



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE February 22, 2011

TO Robert Baldwin, City Manager

FROM: Robert Daniels, Community Development Director

SUBJECT Broward County's *Proposed Draft Noise Mitigation Plan*

In the past month Broward County Aviation Department (BCAD) staff and its consultants have made presentations on the *Proposed Draft Noise Mitigation Plan* to the Airport Advisory Board, Ocean Waterways Mobile Home Park residents and Melaleuca Gardens Homeowners Association. The BCAD has held Question and Answer sessions at the meetings, and some residents have taken advantage of that opportunity to provide input.

Staff has received a request by Mr. Victor Lohmann, who spoke at the February 9, 2011 meeting of the Melaleuca Gardens Homeowners Association to prepare a letter from the City to Broward County outlining specific concerns about the plan. A copy of the request is included as backup for this agenda item. A letter has been drafted that substantively incorporates the language in the request. Minor edits have been made for grammar, spelling, syntax, etc.

While the points being made in this letter are important, they are reinforcing comments that have already been forwarded to Broward County. The Board of Broward County Commissioners discussed the *Proposed Draft Noise Mitigation Plan* at its January 25, 2011 meeting. Support materials for the agenda item included the comments received from the City of Dania Beach and the BCAD's responses to each comment. Comment no. 20, "*Valuation of property should be based on comparable properties selected from outside the airport's affected area*", and Comment no. 23, "*Limiting the number of homes participating in the voluntary sales assistance program at any specific time is unfair.*", speak to Mr. Lohmann's two main points, albeit in less detail.

The public input process is still proceeding with regard to the *Proposed Draft Noise Mitigation Plan*. Ocean Waterway Mobile Home Park representatives are discussing a counter proposal with BCAD and an attempt is being made to schedule a presentation with residents from the Northeast section of Dania Beach. It is likely that more comments will be received and that some additional information will have to be prepared to supplement the comments already sent to the County.

STAFF RECOMMENDATION

Delay action on the letter to Mayor Gunzburger until all comments have been received and a decision is made on how to provide them to Broward County in a comprehensive manner.

From: victor lohmann [mailto:vic@innovative-designs.biz]
Sent: Friday, February 11, 2011 9:59 AM
To: 'Anne Castro'; Bob Anton - Personal
Cc: Daniels, Bob; 'Rae Sandler'; 'Rae Sandler (Ft. Lauderdale)'; Jay Field
Subject: letter to BCBC

Hi Anne & Bob;

Would you please help me to get a letter from the City out to Broward County re the proposed noise mitigation program.

This is in response to the last town hall meeting for the Melaleuca Gardens HOA meeting on 2-8-11. Mr. George has made some minor revisions to his proposal but there are some significant problems that remain. I've outlined them below;

In reviewing the revised proposed mitigation program from BCAD(a/o 2-8-11) there are two fatal flaws in its architecture. The stated goal of the program is the long term sustainability of the affected neighborhoods. Mr. Kent George of BCAD has repeatedly stated that his recommendations are to cap any programs participation to between 19-22 homes per calendar year so as to not affect market prices with his program.

Given the number of eligible homes and that participation rate the role out period is approx. 30+ years. A home buyer that would enter the neighborhood subsequent to the initiation of this program would presumably go to the end of the line so that the existing home owners would be able to participate first.

From a purely statistical perspective this creates a scenario that would make a new home buyer unlikely to participate in the program in his/her lifetime. If the new home buyer were allowed to participate without any seniority, then a great deal of the existing home owners will face the same out come; not having an opportunity to participate in their lifetime. This is in clear contradiction to the stated goal of the program and likely to make it both ineffective and a cumbersome waste of resources.

From a more pragmatic perspective, a prospective new home buyer being properly appraised of the likelihood of being able to participate in the program would almost assuredly pass on the purchase if such purchase were based in part on the programs existence. This scenario would further aggravate the downward pressure on pricing and make the need for the program even more intense.

The second flaw is the nebulous nature of fair market value. Mr. George has very clearly stated that the valuation process in his proposals will be based on existing homes based on the value if the runway were not built. While theoretically it may be possible to extrapolate this value, if the

affected area were not already artificially depressed in anticipation of the project. Going forward it is not possible to arrive at an objective figure without using homes outside the affected areas. Absent this approach these calculations will be completely undermined in the early years by negative pricing pressure as residents flee the newly built runway. Over the life of the program, the only way to establish an objective basis of valuation is to use properties outside the affected areas that accurately reflect current market conditions. Without a meaningful long term benchmark the programs ultimate success is highly questionable.

Thank you,

Vic

Victor Lohmann
Innovative Designs of Dania Inc.
Luxury Home Builders for Discerning Clients
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Dania Beach, Florida 33004
954 921-4318
954 929-2535 FAX
WWW.Innovative-Designs.Biz
CRC 057000

February 22, 2011

The Honorable Suzanne Gunzburger, Mayor
Broward County Board of Commissioners
115 South Andrews Avenue
Fort Lauderdale, FL 33301

Re: Proposed Draft Noise Mitigation Plan

Dear Mayor Gunzburger:

The Broward County Aviation Department (BCAD) made a presentation to the Melaleuca Gardens Homeowners Association of Dania Beach on February 9, 2011 to present and explain the *Proposed Draft Noise Mitigation Plan* that will be presented to the Board of County Commissioners in the near future. I am very appreciative of the efforts that BCAD Director, Kent George, his staff and consultants have made to explain the County's program and solicit input from Dania Beach residents.

In his presentations over the past month, Mr. George has made some minor revisions to his proposal but there are some significant problems that remain. I've outlined them below.

In reviewing the revised proposed mitigation plan from there are two fatal flaws in its architecture. First, the stated goal of the program is the long term sustainability of the affected neighborhoods. Mr. Kent George has repeatedly stated that his recommendations are to cap any programs participation to between 19-22 homes per calendar year so as to not affect market prices with his program.

Given the number of eligible homes and that participation rate, the roll-out period is approx. 30+ years. A home buyer that would enter the neighborhood subsequent to the initiation of this program would presumably go to the end of the line so that the existing home owners would be able to participate first.

From a purely statistical perspective this creates a scenario that would make a new home buyer unlikely to participate in the program in his/her lifetime. If the new home buyer was allowed to participate without any seniority, then a large number of the existing home owners will face the same outcome; not having an opportunity to participate in their lifetime. This is in clear contradiction to the stated goal of the program and is likely to make it both ineffective and a cumbersome waste of resources.

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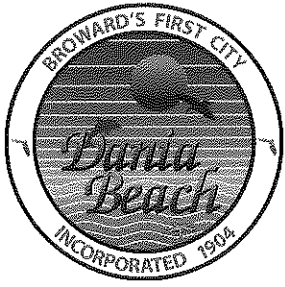
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Thank you for your attention to this matter. Please call Robert Daniels, Community Development Director at (954)924-6805 Extension 3640 if any further information is required.

Sincerely,

Charles A. McElyea
Mayor

cc: Board of Broward County Commissioners
Dania Beach City Commission
Kent George, Director, Broward County Aviation Department



City of Dania Beach FLORIDA

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"Broward's First City"

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Sincerely,

Charles A. McElyea
Mayor

cc: Board of Broward County Commissioners
Dania Beach City Commission
Kent George, Director, Broward County Aviation Department

