
FW: Items 10.2 and 5.1 - GP18-012 & PDC23-009, ER23-056 - Guadalupe Gardens - Public Comment - Council 5/6

From City Clerk <city.clerk@sanjoseca.gov>

Date Mon 5/5/2025 8:23 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (2 MB)

Guadalupe-Gardens-Comment-H.pdf;

From: Jordan Moldow <[REDACTED]>

Sent: Monday, May 5, 2025 12:18 AM

To: City Clerk <city.clerk@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>

Cc: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Subject: Items 10.2 and 5.1 - GP18-012 & PDC23-009, ER23-056 - Guadalupe Gardens - Public Comment - Council 5/6

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Please see the attached PDF, which contains a well-sourced rebuttal of the claim that this land-use change can be required or negotiated by the FAA or the airport. This is Comment Letter H, submitted for the Draft EIR by Leslee Hamilton and Kathleen Muller. I've reordered the pages, so that the more concise information appears earlier in the PDF, and dropped some pages for brevity. For the original, see pages 501 through 519 in [the First Amendment to the DEIR](#).

In short:

- The entirety of the Guadalupe Gardens has been (and continues to be) serving an aeronautical function as the SJC Airport Approach Zone, providing runway and approach protection. The 1975 environmental document is clear that this land has always been approach protection land.
- The FMV requirements do not apply to lands that were purchased for approach protection and are still serving that aeronautical function. The airport nor the FAA are entitled to prevent the City from using the land for a community benefit at less-than-FMV.
- In 2002, the FAA approved the Guadalupe Gardens Master Plan, and re-stated its classification as the approach zone.
- The Master Plan calls for a Green Gateway along Coleman Avenue. Both the Master Plan and the 2040 General Plan call for expanding the Guadalupe Gardens open space; removing parcels and reducing community benefit / open space is inconsistent with both documents. The rezoning of Site 3 is particularly problematic towards these goals. (Rezoning Sites 1, 2, and 4 would be relatively minor in comparison.)

Contents of the attached document:

- Response to the Proposal to Commercially Develop Parkland (page 511 of the DEIR 1st Amendment)

- Nov 2009 letter from special aviation counsel to the City of San José, regarding federal regulations for the Guadalupe Gardens (pages 513 to 516 of the DEIR 1st Amendment)
- June 2024 letter from Leslee Hamilton and Kathleen Muller (pages 503 and 504 of the DEIR 1st Amendment)
- Nov 2018 Response to the Proposal to Commercially Develop Parkland, regarding inconsistency with the 2040 General Plan (pages 507 to 510 of the DEIR 1st Amendment)
- Oct 2018 Letter from PNRS (pages 505-506)
- Misc.

Finally, I'd like to note that the Council-approved 2025 Mayor's March Budget Message states, "As a north-south gateway for visitors and residents traveling through Downtown, the Guadalupe River Park (GRP) has the potential to be San José's "Central Park."" To meet that vision, the Guadalupe Gardens should continue to be visible and accessible from Hedding St, Taylor St, **and Coleman Ave**. But the rezoning and redevelopment of Site 3 threatens to replace and hide that side of the park. Please rethink this rezoning of Site 3, and maintain our commitment to our few remaining large open spaces near downtown.

Thank you for your consideration.

Jordan Moldow (speaking on his own behalf)

District 3, Japantown, 95112

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Guadalupe River Park Conservancy Response to the Proposal to Commercially Develop Parkland

- There is no legal basis for the claim that the Airport is required to develop Guadalupe River Park Land along Coleman Avenue and receive Fair Market Value (FMV).
- Under FAA Policy provided by FAA to GRPC land used for a community benefit such as recreation and parks can be disposed of or leased at less than fair market value. (FAA Community Benefit Rule) See Policies and Procedures Concerning use of Airport Revenue, Federal Register/Vol. 64, No. 30/Tuesday 16, 1999/Notices (FAA Airport Revenue Policy) at Section III –Applicability of the Policy.
- The Airport claims that the FAA Community benefit rules do not apply to Guadalupe Gardens because the land was obtained under a Noise Compatibility Grant. (Noise Land). However, the Airports own map (Attached) shows that the land along Coleman Avenue was primarily obtained with Approach Protection Grants (Approach Protection Land) for which the FAA Community benefit rule does apply. So the Airport is not entitled to FMV.
- The City of San Jose has already retained outside counsel, an expert on FAA law, to analyze this issue, Mr. Cohn at Hogan & Hartson in Washington DC, and on November 20, 2009 he issued an opinion letter saying that the land was purchased for approach protection (obstruction-free) zones. (attached)
- Supporting Mr. Cohn's analysis is the 1975 DOT-FAA Environmental Impact Statement (EIS) which admits the land is not noise land, rather it is approach protection land.
- The 1975 EIS and its implications are stunning. It's clear the City's outside counsel. Mr. Cohn, was absolutely correct when he said the land was purchased for approach protection and not noise compatibility. This is a DOT-FAA document so when it says what the purpose is-it is conclusive. The FAA states they did not have authority to buy the housing strictly for noise reasons. (relevant pages attached)
- The City should not allow itself to be buffaloeed into turning parkland over to private strip development along Coleman Avenue and foregoing the Green Gateway the City and Community have long worked toward.
- The temptation to develop valuable park land for short term financial reasons is a temptation faced by many cities in their goal to develop signature parks. In guidance GRPC has received on how to operate as a park conservancy, there are specific warnings regarding the necessity of opposing any temptation to commercially develop parkland. Consistent with the mission given to the Conservancy by the City, the GRPC strongly opposes any attempt to weaken the community's vision and opposes commercial development of parkland.

HOGAN & HARTSON

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Robert E. Cohn
Partner
202.637.4999
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November 20, 2009

Ms. Robin K. Hunt
Manager, San Francisco Airports District Office
831 Mitten Road, Room 210
Burlingame, California 94010-1303

Re: Guadalupe Gardens Land Use Issues

Dear Ms. Hunt:

We have been retained by the Office of the San Jose City Attorney as special aviation counsel to the City of San Jose, and hereby respond to your letter dated April 1, 2009 addressed to the Director of Aviation concerning the above-referenced matter. Your letter informed the Director of Aviation that the land acquired with AIP funds for Guadalupe Gardens must be inventoried and a re-use plan submitted to the FAA for acceptance. The FAA's April 2009 Letter focused on two parcels of land, stating that:

1. "the proposed Guadalupe Gardens ... is not an aeronautical activity; and therefore the FMV of the land used for park purposes would be required"; and
2. the other parcel of land – which was acquired with a combination of AIP funds for noise compatibility and approach protection – "may be retained as 'AIP eligible development land' if reasonably necessary for approach protection. . . . There is no FMV payment required on land retained for eligible airport development purposes."

We respectfully submit that 49 U.S.C. § 47107(c)(2) and Grant Assurance No. 31 relating to "noise land" do not apply to the Guadalupe Gardens land because in 2002 the FAA formally and expressly approved the reuse of the Guadalupe Gardens land for aeronautical and eligible airport development purposes, specifically for runway and approach protection (obstruction-free) zones. Consequently, the City is not required to dispose of the land at fair market value.

By way of background, the Airport Master Plan for Norman Y. Mineta San Jose International Airport ("SJC" or "Airport") was adopted by the City Council in 1997 and subsequently approved by the FAA in 1999. In early 2002, the City Council approved a Master Plan for Guadalupe Gardens, consisting of approximately 120 acres of mostly vacant, Airport-owned property located south of SJC, much of which falls within an FAA-established safety zone ("Extended Object Free Area"). (GG-MP at 2, 5, A-4) The GG Master Plan sought to preserve and enhance the Guadalupe Gardens property as a visually attractive open space for passive recreation, public involvement, and exposure to the horticultural and natural environment of the local area, while "ensuring a safe and compatible approach zone for the Airport" and "maintaining its primary function as a safe approach zone for [SJC]." (GG-MP at 8, 1 (emphasis added).) By letter dated August 9, 2002, addressed to the City's Director of Aviation, the FAA approved the City's Master Plan for reuse of Guadalupe Gardens for runway and approach protection stating that "**This letter serves as official FAA approval of the subject land use plan for SJC Approach Zone property.**" (emphasis added.). In reliance on that approval, the City issued its GG Master Plan – Final Report in December 2002. Even though many of the ADAP/AIP grants may have indicated that the original purpose was for noise compatibility, the 2002 GG Master Plan expressly sought re-use of the property for safety approach purposes and the FAA's 2002 letter expressly approved the use of the land for such purposes.

Runway and approach protection is an aeronautical purpose (*i.e.*, "an airport purpose"), which is not subject to the disposal requirements of § 47107(c)(2)(A), but rather is governed by 49 U.S.C. § 47107(c)(2)(B). Under 49 U.S.C. § 47107(c)(1), land is "needed for an airport purpose (except a noise compatibility purpose) if ... (A)(i) the land may be needed for an aeronautical purpose (including **runway protection zone**) or serves as noise buffer land..." (emphasis added). Under 49 U.S.C. § 47107(c)(2)(B), disposal is required only "when the land no longer is needed for an airport purpose." The land at issue continues to be needed for the airport purpose of runway/approach protection.

The FAA policy encourages airports to acquire land for runway/approach protection purpose: "The sponsor should be **strongly encouraged** to acquire fee title to all land within the RPZ, with first priority given to land within the Object Free Area. . . . Land interest [for current airport development] is eligible when acquisition is necessary to restrict the use of land in the approach and the transitional zones . . . to activities and purposes compatible with normal airport operations as well as to meet current and anticipated development at the airport." FAA Order 5100.38C, ¶ 701(b)(1) and (2) (emphasis added).

Importantly, the GG Master Plan, of which the FAA gave "official FAA approval" in 2002, made it crystal clear that the purpose for using the Guadalupe Gardens land was for runway/approach protection. The Master Plan expressly stated that the purpose of the re-use plan is to "ensur[e] a safe and compatible approach zone for the Airport" and to "maintain[] its primary function as a safe approach zone for the

[Airport]" (GG-MP at 1, 8; emphasis added), and that "most of the Guadalupe Gardens also falls under an FAA-established safety zone called an 'Extended Object Free Area' [which] [b]y definition . . . must be kept clear of any structures or stationary objects not required for aircraft navigation" (GG-MP at 5). The Master Plan further notes that much of the original land acquisition in this area was apparently for runway/approach protection purposes: a "comprehensive Airport Approach Zone and Land Acquisition Program was formally authorized in 1974 by the City and the Federal Aviation Administration (FAA) to complete the purchase of approximately 625 parcels totaling 120 acres in the Coleman Loop neighborhood [*i.e.*, Guadalupe Gardens area], including relocation of residents and property clearance." (GG-MP at 1.)

Tellingly, the FAA's August 2002 letter, approving the GG Master Plan, confirmed the use of the land for this airport purpose: "[T]his letter serves as **official** FAA approval of the subject land use plan for **SJC Approach Zone property**. . . . [The] revision [in paragraph 1] would provide assurance that the proposed land use improvements do not compromise the City's fundamental obligation to maintain the Extended OFA [Object Free Area] for its intended purpose." (emphasis added.) The FAA has therefore determined that the Guadalupe Gardens land is by purpose and intent necessary for runway and approach zone protection, which is an "airport purpose", thereby placing it within the parameters of 49 U.S.C. § 47107(c)(2)(B), and not § 47107(c)(2)(A). Consequently, the disposal requirement is not triggered.

The FAA-approved purpose to use the land for runway/approach protection remains ongoing. The Guadalupe Gardens land is still needed for an aeronautical purpose, *i.e.*, to provide runway and approach protection (obstruction-free) zones, given its location near two major runways and beneath two approach and take-off paths.

Under these circumstances, and in light of the City's reliance on the FAA's 2002 "official FAA approval" to re-develop and use the property in accordance with the GG Master Plan for runway and approach protection purposes, we submit that it would be arbitrary, capricious and unlawful for the FAA, now seven years later, to reverse its position and withdraw its approval.

If you have any questions about the City's position on this issue, please do not hesitate to contact me.

Sincerely yours,



Robert E. Cohn
Counsel for the City of San Jose

June 5, 2024

Kelly Snider, Chair
San Jose Parks & Recreation Commission
Via email

Re: Guadalupe Gardens, Item VII B.

Dear Chair Snider and Parks and Recreation Commissioners,

As the first two executive directors of the Guadalupe River Park Conservancy, we urge you to reject the proposed amendment to the Guadalupe Gardens Master Plan. We were intimately involved (Kathleen from 1995-2007; Leslee from 2007-2019) in the development and implementation of the city-approved 2002 Guadalupe Gardens Master Plan and believe an amendment that reduces parkland by more than 11 acres and changes the character of the space is unwise.

In the mid-1970s, City Council and FAA approved implementation of Airport Approach Zone Land Acquisition Program to remove incompatible land use from Coleman Loop area and to **restrict use of acquired property to compatible open space or agriculture.**

As the background information on the proposed amendment notes, federal funds, along with a 20% local match, were used to purchase homes for noise abatement and safety reasons. The many structures in this existing neighborhood – and later the streets and sidewalks -- were subsequently demolished. The environmental clearances in the 1970s make it clear that the majority of the land was purchased for approach-zone safety, with no expectation for reuse or the collection of fair market value leases. (April 1974 Final EIS).

In 1986, Mayor Tom McEnery proposed the creation of an open space and recreation area within the airport approach zone. The Guadalupe Gardens Task Force formed by the City in 1990 to develop a master plan for the area that called for extensive gardens to reflect the history of San Jose as the Garden City and recognized the need for low density, passive development, as per direction of the FAA and Airport administrators.

In 2002, City Council adopted the Guadalupe Gardens Master Plan, which was the culmination of years of community engagement and negotiation with airport staff over what uses would be allowed in proximity to the airport. In that 2002 plan, a narrow strip of land along Coleman Ave. was designated for potential park-serving commercial development as part of a compelling vision for a Green Gateway along Coleman Avenue leading from the airport into downtown. This proposed gateway, along the east side of Coleman, would become a reality when the city purchased and repurposed or demolished existing commercial properties along the perimeter of the park, as they became available, bringing the park into view. This, of course, never happened, partly because the Redevelopment Agency had to cease operations.

City administration of the Guadalupe Gardens area, particularly airport staff's interpretation of allowable uses, has been marked by capricious and arbitrary actions. For example, in 2006, when an area in Columbus Park was unavailable for our spring festival, Kathleen Muller was told that the area just north of Coleman Ave. could be used. Weeks earlier, she had been denied permission to use this same area because there was a strict limit to the number of

people allowed to gather there. In 2016, City leaders proposed creating a 1,100-car parking lot just south of Hedding for Avaya Stadium, when for years we'd been denied the addition of a handful of parking spaces along Hedding to improve access for park visitors. We could go on for pages citing similar examples.

In 2018, the Airport proposed removing seven parcels of land from Guadalupe Gardens; in the attachment, you'll find a letter in opposition from then-Acting PRNS Director Jon Cicirelli, citing incompatibility with the Envision 2040 General Plan and the 2002 Guadalupe Gardens Master Plan.

San Jose needs more parkland, not less. In recent years, the City cut the Park Ranger program and allowed the northern part of Guadalupe Gardens to become a homeless encampment. Now – under pressure from the FAA and frustrated citizens – there are new calls for activation, including some uses that were previously proposed (e.g., dog park) but never allowed. We don't necessarily fault the uses but take strong exception to the justification used for this amendment and the conversion of parkland. Adding insult to injury, any commercial development under the proposed amendment would return revenue to the airport rather than go to further park development and maintenance.

Unfortunately, the City's non-profit partner has been forced to play defense to ward off undesirable proposals, while the various park enhancement plans developed by RHAA (2007), Ken Kay (2009) and championed by the nonprofit were not allowed to move forward. It's very hard to secure private funding and discouraging and enervating to have this dynamic repeat. We understand that the airport needs revenue, but the burden shouldn't fall on Guadalupe Gardens.

With turnover/retirements in City staff, it isn't surprising that some of this history has been forgotten. It might be wise to review it, however, as well as the current interpretation of land use restrictions, and ensure that the changes are truly in the best interest of the people of San Jose.

With an eye to the future, we respectfully request that you oppose the Guadalupe Gardens Master Plan Amendment and fight to preserve hard-won parkland.


Kathleen Muller


Leslee Hamilton

San Jose Parks & Recreation
Commissioner 2007 - 2015

Envision 2040 General Plan Task Force

Attachments:

10/10/2018 PRNS letter opposing removal of seven parcels from Guadalupe Gardens

11/5/2018 GRPC letter opposing removal of 11.6 acres from Guadalupe Gardens

Undated GRPC response to commercially develop parkland

11/20/2009 Hogan & Hartson legal opinion re Guadalupe Gardens Land Use Issues

2024 Trust for Public Land ParkScore Index for San Jose



November 5, 2018

Jared Hart
City of San Jose Planning Department
200 E. Santa Clara Street, 3rd Floor Tower
San Jose, CA 95110

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**Executive
Director**

Leslee Hamilton

Dear Jared:

The City of San Jose and the Mineta San Jose Airport have filed a development application (GP18-012) to allow the future construction of commercial and industrial uses on 11.6 acres of land currently within the Guadalupe River Park and Gardens. Removal of parkland is poor policy and not in the long-term interest of the City. These lands have been planned for park uses for decades and are designated as Open Space, Parklands and Habitat in the City's General Plan. These lands are also governed by the approved Guadalupe Gardens Master Plan, which has FAA approval.

As would be expected, the Guadalupe River Park Conservancy does not support the conversion of lands from open space, parklands and habitat to other uses. The uses proposed are not park serving and as we all know, once these lands are lost to development, they will never be available for park uses again. In addition, we do not support the placement of a parking lot within the Guadalupe Gardens for the use of Avaya Stadium. We generously supported such parking uses when they were a part of a public soccer field project previously proposed; however, since public park uses are not included in the proposal, we do not support that additional component of the project.

Inconsistency with the Envision San Jose 2040 General Plan

The proposal is in conflict with no less than three Major Strategies of the General Plan, including #8 (Fiscally Strong City), #10 (Life Amidst Abundant Natural Resources), and #11 (Design for a Healthful Community), as well as the entire Chapter 4, Quality of Life! This chapter includes many statements, goals, and policies related to the promotion, acquisition, and planning for parks and open space, including the following:

"Parks, Trails, Open Space, and Recreation Amenities/Programs Goals, Policies, and Implementation Actions (Parks Policies) recognize the importance of these amenities in creating complete neighborhoods, providing recreation opportunities for residents, and enhancing the livability and the social and environmental quality of the City. Parks Policies provide strong, high-level support for the provision of a wide range of recreational parkland, facilities, and programs throughout San José's diverse community, and they push San José to excel in the provision of parks and recreation amenities to remain a national leader in the field."



438 Coleman Avenue
San Jose, CA 95110
408-298-7657
guadalupeconservancy.org
EIN: 77-0166797

The section goes on:

“Elements of the Envision General Plan informed the development of the Parks Policies.

- Diversity and social equity is promoted through equitable distribution of facilities and programs, with standards for park acreage and community center space per population and with recommendations for maximum separation between residences and parks/recreation facilities.
- Parks, trails, open space, and recreation amenities/programs are an integral part of building complete neighborhoods. Access to parks, trails, open space, and recreation amenities/programs promotes healthful living, fostering physical health improvements through increased activity levels and mental health improvements through recreation and relaxation opportunities.
- Parks and recreation facilities and programs are an important aspect of the diverse array of quality services that San José provides.
- Parks, trails, open space, and recreation amenities/programs support and provide opportunities for public participation in vibrant arts and culture.
- The Parks Policies in this section encourage the provision of these facilities and amenities in close proximity to the populations they serve and, wherever possible, to where they are accessible by public transit. The Trail Network also significantly contributes to an interconnected city.
- Environmental leadership is supported through the connections trails provide; through the close proximity (thus the ability to walk/bike rather than drive) between residences and parks/recreation amenities; and through the habitat, heat reduction, flood control, and water supply/quality benefits that the non-developed land provides.
- High-quality parks and recreation facilities and programs promote tourism and attract new residents and workers to San José, thus promoting an innovative economy.

Finally, the section includes multiple adopted General Plan goals and policies that promote San José’s desire to provide high quality parks and recreation facilities and programs that meet the needs of its residents. **These policies promote the creation of parks – not the elimination of parklands and open space within the City!**

“The Envision General Plan seeks to build upon successes of the past and pave the way for future achievements in the provision of parks and recreation amenities. San José recognizes that great cities should have great parks, that the City should have standards for the provision of minimum parkland acreages, and that its parks should be carefully designed and located to address local community demographics, needs, and interests.”

Goal PR-1 – High Quality Facilities and Programs

Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space

resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

Most specifically, Policy PR-1.17 states that the City should pursue "expansion of existing large parks facilities such as Kelley Park, Guadalupe River Park & Gardens, Shady Oaks Park, and others, where feasible."

Goal PR-2 - Contribute to a Healthful Community

Build healthful communities through people, parks, and programs by providing accessible recreation opportunities that are responsive to the community's health and wellness needs.

Goal PR-3 – Provide an Equitable Park System

Create a balanced park system that provides all residents access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities. Multiple additional policies promote this goal.

Goal PR-4 – Community Identity

Improve San José's overall image and individual communities' images and livability by providing excellent recreation facilities, dynamic public spaces, and quality parks and recreation programs that gain national recognition.

Most astonishing is comparing the proposal to the following General Plan goal:

Goal PR-5 – Grand Parks

Develop and promote a series of grand parks to act as focal points for the City, its residents, and its visitors.

Actions – Grand Parks

PR-5.1 Develop the Guadalupe River Park & Gardens as one of the City's grand parks, and as part of an integrated park system. Update both the Guadalupe River Park Master Plan and the Guadalupe Gardens Master Plan to achieve this goal.

PR-5.2 Promote a series of parks as the City's grand parks that host events, attract visitors, and strengthen San José's overall identity.

PR-5.3 Adhere to and update, as necessary, the Guadalupe River & Park Urban Design Guidelines to address how adjacent development will support and/or enhance it.

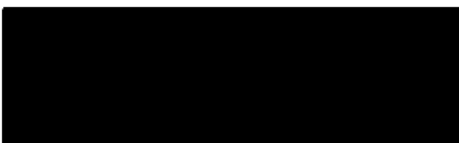
PR-5.4 Incorporate features, facilities, and special events in Guadalupe River Park & Gardens that attract a wide variety of users from throughout San José and the region and establishes it as San José's grand public park.

PR-5.5 Connect the Guadalupe River Park & Gardens to other assets in the City via a network of trails and bike paths to encourage connectivity and community and to maximize the park's use and accessibility.

How can this be happening? Taking land out of what has been planned by generations of City leaders to become the Central Park of San Jose is very poor policy. Not only is ripping land out of a park for commercial or industrial development short sighted, the loss of Open Space, Parkland and Habitat in the City of San Jose is in direct conflict with multiple goals and policies of the General Plan (as well as other San Jose plans and policies that are too numerous to itemize in this letter). The proposal would result in a significant unavoidable environmental impact not previously identified in any Environmental Impact Report (EIR). In fact, the Envision San Jose 2040 General Plan and EIR included policies for the protection of these resources. If this proposal goes forward, it will require the preparation of an EIR. Anything less will not be legally defensible.

The Guadalupe River Park Conservancy Board and Advisory Board oppose the proposal and will be encouraging all of our supporters and the entire park and open space communities to do the same.

Sincerely,



Jodi Starbird
Board Member and Past Chair
Guadalupe River Park Conservancy Board of Directors

cc:

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— SAN JOSE —
**PARKS, RECREATION &
NEIGHBORHOOD SERVICES**

October 10, 2018

Mr. Cary Greene, Planner IV
Norman Y. Mineta San José International Airport Administrative Office
1701 Airport Boulevard, Suite B-1130
San José, CA 95110-1206

Subject: Conversion of lands within the Guadalupe Gardens to non-recreational uses

Dear Mr. Greene,

We received the Airport's draft proposal requesting to remove seven parcels of land from the Guadalupe Gardens Master Plan Final Report (Master Plan) area. In addition, the proposal includes a request for a City-initiated General Plan Amendment and rezoning to allow leasehold private development on these same parcels located within the park. This proposal raises many concerns and questions, and the Department of Parks, Recreation and Neighborhood Services (PRNS) does not support removing any lands from the Master Plan area or the conversion of these lands to non-park uses at this time. While some interdepartmental coordination has been completed, further discussion is warranted and we request additional coordination prior to approval in order to consider the following issues and concerns:

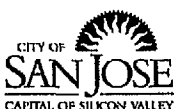
Envision San José 2040 General Plan

The proposal does not conform to the existing General Plan Land Use designation of Open Space, Parklands and Habitat. Lands with this designation are intended to be preserved as permanent open space, parks, and similar uses. New development on lands with this designation is expected to be limited to low intensity uses that are ancillary and needed to support services and operations within the park. Development of public facilities such as restrooms, educational visitor's centers, or other agricultural uses (and buildings that support these uses) are appropriate development in this area. Privately operated commercial or industrial uses are not.

The request to change the General Plan land use designation of these parcels to Neighborhood/Community Commercial use is of particular concern to PRNS. This proposed land use change contradicts years of planning and City Council actions associated with the park. If such a change were approved, we request that the Airport only allow changes that complement the public use of the park and function as park assets rather than detractions from park use.

Master Plan

The Master Plan was adopted by the City Council and the Federal Aviation Administration in 2002 after a lengthy ten-year process, considerable public outreach, and substantial outside agency coordination. The Master Plan's Land Use Plan allows for improvements to existing gardens, community gardens, a City corporation and storage yard, temporary parking, a green waste facility, a garden facility, and other interim term uses (i.e. airport construction staging area, etc.).



— SAN JOSE —
**PARKS, RECREATION &
NEIGHBORHOOD SERVICES**

Privately run commercial or industrial development does not conform to the Master Plan, and would be incompatible to existing and planned open space and recreational uses in the Guadalupe River Park and requires an amendment to the Master Plan.

This proposal is a significant departure from the passive recreational and aesthetic open space lands the community advocated for during the Master Plan process. The community and our partner, the Guadalupe River Park Conservancy, expects that these lands will remain as a recreational amenity or as open space. Any proposal suggesting new, unplanned uses within this area should include robust preliminary community outreach and close coordination with the Guadalupe River Park Conservancy.

Furthermore, the Master Plan includes a list of criteria that should be met for any suggested Master Plan Amendments, including review by the Guadalupe Gardens Technical Committee. Since it appears that the Technical Committee has not been engaged, PRNS requests that the proposal be presented to the Technical Committee for initial review before proceeding.

City Corporation Yard

If approved, the proposal will require the relocation of an existing City corporation yard. This corporation yard supports the maintenance and operation of the park as well as many downtown parks. If the corporation yard were to be relocated, PRNS will need a minimum of two acres of land, and between \$6 million - \$10 million in funding to support design and construction and relocation of the corporation yard. At this point, such a major project has not been planned or funded.

Conclusion

PRNS looks forward to coordinating with the Airport, the Technical Committee, the community, and other agencies, to ensure that the vision, goals, objectives, and process requirements of the Master Plan are met. Please contact Deputy Director, Nicolle Burnham at (408) 793-5514 or nicolle.burnham@sanjoseca.gov to initiate the coordination process.

Sincerely,

 (FOR)

Jon Cicirelli, Acting Director

Department of Parks, Recreation and Neighborhood Services

CC:

- Leslee Hamilton, Executive Director - Guadalupe River Park Conservancy
- Michael Brilliot, Deputy Director and Jared Hart, Planner IV - City of San José Planning Division
- Ryan Sheelen, Airport Planner III, Norman Y. Mineta San José International Airport



DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FINAL ENVIRONMENTAL IMPACT STATEMENT
PURSUANT TO SECTION 102(2)(C) OF THE NATIONAL
ENVIRONMENTAL POLICY ACT (1969, PL 91-190) AND
SECTION 16 OF THE AIRPORT AND AIRWAY DEVELOPMENT
ACT OF 1970 (PL 91-258)
FOR

SAN JOSE MUNICIPAL AIRPORT
LAND ACQUISITION PROGRAM
SAN JOSE, CALIFORNIA
OCTOBER 1971

Presented to

James M. Nissen
Director of Aviation

April 1975

CITY OF SAN JOSE
AIRPORT DEPARTMENT

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WESTERN REGION
LOS ANGELES, CALIFORNIA

B-3 Are plans being made to purchase land into the 65 CNEL contour?

~~The federal participation in this proposed land acquisition is not based on any noise methodology.~~

The purpose of federal participation in this project is to assist the San Jose Municipal Airport in the purchase of eligible ~~approach area land~~. (Discussion of eligible approach area land can be found on pages 8, 9, and 10 of this report.) ~~The FAA does not assist in the purchase of housing strictly for noise reasons.~~ The FAA makes no land use recommendations based on a noise contour methodology. (See pages 65 and 66).

B-4 Will the purchase of these lands enable the airport to expand operations?

The purchase of these lands will in no way support the expansion of operations at the San Jose Municipal Airport. In addition, this land acquisition is not part of any future contemplated staged development to increase operations or the capacity of the airport.

B-5 Will any increased operations require any additional land purchases?

The federal participation in this land acquisition is based only on the eligibility of approach area land. (See pages 8, 9, and 10). Hence, any

2024 ParkScore Index®

32

57.5

San Jose, CA

The ParkScore index is a national comparison of park systems across the 100 most populated cities in the United States. Published annually, the index measures park systems according to five categories reflective of an excellent city park system: access, investment, amenities, acreage, and equity. While the rankings provide fodder for friendly competition, the goal each year of publishing the index is to help leaders advocate for needed park resources and provide relevant data to inform local park improvement efforts. To facilitate a fair comparison across cities, the index aggregates across all public and private organizations supporting parks in each city.

This year, San Jose received a score of 57.5 points out of 100 based on an average of the five categories. There are 14 measures across these categories, with points awarded based on how San Jose compares to the other 99 cities for that particular measure.

51

out of 100
points

Acreage

The acreage score indicates the relative abundance of large 'destination' parks, which include large natural areas that provide critical mental health as well as climate and conservation benefits. There are two components to the acreage score. Of these, San Jose scores above average on the percentage of the city's overall area that is dedicated to parkland (66 out of 100 points), and below average on median park size (36 out of 100 points).

74

out of 100
points

Access

The access score indicates the percentage of a city's residents that live within a walkable half-mile of a park – the average distance that most people are willing to walk to reach a destination. With 80% of its population living this close to a park, San Jose scores above average in this category.

57

out of 100
points

Investment

The investment score indicates the relative financial health of a city's park system, which is essential to ensuring the park system is maintained at a high level. This value aggregates park and recreation spending across all agencies and organizations within the city, including monetized volunteer hours. In San Jose, a total of \$156 per capita is spent each year on publicly accessible parks and recreation, about average for this category.

32

out of 100
points

Amenities

The amenities score indicates the relative abundance of six park activities popular among a diverse selection of user groups (kids, teenagers, adults, seniors). Overall for this category, San Jose scores below average, though it varies by amenity: basketball hoops (9 points out of 100), dog parks (50 points), playgrounds (42 points), senior and rec centers (54 points), permanent restrooms (33 points), and splashpads (4 points).

73

out of 100
points

Equity

The equity score indicates the fairness in the distribution of parks and park space between neighborhoods by race and income. This category is an average of two types of metrics. On the first set of measures, San Jose scores above average: 75 out of 100 points for people of color living within a 10-minute walk of a park and 72 points for low-income households. The second set of measures compare the distribution of park space. In San Jose, residents living in neighborhoods of color have access to 28% more nearby park space than those living in white neighborhoods (86 points out of 100). Residents living in lower-income neighborhoods have access to 13% less nearby park space than those in higher-income neighborhoods (60 points out of 100).

For additional information on the scoring methodology, please visit www.tpl.org/parkscore/about