



AVIATION AUTHORITY

* PERMIT APPLICATION *

Tampa International Airport Peter O. Knight Airport Plant City Airport Tampa Executive Airport
P.O. Box 22287, Tampa, FL 33622-2287

Scope/Nature of Request: Provide summary of request, activities involved and any other required or pertinent information to fully describe scope, submit drawings and specification if needed. Additional pages may be used if necessary. The application must also contain (1) an FAA Determination of No Hazard if the duration is greater than 72 hrs. (2) site survey with an FAA accuracy code of 1A, if requested (3) a Variance application, if applicable (4) site plan with a building layout, if requested (5) building elevation plan, if requested (6) any additional information requested by the Airport Zoning Director to determine whether or not the proposal will comply with the Airport Zoning Regulations.

Project Name \ Description:
ALV / Gazit Tampa, LLC
Proposed 31 floor Dining and Residential Building

Applicant acknowledges receipt of the applicable procedures and/or provisions pertaining to the above request and agrees that in consideration of issuance of this permit to be bound by the terms and conditions of such documents and all other applicable laws, rules, regulations, procedures and laws.

Permanent (Height Zoning) [X] Check type of permit being requested
Temporary (Crane/Equip.) []

This application is required to be attached to the supplemental data form for Permit request (see on-line application process).

Name/Company/Organization: ALV / Gazit Tampa, LLC

Contact Person for Requested Activity: David Fellows Phone: 305-350-1901

Project Location: W. Tyler St. and Macinnes Place Email: dfellows@ameriland.com

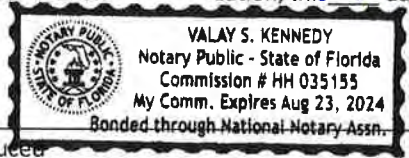
Under penalty of perjury, I hereby certify that the above statements and supplemental data are true and correct and I have full power and authority to act on behalf of the above named firm, corporation or organization in the submission of this application.

Printed Name of Authorized Representative: David Fellows

Signature of Authorized Representative: [Signature] Date: 9-27-23

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this 27th day of SEPTEMBER 2023 by DAVID FELLOWS

(NOTARY SEAL)



Notary Signature: Valay S. Kennedy
Personally Known [X] OR Produced Identification [] Type of Id Produced []

All activities performed under this permit are at applicant's own expense and risk. The Authority will not be held liable for any damages, losses or injuries resulting from or connected with this activity. This permit does not relieve the applicant from obtaining any other permits, approvals, or determinations from other governmental agencies as may be required in accordance with law.

THIS SECTION TO BE COMPLETED BY AVIATION AUTHORITY REPRESENTATIVE

Airport Study No. 2023-138 Variance Required: Yes
FAA Study Number 2020-ASO-9655-OE Recommend Approval: Yes
Associated FAA Study Numbers 2020-ASO-9658-OE Coordinate with Airport Operations: No
Reviewed By: Coordinate with ATCT: No

Approved by Zoning Director Date



AVIATION AUTHORITY

* PETITION FOR VARIANCE *

Tampa International Airport Peter O. Knight Airport Plant City Airport Tampa Executive Airport
P.O. Box 22287, Tampa, FL 33622-2287

Provide a summary of request, activities involved and any other required or pertinent information as it pertains to any of the following criteria which will be used to substantiate a variance to the height zoning regulations. Additional pages may be used if necessary.

- The regulated height would create an unnecessary hardship to the applicant.
Special conditions and circumstances apply which are not applicable to other similarly situated property.
The proposal will not create a substantial detriment to public good or impair the purposes of the intent of these regulations.
The proposal will not create a substantial adverse effect on the utility of the airport covered under these regulations.

The Proposed Building is 349' 11.5" AMSL and exceeds the 200' standard height limitations.

Applicant acknowledges receipt of the applicable procedures and/or provisions pertaining to the above request and agrees that in consideration of issuance of this variance to be bound by the terms and conditions of such documents and all other applicable laws, rules, regulations, procedures and laws. The petitioner must forward to FDOT by certified mail, return receipt requested, a copy of the permit package and petition for comment. The review of this petition for variance and variance process will proceed only upon the receipt of FDOT's comments or waiver of that right. Include a copy of the certified mail receipt with the petition.

Date: 09/26/2023 Nearest Airport: TIA Overall Height (AMSL): 349' 11.5"

Under penalty of perjury, I hereby certify that the above statements are true and correct and I have full power and authority to act on behalf of the Applicant's named firm, corporation or organization in the submission of this variance request.

Printed Name of Authorized Representative: David Fellows
Signature of Authorized Representative: [Signature] Date: 9-27-23

All activities performed under this variance are at applicants own expense and risk, the Authority will not be held liable for any

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
Sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [] online notarization, this 27th day of SEPTEMBER 20 23, by DAVID FELLOWS
Notary Signature: Valay S. Kennedy
Personally Known [X] OR Produced Identification [] Type of Id Produced []
(NOTARY SEAL) VALAY S. KENNEDY Notary Public - State of Florida Commission # HH 035155 My Comm. Expires Aug 23, 2024 Bonded through National Notary Assn.

THIS SECTION TO BE COMPLETED BY AVIATION AUTHORITY REPRESENTATIVE

Airport Study No. 2023-138
FAA Study Number: 2020-ASO-9655-OE
Associated Aeronautical Study Numbers: 2020-ASO-9658-OE
FDOT Concurrence: Yes [] No [] Waived [] in accordance with Resolution No. []

Approved by Board of Adjustment Chairman Date

Review Summary

Airport Study Number

2023-138

Permit Number

23138

Maximum Height - AMSL

350

Approval Date

Expires

7/28/2023,

Permit Type

Height Zoning

Review

77.9 Review

Required Notice

77.17 Review

Obstruction

77.19 Review

Within Height Limits

TERPS

Within Height Limits

OEI (62.5:1)

N/A

Analysis Summary

No IFR/VFR, or Navaid impacts identified. Exceeds obstruction standard but no Hazard as long as conditions are followed.

Coordination with ATCT:

No

Emergency Use

No

Objects affecting Navigable

Yes

Airspace

Coordination with Operations:

No

Hazard Marking and/or Lighting

Yes

Exceeds Supportive Screening Criteria

Yes

Conditions

Conditions: Red Obstruction lighting required in accordance with the FAA Advisory Circular 70/7460-1M.E-File FAA form 7460-2 with the FAA if the project is abandoned or at least 10 days prior to construction and within 5 days after the construction reaches its greatest height. The project is subject to requirements listed in the attached Federal Aviation Administration Aeronautical Studies with the exception that height limits are restricted to the heights shown on the point data table attached as Exhibit A and in accordance with elevation plans submitted. Occupants and/or owners of the units must be informed that the structure considered under this variance lies in the approach and departure path of an Airport and occupants may be subjected to noise and/or light from aircraft. Installation equipment (Crane) exceeding 317' AMSL will require a separate permit by the Aviation Authority. Any glint or glare issues identified from this project must be mitigated by the petitioner to the satisfaction of the Authority to avoid adverse impacts to aviation. The structure considered under this study lies within the approach path of Tampa International Airport and will be subjected to aircraft overflight. The Aviation Authority suggests a noise reduction level of at least 25 db be incorporated into design. The Aviation Authority requires a post survey of the construction to be completed and submitted to the Aviation Authority within 5 days of reaching its greatest height.

Recommended Approval

Yes

Airport Study Number:

2023-138

CONDITIONS

Red Obstruction lighting required in accordance with the FAA Advisory Circular 70/7460-1M.

E-File FAA form 7460-2 with the FAA if the project is abandoned or at least 10 days prior to construction and within 5 days after the construction reaches its greatest height.

The project is subject to requirements listed in the attached Federal Aviation Administration Aeronautical Studies with the exception that height limits are restricted to the heights shown on the point data table attached as Exhibit A and in accordance with elevation plans submitted.

Occupants and/or owners of the units must be informed that the structure considered under this variance lies in the approach and departure path of an Airport and occupants may be subjected to noise and/or light from aircraft.

Installation equipment (Crane) exceeding 317' AMSL will require a separate permit by the Aviation Authority.

Any glint or glare issues identified from this project must be mitigated by the petitioner to the satisfaction of the Authority to avoid adverse impacts to aviation.

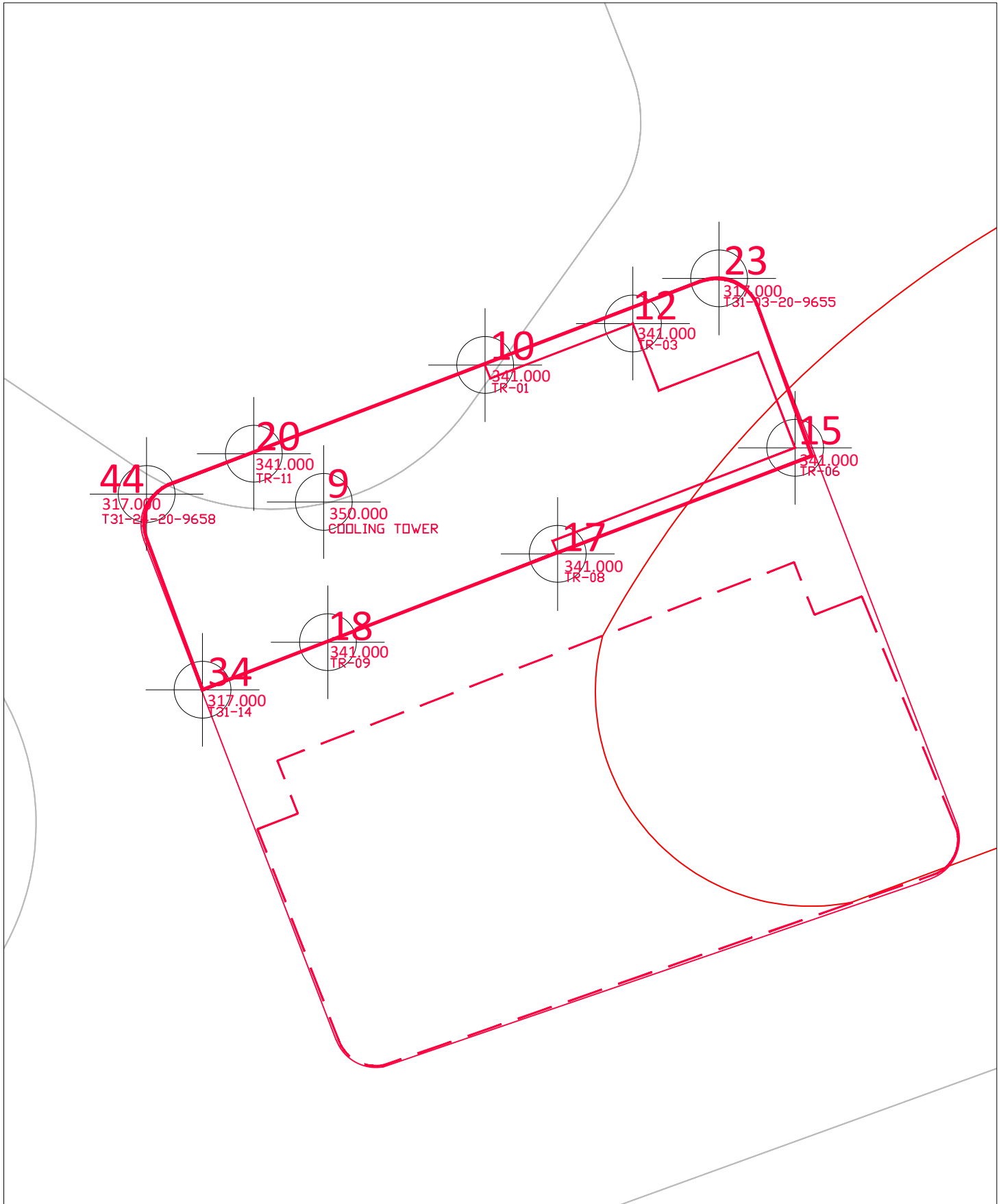
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The Aviation Authority requires a post survey of the construction to be completed and submitted to the Aviation Authority within 5 days of reaching its greatest height.

Project Point Data Table

One Location field is required Required Required Required										
Point #	LAT d	LAT m	LAT s	LONG d	LONG m	LONG s	MSL	AGL	NAME	AMSL
9	27	57	2.82002	82	27	48.34141	12.00	338	COOLING TOWER	350
10	27	57	3.3011	82	27	47.70793	12.00	329	TR-01	341
12	27	57	3.44854	82	27	47.12651	12.00	329	TR-03	341
15	27	57	3.01586	82	27	46.48637	12.00	329	TR-06	341
17	27	57	2.6411	82	27	47.41936	12.00	329	TR-08	341
18	27	57	2.32944	82	27	48.32341	12.00	329	TR-09	341
20	27	57	2.98749	82	27	48.61763	12.00	329	TR-11	341
23	27	57	3.60764	82	27	46.7879	12.00	305	T31-03-20-9655	317
34	27	57	2.16136	82	27	48.81614	12.00	305	T31-14	317
44	27	57	2.84557	82	27	49.03959	12.00	305	T31-24-20-9658	317

Point Locations



Distance from ARP



10/17/2023, 3:59:59 PM

1:36,112



Override 1



TPA Height and Zoning



Override 1



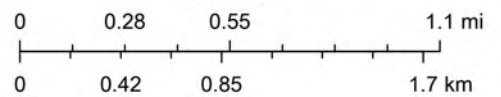
TPA Height and Zoning



Airports - ARP

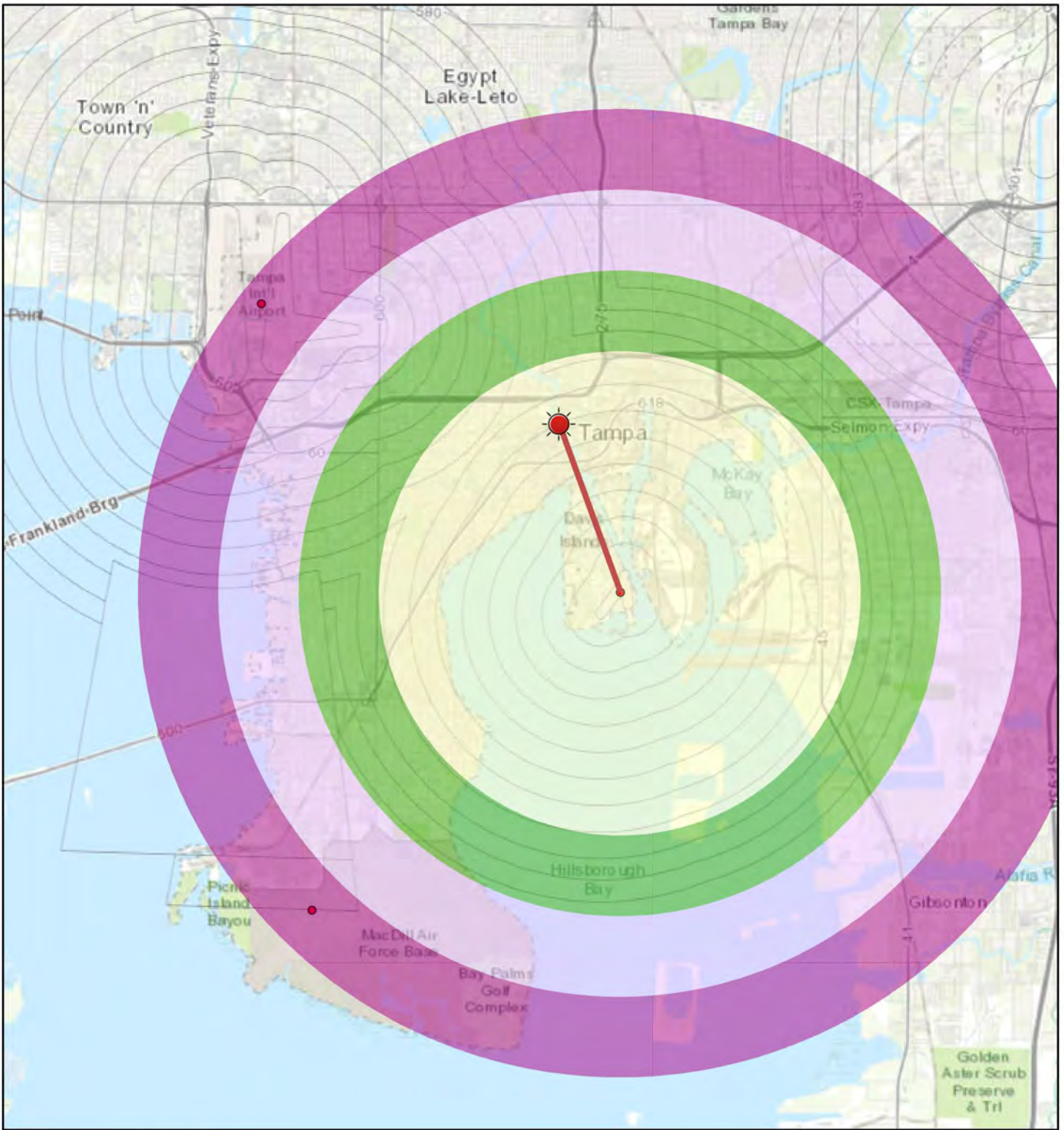


TPA Height and Zoning













University of South Florida, City of Tampa, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, Tony Mantegna

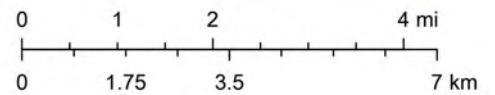
Obstruction Standard 77.17(a)(2)



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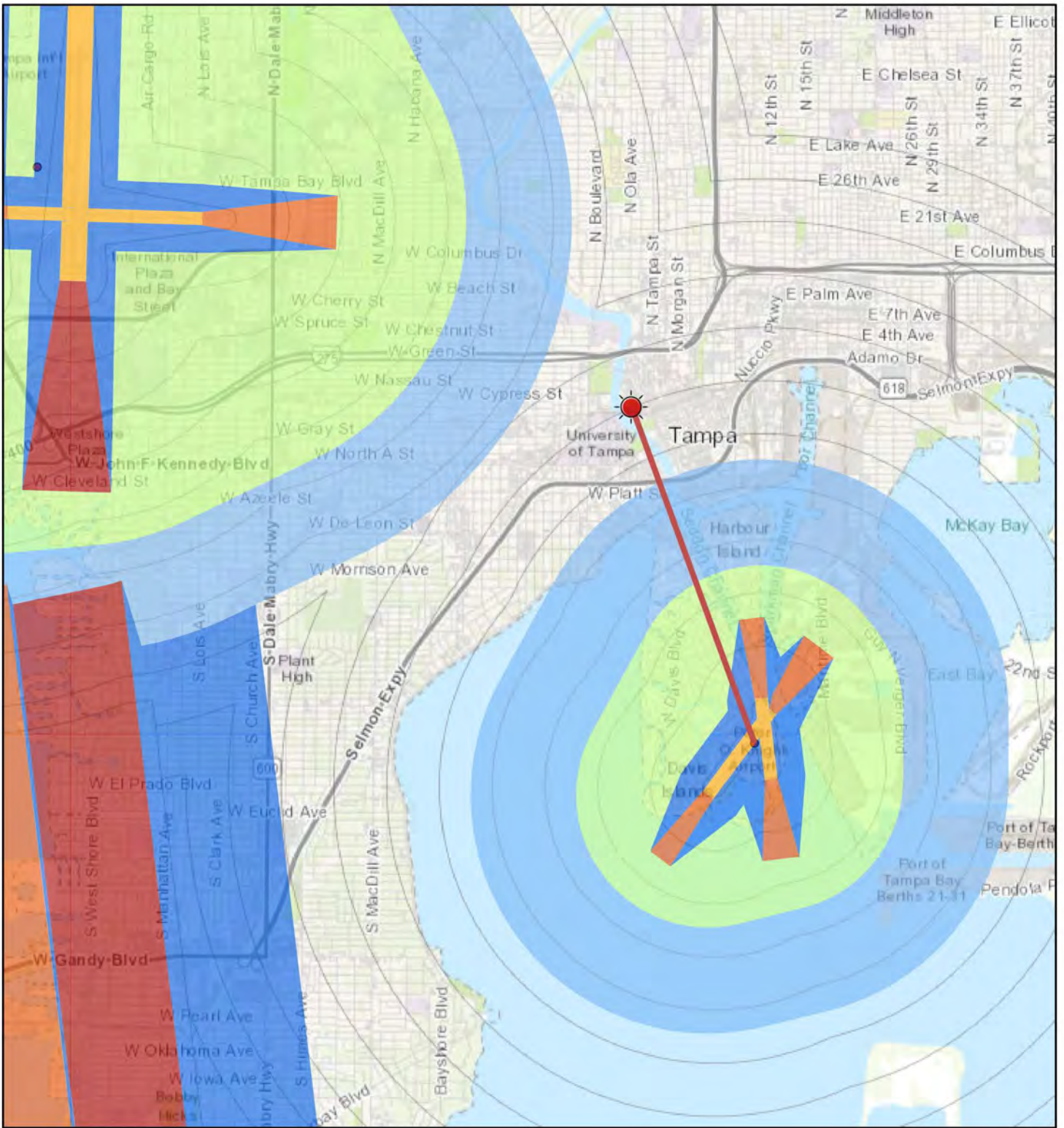
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-  Override 1
-  Override 1
- Airspace - TPF_OBST
-  200-8-3NM
-  300-8-4NM
-  400-8-5NM
-  500-8-6NM
-  Airports - ARP
-  TPA Height and Zoning
-  TPA Height and Zoning
-  TPA Height and Zoning











University of South Florida, City of Tampa, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS, Tony Mantegna

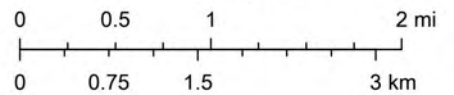
Part 77 Surfaces



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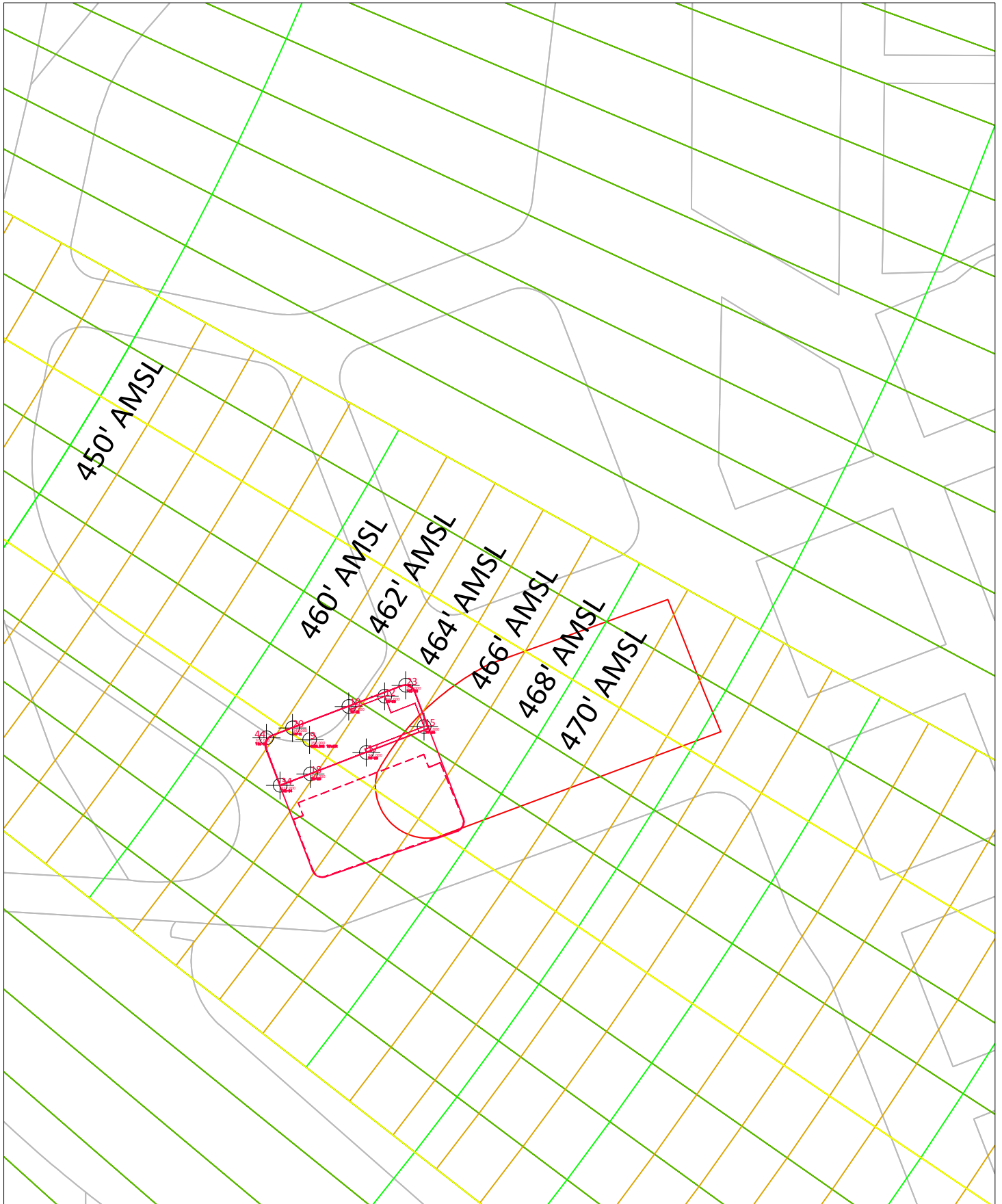
1:72,224

-  Override 1
-  Override 1
- Airspace - TPF_P77_19_Dissolve
-  TPF_18-36_P77_19_Primary
-  TPF_18-36_P77_19_Primary_Trans
-  TPF_18_P77_19_Inner_Appch
-  TPF_18_P77_19_Inner_Trans_Appch
-  TPF_22_P77_19_Inner_Appch
-  TPF_22_P77_19_Inner_Trans_Appch

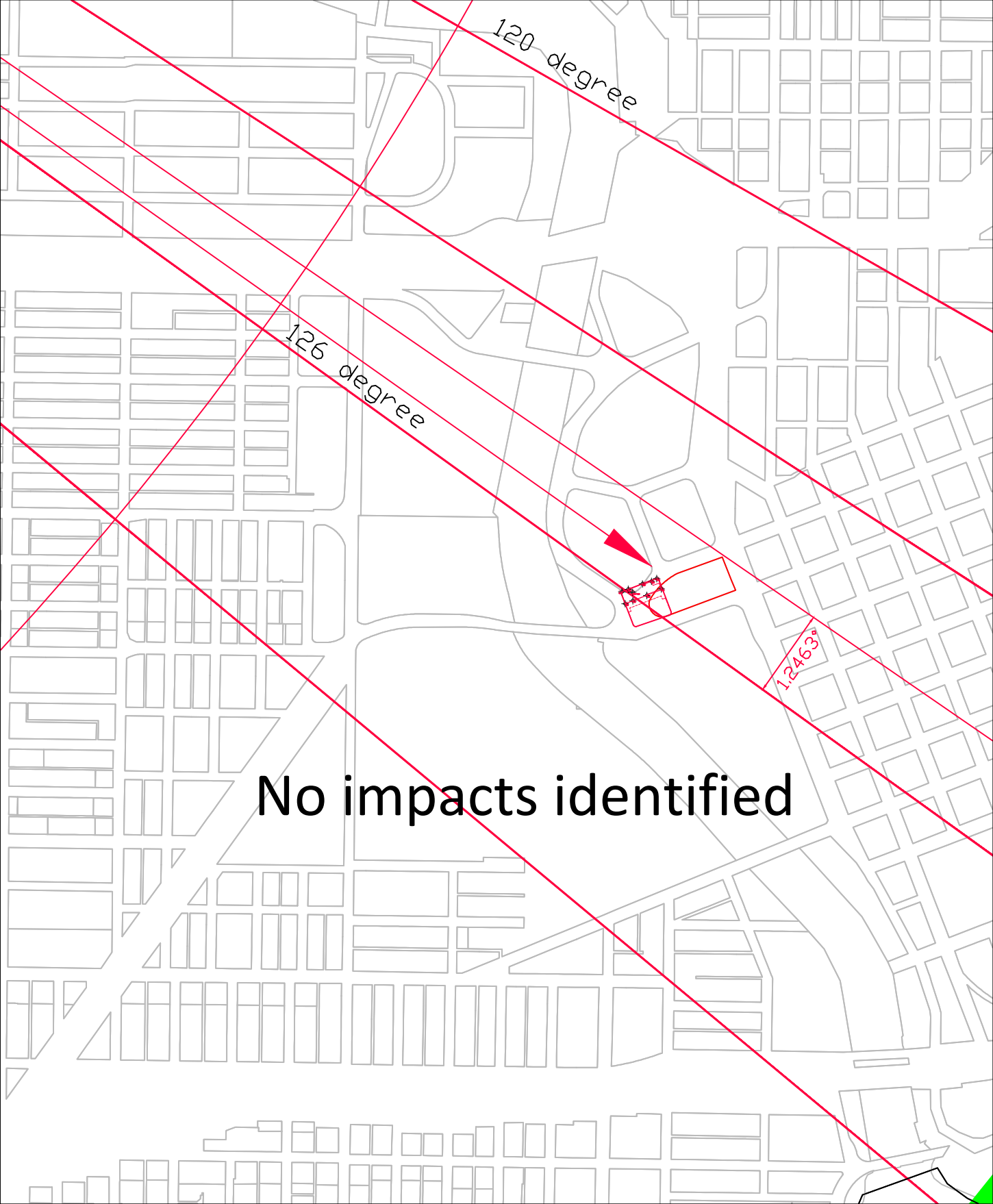


University of South Florida, City of Tampa, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA, EPA, USDA, Tony Mantegna

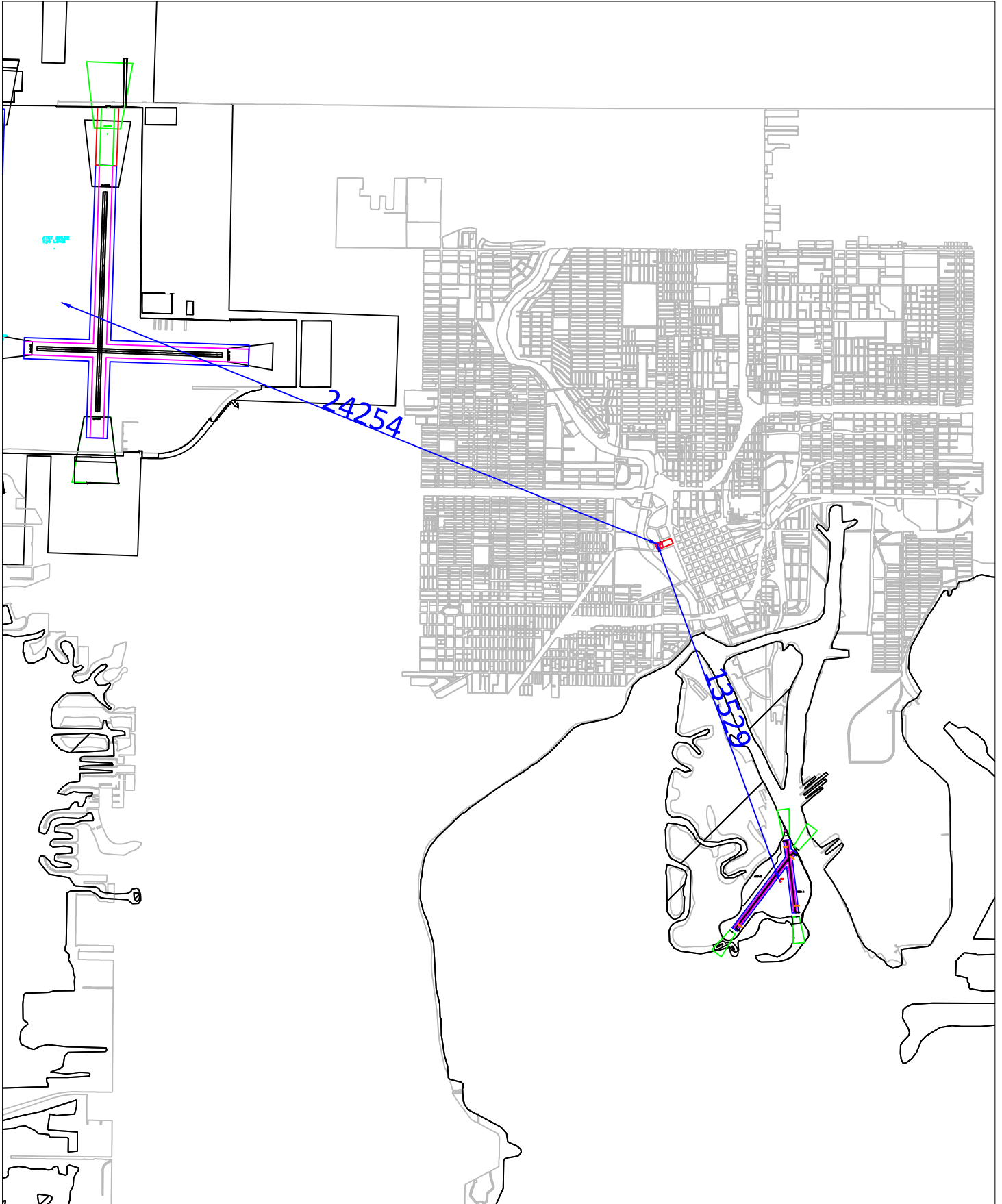
TPA RW 10 - Departure



Radar Screening



Distance





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2020-ASO-9655-OE
 Prior Study No.
 2017-ASO-1067-OE

Issued Date: 07/22/2020

ANTHONY TILLET
 George F Young, INC.
 10540 PORTAL CROSSING SUITE 105
 LAKEWOOD RANCH, FL 34211

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Residence at Riverwalk NE Corner
 Location: Tampa, FL
 Latitude: 27-57-03.60N NAD 83
 Longitude: 82-27-46.80W
 Heights: 11 feet site elevation (SE)
 400 feet above ground level (AGL)
 411 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 01/22/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before August 21, 2020. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 31, 2020 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

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 study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-6462, or mike.blaich@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ASO-9655-OE.

Signature Control No: 435449492-446262985

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2020-ASO-9655-OE

TPF = Peter O Knight Airport
TPA = Tampa International Airport
SIAP = Standard Instrument Approach Procedures
AGL = Above Ground Level
AMSL = Above Mean Sea Level
NM = Nautical Miles
ARP = Airport Reference Point
ASN = Aeronautical Study Number
RWY = Runway
IFR = Instrument Flight Rule

The proposed building project consists of four points, representing by ASNs 2020-ASO-9655-OE through 9658. The building points were submitted at a height of 400 feet AGL, 411 feet AMSL. The building points are located approximately 2.21 to 2.25 NM north of the TPF ARP and from 340.36 degrees azimuth clockwise to 341.37 degrees azimuth from TPF and located approximately 3.98 to 4.04 NM east of the TPA ARP and from 111.41 degrees azimuth clockwise to 112.05 degrees azimuth from TPA.

The proposal would exceed the Obstruction Standards of Title 14, Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17 (a)(2) TPF --- > Exceeds by 200 feet.

Section 77.17 (a)(2) TPA --- > Exceeds from 82 to 87 feet.

The proposal was not circularized for public comment because current FAA obstruction evaluation policy exempts from circularization those proposals that exceed the above cited obstruction standard. This is provided the proposal does not lie within an airport traffic pattern. This policy does not affect the public's right to petition for review determinations regarding structures, which exceed the subject obstruction standards.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger a formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would be a hazard to air navigation.

Details of the structure were not circularized to the aeronautical public for comment.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

> The proposed structure would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.

> The proposed structure would have no effect on any existing or proposed IFR en route routes, operations, or procedures.

> The proposed structure would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

> The proposed structure would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.

> The proposed structure would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports.

> The proposed structure would not penetrate those altitudes that are normally considered available to airmen for VFR en route flight.

> The proposed structure will be appropriately obstruction marked and lighted to make it more conspicuous to airmen flying in VFR weather conditions at night.

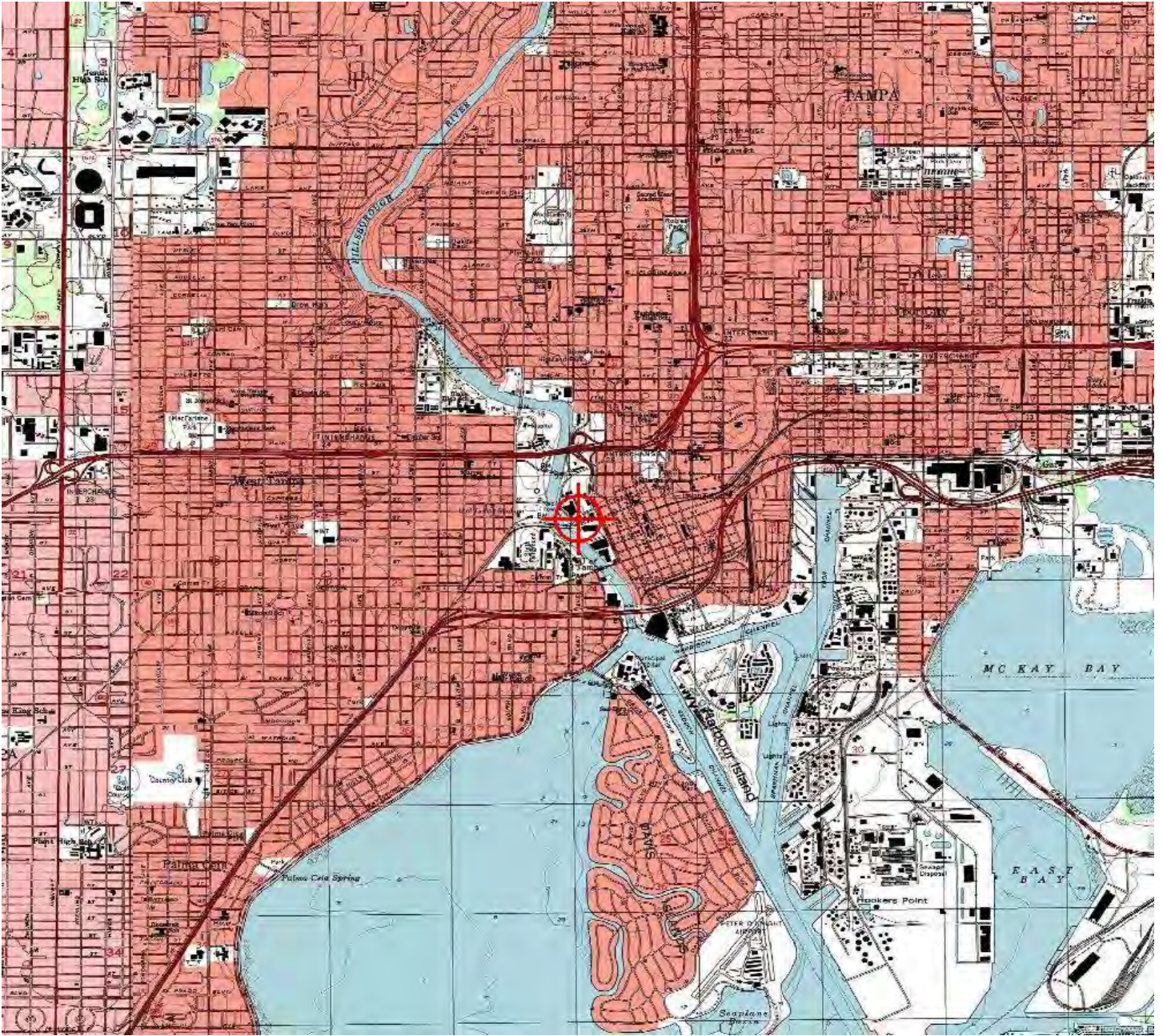
The proposed structures' proximity to the airport was considered and found to be acceptable.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2020-ASO-9655-OE



Sectional Map for ASN 2020-ASO-9655-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-ASO-9655-OE
Prior Study No.
2017-ASO-1067-OE

Issued Date: 01/21/2022

ANTHONY TILLET
George F Young, INC.
10540 PORTAL CROSSING SUITE 105
LAKEWOOD RANCH, FL 34211

**** Extension ****

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure:	Building Residence at Riverwalk NE Corner
Location:	Tampa, FL
Latitude:	27-57-03.60N NAD 83
Longitude:	82-27-46.80W
Heights:	11 feet site elevation (SE) 400 feet above ground level (AGL) 411 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

This extension is subject to review if an interested party files a petition that is received by the FAA on or before February 20, 2022. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This extension becomes final on March 02, 2022 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 07/21/2023 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6462, or mike.blaich@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ASO-9655-OE.

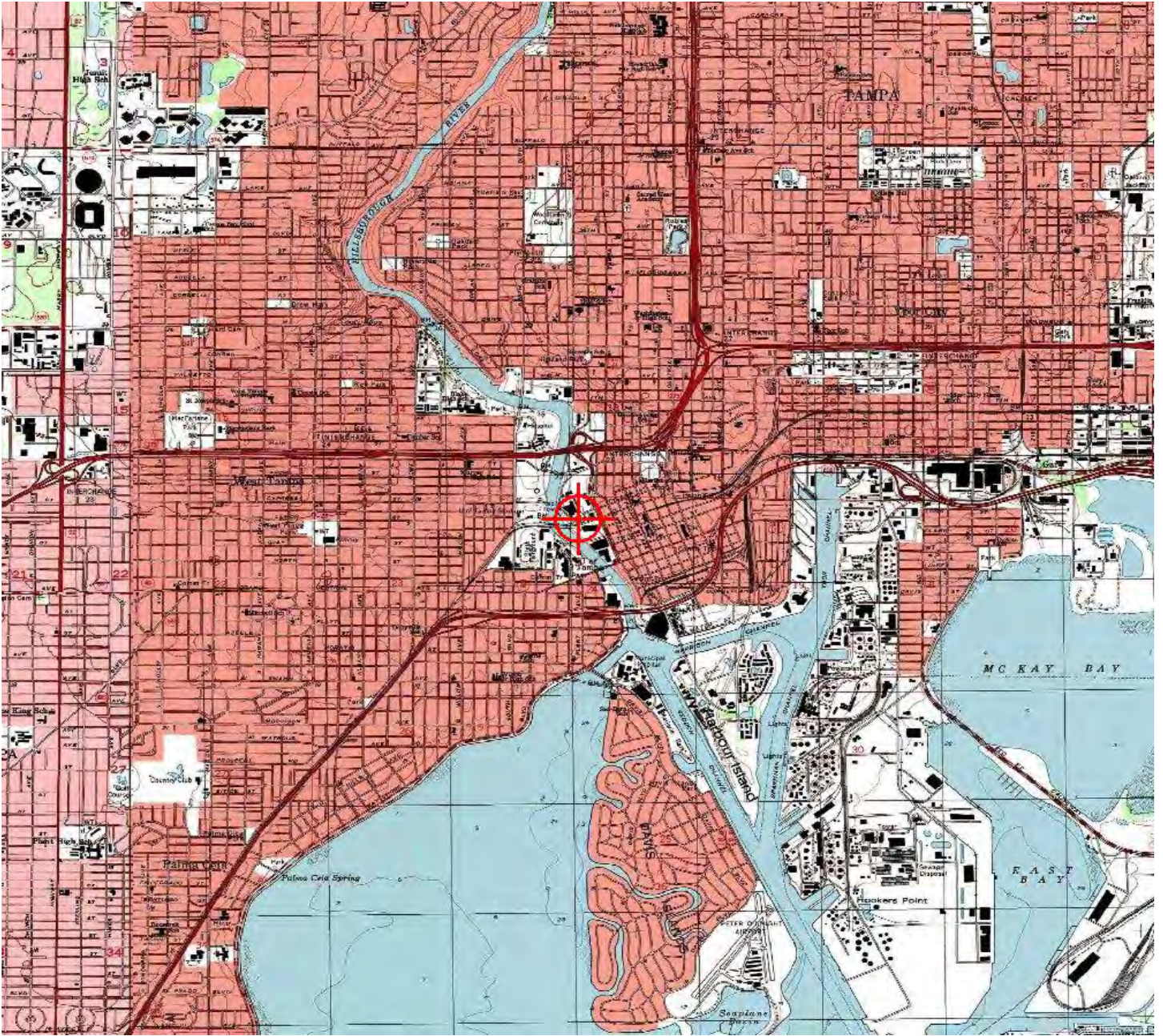
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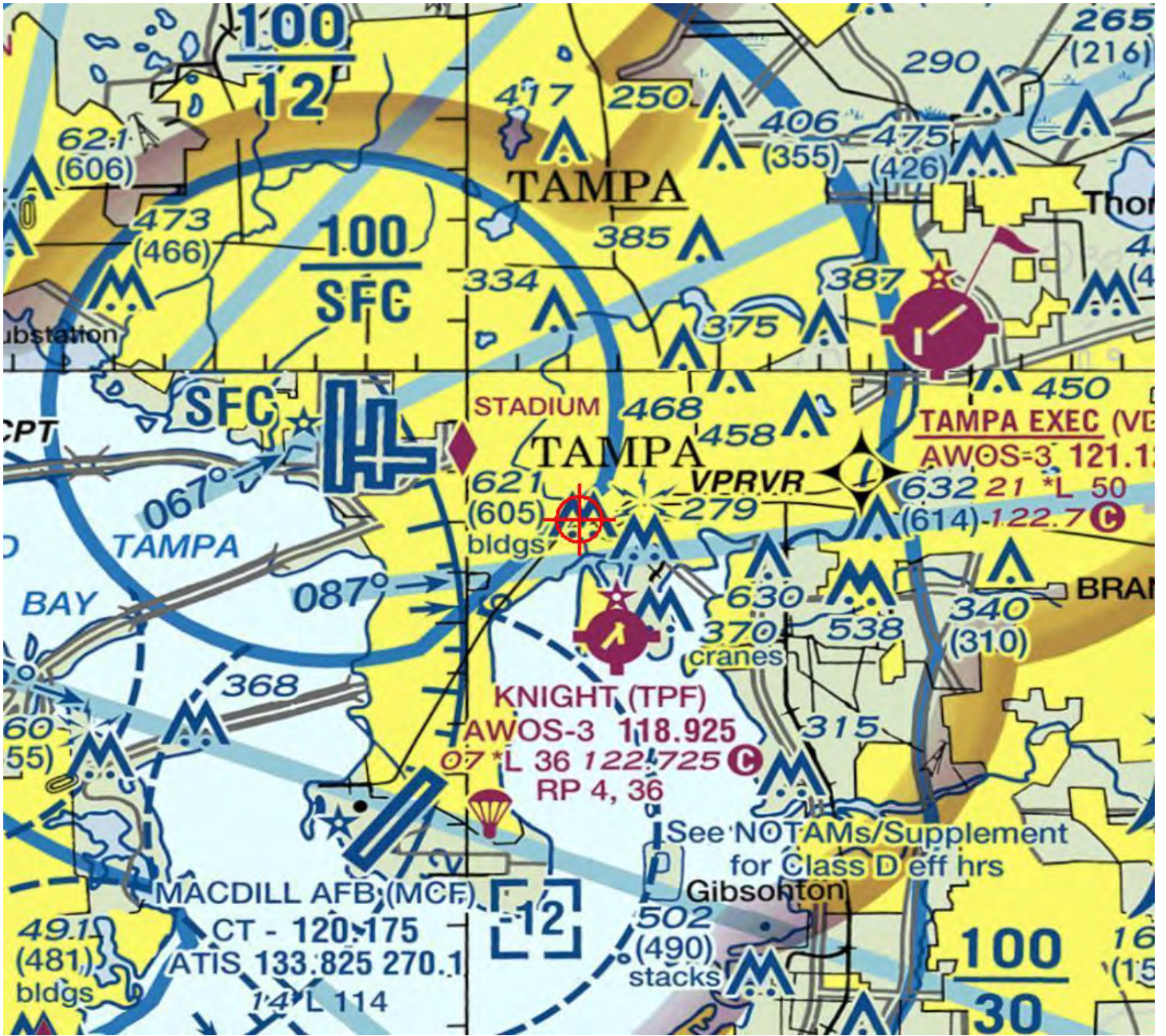
(EXT)

Michael Blaich
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2020-ASO-9655-OE







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-ASO-9655-OE
Prior Study No.
2017-ASO-1067-OE

Issued Date: 01/21/2022

ANTHONY TILLET
George F Young, INC.
10540 PORTAL CROSSING SUITE 105
LAKEWOOD RANCH, FL 34211

**** Extension ****

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Structure:	Building Residence at Riverwalk NE Corner
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This extension is subject to review if an interested party files a petition that is received by the FAA on or before February 20, 2022. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This extension becomes final on March 02, 2022 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 07/21/2023 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6462, or mike.blaich@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ASO-9655-OE.

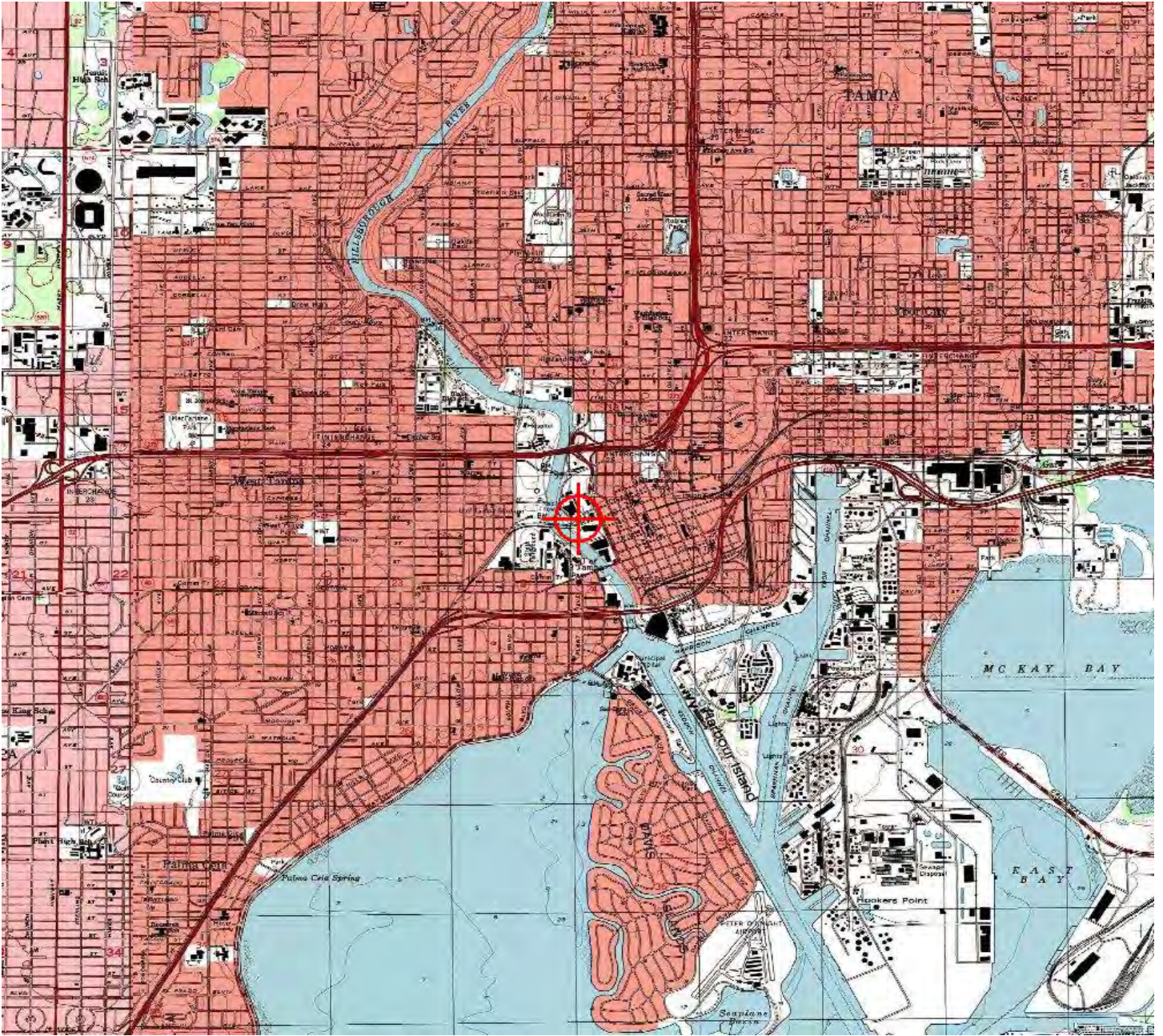
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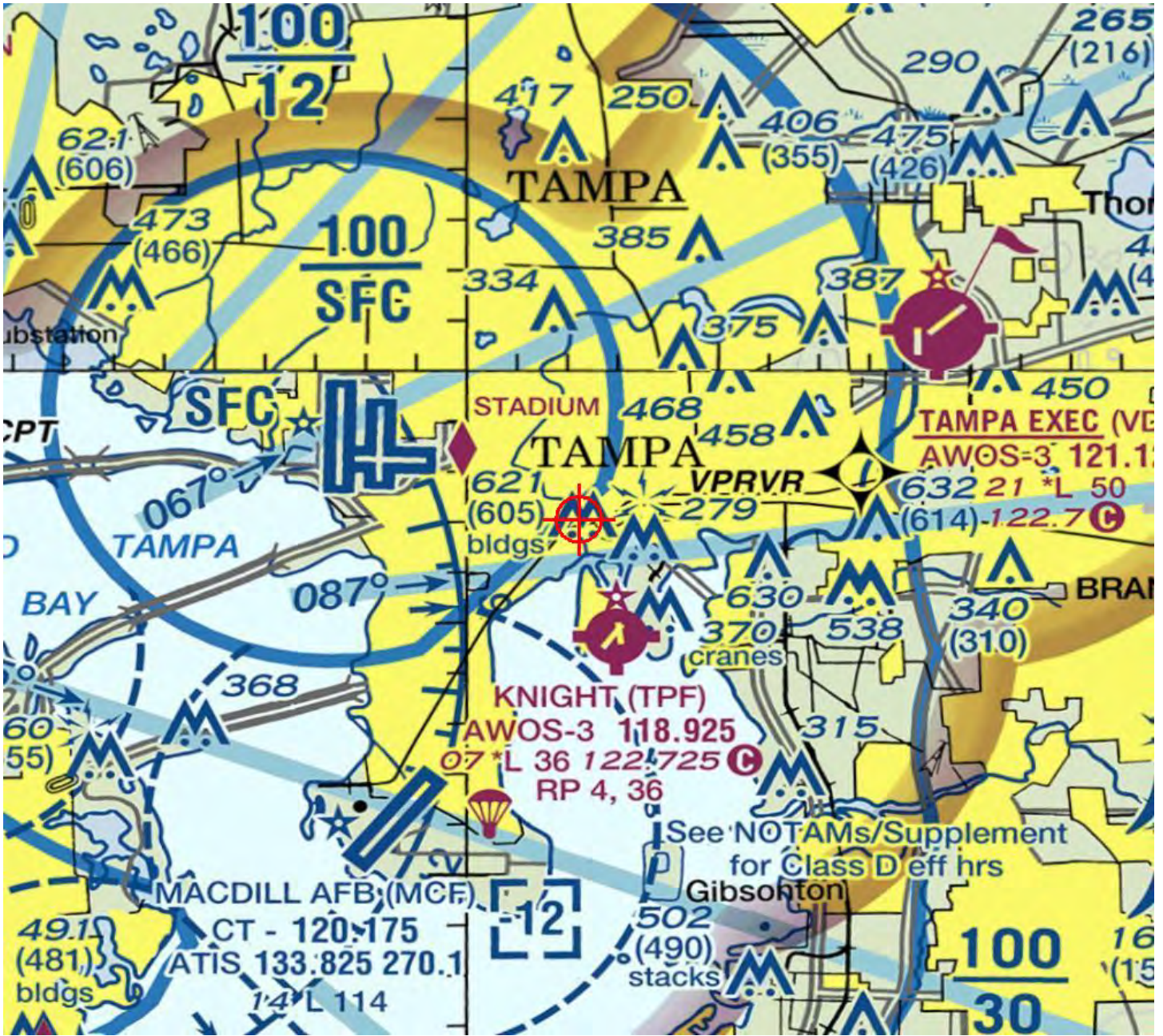
(EXT)

Michael Blaich
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2020-ASO-9655-OE







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2020-ASO-9658-OE
 Prior Study No.
 2017-ASO-1068-OE

Issued Date: 07/22/2020

ANTHONY TILLET
 George F Young, INC.
 10540 PORTAL CROSSING SUITE 105
 LAKEWOOD RANCH, FL 34211

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Residence at Riverwalk NW Corner
 Location: Tampa, FL
 Latitude: 27-57-02.88N NAD 83
 Longitude: 82-27-48.96W
 Heights: 11 feet site elevation (SE)
 400 feet above ground level (AGL)
 411 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 01/22/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before August 21, 2020. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 31, 2020 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

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 study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-6462, or mike.blaich@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ASO-9658-OE.

Signature Control No: 435449499-446262986

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2020-ASO-9658-OE

TPF = Peter O Knight Airport
TPA = Tampa International Airport
SIAP = Standard Instrument Approach Procedures
AGL = Above Ground Level
AMSL = Above Mean Sea Level
NM = Nautical Miles
ARP = Airport Reference Point
ASN = Aeronautical Study Number
RWY = Runway
IFR = Instrument Flight Rule

The proposed building project consists of four points, representing by ASNs 2020-ASO-9655-OE through 9658. The building points were submitted at a height of 400 feet AGL, 411 feet AMSL. The building points are located approximately 2.21 to 2.25 NM north of the TPF ARP and from 340.36 degrees azimuth clockwise to 341.37 degrees azimuth from TPF and located approximately 3.98 to 4.04 NM east of the TPA ARP and from 111.41 degrees azimuth clockwise to 112.05 degrees azimuth from TPA.

The proposal would exceed the Obstruction Standards of Title 14, Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17 (a)(2) TPF --- > Exceeds by 200 feet.

Section 77.17 (a)(2) TPA --- > Exceeds from 82 to 87 feet.

The proposal was not circularized for public comment because current FAA obstruction evaluation policy exempts from circularization those proposals that exceed the above cited obstruction standard. This is provided the proposal does not lie within an airport traffic pattern. This policy does not affect the public's right to petition for review determinations regarding structures, which exceed the subject obstruction standards.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger a formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would be a hazard to air navigation.

Details of the structure were not circularized to the aeronautical public for comment.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

> The proposed structure would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.

> The proposed structure would have no effect on any existing or proposed IFR en route routes, operations, or procedures.

> The proposed structure would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

> The proposed structure would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.

> The proposed structure would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports.

> The proposed structure would not penetrate those altitudes that are normally considered available to airmen for VFR en route flight.

> The proposed structure will be appropriately obstruction marked and lighted to make it more conspicuous to airmen flying in VFR weather conditions at night.

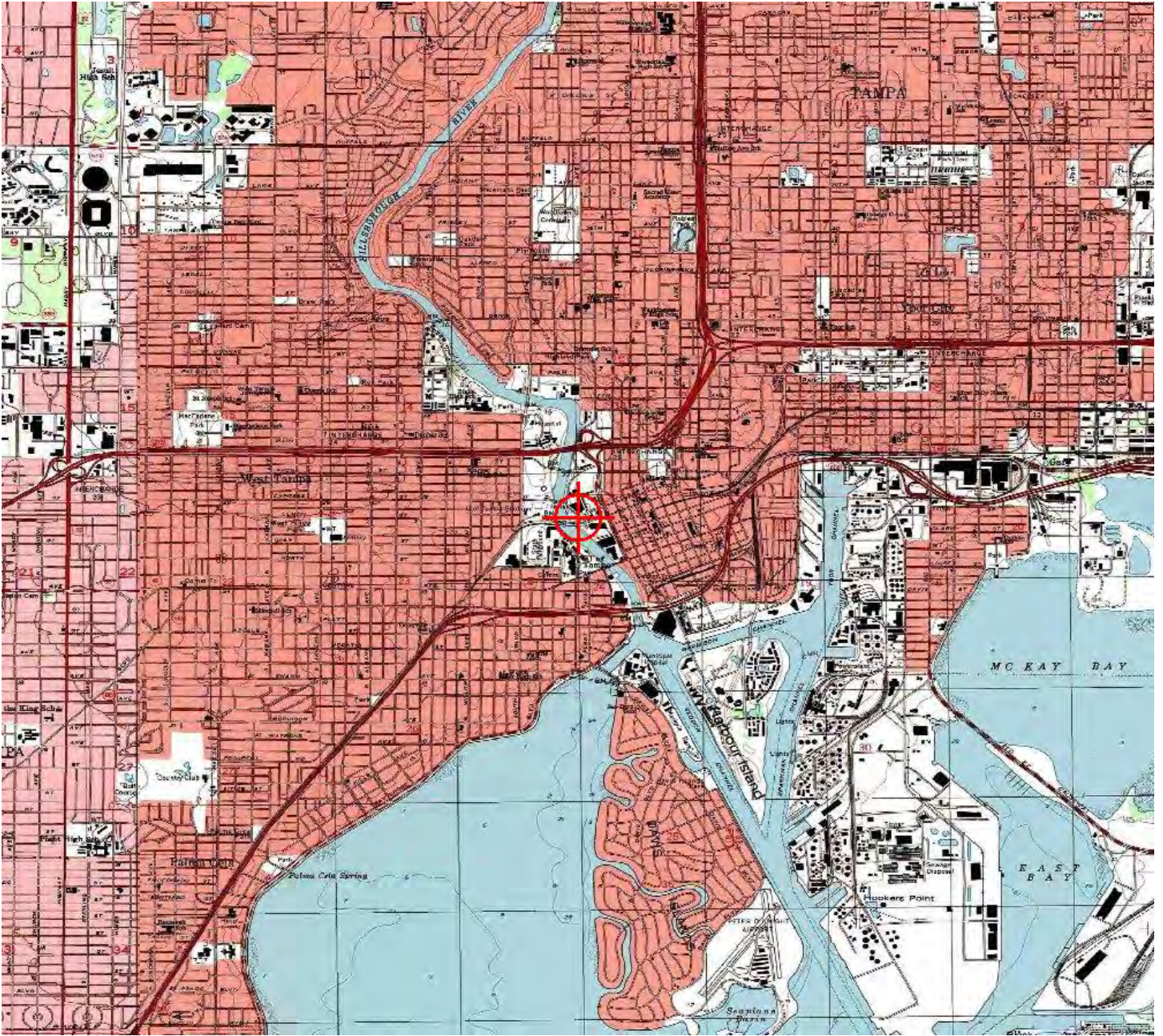
The proposed structures' proximity to the airport was considered and found to be acceptable.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

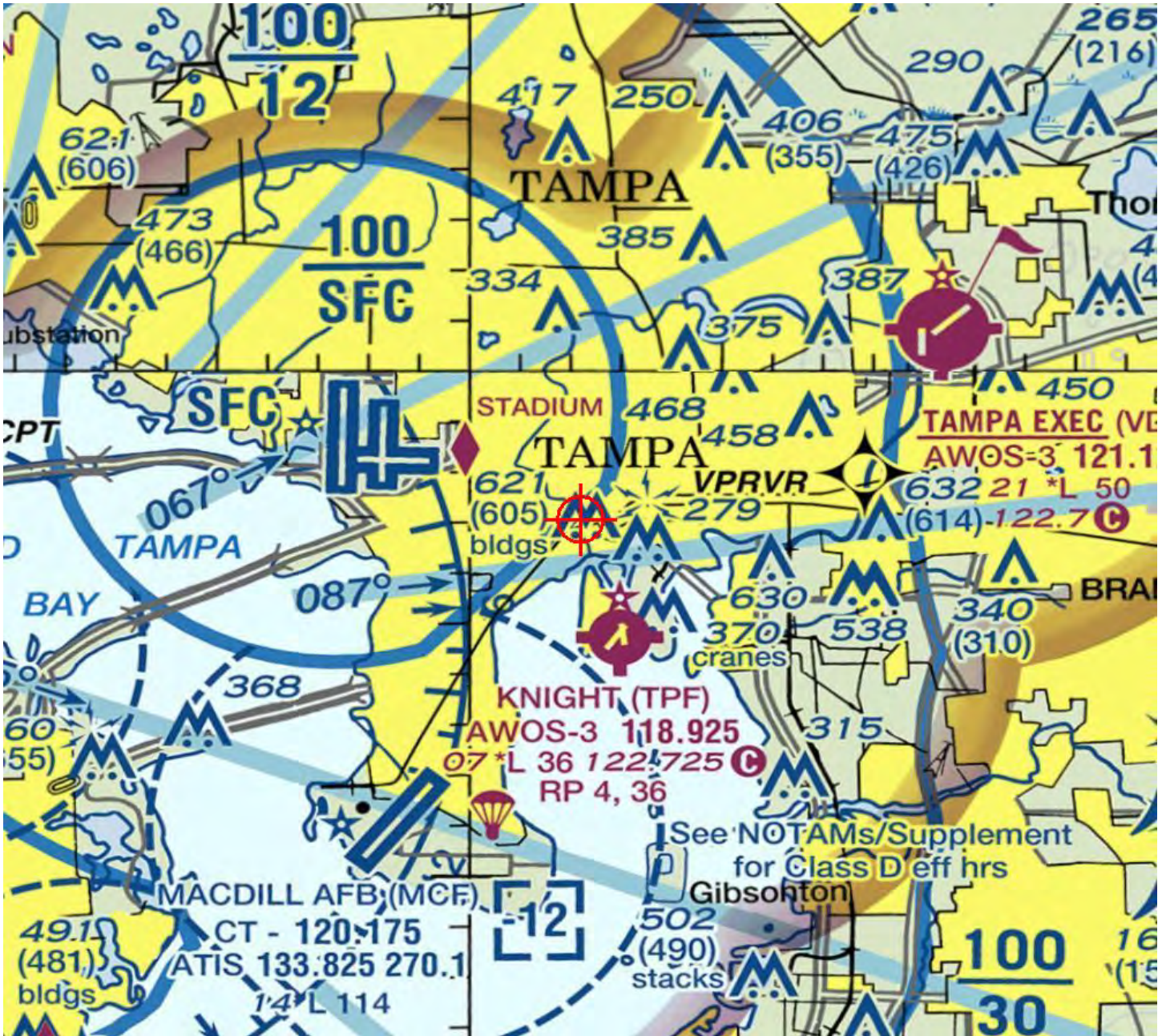
The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2020-ASO-9658-OE



Sectional Map for ASN 2020-ASO-9658-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-ASO-9658-OE
Prior Study No.
2017-ASO-1068-OE

Issued Date: 01/21/2022

ANTHONY TILLET
George F Young, INC.
10540 PORTAL CROSSING SUITE 105
LAKEWOOD RANCH, FL 34211

**** Extension ****

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure:	Building Residence at Riverwalk NW Corner
Location:	Tampa, FL
Latitude:	27-57-02.88N NAD 83
Longitude:	82-27-48.96W
Heights:	11 feet site elevation (SE) 400 feet above ground level (AGL) 411 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

This extension is subject to review if an interested party files a petition that is received by the FAA on or before February 20, 2022. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This extension becomes final on March 02, 2022 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 07/21/2023 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

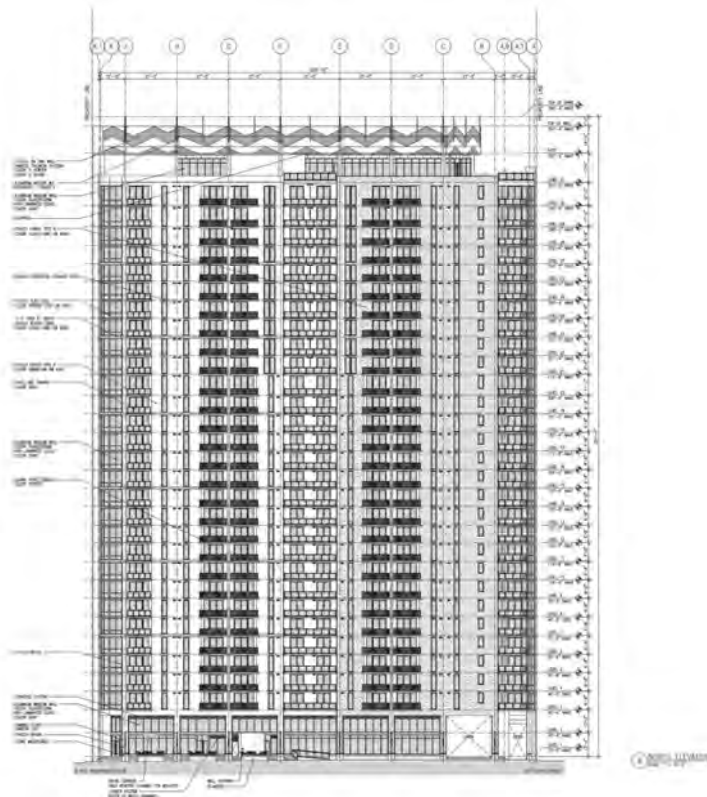
If we can be of further assistance, please contact our office at (404) 305-6462, or mike.blaich@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ASO-9658-OE.

Signature Control No: 435449499-508809451

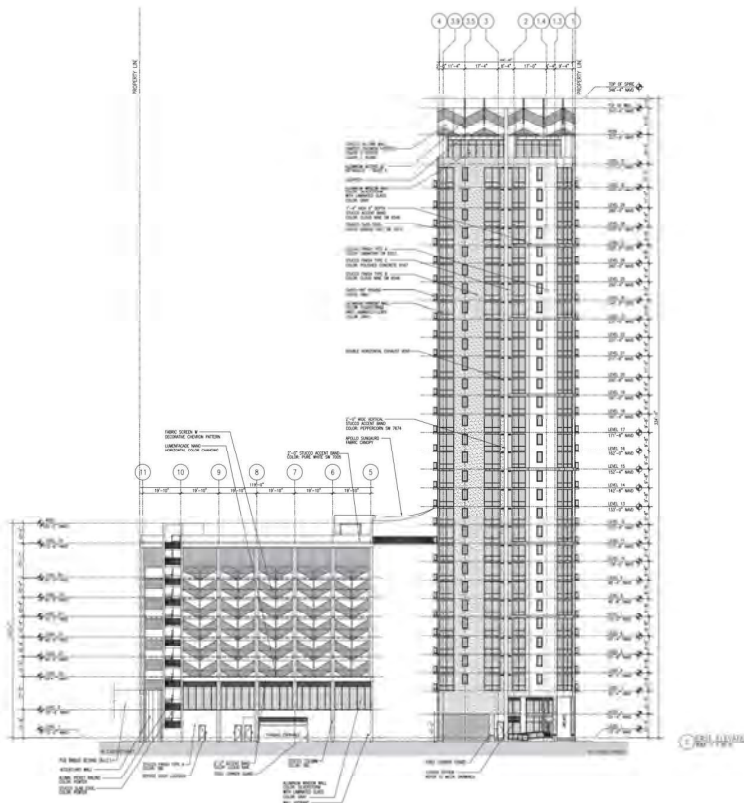
(EXT)

Michael Blaich
Specialist

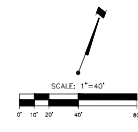
Attachment(s)
Map(s)



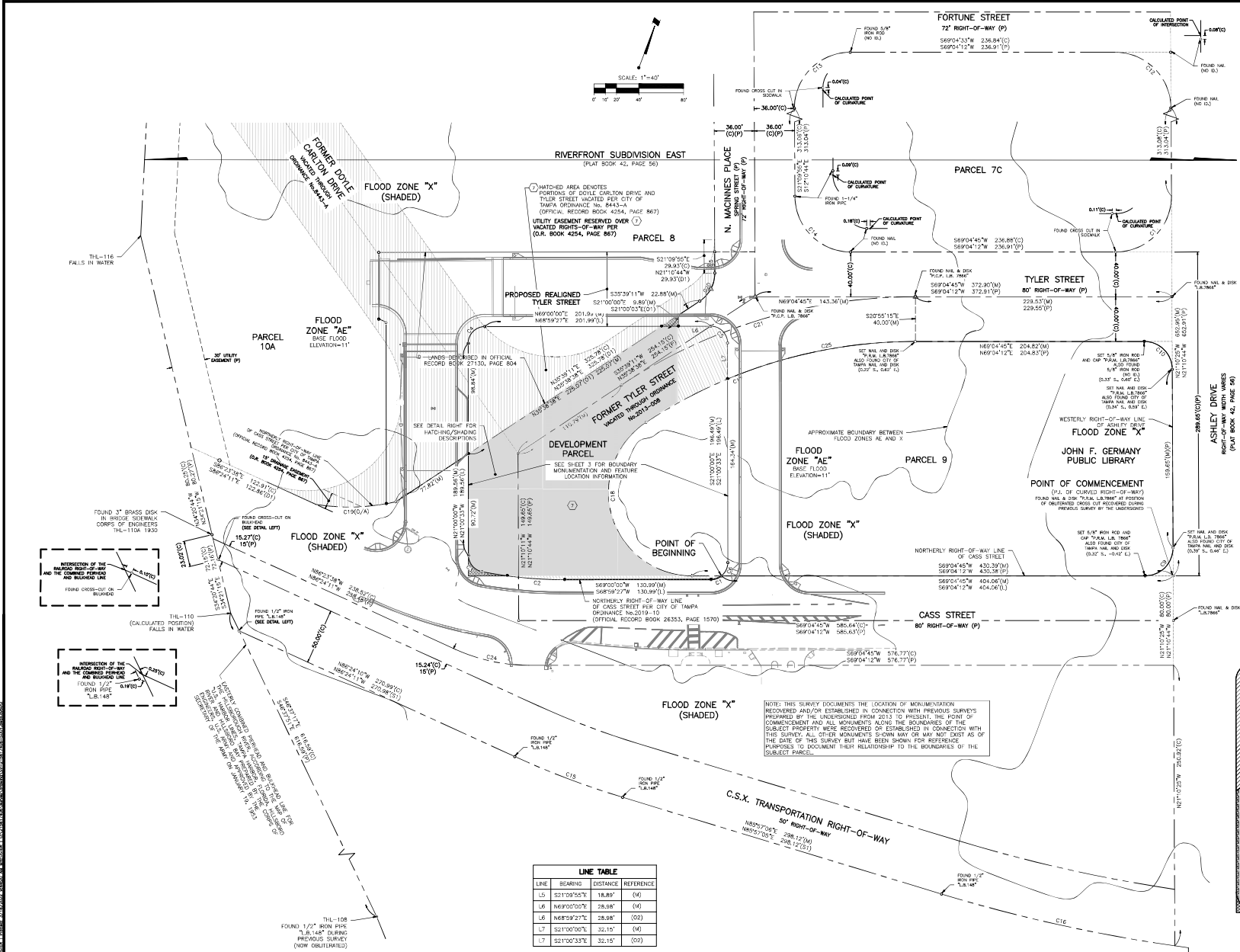
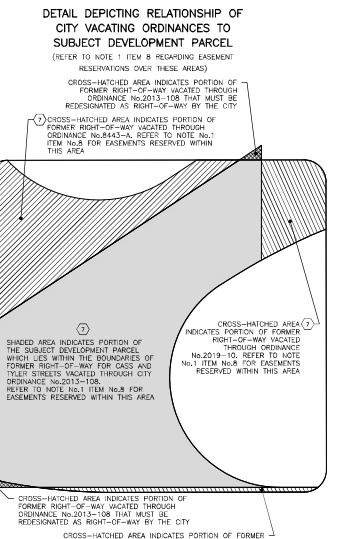
North Elevation. Courtesy of Cube 3.



East Elevation. Courtesy of Cube 3.



CURVE TABLE									
CURVE	DELTA	SIGNS	ARC	CHORD	TANGENT	CHORD BEARING	REFERENCE		
C1	38°18'37"	15.00'	15.00'	10.23'	9.84'	S21°	S49°50'42"W	(M)	
C1	38°18'37"	15.00'	10.23'	9.84'	S21°	S49°50'59"W	(L)		
C2	10°57'54"	388.48'	388.48'	74.35'	74.23'	S74°34'39"W	(M)		
C2	10°57'54"	388.48'	388.48'	74.35'	74.23'	S74°33'57"W	(L)		
C3	78°56'34"	15.00'	20.67'	19.07'	12.35'	N60°28'56"W	(L)		
C4	90°00'00"	15.00'	23.86'	21.21'	15.00'	N24°00'00"E	(M)		
C4	90°00'00"	15.00'	23.86'	21.21'	15.00'	N23°59'27"E	(L)		
C5	90°00'00"	15.00'	23.56'	21.21'	15.00'	S68°00'00"E	(M)		
C5	90°00'00"	15.00'	23.56'	21.21'	15.00'	S68°00'33"E	(L)		
C6	51°41'23"	15.00'	13.53'	13.08'	7.27'	S94°50'42"W	(M)		
C6	51°41'23"	15.00'	13.53'	13.08'	7.27'	S94°50'59"W	(L)		
C8	90°15'10"	25.00'	39.38'	35.43'	25.11'	S23°57'10"W	(M)		
C8	90°15'10"	25.00'	39.38'	35.43'	25.11'	S23°56'44"W	(L)		
C9	89°45'04"	50.00'	78.76'	70.80'	50.22'	N23°57'10"W	(M)		
C9	89°45'04"	50.00'	78.76'	70.80'	50.22'	N23°56'44"W	(L)		
C10	89°45'04"	50.00'	78.76'	70.80'	50.22'	S23°57'10"W	(M)		
C10	89°45'04"	50.00'	78.76'	70.80'	50.22'	S23°56'44"W	(L)		
C11	89°45'04"	50.00'	78.76'	70.80'	50.22'	N23°57'10"W	(M)		
C11	89°45'04"	50.00'	78.76'	70.80'	50.22'	N23°56'44"W	(L)		
C12	89°45'04"	50.00'	78.76'	70.80'	50.22'	S23°57'10"W	(M)		
C12	89°45'04"	50.00'	78.76'	70.80'	50.22'	S23°56'44"W	(L)		
C13	90°14'28"	50.00'	78.76'	70.80'	50.21'	S23°57'19"W	(M)		
C13	90°14'28"	50.00'	78.76'	70.80'	50.21'	S23°56'44"W	(L)		
C14	89°45'20"	50.00'	78.33'	70.56'	49.78'	S68°02'35"E	(M)		
C14	89°45'20"	50.00'	78.33'	70.56'	49.78'	S68°02'14"E	(L)		
C15	7°38'44"	773.29'	103.19'	103.11'	51.67'	N89°46'28"E	(M)		
C15	7°38'44"	773.29'	103.19'	103.11'	51.67'	N89°46'27"E	(L)		
C16	8°23'55"	149.65'	21.92'	21.92'	109.17'	N89°50'15"E	(M)		
C16	8°23'55"	149.65'	21.92'	21.92'	109.17'	N89°50'16"E	(L)		
C17	33°25'34"	437.46'	255.21'	251.61'	131.35'	S52°21'58"W	(M)		
C17	33°25'34"	437.46'	255.21'	251.61'	131.35'	S52°21'59"W	(L)		
C18	140°34'26"	74.84'	191.45'	143.30'	248.24'	N37°38'05"W	(M)		
C18	140°34'26"	74.84'	191.45'	143.30'	248.25'	N37°38'05"W	(L)		
C19	21°05'48"	188.00'	31.68'	71.25'	36.28'	N67°09'37"E	(M)		
C19	21°05'48"	188.00'	31.68'	71.25'	36.28'	N67°09'36"E	(L)		
C20	56°49'23"	30.00'	39.75'	28.50'	16.23'	S07°14'46"W	(M)		
C20	56°49'23"	30.00'	39.75'	28.50'	16.23'	S07°15'17"W	(L)		
C21	33°25'34"	477.46'	278.55'	274.61'	143.36'	S52°21'58"W	(M)		
C21	33°25'34"	477.46'	278.55'	274.61'	143.36'	S52°21'59"W	(L)		
C24	78°56'34"	15.00'	20.67'	19.07'	12.35'	N60°28'56"W	(L)		
C24	78°56'34"	15.00'	20.67'	19.07'	12.35'	N60°28'00"E	(M)		
C25	22°34'47"	437.46'	172.40'	171.28'	87.33'	N57°47'21"E	(M)		



LINE TABLE			
LINE	BEARING	DISTANCE	REFERENCE
L5	S21°09'55"E	18.88'	(M)
L6	N69°00'00"E	28.88'	(M)
L6	N68°59'27"E	28.98'	(O2)
L7	S21°00'00"E	32.15'	(M)
L7	S21°00'33"E	32.15'	(O2)

<table border="1"> <tr><td>NO. 1</td><td>REVISION DESCRIPTION</td><td>DATE</td><td>DRAWN BY / REV. NO.</td><td>SEC-TM-ROE</td></tr> <tr><td>2</td><td>REVISED BOUNDARY SURVEY - SEE NOTE NO.14 FOR REVISION SUMMARY</td><td>3/3/22</td><td>DMD</td><td></td></tr> <tr><td>3</td><td>REVISED BOUNDARY - SEE NOTE NO.13 FOR REVISION SUMMARY</td><td>2/28/19</td><td>MHF</td><td></td></tr> <tr><td>4</td><td>UPDATED SURVEY</td><td>7/20/17</td><td>MHF</td><td>24-205-10E</td></tr> </table>	NO. 1	REVISION DESCRIPTION	DATE	DRAWN BY / REV. NO.	SEC-TM-ROE	2	REVISED BOUNDARY SURVEY - SEE NOTE NO.14 FOR REVISION SUMMARY	3/3/22	DMD		3	REVISED BOUNDARY - SEE NOTE NO.13 FOR REVISION SUMMARY	2/28/19	MHF		4	UPDATED SURVEY	7/20/17	MHF	24-205-10E	<table border="1"> <tr><td>COMPUTED BY</td><td>MHF</td></tr> <tr><td>FIELD BOOK & PAGE</td><td></td></tr> <tr><td>CREW CHECK</td><td></td></tr> <tr><td>DRAWN BY</td><td>DMD</td></tr> </table>	COMPUTED BY	MHF	FIELD BOOK & PAGE		CREW CHECK		DRAWN BY	DMD	Stantec 775 Texas Street, Suite 500 - Tampa, Florida 33602 (813) 281-2000 2025 © Stantec/Consult Inc. • Certified Professional Land Surveyor	CLIENT: ALV/GAZIT TAMPA, LLC DATE: 2/22/2013 PROJECT NUMBER: 2156117406 SCALE: 1"=40' PROJECT SHEETS: N/A	TITLE: AER IN THE ARTS DISTRICT DEVELOPMENT PARCEL (PROPOSED LOT 1) ALTA/NSPS LAND TITLE BOUNDARY SURVEY	SHEET NUMBER: 215617406 TOTAL SHEETS: 215611350 FILE NUMBER: 215617406_SU01 SHEET NUMBER: 2 of 3
NO. 1	REVISION DESCRIPTION	DATE	DRAWN BY / REV. NO.	SEC-TM-ROE																													
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COMPUTED BY	MHF																																
FIELD BOOK & PAGE																																	
CREW CHECK																																	
DRAWN BY	DMD																																



Peter O. Knight Airport
Plant City Airport
Tampa Executive Airport

////////////////////
Date: October 23, 2023

Hillsborough County
Aviation Authority
P.O. Box 22287
Tampa, Florida 33622
phone/ 813-870-8700
fax/ 813-875-6670
TampaAirport.com

David A. Roberts
Florida Department of Transportation
Aviation Office
Aviation Operations Administrator
605 Suwannee Street, MS 46
Tallahassee, FL 32399-0450

Re: COMPLIANCE WITH HCAA HEIGHT ZONING REGULATIONS

Airport Study Number: 2023-138 FAA: 2020-ASO-9655-OE
Structure: New mixed use building Height AGL: 400' Height AMSL: 411'

Dave:

In accordance with Florida Statutes, Chapter 333, the Aviation Authority is forwarding a completed permit application to the department so that it can be evaluated for technical consistency.

I have conducted a review of the project and we recommend approval with conditions. The proposed building exceeds obstruction standards under Section 77.17(2). As long as conditions are followed we don't see an impact to the utility of our Airports.

Hearing is scheduled for December 14, 2023

Please call me at 813-870-7863 if you have any questions or concerns.

Sincerely,

DocuSigned by:
Anthony S. Mantegna

6097433E9903465
Anthony S. Mantegna
Height Zoning & Land Use Manager

Cc: Jeff Siddle
Michael Kamprath

Tony Mantegna

From: Roberts, David <david.roberts@dot.state.fl.us>
Sent: Monday, October 23, 2023 6:34 PM
To: Tony Mantegna
Subject: RE: Height Zoning Permit Request 2023-138
Attachments: Airport Study 2023-138 FDOT.pdf

CAUTION: This is an external email. Do NOT click links or open attachments unless you recognize the sender and know the content.

Tony:

In accordance with your request for an evaluation of the above referenced Height Zoning Permit Request of Hillsborough County Aviation Authority Obstruction Permit application in accordance with s. 333.025(4), Florida Statutes we are providing the following comments for your consideration:

COMMENTS OF FLORIDA DEPARTMENT OF TRANSPORTATION PURSUANT TO
SECTION 333.025(4), FLORIDA STATUTES ON PETITION/ APPLICATION FOR AIRPORT
OBSTRUCTION ZONING PERMIT APPLICATION

Political Subdivision: Hillsborough County Aviation Authority

FAA Study 2020-ASO-9655-OE and 2020-ASO-9658-OE

Airport Study number – 2023-138

Project: New mixed use building

Location – W Tyler Street and Macinnes Place

Date of Receipt: October 23, 2023 (by email)

Date Comments sent: October 23, 2023 (by email)

Political Subdivision Representative: Tony Mantegna

Applicant: ALV / Gazit Tampa, LLC

RE: Building Residence at Riverwalk NE & NW Corner

FAA Determination(s): 2020-ASO-9655-OE and 2020-ASO-9658-OE (Submitted with application)

Gentlemen:

Summary: Based upon the following the Florida Department of Transportation (Department) finds that the above referenced airport obstruction zoning permit application is technically consistent with s. 333.025(4), Florida Statutes, as set forth below.

Review Requirement: Upon receipt of a complete permit application, the local government shall provide a copy of the application to the department's aviation office by certified mail, return receipt

requested, or by a delivery service that provides a receipt evidencing delivery. Section 333.025(4), Florida Statutes (F.S.), provides the Department a 15-day review period, following receipt of a complete permit application from the local government by certified mail, for the construction or alteration of an obstruction which must run concurrently with the local government's permitting process, to evaluate technical consistency with s. 333.025(4), FS. The following Comments are intended to comply with this requirement.

Review Standards: Subsection 333.025(4), F.S. requires the evaluate of airport obstruction zoning permit applications for technical consistency with the requirements of subsection 333.025(4), F.S. The department has received and reviewed the above referenced airport obstruction zoning permit application and attachments, if any, from the Political Subdivision, for technical consistency in accordance with s.333.025(4), F.S., regarding the construction or alteration proposed by the Applicant. The Comments are not intended as legal advice and are non-binding evaluations solely for the consideration of the Political Subdivision with regard to the permit application.

EVALUATION

Section 333.025(4) provides, in part, that:

If political subdivisions have, in compliance with this chapter,
adopted adequate airport protection zoning regulations,
placed such regulations on file with the department's aviation office, and
established a permitting process,

a permit for the construction or alteration of an obstruction is not required from
the department.

COMMENTS

The Political Subdivision's submittal of the airport obstruction zoning permit application to the Department's Aviation Office (AO) is accepted as a representation by the Political Subdivision that:

1. the Political Subdivision is in compliance with Chapter 333.

[whether the Political Subdivision has complied with Chapter 333 requires a legal evaluation beyond the scope of this Comment and it is left to the determination of the Political Subdivision]; and

2. the Political Subdivision has adopted adequate airport protection zoning regulations

[whether the political subdivision has adopted adequate airport protection zoning regulations is a legal determination beyond the scope of this Comment and is left to compliance by the Political Subdivision]; and

3. the Political Subdivision has placed such regulations on file with the department's aviation office

[the department's records reflect that the Political Subdivision has placed certain airport protection zoning regulations on file with department's aviation office however it is undetermined if such regulations are in compliance with Chapter 333]; and

4. the Political Subdivision has established a permitting process

[submission of an airport obstruction zoning permit application reflects the existence of a permitting process – it is noted that the application required appropriate information and documents for evaluation of a permit application including documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and valid aeronautical studies. Adequacy of the permitting process is beyond the scope of these Comments and is left to compliance by the Political Subdivision. The intent of the Comments is to evaluate the Political Subdivision's compliance with the requirements of s. 333.025(4). Whether the compliance is legally adequate is the responsibility of the Political Subdivision.

1. Section 333.025(4) also provides, in part, that:

Upon receipt of a complete permit application, the local government shall provide a copy of the application to the department's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery.

[the Department notes receipt of the permit application by **email** on October 23, 2023]

2. Section 333.025(4) provides, in part, that:

To evaluate technical consistency with this subsection, the department shall have a 15-day review period following receipt of the application by certified mail, which must run concurrently with the local government permitting process.

[The AO has received the permit application, evaluated technical consistency as set forth herein and provided its Comments within 15 days after receipt of the permit application by **email**].

COMMENT: In view of the foregoing it is demonstrated that the Political Subdivision has substantially complied with the requirements of s. 333.025(4), Chapter 333, Florida Statutes and is entitled to proceed with the permitting process in accordance with its airport zoning regulations. The department accepts the filing of the Airport Obstruction Zoning Permit Application with the Aviation Office as a representation that the Political Subdivision has zoning authority in this matter, unless otherwise advised in writing. Since the foregoing requirements have been met a permit for the construction or alteration of an obstruction is not required from the Department and Hillsborough County appears to be the appropriate zoning authority subject to the foregoing.

These Comments do not constitute approval or disapproval of the permit application. The Comments are solely required to evaluate technical consistency with Section 333.025(4), F.S.

If there are any questions regarding the foregoing please contact:

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From: Tony Mantegna <TMantegna@TampaAirport.com>
Sent: Monday, October 23, 2023 2:38 PM
To: Roberts, David <david.roberts@dot.state.fl.us>
Subject: Height Zoning Permit Request 2023-138

EXTERNAL SENDER: Use caution with links and attachments.

Dave:

In accordance with Florida Statutes, Chapter 333, the Aviation Authority is forwarding a completed permit application to the department so that it can be evaluated for technical consistency.

Hearing is scheduled for December 14, 2023.

FAA Study 2020-ASO-9655-OE
Airport Study number – 2023-138
Project: New building
Location – W. Tyler St. and Macinnes Place

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