



SM

CITY OF

POMPANO BEACH

FLORIDA

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PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

March 26, 2008
Wednesday

City Commission Chambers

7:00 P.M.

A G E N D A

A. Call to order by the Chairman of the Board, Mr. George Fivek.

B. ROLL CALL:

George Fivek
Jim Krinsky
Michael Horan
Jim Beeson
Ben Miller
Jerry Mills
Dean Bowman

C. APPROVAL OF THE MINUTES:

Meeting of February 27, 2008

D. INDIVIDUALS TESTIFYING PLACED UNDER OATH

E. SITE PLAN REVIEWS

1. TRADEMARK METALS RECYCLING, LLC. - Planning and Zoning
No. 07-1200025

Consideration of the plans submitted by **BRETT A. NEIN** on behalf of **TRADEMARK METALS RECYCLING, LLC.** for construction of a 6,532 square foot warehouse building with offices, landscaping and parking for indoor recycling on the following described property consisting of approximately 3.76 acres:

A parcel of land lying in the East one-half of Section 34, Township 48 South, Range 42 East, more particularly described as follows:

Commence at the Northwest corner of the Southeast one-quarter of sad Section 34, thence South 89° 08' 45" East along the North line of said Southeast one-quarter for a distance of 611.35 feet to a point on the West line of Parcel "A", GORY ASSOCIATED INDUSTRIES, INC. PLAT, as recorded in Plat Book 131, Page 41, of the public records of Broward County, Florida; thence South 00° 00' 27" East, 446.78 feet along said line to a point on the said Northerly right of way line of Hammondville

Road as shown on said plat; thence South 53° 37' 29" East along said right of way line 73.28 feet (said point being the most Southerly corner of said Parcel "A"); thence continue South 53° 37' 29" East along the Northerly right of way line of Hammondville Road, 81.92 feet to the Point of Beginning #1; thence North 00° 01' 20" West 663.18 feet to a point on the arc of a tangent curve; thence Northerly along the arc of said curve being concave to the East, having a radius of 684.78 feet, a central angle of 01° 02' 46" and an arc distance of 12.50 feet; thence South 90° 00' 00" East, 198.52 feet; thence South 00° 00' 00" West, 40.00 feet; thence South 90° 00' 00" West, 8.46 feet; thence South 00° 08' 05" East, 776.81 feet to a point on the North right of way line of said Hammondville Road; thence North 53° 37' 29" West, 238.01 feet to the Point of Beginning #1; together with:

A parcel of land lying in the East one-half of Section 34, Township 48 South, Range 42 East, being more particularly described as follows:

Commence at the Northwest corner of the Southeast one-quarter of said Section 34, thence South 89° 08' 45" East along the North line of said Southeast one-quarter for a distance of 611.35 feet to a point on the West line of Parcel "A", GORY ASSOCIATES INDUSTRIES, INC PLAT as recorded in Plat Book 131, Page 41, of the public records of Broward County, Florida; thence South 00° 00' 27" East, 446.78 feet along said line to a point on the North right of way line of Hammondville Road as shown on said plat; thence South 53° 37' 29" East along said right of way line 110.17 feet to the Point of Beginning #2; thence North 00° 46' 44" East, 649.04 feet; thence South 90° 00' 00" East, 27.28 feet to a point on the arc of a non-tangent curve (radial line through said point bears North 88° 58' 34" West); thence Southerly along the arc of said curve being concave to the East having a radius of 684.78 feet, a central angle of 01° 02' 46" and an arc distance of 12.50 feet; thence South 00° 01' 20" East, 663.18 feet to a point on said right of way line; thence North 53° 37' 29" West, 45.03 feet along said line to the Point of Beginning #2, containing 3.76 acres, more or less.

AKA: 1263 Hammondville Road ZONED: I-1

NOTE: This matter was tabled by the Board at the last meeting.

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2. SCI FUNERAL SERVICES OF Florida-Planning and Zoning No. 07-12000035

Consideration of the plans submitted by **MARC FERRARA** on behalf of **SCI FUNERAL SERVICES OF Florida** for construction of a 5,475 square foot mausoleum on the following described property:

A portion of FOREST LAWN MEMORIAL GARDENS, according to the plat thereof as recorded in Plat Book 50, Page 11, of the public records of Broward County, Florida; together with all of the REPLAT OF GARDEN OF MEMORIES, according to the plat thereof as recorded in Plat Book 58, Page 45 of said public records; together with a portion of FOREST LAWN MEMORIAL GARDENS NO. 2 according to the plat thereof as recorded in Plat Book 59, Page 45, of said public records; together with all of FOREST LAWN MEMORIAL GARDENS NO. 3 according to the plat thereof as recorded in Plat Book 72, Page 8 of said public records; together with all of Parcel "A", S & W ESTATES, according to the plat thereof as recorded in Plat Book 157, Page 20 of said public records; together with all of S & W ESTATES, II according to the plat thereof as recorded in Plat Book 157, Page 34, of said public records; together with a portion of the plat of Sections 13, 24, 25 and 26, Township 48 South, Range 42 East, according to the plat thereof as recorded in Plat Book 1, Page 8 of the public records of Palm Beach County, Florida, all being described as follows:

Commence at the Northwest corner of the Northeast one-quarter of said Section 26; thence on an assumed bearing of North 89° 59' 55" East,

along the North line of said Northeast one-quarter a distance of 450.02 feet; thence South 00° 31' 40" West, a distance of 63.32 feet to the Northwest corner of said Parcel "A", S & W ESTATES, said corner being the Point of Beginning; thence continue South 00° 31' 40" West along the Westerly boundary of said Parcel "A" and its Southerly extension a distance of 649.37 feet to the Southeast corner of COPANS COMMERCIAL NO. 2, according to the plat thereof as recorded in Plat Book 119, Page 14, of the said public records of Broward County; thence South 89° 59' 55" West, along the Southerly boundary of said COPANS COMMERCIAL NO. 2, a distance of 450.02 feet to the Southwest corner of said COPANS COMMERCIAL NO. 2; thence South 00° 31' 39" West along the West line of the said Northeast one-quarter of Section 26, a distance of 618.53 feet to the Northwest corner of KENDALL GREEN SECTION "F", according to the plat thereof as recorded in Plat Book 53, Page 5 of the said public records of Broward County; thence South 89° 57' 59" East, along the Northerly boundary of said KENDALL GREEN SECTION "F", and its Easterly extension a distance of 1174.11 feet to the Northeast corner of Block 1, KENDALL GREEN SECTION "E", according to the plat thereof as recorded in Plat Book 52, Page 23, of said public records of Broward County; thence North 00° 02' 01" East a distance of 25.00 feet; thence South 89° 57' 59" East along the Southerly boundary of said FOREST LAWN MEMORIAL GARDENS NO. 3 and its Westerly extension a distance of 160.01 feet to the Southeast corner of said FOREST LAWN MEMORIAL GARDENS NO. 3, thence North 00° 34' 09" East along the Easterly boundary of said FOREST LAWN MEMORIAL GARDENS NO. 3 and its Northerly extension a distance of 1255.44 feet to the Southeast corner of Right of Way Parcel 132, a distance of 11.39 feet; thence South 89° 59' 55" West and continuing along said Southerly boundary of Parcel 132, a distance of 11.39 feet; thence South 89° 59' 55" West and continuing along said Southerly boundary of Parcel 132 being coincident with a line 43.50 feet South of, as measured at right angles and parallel with the said north line of the Northeast one-quarter of Section 26, a distance of 856.84 feet to a corner of said Parcel "A", S & W ESTATES; thence South 45° 15' 48" West, along the Northwesterly boundary of said parcel "A", a distance of 28.15 feet to the Point of Beginning, containing 32.446 acres, more or less.

AKA: 200 West Copans Road ZONED: CF

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3. TELECO, INC - Planning and Zoning No. 07-12000026

Consideration of the plans submitted by **KEVIN KNIGHT** on behalf of **TELECO, INC.** for construction of a 121 room hotel on the following described vacant parcel of land consisting of approximately 2.35 acres:

Beginning at the Southwest corner of Parcel "B", MORNINGSTAR LAKE PARCELS, according to the plat thereof as recorded in Plat Book 144, Page 22, of the public records of Broward County, Florida, said point lying on the Easterly right of way line of the C.S.X. Railroad; thence along the Southerly boundary of said Parcel "B", the following three courses: (1) North 88° 26' 33" East, 308.96 feet; (2) South 01° 27' 50" East, 654.19 feet; (3) North 88° 28' 45" East, 55.51 feet to a point on the Westerly right of way line of Interstate 95, being a point on the arc of a non-tangent curve concave to the Southeast having a radius of 772.00 feet (a radial line to said point bears North 56° 55' 22" West); thence along said right of way line Southwesterly along the arc of said curve through a central angle of 03° 29' 35", an arc distance of 47.07 feet; thence continue along said right of way line the following three courses: (1) South 29° 35' 03" West, 435.76 feet; (2) South 58° 26' 52" West, 91.46 feet; (3) South 88° 36' 52" West, 277.01 feet to a point on the Easterly right of way line of the C.S.X. Railroad, thence along said right of way line North 10° 48' 34" East, 1138.00 feet to the Point of Beginning, containing 10.0664 acres, more or less, together with:

A portion of MORNINGSTAR LAKE PARCELS according to the plat thereof as recorded in Plat Book 144, Page 22, of the public records of Broward County, Florida, more particularly described as follows:

Beginning at the Westernmost Southwest corner of said plat; thence North 10° 48' 34" East along a West line of said plat and the East right of way line of the C.S.X. Railroad, 1488.20 feet; thence South 79° 11' 26" East, 156.50 feet; thence North 01° 49' 28" East, 40.13 feet to a point of curvature of a curve concave to the Southeast having a radius of 125.00 feet; thence Northeasterly along the arc of said curve, through a central angle of 31° 34' 57", an arc distance of 68.90 feet; thence North 33° 24' 5" East, 143.35 feet; thence North 47° 17' 8" West, 148.06 feet; thence South 62° 18' 58" West, 112.01 feet to a point on said West right of way line of said plat; thence along said West line North 10° 48' 34" East, 582.42 feet; thence North 88° 39' 10" East, 536.26 feet to a point on the East right of way line of N.W. 8th Avenue; thence along said right of way line North 01° 17' 56" West, 350.70 feet; thence North 88° 39' 10" East, 619.83 feet to a point on the East line of said MORNINGSTAR LAKE PARCELS; thence South 01° 31' 36" East along said East line, 1306.95 feet; thence North 88° 36' 48" East along said East line 1242.61 feet to a point on the arc of a non-tangent curve concave to the Northwest, having a radius of 3300.52 feet, same being a point on the Southerly line of said MORNINGSTAR LAKE PARCELS and same being a point on the Northerly right of way line of Interstate 95 (State Road No. 9), according to the Florida Department of Transportation Right of Way Map Section No. 86070-2413 (a radial line to said point bears South 55° 39' 29" East); thence Southwesterly along the arc of said curve and said Southerly line and said Northerly right of way line through a central angle of 03° 19' 12" , an arc distance of 191.25 feet to a tangent line; thence South 37° 39' 43" West along said tangent line and said southerly line and said Northerly right of way line, 929.07 feet thence South 41° 39' 43" West along said Southerly line and said Northerly right of way line, 474.37 feet to a point of curvature of a curve concave to the Northwest having a radius of 901.74 feet; thence Southwesterly along the arc of said curve and said Southerly line and said Northerly right of way line, through a central angle of 31° 24' 05" an arc distance of 494.21 feet to a tangent line; thence South 73° 03' 48" West along said tangent line and said Southerly line and said Northerly right of way line 676.69 feet to a point of curvature of a curve concave to the Southeast having a radius of 772.00 feet; thence Southwesterly along the arc of said curve and said Southerly line and said Northerly right of way line through a central angle of 39° 59' 10" an arc distance of 538.77 feet to a non-tangent line, thence South 88° 28' 45" West, departing said Northerly right of way line along said non-tangent line and said Southerly line, 55.51 feet; thence North 01° 27' 50" West along said Southerly line. 654.19 feet; thence South 88° 26' 33" West along said Southerly line, 308.96 feet to the Point of Beginning.

AKA: 2880 Centerport Circle (Value Place Hotel)

ZONED: I-1/PCI

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4. G.A.R. ENTERPRISES, LLC.- Planning and Zoning No. 07-12000023

Consideration of the plans submitted by **RICHARD BERRIE** on behalf of **G.A.R. ENTERPRISES, LLC.** for construction of a hotel consisting of 202 sleeping rooms, a 2,696 square foot restaurant and 484 square feet of convenience store. Mechanical parking and outdoor dining are also included in the design for the following described property consisting of approximately .89 acres:

Lot 1, Block 1, POMPANO BEACH PARK, according to the plat thereof as recorded in Plat Book 21, Page 20, of the public records of Broward County, Florida, less and except the Northerly 15 feet thereof; and further less and except the following described parcel:

Commence at the Northeast corner of Lot 2, Block 1, of POMPANO BEACH PARK, according to the plat thereof as recorded in Plat Book 21,

Page 20, of the public records of Broward County, Florida; thence Southerly along the Easterly property line of said Lot 2, Block 1, a distance of 33.46 feet to the point which is the Point of Beginning; thence Easterly at right angles to the preceding line a distance of 0.10 feet to a point; thence Southwesterly on an included angle of 89° 45' 44", a distance of 24.1202 feet to a point, said point located on the Easterly property line of said Lot 2, Block 1 of POMPANO BEACH PARK; thence Northerly along said Easterly property line of Lot 2, Block 1, a distance of 24.1200 feet to the Point of Beginning; together with the following described parcel:

That part of Lot 2, Block 1, POMPANO BEACH PARK, according to the plat thereof as recorded in Plat Book 21, Page 20, of the public records of Broward County, Florida; thence Northerly along the Westerly boundary line of said Lot 1, Block 1, a distance of 91.73 feet to a point which is the Point of Beginning; thence Westerly at right angles to the preceding line a distance of 0.15 feet to a point; thence Northeasterly on an included angle of 89° 45' 44", a distance of 36.1803 feet to a point, said point being located on the Westerly property line of said Lot 1, Block 1, POMPANO BEACH PARK; thence Southerly along said Westerly property line of said Lot 1, Block 1, a distance of 36.1800 feet to the Point of Beginning; together with the following described parcel:

That portion of Lot 3, Block 1, POMPANO BEACH PARK, lying East of the Southerly extension of the West line of Lot 1, in said Block 1, according to the plat thereof as recorded in Plat Book 21, Page 20, of the public records of Broward County, Florida, together with the following described parcel:

Lots 4 and 5, Block 1, POMPANO BEACH PARK, according to the plat thereof as recorded in Plat Book 21, Page 20, of the public records of Broward County, Florida, all of said lands situate, lying and being in Broward County, Florida.

AKA: 3212 E. Atlantic Boulevard

ZONED: B-3/AOD

REQUEST FOR ADJUSTMENT OF DEVELOPMENT STANDARDS

Applicant requests an ADJUSTMENT from the provisions of Section 155.183 (F) (4) of Chapter 155 of the Code of Ordinances in order to provide a rear building setback of 25 feet, rather than 44 feet as required by the Code (43.2% reduction).

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5. HAWKINS HOMES, INC. - Planning and Zoning No. 07-12000030

Consideration of the plans submitted by **HENDRIK DEMELLO** on behalf of **HAWKINS HOMES, INC.** for construction of 11 townhouse units on the following described property consisting of approximately .80 acres:

Lot 11, less the South 30 feet thereof of FORD'S MANOR according to the plat thereof as recorded in Plat Book 19, Page 34, of the public records of Broward County, Florida, and that portion of an abandoned and vacated right of way per Ordinance No. 2003-56, City of Pompano Beach, described as follows:

The North 20 feet of the South 30 feet of Lot 11, FORD'S MANOR, according to the plat thereof as recorded in Plat Book 19, Page 34, of the public records of Broward County, Florida.

AKA: 2701 N.W. 13th Avenue (Legacy II Townhomes)

ZONED: RM-12

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6. SITE PLAN REVIEW- TRUTH TABERNACLE OF GOD - Planning and Zoning

Consideration of the plans submitted by **TRUTH TABERNACLE OF GOD, INC.** for the construction of a 5,040 square foot pre-fabricated steel church structure in addition to the existing 1,316 square foot church on the following described property:

Lot 18 and the West one-half of Lot 17, less the South 30 feet of the said West one-half of Lot 17 for road right of way, **FORDS MANOR PLAT**, according to the plat thereof as recorded in Plat Book 19, Page 34, of the public records of Broward County, Florida.

AKA: 2881 N.W. 13th Street ZONED: RM-12

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F. PUBLIC HEARINGS

7. PUBLIC HEARING #08-10

Consideration of the request by **JONATHAN M. PLATTS**, for *SPECIAL EXCEPTION* approval in accordance with the provisions of Section 155.205 (C) (4) of Chapter 155 of the Code of Ordinances in order to utilize the subject property in an I-1 (General Industrial) zoning district for outdoor storage.

The property in this Public Hearing is as follows:

A portion of the Northeast one-quarter of Section 34, Township 48 South, Range 42 East, being more particularly described as follows:

Commence at the Southeast corner of said Northeast one-quarter; thence along the South line of said Northeast one-quarter, South 89[^] 26' 59" West, 1336.68 feet to a point on the West line of the Southeast one-quarter of the Northeast one-quarter of said Section 34; thence along said West line, North 01[^] 25' 28" West, 200.02 feet to a point on a line 200 feet North of and parallel with said South line and the Point of Beginning; thence continue along said West line, North 01[^] 25' 28" West, 200.60 feet; thence North 89[^] 20' 09" East, 200.02 feet; thence along a line 200 feet East of and parallel with said West line, South 01[^] 25' 28" East, 201.00 feet; thence along a line 200 feet North of and parallel with said South line, South 89[^] 26' 59" West, 200.02 feet to the Point of Beginning.

AKA: 851 N.W. 12th Terrace ZONED: I-1

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8. PUBLIC HEARING #08-11

Consideration of the request by **MERRITT'S BOAT & ENGINE WORKS, INC.** to rezone the following described property:

Parcel "B", MERRITT PROPERTY, according to the plat thereof as recorded in Plat Book 151, Page 36, of the public records of Broward County, Florida

AKA: 2841 N.E. 16th Street

FROM: RD-1/M-2 (Two Family Residence District and Marina Industrial District)

TO: BP (Business Parking District)

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9. PUBLIC HEARING #08-12

Consideration of the request by **GARDEN STATE, LLC.** for *SPECIAL EXCEPTION* approval in accordance with the provisions of Section 155.205 (C)

(4) of Chapter 155 of the Code of Ordinances in order to utilize the subject property in an I-1 (General Industrial) zoning district as an outdoor training facility for construction work.

The property in this Public Hearing is as follows:

Lots 1 through 7 inclusive of Block 2 of FREEWAY CENTER, according to the plat thereof as recorded in Plat Book 49, Page 43, of the public records of Broward County, Florida. Alleyways vacated per Pompano Beach Ordinance No. 87-68, dated September 8, 1987.

AKA: 2020 N.W. 32nd Street ZONED: I-1

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G. PROPOSED PLATS

10. HYNES PLAT

Consideration of the proposed **HYNES PLAT**, submitted by **DAVID KRAUSE**. This plat is limited to 18,000 square feet of industrial use on a site area of .86 acres, described as follows:

The West 127.26 feet of the East 254.52 feet of the North one-half of the Northwest one-quarter of the Northwest one-quarter of the Southwest one-quarter of Section 27, Township 48 South, Range 42 East, less the North 30 feet thereof. Said lands situate, lying and being in the City of Pompano Beach, Broward County, Florida, containing 0.890 acres, more or less.

AKA: Parcel of land lying south of Copans Road, north of N.W. 15th Street, east of Powerline Road and west of N.W. 15th Avenue.

ZONED: I-1

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11. GREEN LAND TRUST PLAT

Consideration of the proposed **GREEN LAND TRUST PLAT**, submitted by **JERALD A. MC LAUGHLIN**, located on the following described property:

The South one-half of the West one-half of the Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 34, Township 48 South, Range 42 East, less the South 15.00 feet thereof and less the West 33.00 feet thereof, together with:

The South two-fifths of the North one-half of the West one-half of the Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 34, Township 48 South, Range 42 East, less the West 33.00 feet thereof. Said lands situate, lying and being in the City of Pompano Beach, Broward County, Florida, and containing 3.0313 acres, more or less.

AKA: Parcel of land lying immediately east of Powerline Road, immediately north of N.W. 9th Street, south of Hammondville Road and west of the Dixie Railroad Track.

ZONED: B-3

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12. KELLIER PLAT

Consideration of the proposed **KELLIER PLAT**, submitted by **REGINA BOBO-JACKSON**, located on the following described property:

The North 115.00 feet of the West one-half of the East one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 35, Township 48 South, Range 42 East, excepting therefrom and less the North 25.00 feet heretofore conveyed to the City of Pompano Beach for road purposes and also less the West 41.65 feet, and less the East 25.00 feet. Said lands situate, lying and being in Broward County, Florida.

AKA: Parcel of land lying immediately south of N.W. 10th Street, immediately west of N.W. 8th Avenue and north of N.W. 8th Street.

ZONED: RM-20

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13. TRADEMARK METALS RECYCLING PLAT

Consideration of the proposed **TRADEMARK METALS RECYCLING PLAT**, submitted by **STEPHEN K. SEELEY**, located on the following described p property:

A parcel of land lying in the East one-half of Section 34, Township 48 South, Range 42 East, more particularly described as follows:

Commence at the Northwest corner of the Southeast one-quarter of said Section 34, thence South 89° 08' 45" East along the North line of said Southeast one-quarter for a distance of 611.35 feet to a point on the West line of Parcel "A", GORY ASSOCIATED INDUSTRIES, INC. PLAT, as recorded in Plat Book 131, Page 41, of the public records of Broward County, Florida; thence South 00° 00' 27" East, 446.78 feet along said line to a point on the said Northerly right of way line of Hammondville Road as shown on said plat; thence South 53° 37' 29" East along said right of way line 73.28 feet (said point being the most Southerly corner of said Parcel "A"); thence continue South 53° 37' 29" East along the Northerly right of way line of Hammondville Road, 81.92 feet to the Point of Beginning #1; thence North 00° 01' 20" West 663.18 feet to a point on the arc of a tangent curve; thence Northerly along the arc of said curve being concave to the East, having a radius of 684.78 feet, a central angle of 01° 02' 46" and an arc distance of 12.50 feet; thence South 90° 00' 00" East, 198.52 feet; thence South 00° 00' 00" West, 40.00 feet; thence South 90° 00' 00" West, 8.46 feet; thence South 00° 08' 05" East, 776.81 feet to a point on the North right of way line of said Hammondville Road; thence North 53° 37' 29" West, 238.01 feet to the Point of Beginning #1; together with:

A parcel of land lying in the East one-half of Section 34, Township 48 South, Range 42 East, being more particularly described as follows:

Commence at the Northwest corner of the Southeast one-quarter of said Section 34, thence South 89° 08' 45" East along the North line of said Southeast one-quarter for a distance of 611.35 feet to a point on the West line of Parcel "A", GORY ASSOCIATES INDUSTRIES, INC PLAT as recorded in Plat Book 131, Page 41, of the public records of Broward County, Florida; thence South 00° 00' 27" East, 446.78 feet along said line to a point on the North right of way line of Hammondville Road as shown on said plat; thence South 53° 37' 29" East along said right of way line 110.17 feet to the Point of Beginning #2; thence North 00° 46' 44" East, 649.04 feet; thence South 90° 00' 00" East, 27.28 feet to a point on the arc of a non-tangent curve (radial line through said point bears North 88° 58' 34" West); thence Southerly along the arc of said curve being concave to the East having a radius of 684.78 feet, a central angle of 01° 02' 46" and an arc distance of 12.50 feet; thence South 00° 01' 20" East,

663.18 feet to a point on said right of way line; thence North 53° 37' 29" West, 45.03 feet along said line to the Point of Beginning #2, containing 3.76 acres, more or less.

AKA: 1263 Hammondville Road ZONED: I-1

H. **AUDIENCE TO BE HEARD**

I. **BOARD MEMBERS DISCUSSION**

J. **REPORTS BY STAFF**

K. **ADJOURNMENT**

Linda R. Hora
Advisory Board Secretary
3.18.07

Any person who decides to appeal any decision of the **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY** with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.