



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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August 21, 2007

The Honorable Janet Lockhart
Mayor
City of Dublin
100 Civic Plaza
Dublin, CA 94568

Dear Mayor Lockhart:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 414,000 members nationwide, over than two-thirds of the nation's pilots – including more than 50,000 who live in the state of California. On behalf of our members, AOPA is committed to ensuring the continued viability, growth and development of general aviation and airports in California and the United States as part of a balanced, national transportation system.

It has come to our attention that Pleasanton, CA based developer, Charter Properties, has proposed construction of Grafton Plaza which will include four high-rise buildings ranging from 16 to 21 stories in height. The site proposed for this project lies a mere 2.3 miles northwest of the Livermore Municipal Airport (LVK), an extremely active, vibrant and vital general aviation airport. The airport operates 24 hours per day, 356 days per year.

While the airport may not be within the Dublin city limits or planning areas, nonetheless, the city has a legal and moral responsibility – both in federal and state law – to ensure that any construction project contemplated is not a hazard to air navigation in the area or would pose a risk to your citizens.

One need only look to the south in San Diego where the Federal Aviation Administration (FAA) and State of California process was not followed resulting in a costly litigation, which continues today. In spite of a hazard determination by the FAA, the developer of the Sunroads-Centrum 12 office tower completed the structure to its planned height arguing that the city had approved the project to the planned height. After ten months and tens of thousands of dollars in legal fees, the building (which is completed on the exterior) will be “deconstructed” to reduce the building to a height that is acceptable to the FAA. This indifference to the state and federal planning process will be a very costly learning experience for some and has tarnished the reputation of the local developer and some elected officials.

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While the example above relates to a structure that was much closer (7/10th of a mile from Montgomery Field Airport) to a public-use airport, the same planning criteria will apply to the Grafton Plaza project.

We would strongly suggest that the City of Dublin require the developer to provide Determinations of No Hazard from the FAA before approving any planning element of the proposed Grafton Plaza project. Doing otherwise could have a significant negative impact on the city.

We appreciate your consideration of our views on this important issue. Should you wish to discuss this matter, please feel free to call my office at 301-695-2205.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Dunn", followed by a long horizontal line extending to the right.

Bill Dunn
Vice President
Airports

cc: Vice Mayor Kasie Hildenbrand
Councilmember Tony Oravetz
Councilmember Tim Sbranti
Councilmember Kate Ann Scholz
Mr. Richard Ambrose, City Manager