



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-ASW-2661-OE

Issued Date: 03/27/2024

c/o Hillwood Urban
Carpenter Turtle Creek LLC
Peter Kuhlmann
3000 Turtle Creek Blvd.
Dallas, TX 75219

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

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 Building Point B
Location:	Dallas, TX
Latitude:	32-48-17.01N NAD 83
Longitude:	96-48-18.14W
Heights:	432 feet site elevation (SE) 478 feet above ground level (AGL) 910 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 Air Missions (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.

This determination expires on 09/27/2025 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 April 26, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on May 06, 2024 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. Any questions regarding your petition, 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, 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 Andrew Hollie, at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASW-2661-OE.

Signature Control No: 613383902-616820371

(DNH)

Eric F Johnston

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Case Description

Map(s)

The letter is being reissued as the below narrative has changed.

Abbreviations

AGL = Above Ground Level

MSL = Mean Sea Level

NM = Nautical Mile

RWY = Runway

NEH = No Effect Height

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

Our study has disclosed that this proposed building project is composed of four studies that represent the four corners of the building, located approximately 3.34 nm southeast of the airport reference point, is within the protected surfaces at Dallas Love Field (DAL), Dallas, TX. This determination is being reissued as the prior 2021 studies have expired. No data has changed.

The four studies are:

Aeronautical Study AGL / MSL Direct Distance from runway end 31L

2024-ASW-2660-OE 477 / 910 15857 feet / 2.60 nm

2024-ASW-2661-OE 478 / 910 15896 feet / 2.61 nm

2024-ASW-2662-OE 449 / 910 15485 feet / 2.54 nm

2024-ASW-2663-OE 463 / 910 15508 feet / 2.55 nm

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

> 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.

2024-ASW-2660-OE exceeds by 186 feet.

2024-ASW-2661-OE exceeds by 185 feet.

2024-ASW-2662-OE exceeds by 192 feet.

2024-ASW-2663-OE exceeds by 192 feet.

> 77.17 (a)(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2024-ASW-2660-OE

At 910 AMSL, 1A, Dallas Love Field (DAL), Dallas, TX. Obstacle penetrates RWY 13R 40:1 departure surface by 38 feet, however, required climb gradient is less than currently published procedures, No IFR Effect.

ILS OR LOC RWY 31R AMDT 7B, increase LNAV MDA from 1020 to 1160, NEH 768 AMSL, increase CIRCLING CAT A/B MDA from 1020/1140 to 1160, NEH 768 AMSL. Exceeds by 242 feet.

RNAV (GPS) Y RWY 31R, AMDT 3B, obstacle in close proximity to FAS SDF, 7:1 applies.

2024-ASW-2661-OE

At 910 AMSL, 1A, Dallas Love Field (DAL), Dallas, TX. Obstacle penetrates RWY 13R 40:1 departure surface by 39 feet, however, required climb gradient is less than currently published procedures, No IFR Effect.

ILS OR LOC RWY 31R AMDT 7B, increase LNAV MDA from 1020 to 1160, NEH 768 AMSL, increase CIRCLING CAT A/B MDA from 1020/1140 to 1160, NEH 768 AMSL. Exceeds by 242 feet.

RNAV (GPS) Y RWY 31R, AMDT 3B, obstacle in close proximity to FAS SDF, 7:1 applies.

2024-ASW-2662-OE

At 910 AMSL, 1A, Dallas Love Field (DAL), Dallas, TX. Obstacle penetrates RWY 13L/13R 40:1 departure surface by 8/48 feet, however, required climb gradient is less than currently published procedures, No IFR Effect.

ILS OR LOC RWY 31R AMDT 7B, increase LNAV MDA from 1020 to 1160, NEH 768 AMSL, increase CIRCLING CAT A/B MDA from 1020/1140 to 1160, NEH 768 AMSL. Exceeds by 242 feet.

RNAV (GPS) Y RWY 31R AMDT 3B, OBSTACLE IN CLOSE PROXIMITY TO FAS SDF, 7:1 RELIEF APPLIES.

2024-ASW-2663-OE

At 910 AMSL, 1A, Dallas Love Field (DAL), Dallas, TX. Obstacle penetrates RWY 13L/13R 40:1 departure surface by 8/48 feet, however, required climb gradient is less than currently published procedures, No IFR Effect.

ILS OR LOC RWY 31R AMDT 7B, increase LNAV MDA from 1020 to 1160, NEH 768 AMSL, increase CIRCLING CAT A/B MDA from 1020/1140 TO 1160, NEH 768 AMSL. Exceeds by 242 feet.

RNAV (GPS) Y RWY 31R, AMDT 3B, obstacle in close proximity to FAS SDF, 7:1 applies.

> 77.17 (a)(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.19, 77.21, or 77.23.

77.19 (d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

2024-ASW-2660-OE exceeds RWY 31L by 94 feet and RWY 31R by 54 feet.

2024-ASW-2661-OE exceeds RWY 31L by 92 feet and RWY 31R by 53 feet.

2024-ASW-2662-OE exceeds RWY 31L by 103 feet and RWY 31R by 63 feet.

2024-ASW-2663-OE exceeds RWY 31L by 103 feet and RWY 31R by 63 feet.

> Exceeds the traffic pattern airspace for the CAT D aircraft climb and descent area by:

2024-ASW-2660-OE exceeds by 74 feet.

2024-ASW-2661-OE exceeds by 74 feet.
2024-ASW-2662-OE exceeds by 74 feet.
2024-ASW-2663-OE exceeds by 74 feet.

****Note:** Aircraft categories are based on approach speed, CAT A = less than 91 knots, CAT B = 91-120 knots, CAT C = 121-140 knots, CAT D = 141-165 knots, CAT E = 165 + knots.

****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.

The proposal was initially circularized for public comment on 08/03/2021 to 4,713 email respondents with zero responses returned. It was again circularized for public comment once the final determination was written, with zero responses received.

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 increase to the ILS has been coordinated with DAL. Submit a 7460-2, Part 1, 10 days prior to going vertical in order to request a P-NOTAM. The P-NOTAM will remain in place until the next publication cycle.
- > 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.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal 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.

Case Description for ASN 2024-ASW-2661-OE

Refiling proposed building development project. As coordinated on call 2/15/2024 with Ben Doyle and Specialist Andrew Hollie, request 2021-ASW-9292:9295-OE remain active while new filings are under review.



