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Like a Sore Thumb

Published: Wednesday, May 23, 2007 11:35 AM PDT

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Elsewhere in the Café, Sunroad's lobbyist [raised](#) an intriguing proposition:

Simply look around downtown San Diego to see that the main flight path to Lindbergh Field has many building protruding above the FAA's so-called horizontal barrier. In fact, most airports have these so-called "intrusions" without them being labeled unsafe. But, we can debate that matter at another time.

Let me debate that now.

The regulations that control obstructions and hazards to air navigation are issued by the Federal Aviation Administration in accordance with Title 14, Code of Federal Regulations Part 77, "Objects Affecting Navigable Airspace" (14 CFR Part 77).

Yup, there in section 77.25, Civil airport imaginary surfaces, it defines a horizontal surface "150 feet above the established airport elevation" that extends outward for 10,000 feet (just under 2 miles) from the runways at Montgomery Field and Lindbergh Field.

So, it certainly seems odd that high-rise buildings in downtown San Diego wouldn't trigger a hazard determination like the Sunroad building. The Sunroad building is only 180 feet tall while the downtown high-rises are 400 feet or more above the ground.

Keep reading.

Your building gets to be a hazard for more reasons than violating the horizontal surface. Any object that is more than 2,000 feet above the ground anywhere in the country is a hazard (because planes are allowed to fly lower than that).

Section 77.23(a)(3) sets additional standards. Any object is an obstruction when located within the areas needed for approach, departure or circling procedures and intrude upon the minimum bad-weather flight-altitude.

That's the rule that got the Sunroad building.

Montgomery Field has six runways (count both ends of the three strips of pavement), but only one runway has an approach procedure. So, pilots need circling procedures to land on the runway that best suits the wind conditions. We follow the approach procedure through the clouds to one runway, but if need be,

This Just In

Unions Chide

Gaylord: Labor groups claims the convention center developer reneged on its promise.

Wednesday, May 30, 2007 -- 1:23 pm

Police Test Dates:

Candidates for SDPD's written test can take it on three dates in June.

Wednesday, May 30, 2007 -- 12:46 pm

Sunroad Roundup:

Schwarzenegger refuses to intervene; cross-complaint against city moves forward; Aguirre challenged on ethics again.

Tuesday, May 29, 2007 -- 7:42 pm

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SURVIVAL IN SAN DIEGO

Aftermath

Worrisome: Two must-reads about the fallout from subprime lending, divide among economists between "highly pessimistic" and "slightly pessimistic."

Wednesday, May 30, 2007 -- 12:48 pm

LETTERS TO THE EDITOR

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Wednesday, May 30, 2007 -- 4:18 pm

CAFÉ SAN DIEGO

we circle to land on a more suitable runway. And in bad weather, the FAA certifies that the minimum flight-altitude will allow for 300 feet above any obstruction.

The get-out-of-hazard-jail-free-card comes from the concept of "shielding" by natural terrain or existing structures.

If your building is the first obstruction, it becomes a hazard.

After that, the next building may be shielded "where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation."

Downtown high-rise buildings are shielded by the high terrain of Hillcrest and Balboa Park.

Sunroad stands out like a proverbial sore thumb!



The FAA doesn't want your building to be first; they don't want hazards near airports. They and the Caltrans Division of Aeronautics work really hard to increase the utility of airports to operate in all kinds of weather. New approach procedures that rely upon enhanced GPS technology can allow planes to safely land in poor weather when the clouds are only 200 to 300 feet above the ground.

These improvements help people get to where they want to go and avoid being diverted because of low clouds or fog to some other airport far away.

A 180-foot building that intrudes upon minimum flight-altitude for the circling procedures to Montgomery Field is a hazard to air navigation. Temporarily, while resolving the hazard, the FAA changes the procedures and issues notices to raise those minimums. Since that decreases the utility of airports, they consider that going in the wrong direction. So, they really don't want to be forced to accept it. And California law reinforces that notion by designating as public nuisances any hazard to air navigation constructed without a permit from the Division of Aeronautics.

At Lindbergh Field, those buildings and the terrain have already forced the FAA to

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Wednesday, May 30, 2007 -- 12:15 pm

COMMENTARY: SLOP
'Most Likely' No

Broker: If another government buys city property, could real estate pros get in on the transfer of assets and score a nice commission?
Tuesday, May 29, 2007 -- 3:16 pm

COMMENTARY: RICH
TOSCANO

Nerd's Eye Break:

Rich Toscano's 'Nerd's Eye View' returns next month.
Friday, May 25, 2007 -- 4:18 pm

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increase the minimum flight-altitude above typical, to steepen the slope of descents into the airport above normal, and to narrow the lateral guidance because of obstacles like those downtown buildings. All this makes Lindberg a challenge, such that airline pilots are given special "[airport qualification](#)" charts to familiarize themselves before flying here.

The FAA determined the Sunroad Centrum 12 building is a hazard to air navigation. California law declares it a public nuisance.

Sunroad, stop making excuses. Obey the law.

-- RICK BEACH

Reader Feedback

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Comments so far on this story:

Robert E. Lee, 2 wrote on **May 25, 2007 9:10 AM:**

"Thanks for the answers and clarification, Rick. It is a shame, though, that the developer will probably sue the city to try to recover the costs of removing the top two floors, on the grounds that it's the 'fault' of city inspectors for not definitively bringing the project to a halt. Lawyers can be creative like that, you know???. As the saying goes, all of this would be humorous if it wasn't so serious."

Rick Beach wrote on **May 25, 2007 5:08 AM:**

"These are great questions. Finally, you ask is it reasonable to tear off two floors of a completed building? Yes. Partly for precedent and partly because of willful disregard for the rules. Sunroad apparently is the first developer to defy the Caltrans Division of Aeronautics and construct a hazard without a permit required by state law. Sunroad never provided the advance notice required. Then Sunroad was informed by April 3, while digging the foundation, that they had a problem and by June 22 they proposed a lower height to the FAA. Without further communication, they took the unprecedented step of building to 180 feet anyway on July 26. "Ah, shucks, I got all the City permits I need and you guys can fly somewhere else." No. The national air transportation system depends on safe places to land. Sunroad, follow the rules and lower the building."

Rick Beach wrote on **May 25, 2007 4:54 AM:**

"It's not just training flights that fly over the Sunroad building. Circling approaches in bad weather are less frequent but greater risk. Some cloudy days come with storms that bring winds from the south or east. The wind affects your speed over the ground, so we prefer to land into the wind at the slowest possible speed (less speed, less stopping distance, less energy if something bad happens and you go off the runway). Because we don't have approaches for each of the six runways, we need to approach to

one runway and maneuver to land on another runway aligned with the wind. You can see the crosswind runway and the main runway clearly in the photo. Those maneuvers are challenging with wind, clouds, possibly rain or fog, and obstacles like water towers, radio antennas, and tall buildings! We train to FAA standards to fly safely. Sunroad?"

Rick Beach wrote on **May 25, 2007 4:42 AM:**

"Robert E. Lee asks an excellent question: why the hazard if the building is not lined up with the runway? Because, unlike commercial jets who tend to fly straight-in and straight-out, small planes often maneuver to depart or land on a runway. Training flights early in a pilot's careers often involve practice patterns that look like rectangles lined up with the runway. Start with a take off into the wind (usually west), a turn across the wind, another turn downwind above and parallel to the runway, a base leg turn and finally a turn towards the runway and landing. On average, 150 planes a day fly all or part of that pattern at Montgomery Field. The Sunroad building sits underneath the second turn. And because there are two runways and a predominant westerly wind, we can't fly it any other way. More in a moment."

Robert E. Lee wrote on **May 24, 2007 10:00 AM:**

"Mr. Beach: Let me first stipulate that I know just about 'zero' when it comes to aviation operations and safety. But when I look at the photos you posted on here, it doesn't look to me like any of the runways point in the direction of the building. If that's the case, is the building that much of a safety hazard? Having put that question out there, I will agree -- as even the mayor has now conceded -- that the regulatory approval process for the design and construction of the building was terribly (and negligently?) handled. But now that the building has been constructed, is it reasonable to ask the developer to essentially tear off the top two floors of the structure?"

The Venerable Kamikaze wrote on **May 24, 2007 7:07 AM:**

"The parking structure at Laurel & Kettner was built in the early 80's and never should have been allowed. Little kids in the neighborhood used to hit the planes with tennis balls as they came over; meaning that the margin of safety for clearance is too low. One shudders to think of how perfect that structure is for terrorists bent on shooting down a plane and causing vast havoc on the ground. As for Sunroad, I suggest a PR campaign of our own; the building should be re-named the Death Trap Building, or the Anti-Aircraft Tower or something to make it less attractive to those who may face liability someday when their structure causes a plane to crash and cause havoc on the nearby ground, freeway and other structures."

BertG wrote on **May 24, 2007 6:39 AM:**

"Can anyone explain how the parking structure on Laurel and Pacific Highway was authorized? It seems to be a speed bump on short final to Runway 27."

Steve K wrote on **May 23, 2007 3:32 PM:**

"Just more of the "Climate of Corruption," identified by the Kroll Report!"

BrownFieldToo? wrote on **May 23, 2007 1:14 PM:**

"Some people are closely watching Sunroad's efforts down in Otay Mesa. They own land adjacent to Brown Field and are part of an effort (funded directly by developers) to create a Community Plan Update for Otay Mesa - that would end up putting (who'd have guessed) residential "villages" and "business parks" all around our other major municipal airport... And, as it happens, Tom Story from Sunroad is actually on the City's Otay Mesa Planning Group. I wonder what else they're planning."

Christopher Hall wrote on **May 23, 2007 12:55 PM:**

"Kathryn and Conrad, the developers have lobbyists to overcome violations of the Municipal Code, as we all know too well, and Craig Benedetto stated yesterday in his Cafe San Diego Blog that it's OK for him and others to petition the government -- Duh. The lobbyists for developers more than 50% of all lobbyists, maybe as high as 75%! The only reason there are so many lobbying for developers is because they have an ongoing public relations problem that needs constant attention, damage control and fixing. Most of the time developer lobbyists are seeking amendments to community plans to skirt the law, get more floor area, waivers on development impact fees, and so on. They also lobby to make community plans developer friendly to increase profit potential. And they lobby to help Sunroad squirm out of its civic responsibility!"

Rick Beach wrote on **May 23, 2007 11:11 AM:**

"Question asked the question: how tall were the buildings on the old General Dynamics site? In the New Century Center Program EIR document (copy provided by City document discovery in the lawsuit), all of the buildings on the site are inventoried and most photographed circa 1997. The Administration, buildings 1, 2, and 3 were at most six stories tall. There was a research laboratory tower, Building 18, Radiation Lab, that looks like a 3- or 4-story wood structure. Other than that, the aerial photograph shows mostly flat-roofed laboratory buildings on the site. My guess is that the tallest height was less than 100 feet above ground level."

Question wrote on **May 23, 2007 10:16 AM:**

"Out of curiosity, how tall was the old General Dynamics building(s) on the same site?"

Jon wrote on **May 23, 2007 10:15 AM:**

"Look at it this way. If the building is allowed to be built, and an aircraft, for what ever reason hits it, then, since the building should not have been allowed to be built in the first place, all those people who were involved in its approval will have their necks stuck out a mile in any liability suit."

Katheryn Rhodes and Conrad Hartsell, M.D. wrote on **May 23, 2007 9:42 AM:**

"According to the approved plans, the Sunroad building is currently $(4.78) / (0.5) = 9.56$ times or 956 percent over the Municipal Code for the FAR. Plus, Sunroad thinks they do not have to count the gross floor area of the two, mid-rise parking structures for the New Century Center Master Plan. According to the EIR, Master Plan, and Municipal Code they do have to count the gross floor area of the parking structure towards the aggregate square footage for whole New Century Center project. Between the FAR, the height limit, the Phantom floor, and the Penthouse/Utility room, four separate violations of the Municipal

Code exist. This is not an accident; it is intentional collusion between Mayor Sanders' administration and Sunroad. And it is not over."

No more encroachment! wrote on **May 23, 2007 9:40 AM:**
"Lets not forget Rick. Lindbergh, due to the terrain and the buildings built up on it post 1962 under authorization of the City (recall the airport opened in what 1928?) has created a situation where Lindbergh has the worst landing minimums of any major airport in the world. Then of course there's the homes that the City allowed to be built over the years that led to a curfew in 1979 that further limits the airports capacity and efficiency. I find your "look" at Lindbergh comparison amusing Mr. Sunroad. Yeah, take a good long look at it. It's the most technically challenged major airport in the world. Bravo smart guy!"

Larry wrote on **May 23, 2007 8:56 AM:**
"As long as that building stands as is, the name Sunroad will haunt Jerry Sanders in his political life. He will always be linked to this perfect example of developer greed feeding off of municipal corruption and incompetence, and no action other than decreasing the building's height will remove this onerous legacy."

dan wrote on **May 23, 2007 8:41 AM:**
"The Building Industry Association is located at 9201 Spectrum Center Blvd #110 San Diego, CA 92123 This is the address of the Building Industry Association's brand new office. Pull it up on a google map and you can see its proximity to the airport...directly on the other side of Balboa. Mr. Benedetto stated Sunroad was not his client during permitting of the building. So he came in once they had a crisis on their hands? What is interesting is that anyone involved in SD politics knows that Mr. Benedetto is closely tied to the BIA (a member of their "President's Council")...he does much of their "fundraising bundling" for candidates and elected officials. What would be interesting to know is what role the BIA is playing in the Mayor's "compromise?" This could possibly be a much bigger issue to the industry than this one structure."

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