



**I. PART ONE – GENERAL INFORMATION**

**Ordinance:**

Ordinance G-4788 amended the Phoenix Building Construction Code pertaining to the process for obtaining permits within the Phoenix Sky Harbor Municipal Airport Zoning Ordinance Map as described in Phoenix City Code Section 4-238 to assure that no building permit be issued for a project in the city of Phoenix that adversely impacts the public safety, efficiency or capacity of Phoenix Sky Harbor International Airport. In order to ensure that every measure is taken to protect Sky Harbor, building permits shall only be issued for those projects that received a “No Hazard Determination” from the Federal Aviation Administration and are in full compliance with the Airport Height Zoning Ordinance.

**NOTE: Ordinance refers to any new construction or alteration that increases height including mechanical equipment, elevator shafts, monopoles, antenna, parapet and screen walls.**

**FAA Flag in KIVA:**

1. **Flag Language:** BUILDINGS & STRUCTURES 50 FT\* OR TALLER FROM GRADE TO THE HIGHEST POINT OF THE BUILDING OR STRUCTURE REQUIRE AN FAA DETERMINATION OF "NO HAZARD TO AIR NAVIGATION" PRIOR TO LOG IN OF BUILDING PERMIT APPLICATIONS.

**\*NOTE: The actual height limit will appear in the KIVA pop-up - it will range from 50 ft. to 150 ft.**

2. **Flag Action:** Ask the customer for a copy of this Determination or direct them to FAA’s website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>). This notification is to be provided during the site and civil reviews as well as at building plans log-in. No building plans should be accepted and no permits issued without an FAA Determination.

**Customer Education:**

To ensure customers are informed, customer checklists including the FAA requirements are available online, at Central Log-in, Counter 6 and the Information Desk.

**II. PART TWO – PROCEDURE FOR PROJECTS IN THE FAA BOUNDARY**

**Process for projects going through Minor Commercial - Building (approved site plan or no site plan required):**

1. Counter 5 staff will check land flags for FAA Notice of No Hazard. If property is flagged the following steps will be taken:
  - a) If the project is to be logged in:
    - Customer will note the Highest Point of Structure on the application.
    - After reviewing the height of the structure between the application and the plans, the BCE will determine if the height of the structure is a factor and will mark the application accordingly in the “FAA Letter Required” field. The customer will be informed of the decision and sent to Counter 6.
    - If FAA notification is not required, the planner at Counter 6 will complete the login process stamping the plans ‘o.k. to log in’.
    - If FAA notification is required, the planner at Counter 6 will pre-log plans for site/civil issues but will not stamp the plans ‘o.k. to log in’. The planner will give the applicant instructions for obtaining an FAA Determination letter.
    - When plans are logged in at Central Log-In, a KIVA entry must be made in the Highest Point of Structure field on the Structural Classification Screen.

- b) When project is under review:
  - The Building Code Examiner, Structural or Architect Reviewer will verify the height entry during the review process.
  - During the plan review if a discrepancy exists with the height, the reviewer will write a comment in KIVA requiring correction, which could include the need for FAA approval. Coordination with the Team Leader and project Planner may be required if height changes occur on a project with an approved site plan.
- c) If the project will receive an Over-The-Counter permit:
  - Customer will note the Highest Point of Structure on the application.
  - A KIVA entry must be made in the Highest Point of Structure field on the Structural Classification Screen.
  - BCE will determine if the height of the structure is a factor and will mark the application accordingly in the "FAA Letter Required" field. If it is not, the BCE will issue the permit making the following comment in the Permit-Comment screen: *"FAA Determination of No Hazard is not required."* If it is, the BCE will give the applicant instructions for obtaining a FAA Determination letter.
- d) If Site File does not exist:
  - FAA Determination of No Hazard letter is to be attached as a related document to the building permit.

**NOTE: Permit cannot be issued until letter is received.**

**Process for projects going through Minor Site:**

1. Counter 6 site plan staff shall give customers the FAA handout and determine if an FAA Determination is required (while terminology differs slightly, generally follow steps 5 through 11 below).

**Process for projects going through Pre Application Meeting (Pre-app):**

1. The pre-application submittal checklist shall include, a checkbox noting FAA Determination of No Hazard may be required (Form 7460-1). This is usually the first point of contact P&D has with a customer building a project that could be affected by the FAA boundaries.
2. Handout at Central Log-in (CLI) will show FAA height boundaries.
3. After pre-application submittal is routed to the 3<sup>rd</sup> floor for the research and team assignment, the Planning Technician will determine and note on the Pre-Application Meeting Research Information Sheet if the project is within the FAA height boundaries.
4. The Team Leader and/or Planner will review plans to determine if the height of the structure(s) in the plans requires FAA Notice of No Hazard (approval). If FAA approval is required then they will make the following note on the pre-app markup and comments in the report, "Before preliminary approval, an FAA Determination of No Hazard must be received." If this project is within the FAA boundaries but **staff clearly determines** that it is below the height designation, then the Team Leader should sign off the Flag and indicate height of project.
5. After the pre-application meeting, the customer will return to CLI with preliminary site plan submittal. CLI will open pre-application notes, see if an FAA Determination is required and ask customer if they have it:
  - If yes, it will be noted in KIVA comment screen and kept with submittal. (See note below.)
  - If no, it will be noted in KIVA comment screen and the Team will be responsible for obtaining it from the customer.

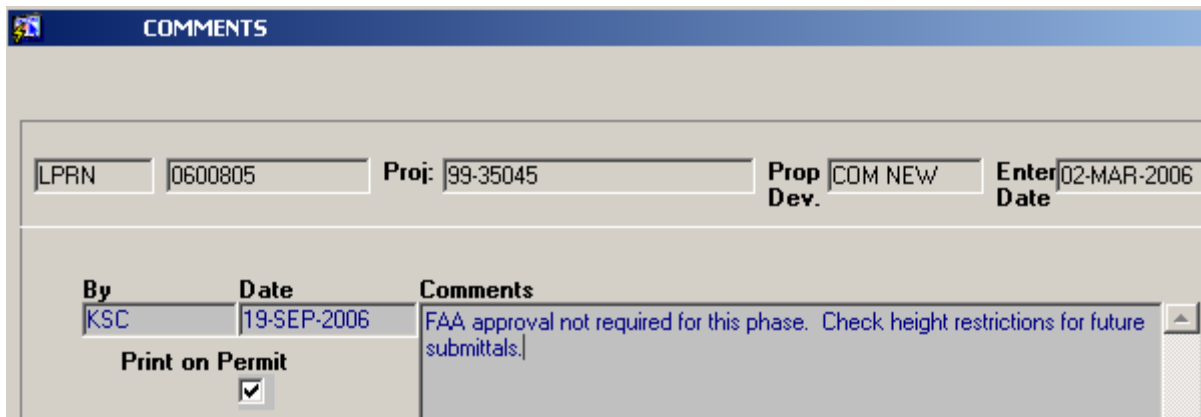
**NOTE:** *The FAA Determination letters have no identifying information on them except for the longitude and latitude of the property. When an FAA Determination is received by CLI or a team member, it is imperative to have the customer write the following on the front page in the upper right side.*

**Project Address**  
**Company Name**  
**Project Name**  
**Project KIVA #**  
**Contact Name**

- 6. At the preliminary meeting, the report will indicate preliminary approval if an FAA Determination of No Hazard is on file. Projects with preliminary approval can move forward with construction document submittal. If not on file or in the case of an adverse FAA Determination, the Team Leader will require a time extension to allow time to remedy the situation.
- 7. Under certain circumstances, building and civil plans may be submitted before an FAA Determination of No Hazard is on file. The Team Leader should meet with Senior Management and staff from the Aviation Department's Planning and Environmental Division to discuss the handling of the special circumstance. Any special processes must be documented in KIVA.
- 8. No building permits shall be issued without an FAA Determination of No Hazard. Again, under rare circumstance the Team Leader should meet with Senior Management and the Aviation Department's Planning and Environmental Division to discuss the handling of special circumstances and possibly receive approval to allow limited permit release. Any early release must be documented in KIVA and if there are conditions to the release, they shall be noted in the comment section of the permit or through a Conditional Letter Release format.

**NOTE: This does not eliminate the need to obtain FAA approval.**

- 9. Any FAA Determination shall be kept in the Site File, and the Team Leader will note in the comments. The FAA Determination shall be retained according to Site File retention procedures.
- 10. Once plans are approved, the Team Leader will designate a team member to either note in comments "FAA approval not required for this phase, check height restrictions for future submittals" or "FAA approval received for this phase, check height restrictions for future submittals." See sample screen shots below:



11. At Counter 1 (Cashier), the Cashier will check the comments and request that the Cashiering Supervisor, CLI Supervisor or CLI Lead sign off the conditional hold for permit issuance if they are certain this is permissible, but not already signed off by the Team Leader.