
TO: AIRPORT COMMISSION

FROM: Ryan Sheelen, Senior Planner,
SJC Planning & Development

SUBJECT: Proposed Airport Influence
Area Amendment for SJC's
CLUP

DATE: April 28, 2023

Dear Airport Commissioners,

The Santa Clara County Airport Land Use Commission (ALUC) is proposing to amend the San Jose Mineta International Airport (SJC or Airport) Comprehensive Land Use Plan (CLUP) Airport Influence Area (AIA). The purpose of a CLUP is to provide for the orderly growth of SJC and the area surrounding the SJC within the jurisdiction of the ALUC and to safeguard the general welfare of the inhabitants within the vicinity of SJC and the public in general. Pub.Util.Code Section 21675(a).

Staff Request to Airport Commission: To endorse the Airport's recommendation for the ALUC to align the noise contours in the amended CLUP with the 2037 CNEL noise contours included in the 2020 Airport Master Plan amendment Environmental Impact Report (EIR), in accordance with state law. See, e.g., Pub.Util.Code Section 21675(a) (if a long-range master plan has been adopted by the airport proprietor, the CLUP must be "based on" that plan).

Attached to this memo is a letter from the Airport and Planning, Building, and Code Enforcement (PBCE) Departments on March 14, 2023, in response to a CEQA Initial Study/Negative Declaration (Exhibit A) for the ALUC's proposed AIA. The letter highlights three main concerns regarding the proposed AIA (Exhibit B):

1. Failure to comply with CEQA Guidelines.
2. Failure to comply with consultation requirements in state law.
3. Concerns with the improper application of SJC's 2037 noise contours.

Attached to this memo is Exhibit C, which shows the existing AIA and 65dB contours from the existing CLUP for SJC and Exhibit D, which shows the ALUC's proposed AIA and 65dB noise contours, along with the SJC 65dB 2037 noise contours from the 2020 Master Plan Amendment (EIR).

As shown in exhibit D, the ALUC's proposed noise contours have been artificially inflated. The proposed inflation is based on an increase in the 2037 forecasted SJC aircraft operations by 50%, with no justification provided in the County's Initial Study/Negative Declaration. These expanded noise contours have been used to artificially broaden the AIA surrounding SJC.

At the end of the City's March letter, the Airport and PBCE requested the ALUC "adopt SJC's Master Plan EIR 2037 CNEL noise contours and retain the existing AIA boundary in the SJC CLUP (with only the removal of the Traffic Pattern and Runway 11/29 Turning Safety Zones)".

Following the ALUC meeting on March 22, 2023, the ALUC made the following motions:

- Continue the hearing until June 28, 2023
- Staff to work on an amended SJC CLUP
- Prepare and publish a revised Negative Declaration for comment
- Consult with the City of San Jose prior to the June 28, 2023 hearing

After Airport staff's consultation with the City Attorney's Office, it was determined that the ALUC's artificial inflation of SJC's 2037 Airport Master Plan noise contours by 50% are inconsistent with the requirements of state law. The CLUP is required to be based on the noise contours included in SJC's 2020 Airport Master Plan amendment EIR. See, Pub.Util.Code Section 21675(a) (the CLUP must include and be based on a long-range master plan). **The Airport's recommendation is for the ALUC to align the noise contours in the amended CLUP with the 2037 CNEL noise contours included in the 2020 Airport Master Plan amendment EIR, in accordance with state law.**

Finally, attached is Exhibit E, with the relevant sections of state law highlighted for reference.

Attachments

Exhibit A: Initial Study/Negative Declaration

Exhibit B: March 14, 2023 Letter to ALUC

Exhibit C: AIA and Noise Contours from the Existing AIA

Exhibit D: ALUC Proposed AIA, SJC 2037 Noise Contours, and ALUC Inflated Noise Contours

Exhibit E: State Law relating to Airport Land Use Planning