



THE CITY OF SAN DIEGO

# Federal Aviation Administration Notification and Evaluation Process

CITY OF SAN DIEGO DEVELOPMENT SERVICES  
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CALL (619) 446-5300 FOR APPOINTMENTS AND (619) 446-5000 FOR INFORMATION

INFORMATION BULLETIN

520

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This information bulletin provides general information concerning when applicants are required to notify the Federal Aviation Administration (FAA) of their proposed development projects, so that the FAA can conduct an Obstruction Evaluation / Airport Airspace Analysis (OE/AAA). Title 14 Code of Federal Regulations, Part 77, Objects Affecting Navigable Airspace, is the federal regulation governing the obstruction evaluation process. In administering Part 77, the FAA conducts aeronautical studies based on information provided by applicants on an FAA Form 7460-1, Notice of Proposed Construction or Alteration.

## I. FAA NOTIFICATION PROCESS

All applicants proposing any construction or alterations that may affect navigable airspace must file a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. Filing this information with the FAA does not relieve an applicant from complying with any other federal, state, Airport Land Use Commission, or City of San Diego policies, criteria, rules, or regulations including, but not limited, to the Airport Approach Overlay Zone, Airport Environs Overlay Zone, Airport Land Use Compatibility Plans, and State Aeronautics Act.

## II. WHO NEEDS TO NOTIFY THE FAA?

Part 77 requires that any applicant who intends to perform any of the following construction or alterations must notify the FAA:

1. Any construction or alteration exceeding 200 feet in height above ground level.
2. Any construction or alteration of structures, antennas, trees, mobile objects, and temporary objects such as construction cranes that:
  - a. Are within a horizontal distance of 20,000 feet from a public use or military airport and exceed a 100:1 surface from any point on the runway to each airport with at least one runway more than 3,200 feet. Within the City of San Diego, this includes the following airports: San Diego International Airport, Montgomery Field, Brown Field, Gillespie Field, Marine Corps Air Station Miramar, Naval Air Station North Island, and Naval Out Lying Field Imperial Beach.
  - b. Are within a horizontal distance of 10,000 feet from a public use or military airport and exceed a 50:1 surface from any point on the runway to each airport with at least one runway no more than 3,200 feet.

## Documents referenced in this Information Bulletin

- Title 14 Code of Federal Regulations, [Part 77, Objects Affecting Navigable Airspace](#)
- FAA [Advisory Circular 70/7460-1K](#)
- FAA Notice of Proposed Construction or Alteration ([Form 7460-1](#))
- [Airport Land Use Compatibility Plans](#)
- No FAA Notification Self-Certification Agreement ([DS-503](#))

- c. Are within a horizontal distance of 5,000 feet of a public use heliport and exceed a 25:1 surface.
3. Any highway, railroad or other traverse way where the prescribed adjusted height would exceed that above noted criteria.
4. When requested by the FAA.
5. Any construction or alteration located on a public use airport or heliport regardless of height or location.

## III. CONSTRUCTION OR ALTERATION NOT REQUIRING NOTICE

Per Section 77.15 of Title 14 of the Code of Federal Regulations (CFR) Part 77, no person is required to notify the Administrator for any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

The City will not require notification to the FAA if a professional, licensed by the state of California to prepare construction documents, provides the following certification on their plans along with their signature and registration stamp .

“I \_\_\_\_\_ do hereby certify that the structure(s) or modification to existing structure(s) shown on these plans do not require Federal Aviation Administration notification because per Section 77.15 (a) of Title 14 of the Code of Federal Regulations CFR Part 77, notification is not required.”

The applicant will be required to sign a No FAA Notification Self Certification Agreement prior

to permit issuance. Should it be subsequently determined by the City, Airport Land Use Commission, state, or the Federal Aviation Administration, or any other government agency that the proposed project is required to notify the Federal Aviation Administration under CFR Part 77, the City assumes no responsibility or liability for any changes required to the submitted construction drawings and documents and to the structures installed on the project site as a result of and to achieve consistency with the FAA's determination of No Hazard to Air Navigation.

#### IV. WHAT IS THE FAA 100:1 NOTIFICATION SURFACE?

The FAA uses the 100:1 notification surface to help identify projects that may interfere with airport operations. A project exceeding the 100:1 notification surface is not necessarily incompatible, but rather requires that the FAA be notified, so they can conduct an aeronautical study. Based upon the information provided by the applicant to the FAA, the FAA will determine if the project would be an airspace obstruction or hazard. The City does not determine if a project would be an airspace obstruction or hazard.

#### V. HOW IS THE FAA NOTIFIED?

If the proposed construction or alteration IS NOT LOCATED on an airport, the applicant can notify the FAA by filing FAA form 7460-1 electronically with the FAA via the Obstruction Evaluation website: [http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/list/B993DCDFC37FCDC486257251005C4E21/\\$FILE/AC70\\_7460\\_1K.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/list/B993DCDFC37FCDC486257251005C4E21/$FILE/AC70_7460_1K.pdf) or file FAA form 7460-1 via US Postal Mail to:

Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
2601 Meacham Boulevard  
Fort Worth, TX 76193

If the proposed construction or alteration IS LOCATED on an airport, the applicant must notify the FAA by filing FAA form 7460-1 with the FAA via US Postal Mail to:

Federal Aviation Administration  
Western-Pacific Region  
P.O. Box 92007  
Los Angeles, CA 90009

On the web page, forms and determination information are located on the left side of the screen.

#### VI. WHAT HAPPENS WHEN THE FAA IS NOTIFIED?

The FAA will acknowledge receipt of the notice filed by the applicant. The FAA will then send the applicant the outcome of the initial screening and may state one of the following:

1. The proposed development project is not identified as an obstruction and would not be a hazard to air navigation; or
2. The proposed development project would be an obstruction unless reduced to a specified height and is presumed to be a hazard to air navigation pending further study.

When the FAA notifies the applicant that a proposed development is identified as a presumed hazard, the notice will either specify that the FAA has initiated further study, or the applicant may elect to reduce the height or request further study within 30 days, in which event the FAA will begin the study when the applicant so advises. If the FAA conducts a further aeronautical study, the FAA will seek input from the public, affected agencies, and the applicant to gather additional facts or information relevant to the study. After the FAA completes the aeronautical study, it will normally issue a:

1. Determination of Hazard to Air Navigation; or
2. Determination of No Hazard to Air Navigation.

#### VII. PROJECT DECISION

The applicant is responsible for submitting any proposed development project that meets the stated Part 77 notification criteria to the FAA. Upon submittal of a development project to the City, the City will identify if the project meets the stated Part 77 notification criteria to the FAA. While not required by Part 77 to inform an applicant of the need to notify the FAA, the City does this as a public service. This does not limit the applicant from notifying the FAA prior to the City informing the applicant of the need to do so. Nor does it relieve the applicant from the Part 77 requirements to notify the FAA if the City does not inform the applicant of the need to do so. The applicant can determine if FAA notification is required prior to submitting a proposed development project to the City by using the notification tool on their Obstruction Evaluation website <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

If a project meets the Part 77 notification criteria, the City will request that the applicant:

1. Provide the City with a copy of the notification to the FAA; and
2. Provide the official valid final FAA determination for the project to the City prior to scheduling a public hearing, or issuing any permits requested by the applicant.

If the applicant fails to provide the requested documentation, the City will not proceed in the development review process until the applicant provides such documentation. Important points that the applicant should note are that:

1. It is the responsibility of the applicant to notify the FAA as required by Part 77;
2. Unless the FAA Determination is otherwise

extended, revised, or terminated, each final determination of no hazard made by the FAA expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

3. It is the responsibility of the applicant to make certain that the final FAA Determination of No Hazard to Air Navigation for the project is valid by:
  - a. Resubmitting to the FAA for any proposed changes or revisions to a building height or location; and
  - b. Submitting to the FAA for an extension of the final FAA Determination at least 15 days prior to its expiration date.
4. For discretionary approvals (projects that are subject to public noticing), the City will not recommend approval of a project without a valid final FAA Determination of No Hazard to Air Navigation for the project until the requirements in Section VII can be fulfilled.
5. For ministerial approvals (projects that are reviewed solely by City staff), the City will not approve a project without a valid final FAA Determination of No Hazard to Air Navigation for the project.
6. Regardless, if the FAA makes a final Determination of No Hazard to Air Navigation, the project is still subject to all federal, state and City of San Diego rules or regulations.

#### **VIII. DETERMINATION OF HAZARD TO AIR NAVIGATION**

If the FAA makes a Determination of Hazard to Air Navigation for a project that requires discretionary approvals and the applicant elects to continue the approval process without altering the project in a manner that would allow the FAA to make a Determination of No Hazard to Air Navigation for the project, then the applicant must obtain the following:

1. A permit from the [California Department of Transportation](#) prior to the construction or alteration of the structure (Public Utilities Code Section 21659).
2. A consistency determination from the Airport Land Use Commission ([ALUC](#)) for San Diego County. The ALUC requires that the City submit any project that the FAA made a Determination of Hazard to Air Navigation to the ALUC for a consistency determination with the applicable [Airport Land Use Compatibility Plan](#) prior to final approval for the project. If the ALUC determines that the project is inconsistent, the state dictates that any project applicant that still elects to proceed with the approval process will require (Public Utilities Code Section 21675.1. (d)) that the City Council overrules the ALUC determination by a two-thirds vote if it makes specific findings. Regardless, if the City Council overrules the ALUC determination, the project is still sub-

ject to obtaining a permit from the California Department of Transportation.

#### **IX. AIRPORT LAND USE COMMISSION DETERMINATION AND AIRPORT OPERATOR COMMENTS**

A consistency determination made by the ALUC or comments provided by an airport operator DO NOT substitute for notifying the FAA under any circumstances. While it is important to seek comments from the airport operator and submit projects to the ALUC for consistency determinations when required as part of the review process, it does not meet the Part 77 requirement for notifying the FAA.

#### **X. ADDITIONAL INFORMATION**

The following FAA documents provide additional information addressing the notification and evaluation process:

1. Advisory Circular 70/7460-1K - Obstruction Marking and Lighting, describes the standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc.

Also, FAA applications require latitude and longitude information. Internet search engines can provide links to websites that can determine the latitude and longitude in degrees, minutes and seconds from a property street address.

#### **XI. QUESTIONS**

If you have any questions regarding the completion of the FAA form 7460-1 or the obstruction evaluation process, please contact the FAA Western-Pacific Region office at (310)-725-6557 or visit the FAA Obstruction Evaluation website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.