

LAW OFFICES OF
GERALD BLANK

444 WEST "C" STREET, SUITE 210
SAN DIEGO, CALIFORNIA 92101-4397
(619) 238-1111 • FAX: (619) 238-1126

May 21, 2007

Kevin P. Haggerty, Manager
Obstruction Evaluation Services
Federal Aviation Administration
2601 Meacham Boulevard
Fort Worth, Texas 76137-0520

Karen McDonald (fax: 310-725-6826)
Western-Pacific Region
Federal Aviation Administration (AWP-520)
Post Office Box 92007
Los Angeles, California 90009

Jeff R. Brown (fax: 916-653-9531)
Aviation Safety Officer
California Department of Transportation
Division of Aeronautics
1120 N Street, Post Office Box 942873
Sacramento, California 94273-0001

Re: *Opposition to proposal to FAA by San Diego Mayor Sanders
to resolve the Sunroad building issue*

Dear Ms. McDonald and Messrs. Haggerty and Brown:

I write as counsel for the Community Airfields Association of San Diego, Inc., ("CAASD" www.sdairfields.org) a California non-profit, mutual benefit corporation, and real party in interest in the litigation now pending in San Diego over the well-known "Sunroad building." It has been in frequent contact with Caltrans and the FAA in that regard.

CAASD is aware of a letter to the FAA and Caltrans, dated May 18, 2007, by San Diego Mayor Jerry Sanders, encouraging you to consider his proposal for resolution of the issues concerning the building. (Copy provided for immediate reference, along with a copy of my response of May 20, 2007, which states CAASD's position.) Mayor Sanders' proposals include leaving the building at 163 feet AGL generally, with a mechanical equipment enclosure which would remain at 180 feet AGL. Both of these heights clearly violate the FARs and important airspace restrictions established for public safety purposes. For this, and other reasons set forth hereinafter, and in my letter to Mayor Sanders, CAASD opposes the proposed solution.

Mayor Sanders proposes "working with the FAA to discontinue circling instrument approaches north of the field and allowing aircraft to circle to the south." This is a bad idea for several reasons. First, it moves the circling approach over residential and school areas, rather than its present path over largely commercial and industrial areas. Second, a circling approach to the

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South is impossible for most high-wing planes. The pilot will not be able to make the required right turns and keep the runway environment in sight, which is mandatory when flying a circle to land approach. Third, there is a circling approach to the North to Runway 23. That wouldn't exist under the Mayor's proposal. Thus, his "only circle South" proposal would, if adopted, diminish the utility of the airport and degrade the national airspace system. The same is true of his proposal to modify visual course rules to keep aircraft clear of the building.

The Mayor also proposes, without specifying or guaranteeing a funding source, coordinating "with the FAA and the developer to fund and install a straight-in instrument approach procedure to Runway 10 Left." As the FAA knows, establishment of such an approach can take several years. It requires complex and expensive environmental and other studies, and will no doubt evoke significant opposition from affected neighborhoods.

CAASD does not see any valid reason why new approaches and procedures should be established or even considered as a reward to a developer like Sunroad who flagrantly ignored FAA warnings not to build a building to a certain height, then told the FAA in writing, it wouldn't do so, then went behind the FAA's back and did it anyway. All of this for a developer who failed to timely file required pre-construction notices with the FAA in the first place! For a developer who never appealed the FAA's hazard determination! Why? To CAASD, the precedent would be terrible and everlasting. Developers would do what they want, including thumbing their noses at the FAA, then expect compromises in return.

The answer from the FAA must be a resounding and clear "no." Rules and regulations are there for a reason. Rewards are not given for their violation.

Respectfully submitted,

Original signed by Gerald Blank

GERALD BLANK
Counsel for Community Airfields Association of San Diego, Inc.

GB:mej

enclosures: letter by Mayor Sanders dated May 18, 2007
my letter to San Diego Mayor Sanders dated May 20, 2007