

# SUPPLEMENTAL

COUNCIL AGENDA: 06-05-07  
ITEM: 10.2



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** May 18, 2007

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**COUNCIL DISTRICT:** 3  
**SNI AREA:** N/A

### SUPPLEMENTAL MEMORANDUM

**SUBJECT: GP06-T-01. GENERAL PLAN TEXT AMENDMENT AND PROPOSED ALUC  
OVERRIDE AT 40/50 AIRPORT PARKWAY.**

#### REASON FOR SUPPLEMENTAL

After further review of the draft Airport Obstruction Study, staff finds that the subject height amendment can be evaluated independent of the issues raised in the Airport Obstruction Study, which focus specifically on the Downtown.

#### RECOMMENDATION

The Director of Planning, Building and Code Enforcement recommends that the City Council overrule the ALUC determination and approve the subject General Plan text amendment based on the analysis and findings contained in the staff report.

#### BACKGROUND

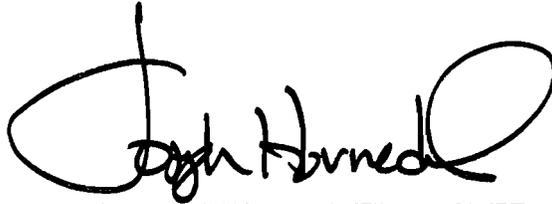
Continuance of the proposed General Plan text amendment was recommended by the Director of Planning, Building and Code Enforcement in order to provide the City Council an opportunity to consider the Airport Obstruction Study and building height policies related to aviation needs of the Norman Y. Mineta San Jose International Airport prior to considering an increase in the maximum allowable building height on the subject site.

On May 2, 2007, the Planning Commission voted 6-0-0 to recommend deferral of the subject General Plan text amendment request to the next General Plan hearing cycle because they indicated that they want to review the item in the context of what occurs through the Airport Obstruction Study process and discussion. The Planning Commission's recommendation is deemed a negative recommendation pursuant to San Jose Municipal Code Section 18.08.100.

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**ANALYSIS**

Since the Planning Commission hearing, staff has conducted further analysis of the draft Airport Obstruction Study and found that the subject height amendment does not project into any potential protected airspace, and therefore can be evaluated independent of the issues raised in the Airport Obstruction Study.

A handwritten signature in black ink, appearing to read "Joseph Horwedel". The signature is stylized with large loops and a prominent initial "J".

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Allen Tai, Department of Planning, Building and Code Enforcement at 535-7866.