



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** March 18, 2020

---

**COUNCIL DISTRICT: 3**

**SUBJECT: FILE NO. PP18-103. AMENDMENT TO NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT MASTER PLAN PROJECT INCLUDES A MAJOR AMENDMENT TO THE APPROVED NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT MASTER PLAN WHICH WILL: 1) MODIFY CERTAIN COMPONENTS OF THE AIRFIELD TO REDUCE THE POTENTIAL FOR RUNWAY INCURSIONS 2) UPDATE THE AVIATION DEMAND FORECASTS AND SHIFT THE HORIZON YEAR FROM 2027 TO 2037 3) MODIFY FUTURE FACILITIES REQUIREMENTS AT THE AIRPORT TO REFLECT UPDATED DEMAND FORECASTS; ALL ON AN APPROXIMATELY 1,000-ACRE SITE IN THE CITY OF SAN JOSE, CALIFORNIA (COLLECTIVELY REFERRED TO HEREIN AS THE "PROJECT")**

## **RECOMMENDATION**

The Planning Commission voted 5-0-2 (Commissioners Caballero and Ballard absent) to recommend that the City Council take all the following actions:

1. Adopt a resolution certifying the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (EIR) and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).
2. Adopt a resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport.
3. Approve an ordinance amending Title 25.04.300(B)(1) of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42.

## **OUTCOME**

Should the City Council adopt the resolution adopting the Environmental Impact Report and approve the Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport, the Airport will be allowed to proceed with FAA-recommended airfield configuration changes recommended in the Runway Incursion Mitigation (RIM)/Design Standards Analysis Study, extend the horizon year for airport planning, and update the layout and sizing of various landside facilities to serve project demand to 2037.

Should the City Council decide not to adopt the resolution adopting the Environmental Impact Report and deny the Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport, the Airport will not be able to move forward with the FAA-recommended RIM airfield configuration changes and would not be able to plan for and construct improvements to accommodate the increased air passenger demand.

## **EXECUTIVE SUMMARY**

On March 11, 2020, the Planning Commission voted 5-0-2 (Commissioners Caballero and Ballard, absent) to recommend that the City Council adopt a resolution adopting the Major Amendment to the Airport Master Plan (Amended Master Plan) for the Norman Y. Mineta San José International Airport Environmental Impact Report (EIR) and making certain findings concerning significant impacts, mitigation and measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with CEQA; adopt a Resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport; adopt an Ordinance, amending Title 25.04.300(B)(1) of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42 on an approximately 1,000 acre site.

## **BACKGROUND**

On March 11, 2020, the Planning Commission held a Public Hearing to consider the adequacy of the Environmental Impact Report (EIR) and to review the Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport.

### *San José Airport and Planning Staff Presentation*

Airport staff provided an overview of the proposed Major Amendment to the Airport Master Plan, including background, updates to the demand projects, highlights of proposed airfield and terminal improvement projects, and a discussion of new projects anticipated in the Amended Master Plan including an on-site business hotel and an increase in the number of air carrier gates from 40 to 42. Airport staff also highlighted that the Amended Master Plan is not capacity enhancing and will not change flight paths.

Planning staff presented an overview of the EIR, highlighting the public circulation period and impacts identified in the EIR, including significant and unavoidable impacts related to air quality and greenhouse gas emissions. Planning staff also discussed the alternatives evaluated in the EIR and reviewed major issues raised during the public comment period.

*Letter from City of Santa Clara dated March 11, 2020*

The City of Santa Clara submitted a letter in response to the First Amendment on the afternoon of March 11, 2020 prior to the Planning Commission hearing. This letter requests additional information on greenhouse gas emissions and hazardous materials, claims that the City failed to respond to City of Santa Clara comments on aircraft noise, and requests that the City contribute to roadway improvements which will experience an increase in traffic due to Airport operations.

Staff responded to comments on transportation, and the project's environmental consultant, John Hesler of David J. Powers & Associates, responded to comments related to aircraft noise. City responses to comments in the Santa Clara letter are included in the Analysis section of this memorandum.

*Public Hearing and Planning Commission Discussion*

Planning Commission opened the public hearing, but there were no speakers and the public hearing was closed. Commissioner Yesney asked staff about the success of burrowing owl habitat restoration efforts by the Santa Clara Valley Habitat Conservation Agency (Habitat Agency), which the airport proposes to contribute fees to as part of mitigation for impacts to burrowing owls. Planning staff provided information from Edmund Sullivan, the Executive Director of the Habitat Agency. To date, the Habitat Agency has not purchased lands specifically for the purpose of burrowing owl habitat but is using the burrowing owl fees to restore the population of burrowing owls in Santa Clara County by taking actions such as working on placing a conservation easement over the Santa Clara/San Jose Regional Wastewater Facility buffer lands, management of a captive rearing program, and supplemental feeding of hatchlings. The Habitat Agency does have plans to purchase burrowing owl conservation lands in southern Santa Clara County to re-introduce burrowing owls in areas where they are more likely to survive.

To supplement staff's response, Mr. Steve Rottenborn of H.T. Harvey & Associates and consultant to Planning staff, explained the status of burrowing owl management efforts by the Habitat Agency. Mr. Rottenborn explained that the decline in burrowing owl population is disproportionate to the rate of habitat loss in Santa Clara County, and the Habitat Agency has been working to maintain and enhance burrowing owl habitat by installing artificial burrows, feeding young burrowing owls, and helping re-settle burrowing owls in more appropriate locations. Commissioner Yesney asked Mr. Rottenborn about the long-term prognosis for burrowing owls in the area. Mr. Rottenborn replied that without the Habitat Agency's efforts to increase burrowing owl productivity and survivorship, it is likely that the burrowing owl population in the area would not survive.

Commissioner Bonilla inquired about the economic benefits the Airport brings to San Jose; and Airport staff, responded by referring to an economic study showing the benefit each domestic and international flight brings to the City. The referenced report was prepared by Martin Associates in December 2015. Commissioner Allen asked about clarification of the proposed hotel, which Airport staff responded that the hotel would be a public-private partnership between the airport and a hotelier selected through a competitive process. Commissioner Allen also asked about the status of improved public transportation to the Airport. Airport staff stated that the automated people mover considered under the current Master Plan in 2003 is not feasible due to cost, but the design of the new parking garages and terminals is intended to accommodate potential future public transit options beyond the existing VTA bus service and that they are working to provide service to and from the Diridon Station and the Stevens Creek area.

## **ANALYSIS**

Analysis of the proposed CEQA clearance, Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport, and Municipal Code text amendment, are contained in the attached Planning Commission staff report.

### *Response to City of Santa Clara Letter dated March 11, 2020*

Below are responses to issues raised in the City of Santa Clara's letter submitted prior to the March 11, 2020 Planning Commission Hearing. Santa Clara re-iterated issues raised in their letter submitted in response to comments on the Draft EIR, raising concerns regarding greenhouse gas emissions, hazards and hazardous materials, noise, and transportation.

Greenhouse Gas Emissions: The City of Santa Clara requested that mitigation measure MM GHG-1.1 include annual carbon footprint reports rather than the biennial reports proposed.

*Response:* Mitigation Measure GHG-1.1. is the phased achievement of the ACI "Level 3+" carbon management program standards, with the EIR Mitigation Monitoring and Reporting Program presenting the milestone dates for reaching Level 3+. For clarification, data on greenhouse gas emissions at the Airport will be available annually through the City of San Jose's Community Greenhouse Gas Emissions Report. The Airport will separately publish data on greenhouse gas emissions as part of, and in alignment with, the Airport's broader Biennial Sustainability Report, the first report of which will be prepared by late summer 2020.

Hazards and Hazardous Materials: The City of Santa Clara requested additional clarification on who is responsible for existing and proposed fuel storage tanks.

*Response:* The Airport's jet fuel storage facility site is leased to an airline consortium which in turn has an operating agreement with a company (Swissport) for the provision, operation, and maintenance of the storage tanks and associated delivery/dispensing systems. The Airport's lease agreement with the airline consortium, as with other Airport lessees, requires

compliance with all applicable federal, state, and local regulations. For the jet fuel storage facility, such compliance includes preparation and filing of a Spill Prevention Control and Countermeasure (SPCC) Plan pursuant to federal regulations (40 CFR Part 112). As stated in the First Amendment to the Draft EIR, if and when Swissport (or whomever is the operator at the time) constructs an additional storage tank in response to increased aviation demand, an updated SPCC Plan would be prepared. The comment does not pertain to any specific analysis or mitigation measure presented in the EIR.

Noise: The City of Santa Clara responded to the City's responses on the First Amendment regarding aircraft noise by retaining Wilson Ihrig. Noise issues raised include nighttime noise and reliance on a relative CNEL threshold of significance.

*Response:* At the March 11, 2020 Planning Commission hearing, the project's environmental consultant, John Hesler from David J. Powers & Associates, responded to Santa Clara's claims on the noise analysis. His response states that:

- 1) The Community Noise Equivalent Level (CNEL) used to evaluate aircraft noise does evaluate the impact of aircraft noise from nighttime flights by placing greater weight on flights in the evening and nighttime hours, as discussed in Section 4.13 of the Draft EIR and the First Amendment. Under CNEL, flights occurring between 7 p.m. and 10 p.m. are counted as three flights and flights between 10 p.m. and 7 a.m. are counted as 10 flights. Mr. Hesler pointed out that this is similar to the use of LDN for determining noise impacts in both the City of San Jose and the City of Santa Clara's General Plans.
- 2) Santa Clara's claim that the City relied solely on CNEL for evaluating noise impacts is false. The noise analysis in the EIR also uses supplemental descriptors, time above and single event, as disclosed in Section 4.13.3.4 of the EIR, and did not find a significant impact.
- 3) Finally, Mr. Hesler responded to City of Santa Clara claims that the noise analysis in the EIR relies solely on a relative threshold instead of an absolute threshold. Santa Clara argues that noise could conceivably continue to increase over time and that without an absolute threshold, there would be no basis to determine if incremental noise increases are significant. Mr. Hesler responded that the EIR does use an absolute threshold at the 65 dB contour, and any school or residence within this contour is considered incompatible regardless of a relative noise increase. This is illustrated by the Airport's Acoustical Treatment (ACT) Program, described in Section 4.13.2.2 of the EIR, which treated 2,675 residences and four schools within the 65-dB contour between 1993 and 2009. Mr. Hesler further noted the analysis in Section 4.13.3.4 of the EIR, the 65-dB contour is decreasing slightly in size despite the projected increase in air traffic due to the replacement of older aircraft that have louder engines with newer aircraft with quieter engines. Therefore, no additional ACT Program treatment is proposed. If for some reason this trend reverses and the 65-dB contour increases, residence or school within the 65-dB contour would be eligible for acoustical treatment.

Transportation: The City of Santa Clara responded to the City's provision of the intersection Level of Service (LOS) data for specified intersections by requesting identification of improvements or fair share contributions to intersections where the project would degrade LOS.

*Response:* As disclosed in Section 4.17.3 of the Draft EIR and again in the First Amendment, the EIR used vehicle miles traveled (VMT) as the metric for determining transportation impacts under CEQA consistent with SB 743. Intersection LOS is no longer a criterion for determining the significance of transportation impacts under CEQA. Therefore, the City of Santa Clara's requested improvements and/or fair share contributions are not required mitigation to address identified impacts under CEQA. The information on LOS is provided as part of the project's Local Transportation Analysis.

## **CONCLUSION**

On March 11, 2020, the Planning Commission voted 5-0-2 (Commissioners Caballero and Ballard, absent) to recommend that the City Council adopt a resolution adopting the Major Amendment to the Airport Master Plan (Amended Master Plan) for the Norman Y. Mineta San José International Airport Environmental Impact Report (EIR) and making certain findings concerning significant impacts, mitigation and measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with CEQA; adopt a Resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport; adopt an Ordinance, amending Title 25.04.300(B)(1) of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42 on an approximately 1,000 acre site.

## **EVALUATION AND FOLLOW-UP**

Should the City Council adopt the resolution adopting the Environmental Impact Report and approve the Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport, the Airport will be allowed to proceed with FAA-recommended airfield configuration changes recommended in the Runway Incursion Mitigation (RIM) / Design Standards Analysis Study, extend the horizon year for airport planning, and update the layout and sizing of various landside facilities to serve project demand to 2037.

Should the City Council decide not to adopt the resolution adopting the Environmental Impact report and deny the Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport, the Airport will not be able to move forward with the FAA-recommended RIM airfield configuration changes and would not be able to plan for and construct improvements to accommodate the increased air passenger demand.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José transportation goals. The project would enhance the safety of Norman Y. Mineta airport by addressing the recommendations of the RIM study thereby satisfying transportation policy TR-14 from the Climate Smart San José plan. Further, the Major Amendment to the Airport Master Plan would also satisfy policy TR-13 by planning for future landside airport projects. Furthermore, as discussed in the EIR and First Amendment, the Airport will implement a Carbon Accreditation Program developed by Airports Council International at accreditation level 3+, neutrality.

## **PUBLIC OUTREACH**

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City published notification of the NOP and public scoping meeting in the Mercury News on December 20, 2018, mailed notice to adjacent jurisdictions, and e-mailed individuals who signed up to receive Planning notifications or who requested notification of Airport projects. The City also sent copies of the NOP to interested State Agencies via the State Clearinghouse.

The public Scoping Meeting was held on January 14, 2019 at the Airport's community room. Approximately 15 members of the public attended.

Staff contact information have also been available on the community meeting notices and on the project webpage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

Preparation of this memorandum has been coordinated with the Airport Department, Department of Public Works, and the City Attorney's Office.

## **CEQA**

The City of San José, as the lead agency for the proposed project, prepared a Draft Environmental Impact Report (DEIR), which circulated for 45 days from November 27, 2019 to January 13, 2020, with an extension to January 17, 2020. A First Amendment to the DEIR was prepared that provided responses to public comments submitted during the public circulation

period and revisions to the text of the DEIR. The First Amendment together with the DEIR constitute the Final Environmental Impact Report (FEIR) for the proposed project.

### *Environmental Impacts and Mitigation Measures*

The EIR found that the project would result in significant and unavoidable impacts related to air quality and greenhouse gas (GHG) emissions. While the EIR identifies feasible mitigation measures, no feasible mitigation would reduce these impacts to a less than significant level because the primary source of these emissions is from air traffic, which the City does not have the authority to regulate. Furthermore, the EIR identified less than significant impacts with mitigations for biological resources, cultural resources, and hazards and hazardous materials.

### *CEQA Alternatives*

The EIR evaluated two alternatives to the project, consisting of: 1) a no project alternative where no new facilities or airfield improvements would be developed (No Project Alternative #1: No New Facilities); and 2) a no project alternative where all improvements associated with the existing 1997 Airport Master Plan are built but new improvements identified in the Amended Airport Master Plan, such as the RIM study recommended airfield improvements and an on-airport business hotel, would not be built (No Project Alternative #2: Existing Airport Master Plan). Neither of these alternatives would meet the objectives of the project. Furthermore, the EIR considered several alternatives that were removed from further consideration because they are infeasible, including relocation of the Airport to Moffett Field, relocation of the Airport to another location in the region (such as Coyote Valley), and accommodating all future air travel demand at other Bay Area airports in San Francisco and Oakland.

### *Circulation and Public Comments*

The City received 74 written comment letters during the public comment period, and three written comment letters after the end of the public comment period. Issues raised in these comment letters include, but are not limited to, the following: airplane noise from increased air traffic at the airport, especially communities impacted during south-flow operations; adequacy of FAA noise thresholds used in the analysis of aircraft noise; air quality and greenhouse gas emissions from airport operations; a desire for improved public transportation access to the airport; and impacts to burrowing owls nesting at the airport and riparian habitat along the Guadalupe River bordering the east side of the airport.

The City responded to all comments received on the Draft EIR and incorporated them into the First Amendment to the Draft EIR. The First Amendment, taken together with the Draft EIR, constitutes the Final EIR. The DEIR and First Amendment to the DEIR are available for review on the City's Active EIRs website at: <https://www.sanjoseca.gov/your-government/departments-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/sjc-airport-master-plan-update>.



*EIR Recirculation Unnecessary*

The comments received do not identify substantive inadequacies in the Draft EIR or new previously unidentified significant impacts that require recirculation. Recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. Information can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

In accordance with CEQA Guidelines Section 15088, the First Amendment to the Draft EIR for the project includes written responses to all comments received during the public review period for the Draft EIR. As required by Section 15132 of the CEQA Guidelines, the responses in the First Amendment to the Draft EIR address significant environmental points and comments on the content and adequacy of the EIR. The responses and comments provide clarification and refinement of information presented in the Draft EIR and, in some cases, correct or update information in the Draft EIR. No significant new information has been added to the EIR since publication of the Draft EIR; therefore, the EIR does not need to be recirculated.

/s/

ROSALYNN HUGHEY, Secretary  
Planning Commission

For questions, please contact David Keyon, Principal Planner, at (408) 535-7898.

Attachments: [Planning Commission Staff Report for the March 11, 2020 Planning Commission Hearing, including individual public comments on the First Amendment and letter from City of Santa Clara, dated March 11, 2020](#)