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Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-ANE-5663-OE

Issued Date: 09/15/2022

Salvatore J. Zinno
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**** 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:	Commercial Use Building 585 Kendall
Location:	Cambridge, MA
Latitude:	42-21-50.96N NAD 83
Longitude:	71-04-55.05W
Heights:	11 feet site elevation (SE)
	303 feet above ground level (AGL)
	314 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)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/15/2024 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 October 15, 2022. 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, or via facsimile (202) 267-9328.

This determination becomes final on October 25, 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 Ken Patterson, at (817) 222-5935, or kenneth.patterson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-ANE-5663-OE.

Signature Control No: 547714225-553329418

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Abbreviations:

AGL, Above Ground Level

ANE, New England Region

CFR, Code of Federal Regulations

NM, Nautical Mile

OE, Obstruction Evaluation

Part 77 - Title 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

LOCATION OF OBSTRUCTION

Our study has disclosed that this proposed building, located approximately 2.64 NM west of Runway End 14 at General Edward Lawrence Logan International Airport (BOS), Boston, MA.

OBSTRUCTION STANDARDS EXCEEDED

At the proposed height, these structures will penetrate these protected airport surfaces:

1. 77.17 (a)(2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.

2022-ANE-5663-OE exceeds by 61 feet,

2022-ANE-5664-OE exceeds by 60 feet,

2022-ANE-5665-OE exceeds by 55 feet,

2022-ANE-5666-OE exceeds by 56 feet,

****Part 77** obstruction standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study. This study is conducted in order to determine if the proposal would have a significant adverse effect on protected aeronautical operations and airspace. While part 77 obstruction standards trigger formal aeronautical study, including public circularization, these obstruction standards do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds certain obstruction standards of part 77 is in itself not sufficient grounds for issuance of a determination of hazard to air navigation.

EFFECT ON AERONAUTICAL OPERATIONS

- a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR:

None.

- b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: None.

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 normally considered available to airmen for VFR en route flight.

c. The impact on all planned public-use airports and aeronautical facilities: None.

The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures: Cumulative impact was not a deciding factor for this determination.

CIRCULARIZATION AND NEGOTIATIONS

The proposal was not circularized for public comment because current FAA obstruction evaluation policy exempts from circularization of proposals which exceed the above cited obstruction standard, and does NOT penetrate the Airport Traffic Pattern airspace.

BASIS FOR DECISION

The proposed structure height increase would exceed the Part 77, 77.17 (a)(2) by 37 feet.

Although the structure exceeds Part 77, 77.17 (a)(2) by 37 feet, General Edward Lawrence Logan Intl (BOS) does not utilize a VFR traffic pattern. All VFR aircraft are incorporated into the IFR flow. There would be no effects on any existing or proposed en route VFR operations. There are no physical or electromagnetic effects on the operation of air navigation and communications facilities. The study did not disclose any effects on any airspace and routes used by the military. It would impact BOS airport, but no other existing or planned public use of military airport would be impacted.

Records indicate that BOS has 318, 636 aircraft operations per year and an average of at least one VFR operation could be affected per day. This impact could constitute substantial adverse effect; therefore, the structure at the proposed height could be a hazard to air navigation.

General Edward Lawrence Logan Intl has one 7,864 foot long, 150 foot wide, runway (04L/22R), one 10,006 foot long, 150 foot wide, runway (04R/22L), one 7,001 foot long, 150 foot wide, runway (09/27), one 5,000 foot long, 100 foot wide, runway (14/32), one 2,557 foot long, 100 foot wide, runway (15L/33R), and one 10,083 foot long, 150 foot wide, runway (15R/33L).

The Airport Master Record indicates that BOS has 318, 636 air carrier operations in the 12-month period ending 31 July, 2019 (the most recent period for which information is available). This equates to an average of one or more aeronautical operations per day which constitutes a significant volume of aeronautical activity.

CONDITIONS

The incorporation of marking and lighting on this proposed structure would provide additional conspicuity for VFR and IFR pilots flying in this vicinity.

DETERMINATION - NO HAZARD TO AIR NAVIGATION



