

# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** The Public Record  
October 5 – October 11

**DATE:** October 11, 2018

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## **ITEMS FILED FOR THE PUBLIC RECORD**


### **Letters from Boards, Commissions, and Committees**

NONE

### **Letters from the Public**

1. Letter from Terri Balandra, dated October 10, 2018, regarding Was the FAA been notified, and provided advance notification?

TJT/tt



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Toni J. Taber, CMC  
City Clerk

**From:** Terri Balandra < >

**Sent:** Wednesday, October 10, 2018 1:24 PM

**To:** Sykes, Dave

**Cc:** The Office of Mayor Sam Liccardo; District 10; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; Hughey, Rosalynn; JonCicarelli@sanjoseca.gov; Rios, Angel; Walesh, Kim; Klein, Nanci; leslee ; Aitken, John; Cortese, Dave; Cindy.Chavez ;  
City Clerk

**Subject:** Was the FAA been notified, and provided advance notification?

City Manager Sykes,

I have a few questions regarding the recently proposed Commercial development in the Federal Grant funded Airport Approach/ Extended Object Free Area, and the placement of Hope Village in an Airport Inner Safety Zone, as well.

- **Have you, or any City Staff member, given advance notification to the FAA regarding any recent proposals of Commercial Development in the Guadalupe Gardens Airport's Object Free Area (OFA) – which also includes advance notification prior to entering into the Hope Village lease, and are you aware that this is Federal Grant funded Airport Approach land with FAA restrictions?**

See the 2002 Guadalupe Gardens Master Plan FAA 3 page Approval letter to our Airport Director, attached above. Item #9, of the conditions of approval reads:

***"The FAA shall be provided advance notification of all project implementation on Airport property prior to local approval. The FAA reserves the right to review project construction plans upon request and to require revisions or modification."***

- **Will a General Plan & a Guadalupe Master Plan Amendment take away those Federal funded Grant restrictions on the Extended Object Free Area parcels in the Guadalupe Gardens – without (or with) FAA approval first? - Or, are the FAA Federal Grant fund restrictions, attached to the Guadalupe Gardens/Extended Object Free Area forever?**
- **Have you or any City Staff Member, made any type of proposal to the Airport Land Use Committee (ALUC) for advice, before placing Hope Village in an Inner Airport Safety Zone -as it appears in the Comprehensive Land Use Plan (CLUP) stating no human habitation is allowed there, due to Safety & Noise level?**
- **Have you or City Staff Member made a recent proposal to the ALUC, for any type of Commercial development in the Federal Grant funded Airport Approach/Extended Object Free area/Guadalupe Gardens?**

By entering the City into a Lease contract with the County, as the Airport land owner - stating that you know that the Hope Village location is located in an Inner Safety Zone, and the County accepting the liability, it appears to me that both the City & County are complicit in knowing that No Residential is allowed in the Inner Safety Zone... placing liability/risk on every City &

County taxpayer, should there be a potential aircraft disaster from circling scavenger birds, solar panel reflection, smoke etc.

Please advise.

Looking forward to your response, and thank you for your consideration.

Best;

**Terri Balandra**



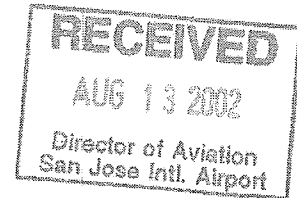
U.S Department  
of Transportation  
  
Federal Aviation  
Administration

Western-Pacific Region  
Airports Division

San Francisco ADO

August 9, 2002

Mr. Ralph Tonseth  
Director of Aviation  
Norman Y. Mineta San Jose International Airport



Dear Mr. Tonseth:

RE: Guadalupe Gardens Master Plan

The Federal Aviation Administration (FAA) has completed its review of the proposed Guadalupe Gardens Master Plan and has determined that the plan would generally comply with applicable federal aviation regulations, design standards, and funding agreement obligations, subject to the revisions and clarifications set forth below. The FAA commends San Jose officials and staff for formulating a land use plan that appears responsive to both local and federal interests and represents a significant improvement over the previous 1992 draft that was determined unacceptable by this office.

With the City's assumed acceptance of the following conditions, this letter serves as official FAA approval of the subject land use plan for SJC Approach Zone property.

1. Most importantly, while the FAA supports the City's objective to provide for low density, open space land uses, the term "low density" is not explicitly defined in the draft master plan document. The FAA is concerned about the potential for public gardens to attract a concentration of people that would be inappropriate for an aircraft safety and noise impact zone. Therefore, the existing Santa Clara County Airport Land Use Commission safety policy limiting new land uses to a maximum density of 25 people per acre (referenced on page 8 of the draft master plan) shall be considered the standard for low density and be applied to all Airport property within the Extended Object Free Area (OFA). The FAA requests that this policy statement be incorporated into Item 9 of the "Planning Themes and Principles" section of Chapter 1 (page 12). This revision would provide assurance that the proposed land use improvements do not compromise the City's fundamental obligation to maintain the Extended OFA for its intended purpose.

2. Further, we encourage the City to consider the acquisition and removal of existing development on non-City property within the Extended OFA, particularly north of Hedding Street, and to ensure that any future improvements at Columbus Park do not include additional structures or attract a greater concentration of users.
3. The FAA considers the Phase 1 utility undergrounding project (page 22) as a high-priority improvement and requests that the City implement this particular project as soon as possible.
4. For the Phase 1 temporary construction staging areas for Airport and freeway interchange construction projects (pages 23-24), all fixed objects such as construction equipment, fuel storage facilities, or contractor trailers shall be located outside the Extended OFA boundary.
5. Similarly, for the Phase 1 and 2 community gardens project (pages 19 and 35), any fixed objects such as tool sheds or dumpsters shall also be located outside the Extended OFA boundary.
6. While the FAA generally concurs with the proposed tree removal policy (pages 27 and 45), it should be added that the City will continue to comply with its obligation to remove or trim any particular tree determined by the FAA to be an aircraft safety hazard with special attention for the removal of trees on the runway centerline.
7. Similarly, while the FAA understands that the plan includes the limited installation of certain types of fixed objects to support the open space land uses (e.g., light poles, restroom/storage sheds, fencing, and signage), the FAA reserves the right to direct the City to remove a fixed object from Airport property if determined to be a hazard or otherwise not compatible with FAA standards.
8. Implementation of future open space improvements adjacent to the existing FAA navaid facility north of Hedding and west of Spring streets shall be coordinated with the FAA to avoid interference with facility operation and authorized access.
9. The FAA shall be provided advance notification of all project implementation on Airport property prior to local approval. The FAA reserves the right to review project construction plans upon request and to require revisions or modification.
10. The Airport shall maintain a current land use drawing of its Guadalupe Gardens/Airport Approach Zone property in addition to the Airport Layout Plan and provide a copy to the FAA upon request.

If you have any questions regarding this determination, contact me or Elisha Novak of this office at (650) 876-2928. Please provide the Airports District Office with 5 copies of the final published land use plan.

Sincerely,

Andrew M. Richards  
Manager, Airports District Office