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Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2021-AEA-2657-OE

Issued Date: 11/23/2021

Jonathan Zane, AIA  
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New York, NY 10016

**\*\* 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 C
Location:	Queens, NY
Latitude:	40-44-52.04N NAD 83
Longitude:	73-56-21.91W
Heights:	15 feet site elevation (SE) 811 feet above ground level (AGL) 826 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 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

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

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

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

See attachment for additional condition(s) or information.

Any height exceeding 811 feet above ground level (826 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 05/23/2023 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 December 23, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

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

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 Stephanie Kimmel, at (404) 305-6582, or Stephanie.Kimmel@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-2657-OE.

**Signature Control No: 470671481-502501321**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## **Additional information for ASN 2021-AEA-2657-OE**

**\*\*Revised to update IFR impact\*\***

The proposed building, not exceeding a height of 811 feet (ft.) above ground level (AGL), 826 ft. above mean sea level (AMSL), would be located approximately 3.49 nautical miles (NM) southwest of the Laguardia International (LGA) airport reference point (ARP), New York, NY.

Each of the building points have been studied separately under the following aeronautical study numbers at the location and heights shown below:

2021-AEA-2655-OE: 40-44-53.32N / 73-56-20.27W / 809 ft. AGL / 826 ft. AMSL

2021-AEA-2656-OE: 40-44-52.72N / 73-56-19.90W / 809 ft. AGL / 826 ft. AMSL

2021-AEA-2657-OE: 40-44-52.04N / 73-56-21.91W / 811 ft. AGL / 826 ft. AMSL

2021-AEA-2658-OE: 40-44-52.57N / 73-56-22.24W / 810 ft. AGL / 826 ft. AMSL

2021-AEA-2659-OE: 40-44-52.20N / 73-56-21.35W / 810 ft. AGL / 826 ft. AMSL

2021-AEA-2660-OE: 40-44-52.80N / 73-56-21.72W / 809 ft. AGL / 826 ft. AMSL

Individual determinations will be issued. For the sake of efficiency, notice is being issued under 2021-AEA-2655-OE.

The proposed building has been identified as an obstruction under the standards of Title 14, Code of Federal Regulations (CFR), Part 77, as applied to LGA as follows:

Section 77.17 (a)(1): A height more than 499 feet AGL at the site of the object. This proposal exceeds by the following:

2021-AEA-2655-OE: 310 ft.

2021-AEA-2656-OE: 310 ft.

2021-AEA-2657-OE: 312 ft.

2021-AEA-2658-OE: 311 ft.

2021-AEA-2659-OE: 311 ft.

2021-AEA-2660-OE: 310 ft.

Section 77.17 (a) (2): A height that is 200 ft. AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 ft. in actual length, and that height increases in the proportion of 100 ft. for each additional nautical mile from the airport up to a maximum of 499 ft. The proposal exceeds by the following:

2021-AEA-2655-OE: 557 ft.

2021-AEA-2656-OE: 557 ft.

2021-AEA-2657-OE: 554 ft.  
2021-AEA-2658-OE: 554 ft.  
2021-AEA-2659-OE: 555 ft.  
2021-AEA-2660-OE: 555 ft.

Section 77.17(a)(3): A height that increases a minimum instrument flight altitude within a terminal area (TERPS criteria).

Increase Category (CAT) C circling Minimum Descent Altitude (MDA), all procedures, from 1080 to 1140.

2021-AEA-2655-OE

RNAV (RNP) Z RWY 22, increase RNP 0.30 DA\* Missed approach requires a minimum climb of 397 feet per NM to 560. Increase RNP 0.30 DA from 437 to 445.

2021-AEA-2656-OE

RNAV (RNP) Z RWY 22, increase RNP 0.30 DA\* Missed approach requires a minimum climb of 397 feet per NM to 560. Increase RNP 0.30 DA from 437 to 445.

2021-AEA-2657-OE

RNAV (RNP) Z RWY 22, increase RNP 0.30 DA\* Missed approach requires a minimum climb of 397 feet per NM to 560. Increase RNP 0.30 DA from 437 to 442.

2021-AEA-2658-OE

RNAV (RNP) Z RWY 22, increase RNP 0.30 DA\* Missed approach requires a minimum climb of 397 feet per NM to 560. Increase RNP 0.30 DA from 437 to 443.

2021-AEA-2659-OE

RNAV (RNP) Z RWY 22, increase RNP 0.30 DA\* Missed approach requires a minimum climb of 397 feet per NM to 560. Increase RNP 0.30 DA from 437 to 443.

2021-AEA-2660-OE

RNAV (RNP) Z RWY 22, increase RNP 0.30 DA\* Missed approach requires a minimum climb of 397 feet per NM to 560. Increase RNP 0.30 DA from 437 to 443.

The proposal would exceed the visual flight rules (VFR) traffic pattern airspace (TPA) as applied to visual approach runways at LGA by the following:

RWY 13 Descent area right "D": exceeds by 456 ft.

RWY 04 Descent area left "D": exceeds by 456 ft.

RWY 22 Climb area right "D": exceeds by 456 ft.

RWY 31 Climb area left "D": exceeds by 456 ft.

In order to facilitate the public comment process, the study was circularized on July 19, 2021 to all known aviation interests and to non-aeronautical interests that may be affected by the proposal. No letters of objection were received.

Aeronautical study disclosed that the proposal would require an increase to the CAT C circling MDA for all procedures as well as an increase to the RNAV (RNP) Z RWY 22 0.30 DA Missed approach. It would have no additional effects on existing or proposed arrival, departure, or en route instrument flight rule (IFR) operations, minimum flight altitudes, minimum vectoring altitudes (MVA), aeronautical procedures, or aeronautical facilities at LGA or at any other known public use or military airport. Information on the proposal shall be forwarded for appropriate aeronautical charting.

Study for possible VFR effect disclosed the proposal would exceed the Section 77.17 (a)(1), (a)(2), and the LGA TPA as noted above. LGA is in Class B airspace and does not operate a traffic pattern. It would have no additional effect on any existing or proposed arrival or departure VFR operations or procedures. The proposal would not require a VFR aircraft to change its regular flight course or altitude, restrict VFR operations in any way, or create a dangerous situation during a critical phase of flight while operating under VFR conditions. Therefore, at a height of 811 ft. AGL / 826 ft. AMSL, the proposal would have no substantial adverse effect on VFR en route flight operations or on any VFR routes in the vicinity of this location.

The structure should be appropriately obstruction marked/lighted to make it more conspicuous to airmen should circumnavigation be necessary.

The cumulative impact of the proposed structure, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation providing the conditions set forth in this determination are met.

#### Additional Conditions:

As a condition of this determination it is required that Notice of Actual Construction or Alteration (7460-2 Part 1) be E-filed at least 10 days prior to the start of construction so that appropriate action can be taken to amend the effected procedure(s).



