California Department of Transportation

AERONAUTICS PROGRAM DIVISION OF TRANSPORTATION PLANNING P.O. BOX 942873, MS-40 | SACRAMENTO, CA 94273-0001 (916) 654-4959 www.dot.ca.gov

January 3, 2024

Lindsay Hagan Electronically Sent <lindsay.hagan@mountainview.gov> Assistant Community Development Director City of Mountain View 500 Castro Street, P.O. Box 7540 Mountain View, CA 94039-7540

Dear Ms. Hagan:

One of the goals of the California Department of Transportation (Caltrans), Division of Transportation Planning, Aeronautics Program (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of their communities where aeronautical activities take place. We encourage collaboration with our partners in the planning process and thank you for including us in the review of the proposed overrule of the Santa County Airport Land Use Commission (ALUC).

On December 7th, 2023, the Division received an email that included City Resolution No. 18856 declaring an intent to overrule the ALUC's November 15th, 2023, inconsistency determination for the proposed Zoning Ordinance Amendments to Comply with State Laws and Other Minor Amendments with the 2012 Moffett Federal Airfield Land Use Compatibility Plan (ALUCP) or referred to as the Moffett Federal Airfield (NUQ) Comprehensive Land Use Plan (CLUP).

The Division has reviewed the proposed findings provided by the City of Mountain View (City) and the Staff Report from the Santa Clara County Airport Land Use Commission dated November 15th, 2023, and the Inconsistency "Unless" Determination letter dated November 22nd, 2023. The Division supports the ALUC's decision to ensure land use compatibility and that the policies defined in the NUQ CLUP shall be met for safety and general welfare through the addition of the proposed text language to the Zoning Ordinance Amendments.

The proposed text amendments by the ALUC aim to ensure that zoning text amendments by the City of Mountain View do not pose conflicts with the guidelines and policies of the NUQ CLUP and that these additional text paragraphs ensure consistency and compliance regarding future development. While the affected parcels do not lie in the NUQ CLUP safety zones or Community Noise Equivalent Level (CNEL) noise contours, many parcels do reside in the AIA for Moffett Federal Airfield, and it is critical to ensure safety and adherence to the CLUP when considering the future implications of changes in zoning ordinances. The City of Mountain View maintains compliance with the ALUCP through other measures however the ALUC's consideration to act conservatively in these text amendments to ensure safety and compliance with the NUQ CUP and FAA Part 77 Standards is consistent with their duties mandated in PUC Section 21674.



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An alternative solution proposed by the Division that may meet the City's intent and the ALUC's goal for compliance with the ALUCP would be to include concise, footnote text to the Zoning Code Amendments that states the assurance that all parcels in the airport influence area (AIA) will be compatible with the NUQ CLUP. This alternative would prevent cumbersome language amendments but also ensure that the proposed Zoning Text Amendments meet compatibility with the ALUCP for Moffett Federal Airfield.

It should also be noted that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which requires counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.

PUC Section 21675.1(f) provides: If a city or county overrules the commission pursuant to subdivision(d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

Pursuant to PUC Section 21676(a), the Division and ALUC comments shall be included in the public record of any decision to overrule the ALUC. If you have questions or we may be of further assistance, please contact me at <u>tiffany.martinez@dot.ca.gov</u> or I can be reached at (916) 879-6596.

Sincerely,

Tiffany Martinez

Tiffany Martinez Transportation Planner Aeronautics Program

Attachments: City of Mountain View Intent to Override ALUC Determination.pdf

c: Matthew Friedman, Chief, Office of Aviation Planning, Aeronautics Program <matthew.friedman@dot.ca.gov> Carl Hilbrants, Senior Planner/ALUC Coordinator, <carl.hilbrants@pln.sccgov.org> Caltrans District 4 <caltrans.d4@dot.ca.gov>