



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Northwest Mountain Region  
Colorado · Idaho · Montana · Oregon · Utah  
Washington · Wyoming

Denver Airports District Office  
26805 E. 68th Ave., Suite 224  
Denver, CO 80249

February 25, 2021

John Green, Planner  
El Paso County Planning and Community Development Department  
2880 International Circle, Suite 110  
Colorado Springs, Colorado 80910

Dear Mr. Green:

The Federal Aviation Administration, Denver Airports District Office (FAA) appreciates the opportunity to comment on the agency referral for the “Solace of Colorado Springs” development. Due to the close proximity of this proposed residential development to the Runway 17R threshold at the Colorado Springs Airport, the FAA has concerns that the proposed development is not compatible with airport operations.

Of particular concern, is the location of the proposed development inside and adjacent to the 65 Day-Night Average Sound Level (DNL) noise contour as shown on the Airport Layout Plan (ALP). 14 CFR Part 150 “Airport Noise Compatibility Planning” Appendix A Table 1 designates residential land use near an airport inside an area with a DNL at or above 65 decibels as “not compatible and should be prohibited”. Although 14 CFR Part 150 also emphasizes “the designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law”, it is without question that residents inside the Solace of Colorado Springs development will be subjected to ongoing noise and overflights at low altitude, as aircraft approach and depart the airport. As a consequence of these overflights, residents would be exposed to considerable noise impacts.

In addition, the development is close enough to the Colorado Springs Airport that any change to aircraft operations, and the type of aircraft that use the airport, could increase the amount of aircraft noise and overflight over the proposed development. Please be aware FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with this proposed development, including the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

In addition to noise, there would also be visual (perceptual) impacts from aircraft operating to and from of the airport. While these operations represent safe and typical procedures over the currently vacant land, it would be disconcerting to many people on the ground in this area of proposed development, due to a *perceived hazard* of low-flying aircraft. This is a main reason that these types of land uses are strongly discouraged under airport traffic pattern areas, especially under approach areas. Although the frequency of aircraft accidents is comparatively very low, the numbers of aircraft using the concentrated airspace of airport approach areas, together with the complexities of takeoff and landing operations, means accidents are proportionately higher in those areas than in other locations farther away from airports.



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The proposed Solace of Colorado Springs development mentioned above includes new residential apartment housing approximately 5,800 feet north of the Runway 17R threshold, along an extended runway centerline. Any proponent of construction this close to a public-use runway is required under 14 CFR Part 77, *Objects Affecting Navigable Airspace*, to request an FAA airspace study of the proposed construction to ensure airspace surrounding the airport is not adversely affected. An aeronautical study may be requested by submitting FAA Form 7460-1 via mail or electronically at [www.oaava.faa.gov](http://www.oaava.faa.gov). These aeronautical studies are crucial to protect Airport approach and departure operations.

As a recipient of over \$271 Million dollars in Federal Airport Improvement Program (AIP) funding since 1982, the City of Colorado Springs is obligated to comply with certain Federal grant assurances, which include a requirement to “take appropriate action, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft”. The City of Colorado Springs is also obligated to “not cause or permit any activity or action thereon which would interfere with its use for airport purposes”. We recognize that the City of Colorado Springs does not have zoning and permitting authority over the area in question. With that in mind, we strongly recommend that the City of Colorado Springs work with El Paso County to actively discourage any proposed non-compatible land use near the Airport. Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Colorado Springs Airport.

We appreciate the opportunity to comment on the proposed Solace of Colorado Springs development and your willingness to provide information on the proposed development. If you need further assistance, please contact our office Compliance Specialist Mike Matz at (303) 342-1251.

Sincerely,



John P. Bauer,  
Manager  
Denver ADO