of all ALUC safety zones for SJC.

Height:

The proposed project has a maximum height above grade identified as 267 feet AGL. Based on GIS mapping data, the topographic elevation of the site is 90 feet Above Mean Sea Level (AMSL). The total height of the proposed project is 357 feet AMSL. As can be seen in the attached GIS Map showing the Federal Aviation Administration Federal Aviation Regulation Part 77 Surfaces (Part 77 Surfaces), the site is located between the 262 to 272 AMSL Part 77 surface. Therefore, the project exceeds the lowest 262 Part 77 surface by 95 feet. The ALUC in General uses the Part 77 surfaces as a height restriction boundary, but specifically for the City of San Jose, the ALUC agreed during the adoption of the Envision San Jose 2040 General Plan to adopt the following General Plan policy:

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

Although the proposed project would otherwise be *Inconsistent* with the height policies of the San Jose International Airport Comprehensive Land Use Plan (CLUP). If the FAA issues a No Hazard Determination prior to the project's approval the project may be deemed to be consistent with the CLUP height policies. ALUC staff has verified that as of the date of this correspondence no FAA No Hazard Determination has been applied for. Without an FAA No Hazard Determination

the project cannot be deemed consistent with either the SJC CLUP, or the City's General Plan.

Page 24 of the February 2017 SEIR states the following General Plan policy with a consistency analysis:

Policy TR-14.3: For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

Consistency: The proposed project complies with policies of the ALUC comprehensive land use plan for Mineta San José International Airport as discussed in below and in Section 4.8 of Appendix A. Therefore, the project is consistent with Policy TR-14.3.

This analysis is factually inaccurate as demonstrated in the height analysis above. The EIR also discusses One Engine Inoperative (OEI) heights, which are slightly higher in this location than Part 77 Surfaces. The EIR discusses a 270-foot AGL OEI limit on the Park Ave. frontage, which the project has obviously been designed to meet. The piece of missing analysis is that the OEI surfaces are not adopted for SJC. Since the OEI does not exist, the Part 77 surfaces are the heights projects should be designed to meet.

Noise:

The project is located within the 65 dBA CNEL for SJC. Pursuant to policy N-4 of the SJC CLUP, 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.). As stated above, given policy N-4 the consistency statement with City of San Jose General Plan policy TR-14.3 cannot be accurate. As can be seen on the project elevations, almost every floor of the residential tower building has extensive patios and activity areas associated with the residential portion of the project.

Conclusion:

Staff suggest that the SEIR analysis corrections be acknowledged and City Council consider the SEIR Design Alternative of 108 feet tall and nine-stories. Also, that the patios and outdoor activity areas be redesigned for the project.

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