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Wed, 17 Jan '07



General Aviation News

UPDATE Roof To Go On San Diego Building Deemed Obstruction By FAA

Tue, 16 Jan '07

Agency Says Construction Project Is 20 Feet Too Tall
The city of San Diego has given a developer the go ahead to put the roof on a building which is the center of a dispute between the developer, the FAA and the California Department of Transportation (Caltrans).



The San Diego Union-Tribune reports the 12-story building, a new construction project just north of Montgomery Field's boundary area, will be 180 feet tall when complete. According to the FAA, anything over 160 feet in that location will pose a hazard to air traffic at the airport.

As ANN reported, the city ordered the developer, Sunroad Enterprises, to cease construction early last November when it became aware the building might be too tall. The FAA and Caltrans had informed Sunroad last spring the completed building would be too tall, and Sunroad initially agreed to meet the FAA's 160-foot restriction. Two months later, however, the developer submitted a new plan showing the building to be 180 feet.

Perhaps not by coincidence, Sunroad had already framed the top two floors before



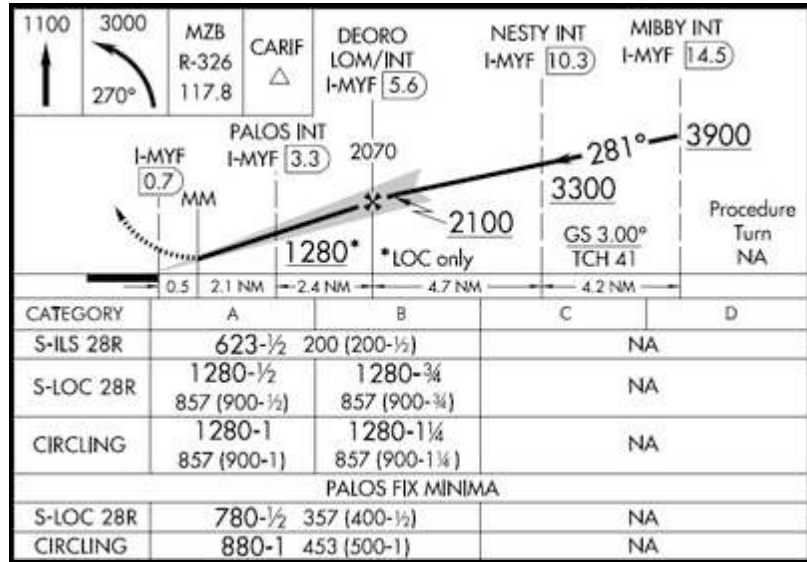
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submitting its new plan. Neither the FAA nor Caltrans has the authority to halt construction, since the project is outside the airport boundary. That's when the city forced the company to cease building while the situation was sorted out.

The FAA says that while the building sits outside the airport boundary, it also sits right in the path of IFR traffic circling to land on runways 23, 10L and 10R. The only published instrument procedures for the airport are to runway 28R. If winds or a runway closure were to require a landing on runways 23, 10L or 10R, a pilot must fly the procedure to 28R and circle to another runway after descending to minimums. Pilots circling to the north would fly very near -- if not directly over -- the new building in the process. Aircraft capable of identifying the PALOS intersection on the approach are allowed to descend to 453 AGL while circling.



A lawsuit filed last month by the City Attorney's office, **and joined last week by AOPA and a group of local pilots and airport users**, demands Sunroad remove the top two floors of the building to bring it into compliance with the FAA's restrictions.

Additionally, Caltrans is pursuing its own legal options. It says Sunroad failed to apply for the proper permits required of any project that doesn't comply with FAA standards. State and city attorneys are said to be working on a joint strategy and are seeking an expedited court date.

The city's decision to allow workers to add the roof comes after Sunroad warned the top two floors it had framed up will suffer damage from rain if the building sits too much longer. The city allowed Sunroad to add the roof at its own risk -- but San Diego warned Sunroad the city won't be held liable if the suit is successful and Sunroad is eventually forced to remove the top two floors.



Sunroad maintains it has done nothing to jeopardize air safety. It says the building is not a hazard and that the lawsuit is sensationalizing the issue. In a statement, the company said, "Sunroad Enterprises is fully committed to public safety, and we would not have built the building if it was a public-safety hazard."

Exactly what qualification the company has to make such a determination is unclear.

In a seeming bit of double-talk, Sunroad has offered to fund the necessary navigation equipment to allow a straight-in approach to runway 23, thus obviating the need for circling approaches. That leads one to wonder why a straight-in approach to 23 would be necessary if there's no hazard to circling IFR traffic? In any event, the FAA says studying the impact of a new approach on traffic at nearby Miramar Marine Corps Air Station could take as long as a year.

So far, the FAA hasn't changed the approach procedures to reflect any restrictions on circling approaches at Montgomery field. Caltrans has warned Sunroad will be held liable for any accidents that might result from the building's height.

Of course, that would be of little comfort to a pilot or passenger involved in such an accident...

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