

Pico Power Project

***Appendix 8.6-A
Airport Land Use Commission
Consistency Determination***

October 2002

**Airport Land Use Commission**

County Government Center, East Wing, 70 West Hedding Street, 7th Floor, San Jose, California 95110
(408) 299-2521 • FAX (408) 279-8537

SANTA CLARA COUNTY

September 9, 2002

Mr. Kevin L. Riley, AICP
City of Santa Clara Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

Re: City File No. PLN2002-03029 – Pico Power Plant (Silicon Valley Power), 850 Duane Avenue

Dear Mr. Riley:

I am writing in response to your referral for the above-referenced project. The project site lies within the Airport Land Use Commission (ALUC) project referral boundary for San Jose International Airport (SJIA). Therefore, proposed development on the project site is subject to review by the ALUC to determine if it is consistent with the policies of the ALUC as stated in the *Land Use Plan for Areas Surrounding Santa Clara County Airports*.

According to the *Land Use Plan*, the project site does not lie within the boundaries of a safety zone for SJIA, and would therefore not be subject to ALUC policies related to airport safety zones. The project site does lie within the 65 CNEL Noise Contour boundary for SJIA, which means that land uses that are noise sensitive should be mitigated to ensure maximum protection from noise-related impacts. The proposed project would involve the expansion of an existing energy facility and would not result in significant land-use alteration. Therefore, no noise mitigation components would be warranted since such a land use is not considered noise sensitive. The proposed project is therefore consistent with ALUC noise policies.

The project site lies within a height-restricted area, as defined by the FAA. According to SJIA, the project will not penetrate the existing surface height limitations for the site. This conclusion is based upon SJIA's acceptance of methodology used by the applicant to determine the location of the highest elevation of the project in relation to the FAA's Part 77 imaginary surface. However, given that the highest proposed project elevation is within 10 feet of the Part 77 imaginary surface, concern over protection of this surface is warranted. Therefore, ALUC staff recommends the City of Santa Clara dedicate an aviation easement to the City of San Jose as a condition of approval for this project. This easement would ensure that all currently proposed and future development on site would not impact this surface.

ALUC staff finds the project consistent with its policies as stated in the *Land Use Plan*, and appreciates the opportunity to review this proposal. If you have any questions, please contact me at (408) 299-5785.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Farmer", is written over a light-colored background.

Derek Farmer
ALUC Staff Coordinator

cc: Cary Greene, San Jose International Airport
Brent Moore, Douglas Davy, Foster Wheeler Environmental Corporation