HILLSBOROUGH COUNTY AVIATION AUTHORITY
BOARD OF ADJUSTMENT

IN THE MATTER OF:

Petition for Variance on behalf of **Airport Study No. 2018-97**

ELEVE' 61, LLC
_____/

RECOMMENDED ORDER

THIS MATTER was heard on October 11, 2018, by DONALD D. CONN, Hearing Officer for the Board of Adjustment of the Hillsborough County Aviation Authority, upon the Petition for Variance filed on behalf of Eleve' 61, LLC ("Petitioner").

At the hearing, the Hillsborough County Aviation Authority ("Authority") was represented by Michael Kamprath, Esquire, and Jeff Siddle, Vice President of Planning & Development, was present. The Authority presented testimony from Anthony Mantegna, Height Zoning and Land Use Manager. Testimony on behalf of Petitioner was presented by Don Scalf, Contracts Administration Manager, Mercury Advisors, LLC. Two joint exhibits were received in evidence. Based upon the testimony and evidence presented, the following Findings of Fact, Conclusions of Law, and Recommendations are entered:

FINDINGS OF FACT

1. On July 9, 2018, Petitioner filed a Petition for Variance requesting a variance for construction of a proposed 36 story residential condo building, with 61 units, to be located at the southwest corner of the intersection of Channelside Drive and Whiting Street in Tampa Florida, with an address of 858 Channelside Drive and a maximum height of 393 feet AMSL. While this will be the tallest structure in the vicinity of the Peter O. Knight Airport, existing structures in close proximity to this proposed structure which are closer to the

Airport are approximately 325 feet AMSL, and two structures in the vicinity for which variances have recently been approved and which are also closer to the Airport than this proposed structure will have heights of 309 and 314 feet AMSL.

2. The nearest airport to Petitioner's proposed structure is the Peter O. Knight Airport, and it will be located approximately 1.64 nautical miles north of the Runway 18 Threshold at the Airport.

3. Prior to filing this Petition, Petitioner received Determinations of No Hazard to Air Navigation issued by the Federal Aviation Administration ("FAA") which found that the proposed development would have no substantial adverse effect on the safe and efficient utilization of navigable airspace by aircraft or on the operation of the Airport, provided that the structures are marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, red lights – Chapters 4, 5(Red), and 12, and that FAA Form 7460-2 is e-filed anytime the project is abandoned or within five (5) days after construction reaches its greatest height.

4. The FAA Determinations further found that the proposed development would have: no effect on any existing or proposed IFR arrival/departure routes, en-route routes or minimum flight altitudes; no effect on any existing or proposed VFR arrival or departure routes, operations or procedures; would not conflict with airspace required to conduct VFR traffic pattern operations at any known public use or military airports; would not penetrate altitudes normally available to airmen for VFR en-route flight; and will be appropriately obstruction marked and lighted to make the proposed structures more conspicuous to airmen flying in VFR weather conditions at night.

5. The FAA's Determinations of No Hazard to Air Navigation expire on January 9, 2020, unless construction has started, or the Determinations are extended or revised.

6. This variance request was provided to staff of the Florida Department of Transportation and representatives of the Department were asked to review this variance request, but no comments were received.

7 Authority staff has reviewed Petitioner's request for variance and recommends approval, subject to conditions as stated below.

8. The development will not be economically viable without this variance.

CONCLUSIONS OF LAW

9. The Hillsborough County Aviation Authority has established the Board of Adjustment and adopted Airport Zoning Regulations in accordance with Section 333.10, Florida Statutes, and Section 6(2)(w) of Chapter 2003-370, Laws of Florida.

10 The Board of Adjustment has jurisdiction over this matter and the authority to consider requests for variances from Airport Zoning Regulations pursuant to Sections 333.10(1)(c) and 333.07(2), Florida Statutes.

11. Section 3.08 of the Airport's Zoning Regulations sets forth the criteria for approval or disapproval of airport height zoning permits. In order to receive a permit, a proposed structure must conform to the height requirements of Section 3.05. Any permit application that does not meet the requirements of Sections 3.05 and 3.08 must file a Petition for Variance.

12. Petitioner's proposed structure requires variances because it will exceed the Obstruction Standards set forth in 14 CFR, Sections 77.17(a)(2) for Peter O. Knight Airport by 182 feet AMSL.

13. Section 333.07(2), Florida Statutes, provides that a variance may be granted by the Board of Adjustment "where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the (zoning) regulations and this chapter. However, any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter."

14. The FAA has issued Determinations of No Hazard to Air Navigation, subject to recommended conditions. The Florida Department of Transportation did not identify any concerns with this proposed development. The Authority staff has recommended approval of variances, with conditions.

15. Based on the testimony and evidence presented, approval of variances, with conditions set forth below as recommended by Authority staff, would have no effect on existing FAA restrictions, would not cause additional impacts or loss of utility to Peter O. Knight Airport, will not be contrary to the public interest, will do substantial justice because the development will not be economically viable without this variance, and is in accordance with the spirit of the Zoning Regulations and Chapter 333, Florida Statutes.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is:

RECOMMENDED that the Board of Adjustment APPROVE the Variance requested by Petitioner with the following conditions:

A. Mark/Light the proposed structures in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, red lights – Chapters 4, 5(Red) and 12;

B. E-file FAA Form 7460-2, Notice of Actual Construction or Alteration, if the project is abandoned or within five (5) days after construction reaches its greatest height;

C. Any glint/glare issues identified by the Authority prior to or during construction associated with this development must be addressed and mitigated by the Petitioner to the satisfaction of the Authority to avoid adverse impacts to aviation; and

D. A temporary permit is required for any construction equipment that exceeds 393 feet AMSL.

DONE AND ENTERED on this 12th day of October 2018, in Tampa, Hillsborough County, Florida.

DONALD D. CONN, Hearing Officer
Board of Adjustment
Hillsborough County Aviation Authority
Florida Bar No. 0167758
Conn & Buenaventura, P.A.
4830 W. Kennedy Blvd., Suite 600
Tampa, FL 33609
813/509-2544
don@cbflalaw.com

Copies furnished via email to:

Michael Kamprath, Assistant General Counsel
Hillsborough County Aviation Authority
P. O. Box 22287
Tampa, FL 33622
mkamprath@TampaAirport.com

Don Scalf
Mercury Advisors, LLC
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don@grandcentralatkennedy.com

Ken Stoltenberg
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Tampa, FL 33602
ks@mercury-advisors.com

Anthony Mantegna
Hillsborough County Aviation Authority
P. O. Box 22287
Tampa, FL 33622
TMantegna@TampaAirport.com

Tampa International Airport

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:

36-story residential condo building at southwest corner of Channelside Drive & Whiting Street. Address of new building is 858 Channelside Drive.

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]
Temporary (Crane/Equip.) [ ]
Check type of permit being requested

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

Name/Company/Organization: Eleve' 61 LLC

Contact Person for Requested Activity: Ken Stoltenberg Phone: 813-321-1982

Project Location: Channelside Dr. & Whiting Street Email: ks@mercury-advisors.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: Ken Stoltenberg

Signature of Authorized Representative: [signature] Date: 8/9/2018

STATE OF Florida, COUNTY OF Hillsborough
Sworn to (or affirmed) and subscribed before me this 9 day of August, 20 18 by KEN STOLTENBERG
Personally Known ✓ OR Produced Identification _____ Type of Id Produced _____

(NOTARY SEAL)

KENDRA GUSTAFSON
Notary Public - State of Florida
Commission # FF 898633
My Comm. Expires Jul 13, 2019
Bonded through National Notary Assn.

Notary Signature [signature]

All activities performed under this permit are at applicant's own expense and risk. The Authority will not be 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. 2018-97

FAA Study Number 2018-ASO-6686-OE

Associated FAA Study Numbers 6687-6689

Reviewed By: Anthony L'Monteyne

	YES	NO
Variance Required:	✓	
Recommend Approval:	✓	
Coordinate with Airport Operations:		
Coordinate with ATCT:		

Zoning Director Date Approved [ ] Denied [ ]

Tampa International Airport

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.

Construct 36-story residental condo building. The proposal will not create a substantial detriment to public good or impair the purposes of the intent of these requlations. The proposal will not create a substantial adverse effect on the utility of the airport covered under these regulations.

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 : 7-9-18 Nearest Airport: Peter O. Knight Overall Height (AMSL): 393

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: Ken Stoltenberg

Signature of Authorized Representative: _____ Date: 7/10/18

All activities performed under this variance are at applicants own expense and risk, the Authority will not be held liable for any Damages, losses or injuries resulting from or connected with this activity.

STATE OF Florida, COUNTY OF Hillsborough

Sworn to (or affirmed) and subscribed before me this 10 day of July, 2018, by Ken Stoltenberg

Personally Known X OR Produced Identification X Type of Id Florida

(NOTARY SEAL)

ROBIN J. LAW
MY COMMISSION EXPIRES
OCTOBER 11, 2021
#GG 113935
Bonded thru Aaron Notary
NOTARY PUBLIC, STATE OF FLORIDA

Notary Signature Robin J. Law

THIS SECTION TO BE COMPLETED BY AVIATION AUTHORITY REPRESENTATIVE

Airport Study No. 2018-97

Variance Approval YES ☐ NO ☐

FAA Study Number: 2018-ASO-6686-OE

Associated Aeronautical Study Numbers: 6687-6689

FDOT Concurrence: YES: ☐ NO: ☐ WAIVED: ☐ In accordance with Resolution No. 20__-____

_____ Board of Adjustment Chairman _____ Date

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

Aeronautical Study No.
2018-ASO-6686-OE

Issued Date: 07/09/2018

Ken Stoltenberg
TM Tampa LLC
511 West Bay Street
Suite 350
Tampa, FL 33606

**** 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 Eleve 61 -1
Location:	Tampa, FL
Latitude:	27-56-49.52N NAD 83
Longitude:	82-26-45.79W
Heights:	11 feet site elevation (SE)
	382 feet above ground level (AGL)
	393 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 1, 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)
__X__ 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 01/09/2020 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 08, 2018. 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 Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 18, 2018 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 Airspace Policy 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 2018-ASO-6686-OE.

Signature Control No: 361231564-369639603 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)

TPF = Peter O Knight Airport
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 is represented by 4 ASNs, representing the four-corners of the structure. The four building points were submitted at a height of 382 feet AGL, 393 feet AMSL. The building is located from approximately 1.88 to 1.90 NM north of the TPF ARP and from 05.32 degrees azimuth clockwise to 05.67 degrees azimuth from TPF.

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 182 feet.

Part 77 Obstruction Standards are used to screen the many structures 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 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 structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

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

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.

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.

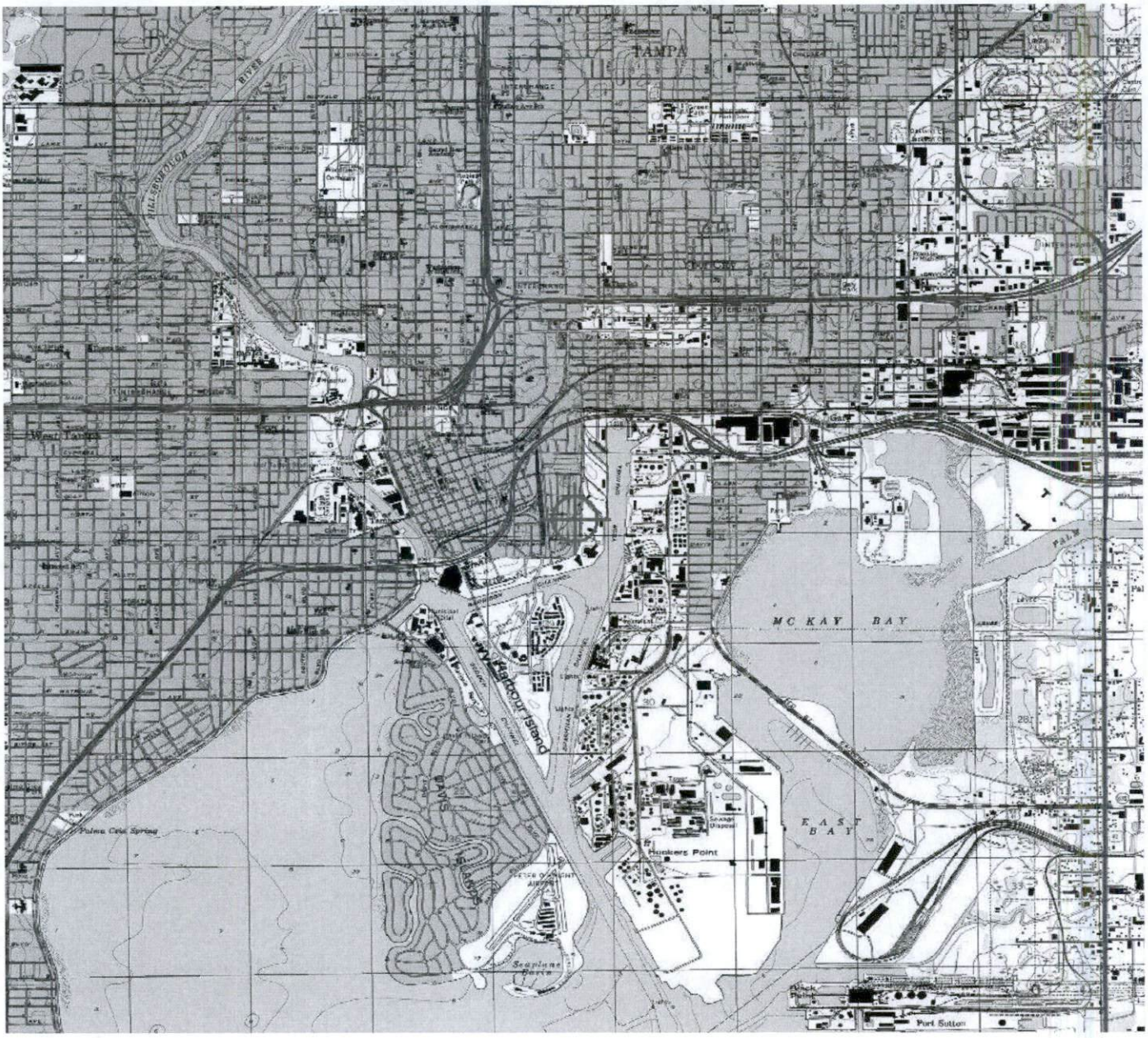
The proposed structures' proximity to the airport was considered and found to be acceptable.

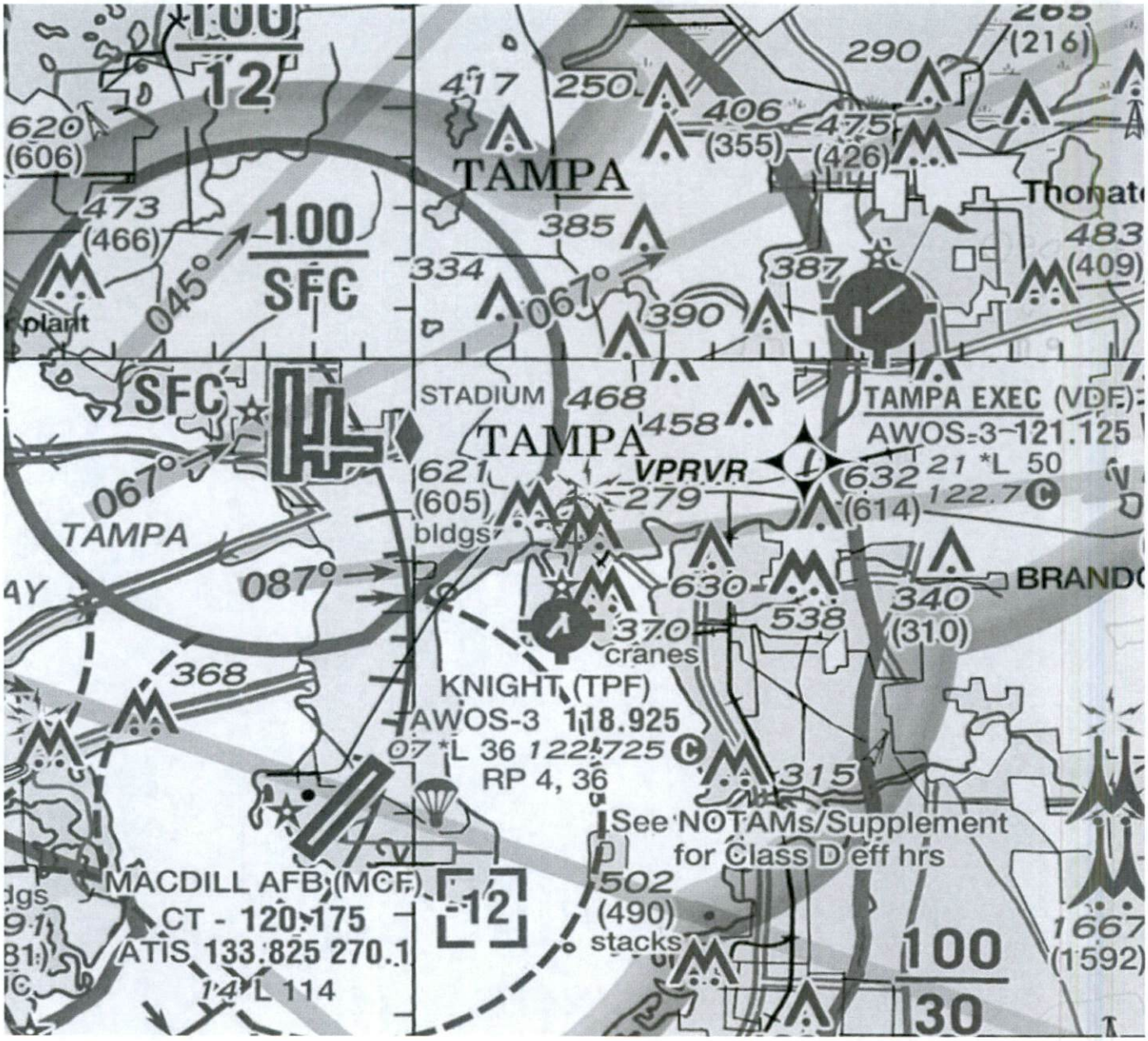
The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed 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 2018-ASO-6686-OE




TAMPA
TAMPA
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STADIUM
TAMPA EXEC (VDF)
AWOS-3 121.125
VPRVR
KNIGHT (TPF)
AWOS-3 118.925
RP 4, 36
See NOTAMs/Supplement
for Class D eff hrs
MACDILL AFB (MCF)
CT - 120.175
ATIS 133.825 270.1
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bldgs
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067°
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BRANDO
Thonat

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

Aeronautical Study No.
2018-ASO-6687-OE

Issued Date: 07/09/2018

Ken Stoltenberg
TM Tampa LLC
511 West Bay Street
Suite 350
Tampa, FL 33606

**** 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 Eleve 61 -2
Location:	Tampa, FL
Latitude:	27-56-49.50N NAD 83
Longitude:	82-26-45.08W
Heights:	11 feet site elevation (SE)
	382 feet above ground level (AGL)
	393 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:

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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)
__X__ 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.

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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.

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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 2018-ASO-6687-OE.

Signature Control No: 361231566-369639605 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)

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ARP = Airport Reference Point
ASN = Aeronautical Study Number
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The proposed Building is represented by 4 ASNs, representing the four-corners of the structure. The four building points were submitted at a height of 382 feet AGL, 393 feet AMSL. The building is located from approximately 1.88 to 1.90 NM north of the TPF ARP and from 05.32 degrees azimuth clockwise to 05.67 degrees azimuth from TPF.

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 182 feet.

Part 77 Obstruction Standards are used to screen the many structures 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 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 structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

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

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.

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.

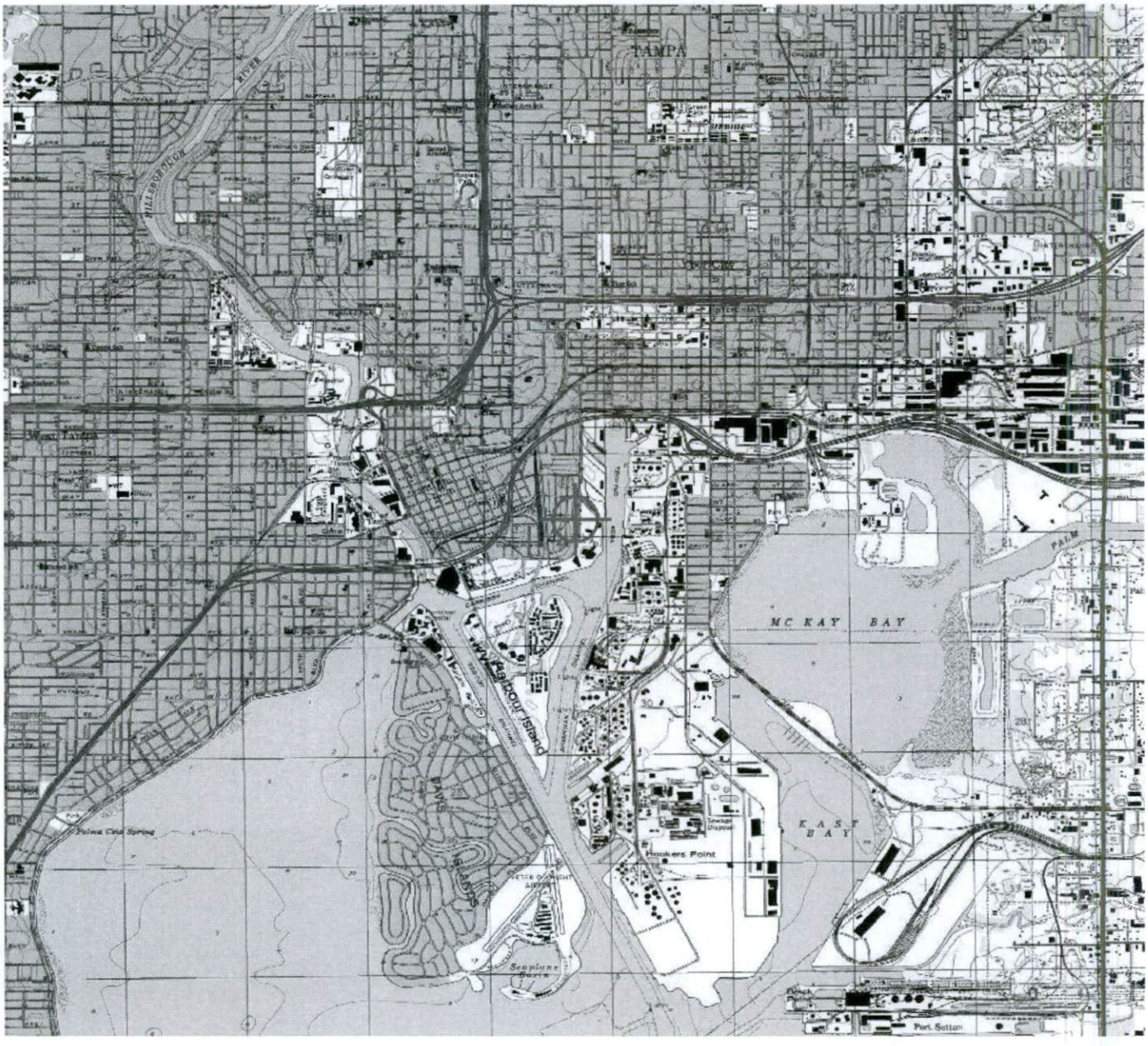
The proposed structures' proximity to the airport was considered and found to be acceptable.

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.

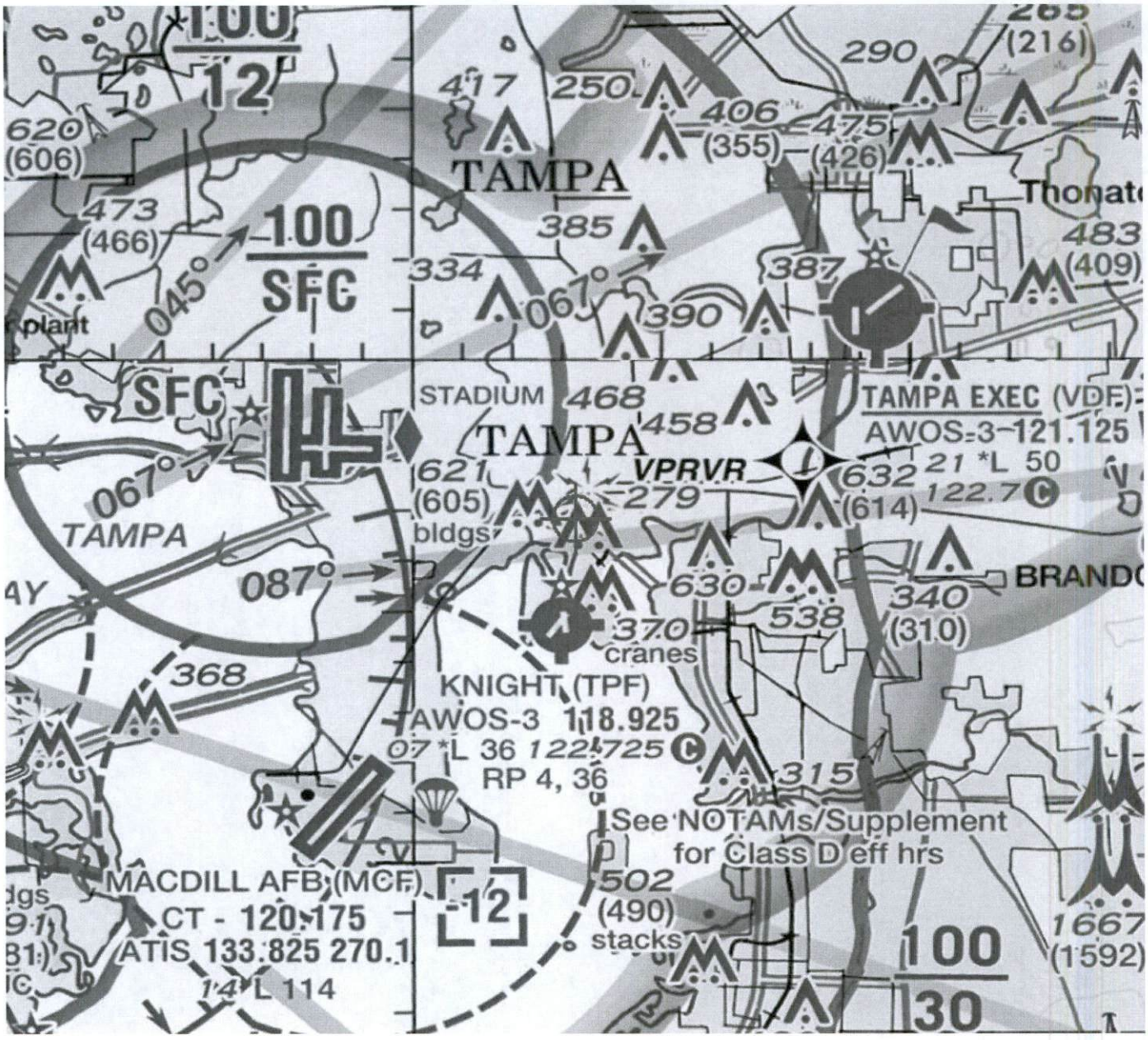
The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

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 2018-ASO-6687-OE



Sectional Map for ASN 2018-ASO-6687-OE



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

Aeronautical Study No.
2018-ASO-6688-OE

Issued Date: 07/09/2018

Ken Stoltenberg
TM Tampa LLC
511 West Bay Street
Suite 350
Tampa, FL 33606

**** 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 Eleve 61 -3
Location:	Tampa, FL
Latitude:	27-56-48.41N NAD 83
Longitude:	82-26-45.11W
Heights:	11 feet site elevation (SE)
	382 feet above ground level (AGL)
	393 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 1, 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)
__X__ 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 01/09/2020 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 08, 2018. 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 Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 18, 2018 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 Airspace Policy 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 2018-ASO-6688-OE.

Signature Control No: 361231567-369639604 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)

TPF = Peter O Knight Airport
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 is represented by 4 ASNs, representing the four-corners of the structure. The four building points were submitted at a height of 382 feet AGL, 393 feet AMSL. The building is located from approximately 1.88 to 1.90 NM north of the TPF ARP and from 05.32 degrees azimuth clockwise to 05.67 degrees azimuth from TPF.

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 182 feet.

Part 77 Obstruction Standards are used to screen the many structures 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 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 structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

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

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

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

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> 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.

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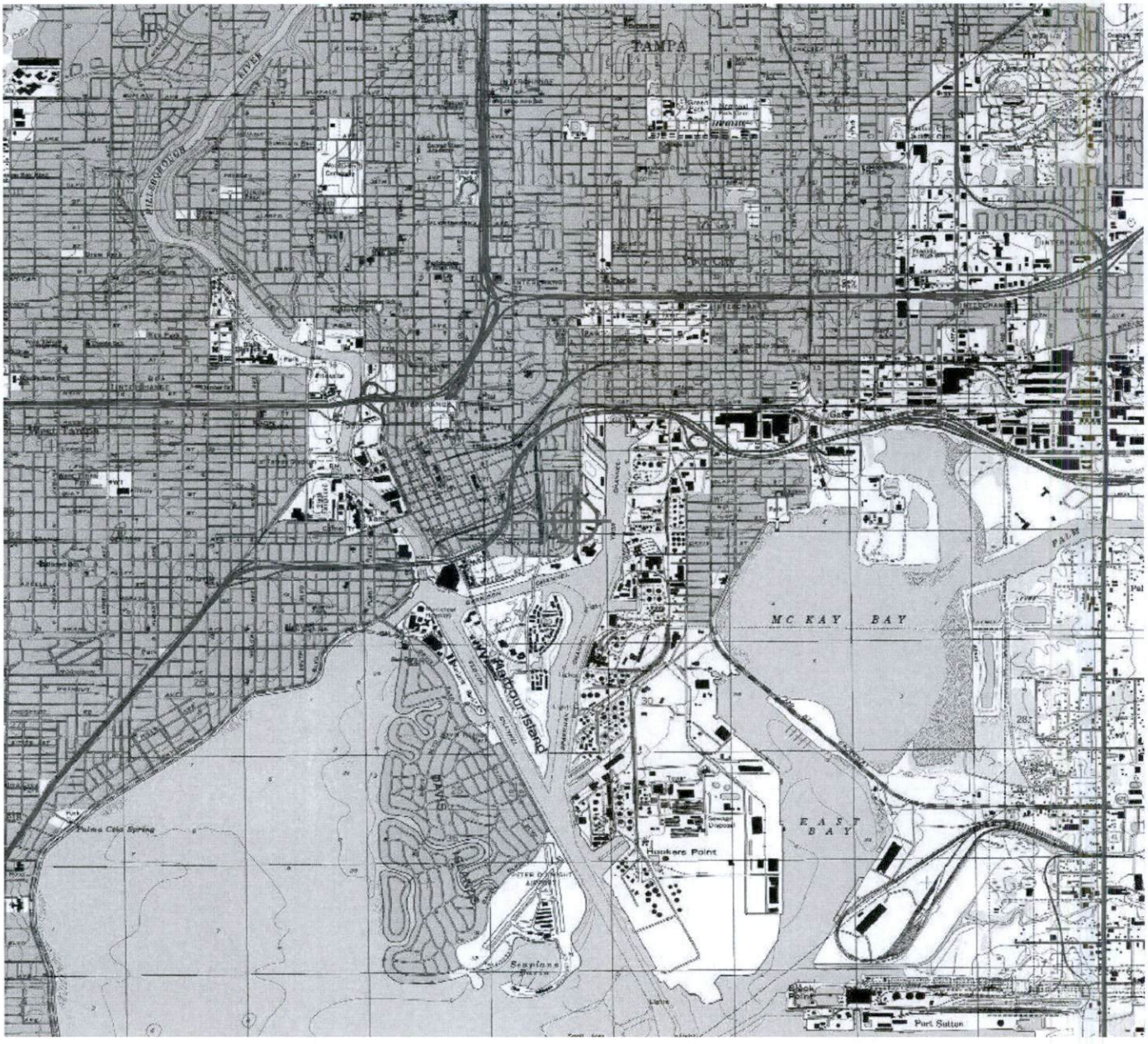
TOPO Map for ASN 2018-ASO-6688-OE



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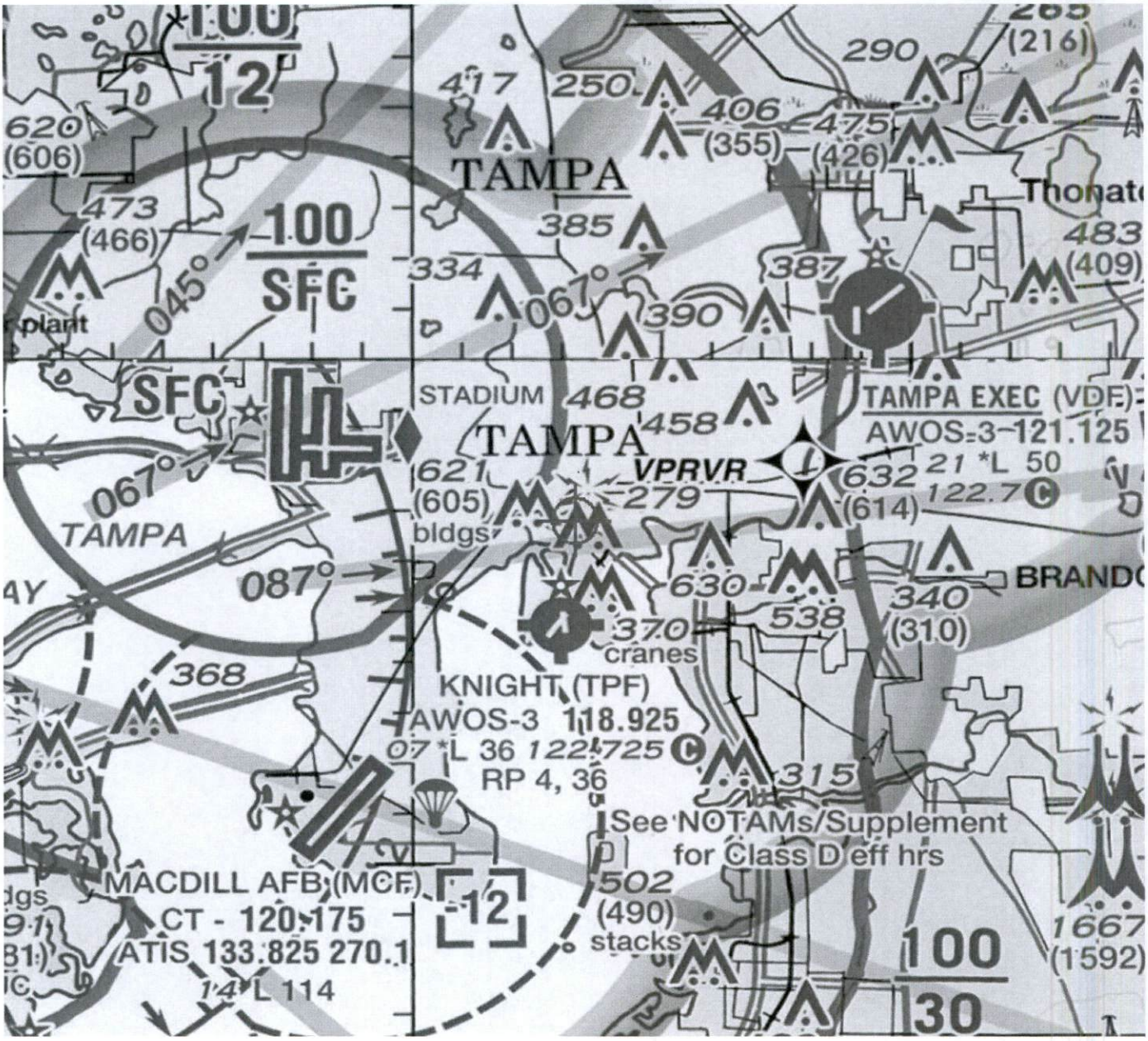

Mail Processing Center
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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-ASO-6689-OE

Issued Date: 07/09/2018

Ken Stoltenberg
TM Tampa LLC
511 West Bay Street
Suite 350
Tampa, FL 33606

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Structure:	Building Eleve 61 -4
Location:	Tampa, FL
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Signature Control No: 361231568-369637909 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

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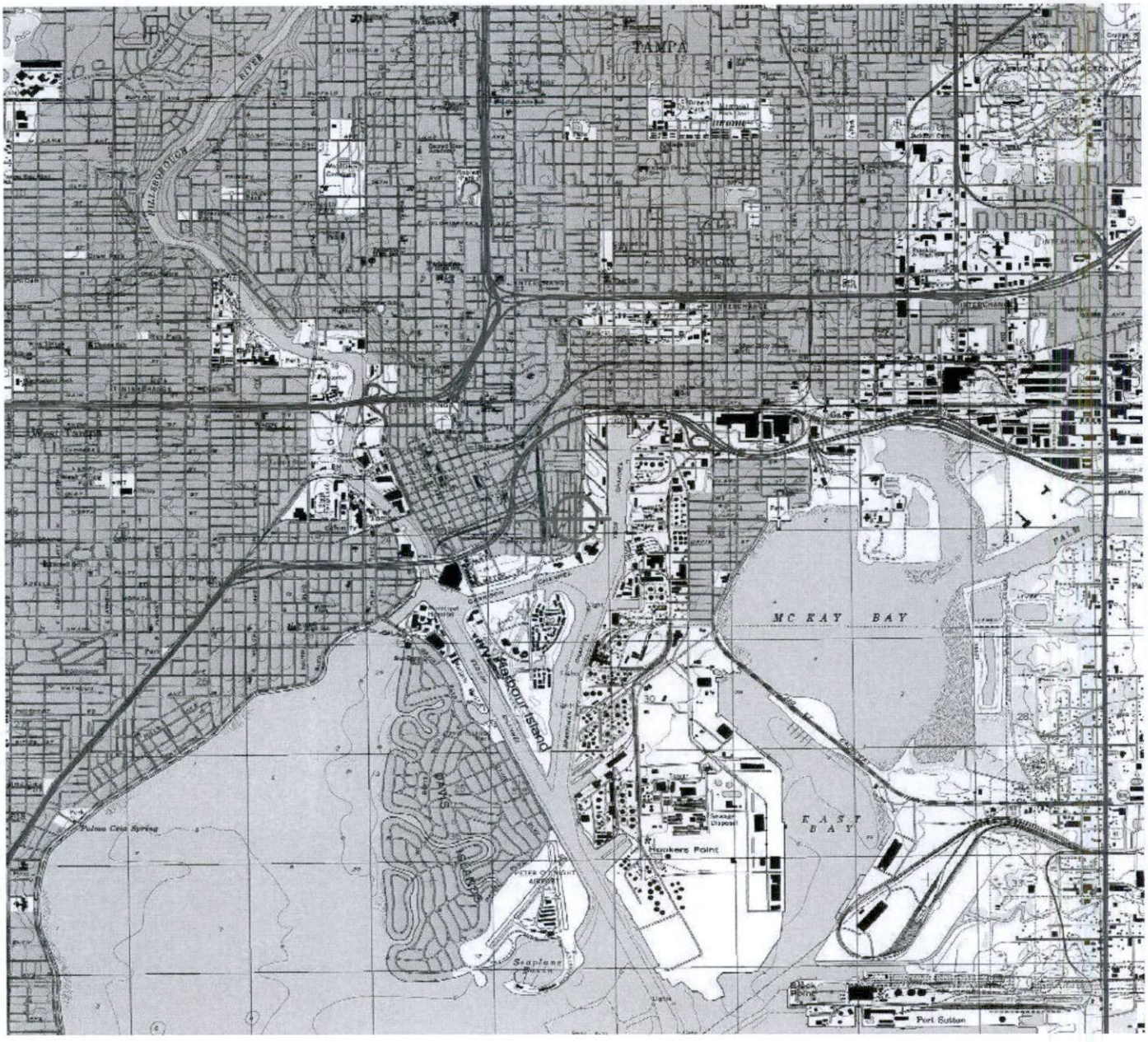
TOPO Map for ASN 2018-ASO-6689-OE



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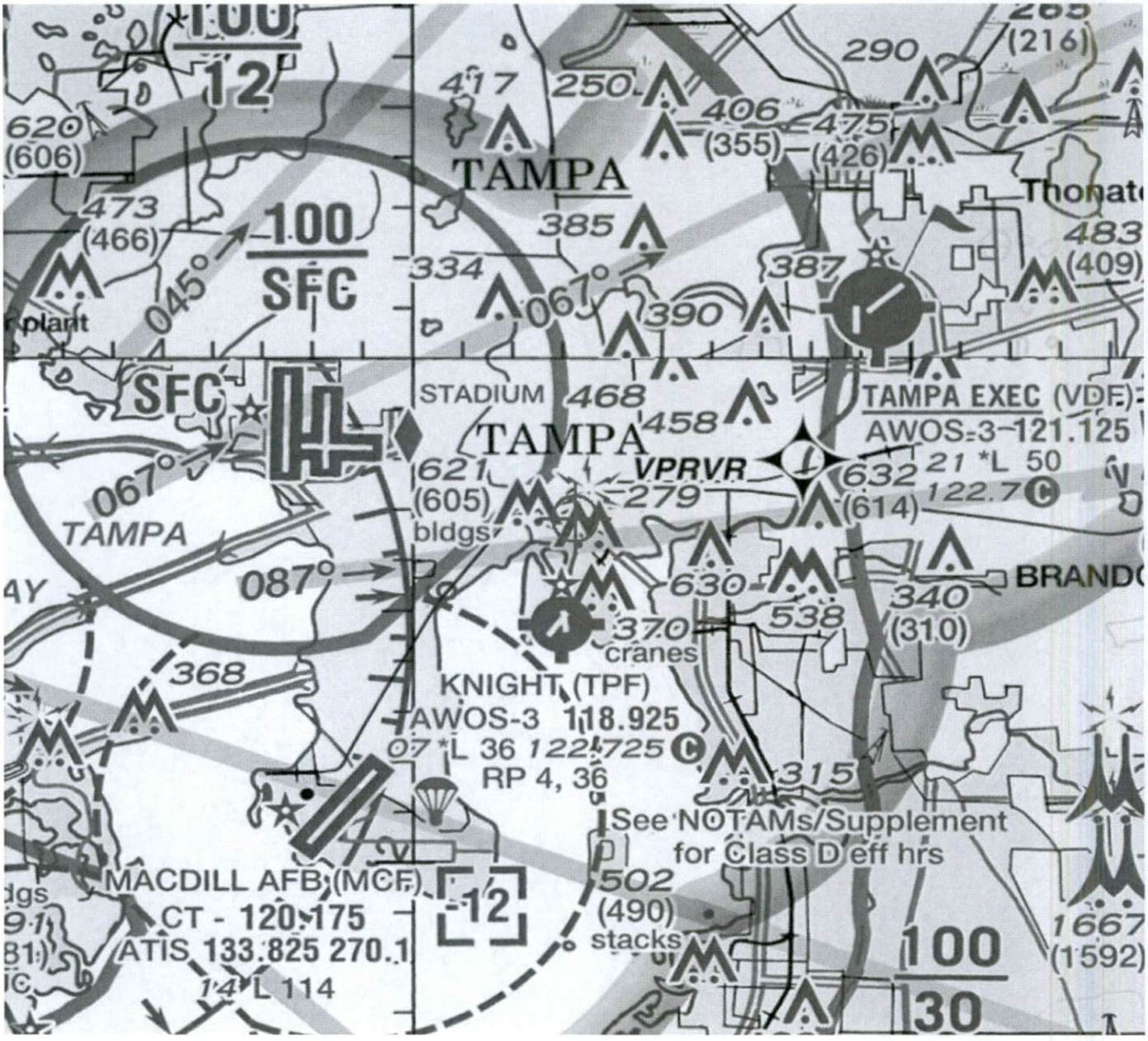


Stantec Consulting Services Inc.
777 S. Harbour Island Boulevard, Suite 600
Tampa, FL 33605
Tel: 813-223-9500 Fax:813-223-0009

F.A.A. 1-A CERTIFICATION

July 31, 2018
Eleve 61 Building
City of Tampa, Hillsborough County, Florida
FAA Project Name: TM TA-000461625-18

I hereby certify that the following Latitude and Longitude coordinates at the corners of the proposed building are accurate to within +/- 20 feet horizontally and that the proposed site surface elevation will be filled to 11 feet and is accurate to within +/- 3 feet vertically.

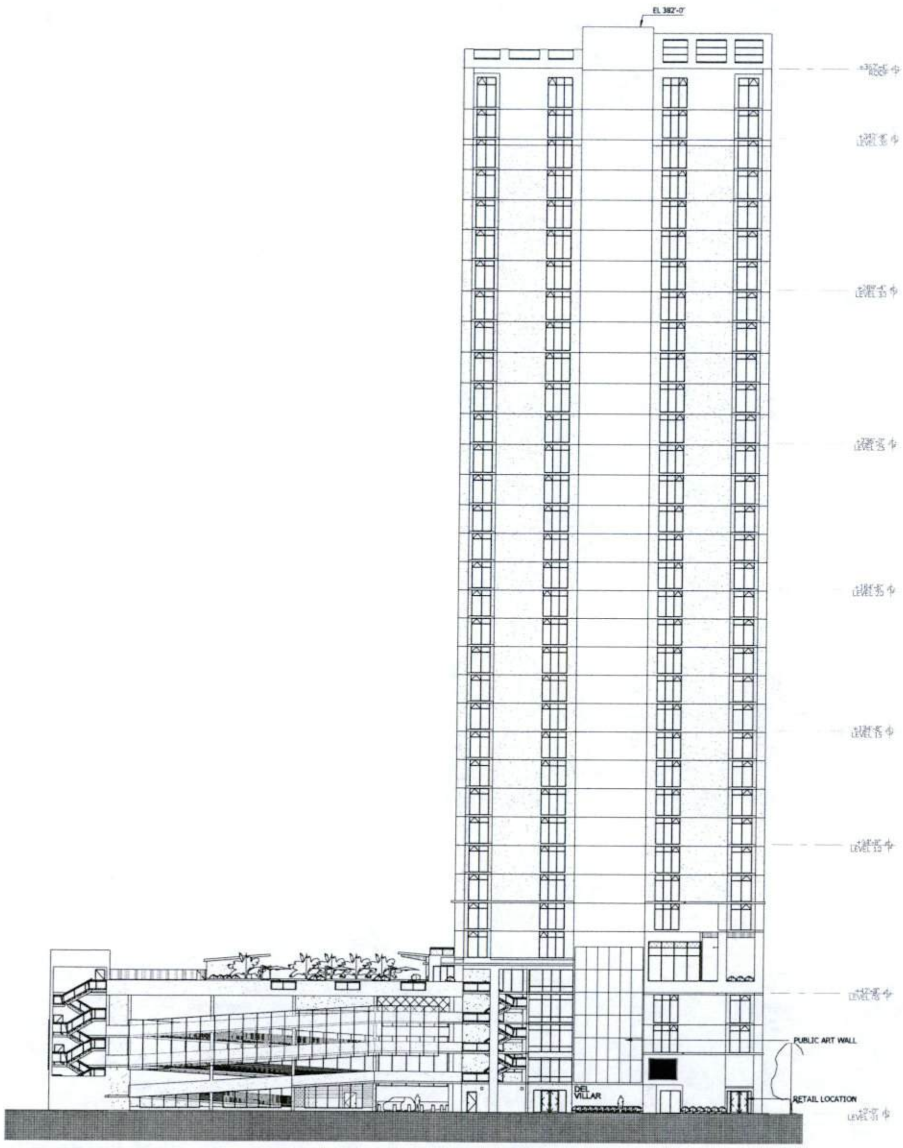
FAA ASN	LATITUDE	LONGITUDE	NOTE
2018-ASO-6686-OE	N027° 56' 49.51"	W082° 26' 45.79"	NW Building Corner 1
2018-ASO-6687-OE	N027° 56' 49.50"	W082° 26' 45.08"	NE Building Corner 2
2018-ASO-6688-OE	N027° 56' 48.41"	W082° 26' 45.11"	SE Building Corner 3
2018-ASO-6689-OE	N027° 56' 48.43"	W082° 26' 45.83"	SW Building Corner 4

The above referenced Latitudes and Longitudes are referenced to the North American Datum of 1983 (1990 adjustment) and are expressed as degrees, minutes, and seconds, to the nearest hundredth of a second. The above referenced site elevation is referenced to the North American Vertical Datum of 1988.

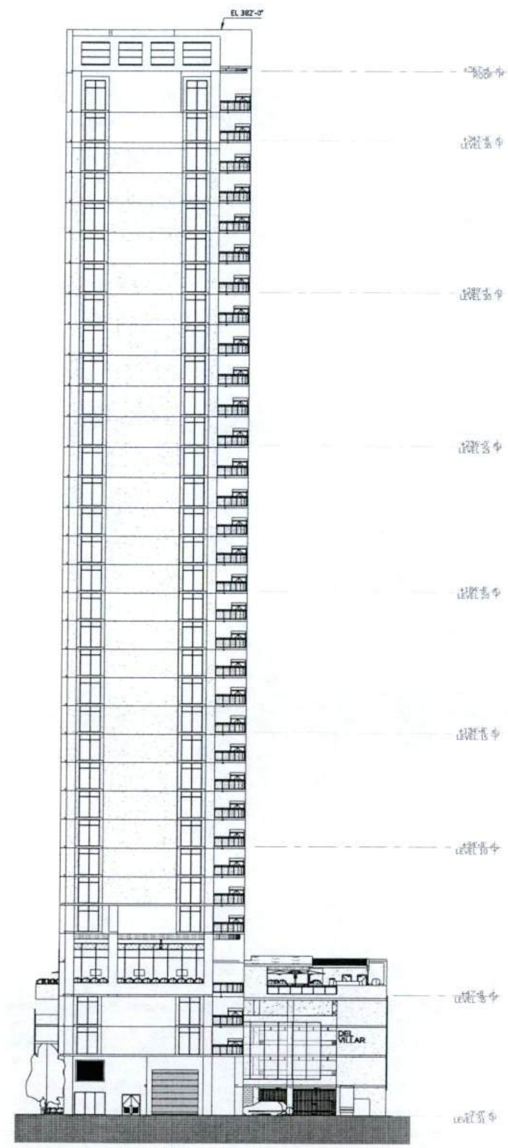
Stantec Consulting Services Inc.
Certificate of Authorization No. L.B. 7866

James Darin O'Neal PSM
Florida License No. L.S. 5926

Digitally signed by
James D O'Neal
Date: 2018.07.31
15:26:00 -04'00'



2 EAST ELEVATION
SCALE: 1" = 20'-0"



1 NORTH ELEVATION
SCALE: 1" = 20'-0"

0 10' 20' 40' 60'
1" = 20'-0" GRAPHIC SCALE

SCOTT + CORMIA
ARCHITECTURE + INTERIORS

Scott + Cormia Architecture & Interiors, LLC
429 S. Keller Road, Suite 200
Orlando, Florida 32810
t. 407-660-2766 AA26002980
f. 407-875-3276

www.scottcormia.com

project

DEL VILLAR
LUXURY CONDOS

858 CHANNELSIDE DRIVE
TAMPA, FLORIDA 33602

seal

2017 NOV 27

To the best of our knowledge, belief and professional judgement, these plans and specifications are in compliance with the applicable building codes.

submissions

#	DATE	DESCRIPTION
21	2007 MAR 28	REZONE COMMENTS
22	2017 APR 05	CHANGE DETERMINATION
23	2017 AUG 15	CHANGE DETERMINATION
24	2017 NOV 27	CHANGE DETERMINATION

drawing info

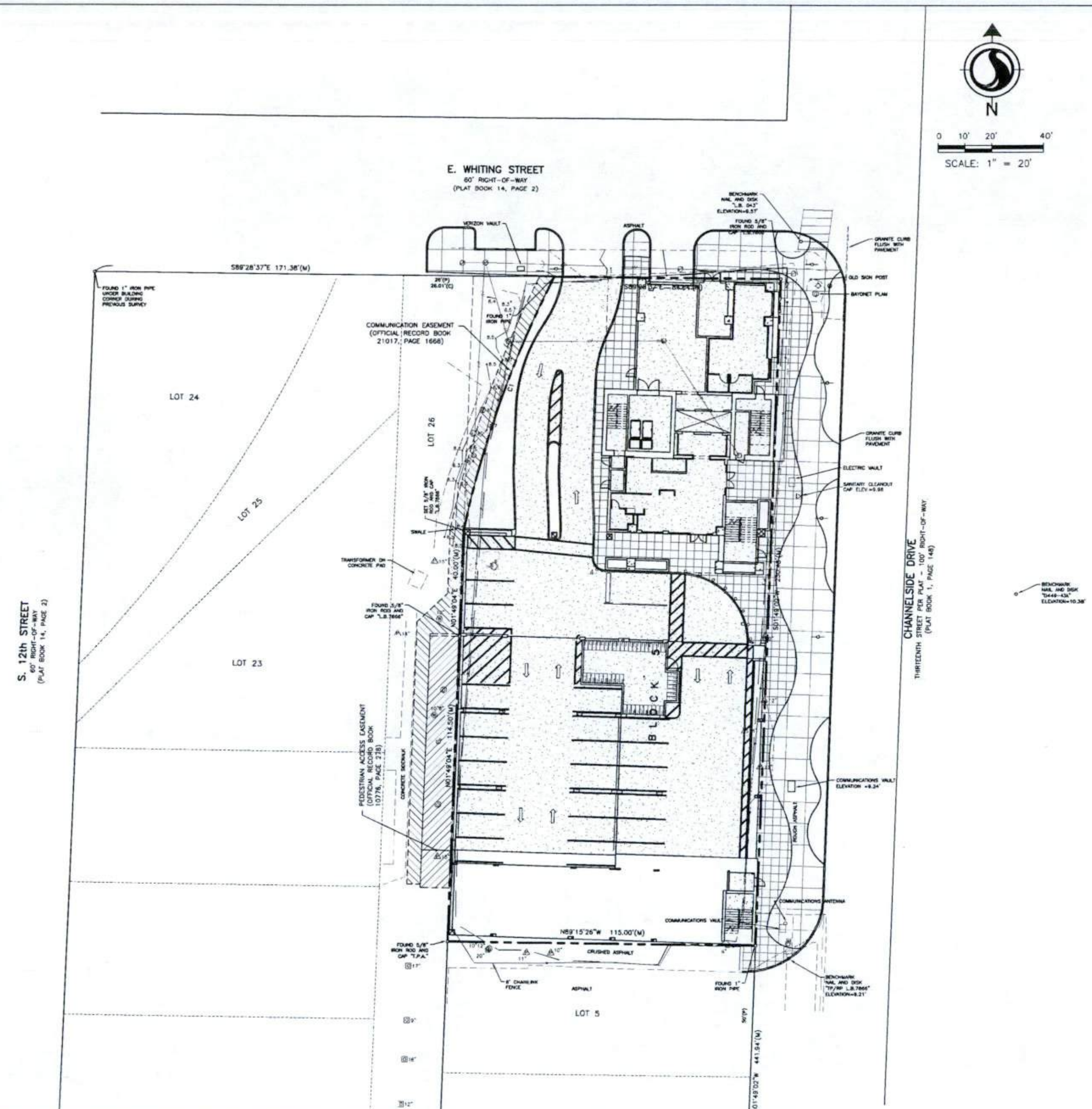
PROJECT # : 15145
DRAWN BY : SS, JK, AG
CHECKED BY : MDC

sheet number

ELEVATIONS

Z.04

IF THIS SHEET DOES NOT MEASURE TO 24 x 36, IT HAS BEEN ENLARGED OR REDUCED. ADJUST SCALE ACCORDINGLY. THIS SHEET IS PART OF THE DOCUMENT SET AND SHOULD NOT BE SEPARATED. ALWAYS REFER TO THE LATEST DRAWING SET. EACH CONTRACTOR SHALL COORDINATE THEIR WORK WITH ALL OTHER TRADES.



GENERAL NOTES:

1. DEVELOPMENT SHALL COMPLY WITH THE 2015 FLORIDA FIRE PREVENTION CODE, WHICH INCLUDES THE 2012 EDITIONS OF THE N.F.P.A. # 1 FIRE PREVENTION CODE AND # 101 OF THE LIFE SAFETY CODE AND 2014 FLORIDA BUILDING CODE.
2. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION, SPECIFICATIONS AND LOCATIONS OF ALL PIPING WITHIN 5' OF THE BUILDING. INFORMATION SHOWN ON CIVIL PLANS IS FOR COORDINATION PURPOSES ONLY.
3. ANY EXISTING SIGNS TO BE RELOCATED, SHALL BE COORDINATED WITH CITY INSPECTOR.
4. SOLID WASTE COLLECTION WILL BE PROVIDED BY THE CITY OF TAMPA.

Stantec

Stantec Consulting Services Inc.
777 S. HARBOUR ISLAND BLVD., SUITE 600
Tampa, Florida 33605 Tel. 813.223.9500
www.stantec.com Fax. 813.223.0009
Certificate of Authorization #27013
FL Lic. # LC-C000170

Revision | By | Appd. | YY.MM.DD

Issued | By | Appd. | YY.MM.DD

Permit-Seal

Client/Project
DELVILLAR LLC

ELEVE' 61

858 CHANNELSIDE DRIVE TAMPA 33602

Title
SITE PLAN

Project Number: 215614130

SCALE: 1"=20'

KMJ	HE	KMJ	18.03.29
Dwn.	Chkd.	Dsgn.	YY.MM.DD

Drawing No. C-3

Revision 0 — Sheet 1 of 1

Review Summary

Airport Study Number: 2018-97

Permit Number: TBD

Approval Date:

Expires:

Permit Type: Height Zoning

REVIEW PROCESS

77.9 Review: Required Notice

77.17 Review: Obstruction

77.19 Review: Within Height Limits

TERPS: Within Height Limits

OEI (62.5:1): NA

Analysis Summary

No Airspace or Navaid impacts identified

Coordination with ATCT
(●) Yes ( ) No

Coordination with Operations
(●) Yes ( ) No

Emergency Use
( ) Yes (●) No

Hazard Marking and/or Lighting
(●) Yes ( ) No

Objects affecting Navigable Airspace
( ) Yes (●) No

Exceeds Supportive Screening Criteria
( ) Yes (●) No

Conditions

See attached

Recommend Approval (●) Yes ( ) No

Airport Study Number 2018-97

CONDITIONS

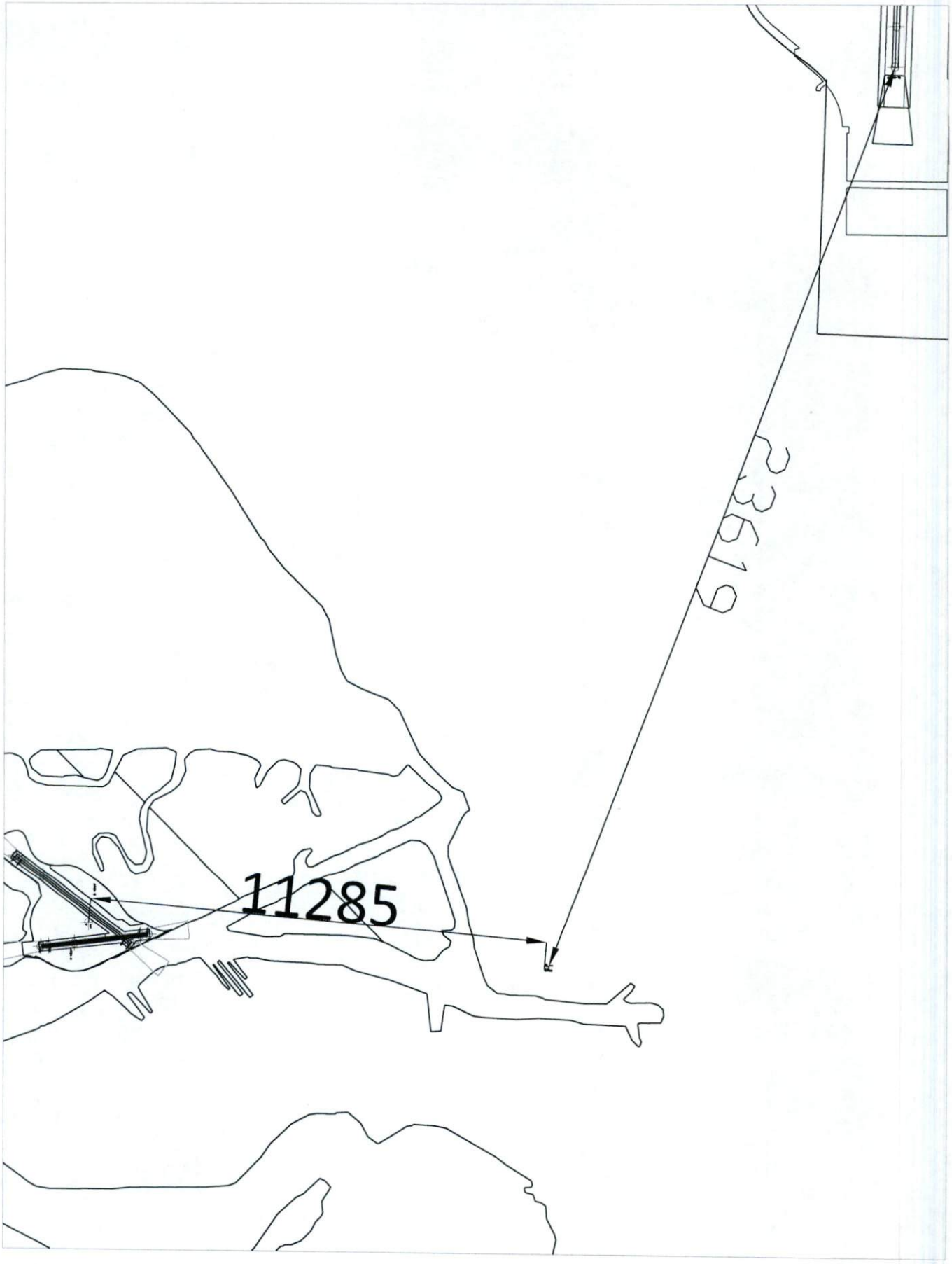
- Red Obstruction lighting required on top of the proposed structure in accordance with the FAA Advisory Circular.

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

- You will be required to follow all conditions specified in the FAA Determination to remain in compliance.

- 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.

- Obtain a temporary permit for any construction equipment that exceeds the height of the building.


11285
23519

Associated Points Data for Eleve 61 LLC 1897 - Report created on 8/10/2018 1:24:24 PM									
Point Number	Description	Latitude	Longitude	X	Y	Site Elev. (AMSL)	Struct Height (AGL)	Overall Height (AMSL)	Down & Over From Closest Runway
1	Building Eleve61-1	27° 56' 49.52" N	82° 26' 45.79" W	512,158.8683	1,313,730.4692	11.00	382.00	393.00	Down(+): 9,707.65 Over(+): 1,864.16 Distance from RW 18: 9,885.02
2	Building Eleve61-2	27° 56' 49.50" N	82° 26' 45.08" W	512,222.5347	1,313,728.2171	11.00	382.00	393.00	Down(+): 9,697.89 Over(+): 1,927.11 Distance from RW 18: 9,887.51
3	Building Eleve61-3	27° 56' 48.41" N	82° 26' 45.11" W	512,219.4428	1,313,618.1484	11.00	382.00	393.00	Down(+): 9,588.96 Over(+): 1,911.04 Distance from RW 18: 9,777.54
4	Building Eleve61-4	27° 56' 48.43" N	82° 26' 45.83" W	512,154.8794	1,313,620.4037	11.00	382.00	393.00	Down(+): 9,598.83 Over(+): 1,847.20 Distance from RW 18: 9,774.95

Site Location

Tony Mantegna

From: Tony Mantegna
Sent: Friday, August 10, 2018 12:24 PM
To: 'ken.jernigan@stantec.com'
Subject: Your Application has been submitted

Thank you for submitting your Application. It has successfully been received and is in Process. I will be contacting you if there is any additional information we need during processing in order to complete the review.

An application was submitted by ken.jernigan@stantec.com

- Company: Eleve' 61 LLC
- Contact Person: Ken Jernigan
- Project Physical Address: 858 Channelside Drive, Tampa FL 33602
- Phone Number: 813-233-9500
- Cell Number:

Tony Mantegna / Tampa International Airport / Height Zoning & Land Use Manager/ Planning & Development
Direct: (813)870-7863 | Email: tmantegna@tampaairport.com

Tony Mantegna

From: Tony Mantegna
Sent: Monday, August 20, 2018 8:53 AM
To: Greg Jones (greg.jones@dot.state.fl.us)
Subject: Height Zoning Permit 2018-97
Attachments: 2018-97 Eleve' 61.pdf

Greg.

Per Chapter 333 we are hereby submitting the attached permit application for your review and comment.

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

We plan on having a hearing for this request on 10/11/2018 in accordance with our Height Zoning Regulations.

Please don't hesitate to give me a call if you have any questions or concerns.

Tony Mantegna / Tampa International Airport / Height Zoning & Land Use Manager/ Planning & Development
Direct: (813)870-7863 | Email: tmantegna@tampaairport.com