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March 13, 2023

City of Pompano Beach
Planning and Zoning Board
100 West Atlantic Boulevard
Pompano Beach, FL 33060

**Re: Air Park Obstruction Permit Application Review
Homewood Suites - 505-599 N Federal Hwy, Pompano, FL 33062**

Please see the following responses to the Observations and Recommendations list in your February 17, 2023 letter.

1. The Proponent's narrative for an Air Park Obstruction Permit (the narrative) requests a building at a height of 119 feet above mean sea level (AMSL) or 110 feet above ground level (AGL). This infers a site elevation 9 feet AMSL which matches the structure information annotated in the referenced FAA Aeronautical Study Number 2022-ASO- 36103-OE. The supporting architectural building section and elevations note a site elevation of 10.7 feet NAVD and a maximum building height of 110 feet above ground level (AGL). No site plan was submitted with finished floor elevations. No conversion was provided between AMSL and NAVD. Kimley-Horn could not independently verify the conversion between AMSL and NAVD.

Recommendation(s): Kimley-Horn recommends that the Proponent be required to submit the conversion factor between the ASML and NGVD data. This information should be determined by a Florida registered surveyor. Alternatively, it can be provided by the civil engineer on the site plan.

Response: A site elevation of 9.0 NAVD was submitted as the average grade of the existing site from the topographic survey (a finished floor was not provided). Per the NOAA Datums for Hillsboro Inlet Ocean, FL (Station: 8722862) the Mean Sea Level conversion to NAVD88 is +1.01 feet.

2. The narrative states that "The applicant is proposing 9-story Hotel with a zoning height of XX feet." It is our understanding that this a is a scrivener's error.

Recommendation(s):

Kimley-Horn recommends that this item be corrected to provide the correct zoning height.

Response: This was a scrivener's error. The narrative has been corrected to state... 'with a zoning height of 105 feet'.

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3. The narrative references that an aeronautical study was completed by the Federal Aviation Administration (FAA) which the proponent appended to the submittal – FAA Aeronautical Study 2022-ASO-36103-OE. Upon reviewing this determination letter Kimley-Horn noted the following:

a. The FAA has issued a Determination of no Hazard to Air Navigation, contingent on the following:

- i. “As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory Circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.” Kimley-Horn has noted no document which acknowledges this requirement nor a document which shows the location of Obstruction Marking and Lighting. Accordingly, Kimley-Horn cannot determine if the proposed structure will be compliant with the requirements of the FAA’s letter. These documents must also address the FAA’s requirements for addressing failed or nonfunctioning lighting.

Recommendation(s): Kimley-Horn recommends that the proponent revise the Narrative to address these requirements and submit an architectural roof plan identifying the general locations of the proposed obstruction lights.

Response: In response number 3 of the Air Park Narrative, the applicant acknowledges that the structure will be marked/lighted in accordance with FAA standards.

- ii. The FAA’s letter also requires the Proponent to file two sets of supplemental notices: 1) 10 days prior to the start of construction (7460-2, Part 1), and 2) within 5 days after the construction reaches its greatest height (7460-2, Part 2). The narrative does not acknowledge these requirements nor state that they will be addressed.

Recommendation(s): Kimley-Horn recommends that the proponent’s narrative be revised to acknowledge and address these requirements.

Response: In response number 3 of the Air Park Narrative, the applicant acknowledges that the 2 supplemental notices will be filed.

- iii. The submitted Determination Letter was not final. The FAA permitted the general public to file petitions for review. If petitions are filed the Determination will not be finalized, pending disposition of the petition. The narrative did not identify if any petitions were received and if in fact the Determination became final. Kimley-Horn has reached out to the FAA requesting additional information regarding this subject. At the time of drafting this letter we had yet to receive a response from the FAA.

Recommendation(s): The proponent should be required to show documentation that they have contacted the FAA and verified that no active petitions are being reviewed and that the Determination has in fact become final.

Response: The FAA was contacted and provided a response. Please see attached email from Sarah Combs stating that no valid petitions were received and that the determination was made final on January 22, 2023.

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iv. The FAA's aeronautical study determined that the submitted study point is an obstruction (but not a hazard) to air navigation as the proposal would exceed the Obstruction Standards of Title 14, Code of Federal Regulations (14 CFR), Part 77 as follows:

1. Section 77.17(a) (3) - a height that increases minimum instrument flight altitudes within a terminal area (TERPS criteria).

Obstacle penetrates RWY 15 40:1 Departure Surface by 46 feet.

Qualifies as low, close-in penetration with climb gradient termination altitude 200 feet or less above DER, requiring TAKEOFF MINIMUMS AND (OBSTACLE) DEPARTURE PROCEDURES, AMDT 5, TAKE-OFF OBSTACLE NOTES: RWY 15, building 2447 feet from DER, 660 feet right of centerline.

2. Section 77.19 (e) PMP: Transition Surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces.

Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline. The proposal will exceed Runway 15/33 Transition Surface by 30 feet.

3. **Recommendation(s):** 1) Per Florida Statute F.S. Ch. 333.025(4) aeronautically determined obstructions to air navigation must be submitted to the FDOT Aviation Office for review. The Aviation Office will have 15 days to independently review the application.

Response: The City of Plmpano Beach is coordinating directly with the FDOT Aviation office.

Per Section 155.2422.C of the City's Zoning Code, the City is required to submit obstructions to the state Aviation Office. At the time of drafting this letter Kimley-Horn is unaware if a submittal has been made to the FDOT Aviation Office nor if the Office has provided any commentary on the submittal. Kimley-Horn requests clarification from the City regarding this topic. 2) to mitigate the obstruction the FAA is requiring the Proponent to mark/light the proposed structure. See previous comment on this subject.

b. Using the FAA's online airspace portal, Kimley-Horn performed a circle search for additional Aeronautical Studies for the subject site. This search yielded that only one study was submitted to the FAA by the Proponent (which was provided with the permit submittal). It is unusual that the envelop of the structure was not submitted for review, particularly with the close proximity to the airport. Submitting one point does not give the FAA airspace specialist, who is reviewing the aeronautical study, a sufficient understanding of the three-dimensional characteristics of the proposed structures. These elements of the proposed structure may lapse into other protected surfaces which is aeronautically relevant and needs to be reviewed. Given that no site plan was submitted identifying the location of the proposed structure with relation to the site, Kimley-Horn was unable to verify the location of the filed aeronautical study in relation to the proposed structure. We were able to verify that the submitted study was in fact located on the subject site however that is irrelevant as the study must be tied to the actual proposed structure vertically and horizontally.

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Recommendation(s): Kimley-Horn recommends that the Proponent be required to submit aeronautical studies to the FAA which match the actual envelop of the proposed structure both in the horizontal and vertical direction. A site plan should also be required which identifies the location of the proposed structure in relation to the subject site. The Proponent should also be required to annotate the location of the aeronautical studies on the plan.

Response: A site plan with coordinates and elevations were submitted to the FAA for the determination and are attached herein.

4. The subject site appears to be located in the Approach and Transitional Zones as defined by Section 155.3707 of the City's Zoning Codes. The FAA Aeronautical Study states that the study point is located 2,535 feet from the end of Runway 33. Per Table 155.3707.B structures within the Approach Zone would be limited to 72 feet AGL and structures within the Transitional Zone are limited to Approach Zone plus 1 ft per 7 ft horizontal distance from inner perimeter of zone, up to 150 ft above established air park elevation (IE 72 feet to 150 feet AGL). The proposed structure will penetrate these height limits. However, since the FAA degermation is contingent on the Proponent acknowledging and addressing various requirements and the fact that the Degermation may not be final, Kimley-Horn cannot determine if the proposed development will be an Airpark Hazard as defined by 155.3707 of the City's Zoning Code. **Recommendation(s):** 1) As previously noted, the Proponent should be required to state that they acknowledge and will address the contingent comments noted in the FAA's determination letter. 2) Kimley-Horn cannot verify the location of the proposed structures as a site plan was not provided relating the structures to the site therefore we cannot identify which exact Airpark Zone the proposed structure is located in. We recommend that the Proponent be required to provide a site plan with this information. 3) one study point is not sufficient for the FAA's airspace specialists to fully understand the three-dimensional elements of the proposed structure. We recommend that the Proponent be required to file additional aeronautical studies with the FAA to present the building's envelope at the corresponding actual horizontal and vertical locations of the structure.

Response: : A site plan with coordinates and elevations were submitted to the FAA for the determination and are attached herein.

If you have any questions, comments, or concerns, please contact me at 954-680-6533.

Respectfully Submitted,
Pillar Consultants, Inc.



Jason Wilson
President

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