



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-AWP-4601-OE
Prior Study No.
2006-AWP-3876-OE

Issued Date: 08/11/2006

Craig Bachmann
Sunroads Enterprises
4445 Eastgate Mall Suite 400
San Diego, CA 92121

**** DETERMINATION OF HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building
Location: San Diego, CA
Latitude: 32-49-38.00 N NAD 83
Longitude: 117-8-30.00 W
Heights: 180 feet above ground level (AGL)
596 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure as described above would have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft and/or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would be a hazard to air navigation.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before September 10, 2006. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace and Rules Division - Room 423, Federal Aviation Administration, 800 Independence Ave, Washington, D.C. 20591.

This determination becomes final on September 20, 2006 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Office of Airspace and Rules via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have a substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202)267-9219. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-AWP-4601-OE.

Signature Control No: 475300-484230

(DOH)

Kevin P. Haggerty
Manager, Obstruction Evaluation Service

Attachment(s)
Additional Information
Map

Additional Information for ASN 2006-AWP-4601-OE

The building is located 0.70 NM north of the Montgomery Field Airport Reference Point; 3,424 feet from the Runway 10L physical approach end. This public-use airport is located in San Diego County, California.

The building height exceeds the Subpart C Obstruction Standards of Title 14 of the Code of Federal Regulations, Part 77, applied to Montgomery Field as follows:

77.25(a), by 19 feet, a height penetrating the Montgomery Field Horizontal Surface.

77.23(a)(3), by 20 feet, a height that increases minimum instrument flight altitudes within a terminal area (Terminal Procedures criteria). This structure height will change the controlling obstacle for the following;

The ILS Runway 28R and NDB or GPS Runway 28R Category A & B Circling with the PALOS stepdown fix minima.

The structure height also exceeds, by 19 feet, the VFR traffic pattern airspace criteria required to conduct normal operations as applied to the public-use Montgomery Field Airport.

This case was not circularized to the public for aeronautical comment. Current obstruction evaluation policy states that circularization is not necessary when a structure is found to have a substantial adverse effect on aeronautical operations based on an internal FAA study. This does not affect the public's right to petition for review determinations regarding structures that meet this criterion.

The FAA attempted to negotiate with the sponsor to reduce the height of the structure. The original first filing by the sponsor at the same location and height was issued a presumed hazard negotiation letter advising the sponsor of the aeronautical instrument procedural impacts. The sponsor responded with a second filing lowering the structure height to the required acceptable height. The second filing was issued a determination of no hazard. This third filing increased the structure height to the original height of the first filing. The sponsor stated the refusal to lower the structure height was dictated by land availability and location. The sponsor's representative advised the FAA by submission of FAA 7460-2, that the structure had reached its greatest height on the same day as the third filing.

Therefore, it is determined that the structure has a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft and is a hazard to air navigation.

