

February 16, 2023

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

**RE: Air Park Obstruction Permit**  
1508 North Ocean Blvd.

Dear Planning and Zoning Board Members;

On behalf of Mount Vernon Property Holdings, LLC (owner), Keith is submitting the application narrative for an Air Park Obstruction Permit for 1508 North Ocean Boulevard. The obstruction permit is to allow a building at a height of 242 feet above mean sea level (AMSL) or 234 feet above ground level (AGL). The applicant is proposing 19-story residential building.

### **Project History**

On 02/16/2023, the Federal Aviation Administration issued a "Determination of No Hazard to Air Navigation" for the proposed building height to 242 feet AMSL.

The applicant has now made application for site plan and major building design approval as well as an application for the Air Park Obstruction Permit to Planning and Zoning Board for the proposed building which has a height of 242 feet AMSL.

Below are responses to each of the criteria established by the city for an Air Park Obstruction Permit. The Pompano Beach Zoning Code states:

*Following the receipt of a determination by the Federal Aviation Administration (FAA) that the proposed development would not result in an airport hazard, the Planning and Zoning Board may approve an Air Park Obstruction only on a finding that there is competent substantial evidence in the record that the issuance of the development order for Air Park Obstruction would not allow for the establishment or creation of an airport hazard based on the following criteria:*

1. Comments received from the Florida Department of Transportation (FDOT) regarding the technical consistency with Florida State Statutes 333.025, as amended.

**Response: FS 333.025 requires the local government to request comment from FDOT. It is anticipated there will be no adverse comments by FDOT concerning the proposed increase in height. FDOT comments will be provided separately to the Planning and Zoning Board as part of this application.**

2. The safety of persons on the ground and in the air.

**Response:** The proposed building height is not anticipated to affect the safety of persons on the ground or in the air. The proposed height is similar in stories and height to surrounding properties in the area. The FAA has determined that there is No Hazard to air navigation with the building proposed at 242 feet AMSL.

3. The safe and efficient use of navigable airspace and any other aeronautical impacts.

**Response:** The FAA has determined that the proposed height of the building at 242 feet AMSL will not be a hazard to air navigation.

4. The nature of the terrain and height of existing structures.

**Response:** As mentioned in criteria 2 above, the proposed height of the 1508 N Ocean building is similar in stories and height to surrounding properties along the SR A1A Corridor and the adjacent residential neighborhoods.

5. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.

**Response:** The FAA has determined that a proposed height of the building at 242 feet AMSL will not be a hazard to air navigation. As stated by the FAA, *"The aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures."*

6. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.

**Response:** As mentioned above, the FAA found that no hazard was presented by the proposed structure and in #5 above the FAA specifically cites that the FAA studied the cumulative impact resulting from the proposed structure when combined with the impacts of other existing or proposed structures.

7. The development order for Air Park Obstruction, if issued, would not permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.

**Response:** The proposed building is not a non-conforming structure, nor would granting the development order for an air park obstruction permit increase any non-conformity.



8. Approval of a permit is not to be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

**Response:** As part of the Air Park Obstruction Permit process, the City of Pompano Beach retains its own independent aeronautical consultant to review the application as well as contact the Florida Department of Transportation (FDOT) for their review and comment. It is expected the aeronautical consultant and FDOT will concur with the determination made by the FAA. Those reviews and comments are submitted separately by the city with this application. The FAA circularized details of the proposed structure for public comment, and no letters of objection were received. Based on all of the above reviews along with the fact that there are buildings of similar height above the City's Air Park height restrictions in the surrounding area and along SR A1A, the applicant believes the approval of the Air Park Obstruction Permit would not be based solely on the FAA determination of no hazard.

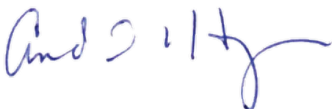
9. The following impacts to the Pompano Air Park:

- i. The potential to destroy or impair the utility of the Pompano Air Park and the public investment therein.
- ii. The Character of the existing and planned flight operations and developments at the Air Park.
- iii. The effect of the obstruction on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
- iv. The effect of the construction or alteration of the proposed obstruction on the minimum descent altitude or the decision height at the Pompano Air Park.

**Response:** The proposed building height of 242 feet AMSL is not anticipated to impact or destroy the utility of the Pompano Air Park, nor the character of the existing and planned flight operations. The proposed height is not anticipated impact the state licensing of the Pompano Air Park nor impact the minimum descent altitude or the decision height of the Pompano Air Park. These aspects were all contemplated in the FAA aeronautical study, *"this aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures."*

The applicant and KEITH look forward to presenting and discussing the proposed Air Park Obstruction Permit with the Planning and Zoning Board.

Respectfully Submitted,



Andrea Harper

