



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: June 11, 2008

Approved

Date

6-12-08

COUNCIL DISTRICT: 3

SNI AREA: N/A

SUPPLEMENTAL MEMO

SUBJECT: PDC08-017. Conforming Rezoning from A(PD) Planned Development to A(PD) Planned Development to modify the development standards of the existing zoning district (File No. PDC98-104) to allow 24-hour drive-through uses by right, minor modifications to building setback and height requirements on the southeasterly portion of an approximately 94.8 gross-acre site, minor technical or clarifying revisions, and other revisions to address traffic capacity for a project at the northwest corner of Coleman Ave and Newhall Street (former FMC site).

REASON FOR SUPPLEMENTAL

Please find attached correspondence from the Santa Clara County Airport Land Use Commission (ALUC) dated June 6, 2008. The ALUC requests continuance of the City Council's consideration of the rezoning to August 2008 to enable the ALUC to consider the rezoning at its July 23, 2008 regular meeting. However, continuance of the rezoning would extend the ALUC comment period beyond their legally-mandated 60 days (ending June 17th) to provide comments to the City, and Planning staff does not recommend a continuance. In the attached letter, the ALUC Staff has requested that, if the Council does not support a continuance, the Council consider the attached standard land use recommendations from the Airport Land Use Plan. Planning staff has confirmed that the rezoning is consistent with these recommendations, and recommends approval of the rezoning.


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at 408-535-7847.

Attachments:

Santa Clara County Airport Land Use Commission (ALUC) letter, received June 9, 2008

ALUC

SANTA CLARA COUNTY
AIRPORT LAND USE
COMMISSION

Airport Land Use Commission

County Government Center, 70 W. Hedding Street, East Wing, 7th Fl., San Jose, CA
95110
(408) 299-5786 FAX (408) 288-9198

June 6, 2008

To: Allen Tai, Project Planner
□ City of San José □ Planning Division □ □
200 East Santa Clara Street
□ San José, CA 95113-1905 □

Re: PDC08-017 Proposed Conforming Planned Development Rezoning to modify the development standards of the existing Planned Development zoning district (PDC98-104) to allow 24-hour drive thru uses, minor modifications to building setback requirements and other revisions on a 91.92 gross-acre site. (City of San Jose File Number PDC08-017).

Dear Mr. Tai:

Thank you, for the opportunity to review the above project. As you know, Rezoning applications within the referral boundary of Santa Clara County Airports are Mandatory referrals to the ALUC, and are heard by the full Commission. Due to the hearing schedule of both the City of San Jose City Council and the ALUC, this item will not be able to be heard by the full Commission within the 60-day period.

Therefore, the ALUC hereby requests continuance of the item to the first meeting in August 2008, to allow time to schedule the item for the next regularly scheduled ALUC meeting on July 23, 2008. If this extension cannot be granted, the following are staff comments for consideration by the City Council:

Objects that penetrate the FAA Part 77 surfaces are, by definition, inconsistent with the ALUC's Comprehensive Land Use Plan.

Therefore, to the extent this policy would allow objects to Penetrate those surfaces; the proposed Rezoning application would be inconsistent with the ALUC CLUP.

The Safety Zone for runway 11-29 crosses approximately one quarter of the northeast portion of the subject site. Although other ALUC safety policies may be appropriate for the proposed use, at a minimum the proposed use would be subject to the ALUC 10/25-population density rule. This would limit the density of people occupying the site in the area of the Safety Zone to reduce risk exposure in the event of an aircraft incident.

ALUC

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The 65 CNEL Contour for San Jose International Airport slightly encroaches along the northeast corner of the subject site. Although not identified as a non-compatible parcel in the fourth quarter noise monitoring report, the City of San Jose, should review the proposed use for disruptions by aircraft traffic.

Should you have any questions, please feel free to contact me at 408-299-5786.

Respectfully,

Mark J. Connolly
ALUC Staff Coordinator

Cc; City of San Jose City Council
Michael Lopez; Santa County Clara Planning Manager
ALUC