

September 11, 2006

Mr. Buzz Fink, Chairman  
San Diego Airports Advisory Committee  
3750 John J Montgomery Drive  
San Diego, CA 92123

**Re: Sunroad Centrum Project (Sunroad Enterprises)**

Dear Mr. Fink:

In the interests of full communication and cooperation with the aviation community, Sunroad Enterprises ("Sunroad") would like to take this opportunity to present the facts about its Sunroad Centrum project and its relationship to Montgomery Field and its existing environs. The Centrum project is planned as a mixed use, including office space and residential housing. During construction, and when completed, the Centrum project will provide a substantial economic benefit to the City of San Diego by creating new jobs and tax revenues, in addition to providing much-needed housing to alleviate San Diego's housing shortage. Moreover, these economic benefits can and will be obtained without impacting operations at Montgomery Field, or the safety of residents or businesses around Montgomery Field.

**1. Description of the Centrum Project and Its Approval by the City.**

The Centrum project was approved by the City of San Diego in November of 2002. Approval consisted of amendments to the New Century Center (Spectrum) Master Plan and Development Agreement. The amendments (Vol. 2, Table D) entitled 1,000,000 square feet of commercial office use and an additional 600 residential dwelling units, for a total of 1,000 dwelling units within planning areas 1A, 2B, and 3A.

Pursuant to the New Century Center Master Plan, Volume 2, pg. VI-3 sec. VI.D.2, "Site Plan Review Procedures", the subsequent development approval process for the planned commercial office use is "subject to a substantial conformance review and approval ("Site Plan Review") by the City pursuant to Process Two...".

As currently planned, the 1,000,000 total square feet of office space will be constructed in three office towers on the extreme west portion of Planning Area 1A, along Kearny Villa Rd. Parking for the office towers will be provided in two parking structures immediately to the east.

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Centrum 1 is a 12 story office tower (approximately 300,000 s.f.) located at the northeast corner of Spectrum Center Blvd. and Kearny Villa Rd. Substantial conformance review for this building was approved February 10, 2006 and the building permit was issued in July. Construction commenced thereafter and is expected to be completed by early 2007.

Centrum 2 is a 14 story office tower (approximately 350,000 s.f.) located immediately north of Centrum 1 fronting on Kearny Villa Rd. San Diego's first cycle of substantial conformance review comments on Centrum 2 have been received by Sunroad and responses to these comments are currently being prepared. Construction on Centrum 2, while tentatively anticipated for the mid-2007, is dependent on the leasing rate for Centrum 1.

Design and construction of Centrum 3, the third office tower, is not planned until Centrum 2 is substantially leased.

## **II. The Project's Relationship to Existing Airport Land Use Plans.**

Land use within the vicinity of Montgomery Field is governed by the Airport Land Use Compatibility Plan for Montgomery Field ("ALUCP"), as amended in October of 2004, the Montgomery Field Airport Environs Overlay Zone ("AEOZ"), and the Kearny Mesa Community Plan, Airport Element – Montgomery Field ("KMCPAE"). The Project, however, is located outside of the ALUCP, AEOZ, and KMCPAE boundaries, including their concomitant noise contours. As a result, the ALUCP, AEOZ, and KMCPAE do not apply to the Centrum project.

## **III. Federal Aviation Regulation Part 77 and the History of the FAA's Involvement with the Project.**

### **A. FAR Part 77 Civil Airport Imaginary Surfaces.**

Imaginary airport surfaces were established in an effort to identify airspace around landing facilities and in order to ensure that the FAA is informed about construction activity near airports and other landing facilities. Federal Aviation Regulation Part 77 prescribes the requirement to report proposed construction near airports to the FAA for review. Part 77 also establishes various areas around an airport that, if impinged upon, would create a "Presumed Hazard" to aircraft operations.

**Figure I** shows that civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned.

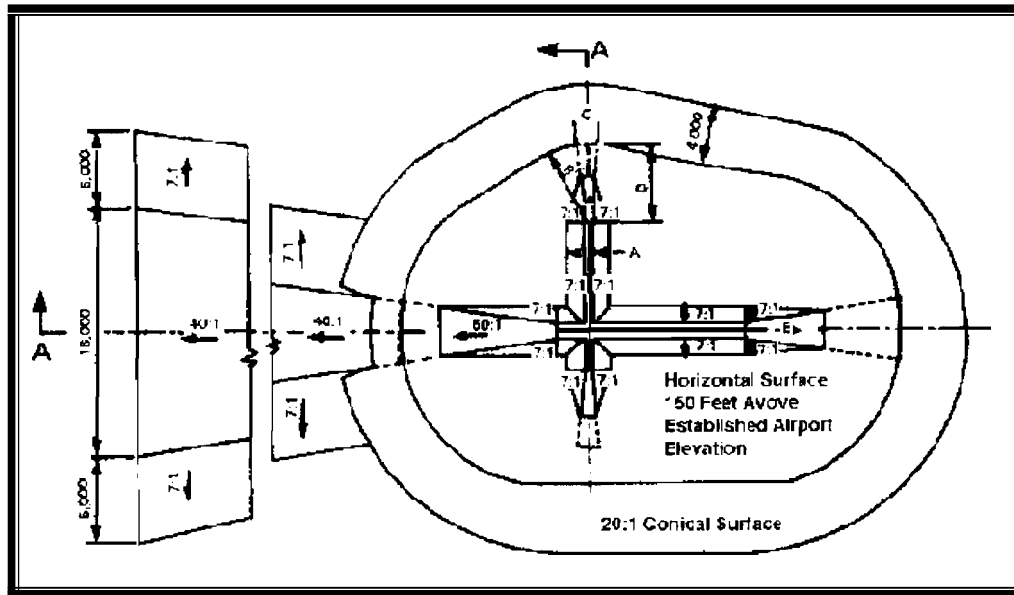


Figure I

77.25 (a) **Horizontal surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (1) 5,000 feet for all runways designated as utility or visual;
- (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway.

77.25 (b) **Conical surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

## B. Presumed Hazard Determinations.

Structures that exceed either the Horizontal or Conical Surface will, when initially evaluated by the FAA, receive a presumed hazard determination. Structures that infringe on published flight procedures will also receive a presumed hazard determination.

Since the FAA has no jurisdiction over land uses (excluding on airport construction at those airports receiving Federal funds) they also do not have any land use approval authority. Therefore, the local jurisdiction has complete discretion in approving or disapproving projects, and is solely responsible for establishing structure heights

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within their jurisdiction. The FAA will modify flight procedures as necessary to accommodate structures approved by the permitting authority.

Once the structure is built or reaches a height that penetrates one of the airspace surfaces or impacts a flight procedure, the FAA will modify the procedure in order to mitigate the hazard. In effect, the Hazard Determination only exists during the planning and initial construction phase because the FAA's mandate will not allow hazards to exist in the National Airspace System (NAS).

## C. Centrum 1

The FAA issued a Notice of Presumed Hazard for Centrum 1 as a 180' building near Montgomery Field. Sunroad contacted Williams Aviation Consultants to review the FAA's findings.

After reviewing the FAA's determination, Williams Aviation found that the proposed structure at a height of 180' above ground level penetrated the Horizontal Surface by approximately 20 feet. During the review, Williams Aviation discovered another structure in the vicinity of the airport that was found to have penetrated this surface and several other structures that were identified as obstructions. The penetration of the Horizontal Surface could be easily addressed by identifying Centrum 1 on approach and departure charts and other aeronautical publications.

Centrum 1 was also found to penetrate the minimum altitude for the circling approach. Aircraft at Montgomery Field normally operate to the northwest except during Santa Ana wind conditions. During the Santa Ana winds aircraft will land to the southeast. Santa Ana winds occur during good weather conditions which make it unnecessary for aircraft to execute a circle to land approach, which is associated with poor weather conditions. The circling approach maneuver is conducted when Instrument weather conditions exist and some activity makes landing on Runway 28R unsafe. This may be caused by wind conditions, closed runway or other relatively rare events.

In sum, while the structure exceeded the "Horizontal Surface" of the Part 77 standard, the actual impact of the proposed structure on Montgomery airport operations, was limited to the existing published weather minimums for the "Circling" maneuver on the ILS Runway 28R and NDB or GPS Runway 28R Instrument Approach Procedures. The current ceiling minimum (the visibility requirements are not impacted by the structure) for both approaches is 453 feet AGL. Had the structure not impacted this procedure, the building, in all likelihood, would not have received a "Notice of Presumed Hazard" determination from the FAA.

The sole mitigation action that the FAA will be required to take in accommodating Centrum 1 will be to raise the circling approach weather minimums from 453' AGL to 473' AGL. This action will have no measurable impact on Montgomery

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Field operations. Once this action is taken, the presumed hazard will no longer exist. We have confirmation from a local operator that this solution is commonly applied.

#### IV. Solutions.

Sunroad understands the aviation community's concern about safety at Montgomery Field, both in the air and on the ground. However, any safety concerns arising from the Centrum project should be allayed because: (1) the number of operations that may even potentially be affected by the Centrum project, if any, are negligible; and (2) the FAA's raising of the circling minimums at Montgomery Field will eliminate the Centrum project's potential effect, if any, on those operations.

First, runways other than 28R are used for approaches only rarely and there are no published approaches to them. Moreover, they are used even more rarely, if at all, in bad weather. An informal survey of Montgomery Field pilots shows that only two pilots reported utilizing a circling approach at all at Montgomery Field in the past twenty years. In sum, the numbers of operations that may potentially be affected by the Centrum project, if any, are small.

Second, the Centrum project's potential effects on operations at Montgomery Field, if any, will be eliminated by the FAA's modification of circling minimums. The FAA has raised the circling minimums to accommodate the height of necessary construction equipment which is 150' higher than the proposed 180' Centrum 1. Ultimately, the FAA will raise the height of the circling minimums by 20 feet for Centrum 1. The same process will be utilized to accommodate Centrum 2 and Centrum 3 thus eliminating impacts on Montgomery Field operations, if any, while simultaneously balancing those operations with the needs of the surrounding community.

Sunroad thanks the Committee for this opportunity to clarify the FAA issues related to the Centrum project and would be happy to attend a future Committee meeting and answer any questions you may have.

Sincerely,



SUNROAD ENTERPRISES

cc: Mike Tussey, Director Airports Division, City of San Diego  
San Diego Airport Advisory Committee  
Barbara Lichman  
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