



U.S Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

San Francisco ADO
831 Mitten Road, Suite 210
Burlingame, CA 94010

August 9, 2002

Mr. Ralph Tonseth
Director of Aviation
Norman Y. Mineta San Jose International Airport
1732 N. First Street, Suite 600
San Jose, California 95112-4538



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,

A handwritten signature in cursive script, appearing to read "Andrew M. Richards". The signature is written in dark ink and is positioned above the typed name.

Andrew M. Richards
Manager, Airports District Office