

Attachment A



City of Phoenix

To: Mario Paniagua
Deputy City Manager

Date: January 25, 2021

From: Jordan Feld, CM, AICP
Deputy Aviation Director – Planning & Environmental

Through: Charlene Reynolds
Interim Director of Aviation Services

Subject: **AVIATION DISAPPROVAL RECOMMENDATION REGARDING
PROPOSED OIC BUILDING HEIGHT, REZONING APPLICATIONS Z-
TA-5-20-7 AND Z-26-20-7 – SOUTHWEST CORNER OF 1ST AND
JACKSON STREETS**

The Aviation Department (Aviation) recommends denial of the requested development height of 285 feet at this location based on aviation-related height restrictions but would not object to 218 feet or less.

- Aviation recommends that the City continue to not allow any development height above 218 feet at this location, based on height restrictions contained in the City Code.
- The height restriction of 218 feet at this location within the City Code was developed to ensure compliance with the federally-required one-engine inoperable procedure, which is in addition, separate and independent to the Federal Aviation Administration's analysis on a hazard/no hazard determination.
- Approving a development height above 218 feet at this location could result in the FAA considering changes to existing flight departure procedures.

Additional information is provided below related to Aviation's recommendation.

Aviation reviewed the proposal last summer and recommended denial on the grounds the proposed Zoning (Chapter 12, Downtown Code) height would exceed the allowed City Code (Chapter 4, Airport Height Zones) height. The Zoning Code and City Code both regulate height. In general, where codified City regulations conflict, the more restrictive rule is enforced unless otherwise noted. There is no

such alternative notation in Zoning or City Codes related to Airport Height Zones. It was therefore presumed that the rezoning height proposal would effect no actual change of the property entitlement as the proposal does not seek modification to City Code Airport Height Zones.

Although the concerns above were communicated to the Applicant, the proposal moved forward to public hearing. During the public review process the Applicant responded to members of the public concerned with City Code Airport Height Zone compliance by demonstrating the Federal Aviation Administration (FAA) had already analyzed the project under Titles 14 (Part 77) and 49 of US Code and determined the project would have no substantial adverse effect. While accurate (FAA has indeed issued a no hazard determination for the project and moreover, that affirmative determination is required by City Code), it does not replace the need to comply with City Code Airport Height Zones as City Code expressly states, *“the findings of the FAA are separate from the analyses performed to determine the height zones.”*

In summary, Aviation supports the project’s potential economic and social development goals and finds (based on the input of property owners, developers and similar interests when the Airport Height Zones were adopted in 2007) these goals can be achieved without disregard or subsequent modification to City Code as the City Code allows a maximum development height of 218’. This height maximum was adopted specifically to strike the critical balance between safe airport operations and continued revitalization and growth of the Downtown.

What is the difference between the Airport Height Zone and proposed height?

The site’s ground elevation is 1082’ mean seal level (MSL). The Airport Height Zone applicable to the subject area is 1300’ MSL. The resulting maximum development height allowed is 218’. The proposed development height significantly exceeds (approximately 70’) the maximum requirement.

Why is FAA review separate from City Code Airport Height Zone compliance?

The FAA’s review and findings do not include analysis of the airline-required (US Code Title 14 Parts 25 and 135) one-engine inoperable (OEI) procedure. The FAA’s review is limited to a normal departure slope of 40:1. The OEI slope is 62.5:1 and is the basis for Airport Height Zone maximum development height.

Would the FAA change the standard departure corridors if development height is allowed to exceed the maximum allowed by City Code?

Potentially, if airlines determined that alternative OEI procedures were not feasible (and the only feasible mitigation for the safety surface penetration is reducing aircraft weight by passenger/fuel limits), the FAA could consider this a warrant for changes to standard or emergency western departure procedures.

