

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**
September 22, 2014, 6:00 PM.
Municipal Building - Assembly Chambers

Worksession - No public testimony will be taken.

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. August 18, 2014 Assembly Committee of the Whole Minutes

IV. AGENDA TOPICS

A. Economic Development Plan Update

B. Juneau Economic Indicators - Presentation by Juneau Economic Development Council

C. Ordinance 2014-14(b) An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

This ordinance was introduced on May 19 and referred to the Assembly Committee of the Whole on June 16. At that meeting, the Assembly Committee of the Whole discussed the matter in a joint meeting with the Planning Commission, and forwarded the matter to the Assembly for public hearing on June 30, 2014. At the June 30, 2014 Assembly meeting, the Assembly referred the matter back to the Committee of the Whole. The Committee of the Whole considered the ordinance at its July 28, 2014 meeting and decided to continue its discussion to the September 22, 2014 Committee of the Whole meeting.

D. Spuhn Island Cell Tower Update

E. Ordinance 2014-32(d) An Ordinance Amending the Land Use Code of the City and Borough to Provide for the Regulation of Wireless Communication Facilities and Providing for a Penalty.

This ordinance was introduced on June 9, set for public hearing on June 30, and discussed by the Committee of the Whole in a joint worksession with the Planning Commission on June 16. Public testimony was heard at the June 30 Regular Assembly meeting and the Assembly action was to refer the ordinance to the Committee of the Whole on July 28, 2014. At the July 28, 2014 meeting, the Committee of the Whole moved to continue its consideration of the ordinance to the September 22, 2014 meeting.

Version (d) contains all of the changes requested at the July 28, 2014 meeting, a section on photosimulation testing and a section on balloon testing. The new language appears in bold.

V. ADJOURNMENT

Note: Agenda packets are available for review online at www.juneau.org.

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city_clerk@ci.juneau.ak.us

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

August 18, 2014 Assembly Committee of the Whole Minutes

ATTACHMENTS:

Description	Upload Date	Type
☐ August 18, 2014 DRAFT COW Minutes	9/22/2014	Cover Memo

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

August 18, 2014, 6:00 PM.
Municipal Building - Assembly Chambers

Assembly Work Session

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, and Randy Wanamaker .

Assemblymembers Absent: Kate Troll.

Staff present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Deputy Clerk; Kirk Duncan, Public Works Director; Bob Bartholomew, Finance Director; Capital Transit Drivers and Staff.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved.

III. APPROVAL OF MINUTES

A. July 28, 2014 Assembly Committee of the Whole Minutes

Hearing no objection, the minutes of July 28, 2014 Assembly Committee of the Whole were approved.

IV. AGENDA TOPICS

A. Juneau Economic Development Plan

Jim Calvin and Barbara Sheinberg were present to review the material in the draft plan prepared for the Assembly and to hear what the Assembly's thoughts as to what key initiatives needed to be part of the economic development plan.

Mr. Calvin said his team had been working out how to identify the most important initiatives and outline those with action steps. There were three areas they thought were critical to the plan, which included preserving the capital, housing and senior services. He explained how the consultants would flesh out each key initiative and provide steps to accomplish goals, measure that achievement and provide an anticipated return on investment. He said the report would ultimately provide action steps on 6 - 8 key initiatives. The consultants needed the Assembly to select the key initiatives. Other initiatives the consultants saw good potential return on investment was off season travel, strengthening the local work force, attracting the next generation work force, especially in light of pending state worker retirements. The consultants said revisiting the plan at regular intervals was important and they would articulate initial timelines for each initiative. The community should at least annually review the progress. Ms. Sheinberg said the primary goal of the consultants was to make the plan actionable so it was clear how to measure progress. Mr. Calvin said the team was discussing how to best measure return on investment.

The Assembly was tasked with providing the consultants with the 6- 8 initiatives that were the most important to pursue, and any further questions, within the next two weeks.

Ms. Becker thanked the consultant team for their work and report.

B. Capital Transit Revised Plan

Rob Steedle, Kirk Duncan, and Tim Payne, Principal, Nelson/Nygaard Consulting Associates joined the Assembly to discuss revisions to the Capital Transit Development plan.

Mr. Steedle said the plan adopted by the Assembly in April required \$200,000 more in funding over the FY14 level, and upon adoption the Assembly stated that adopting the plan was not approving the funding for the plan. In May, the Assembly allocated a budget reduction of \$100,000 to Capital Transit, so there was \$300,000 less to implement a plan. Work was already underway to put together a plan to retain as much as possible of the TDP. When put this on the agenda a month ago, hoped to have a timetable for putting a revised plan together. This is still very much a work in progress. The meeting packet contains 3 memos. Staff and consultants have spent significant time going over the issues in the revised plan, which include the timings that were used for the route segments were incorrect. At the end of July, Kirk presented the plan to the drivers, and many drivers were in attendance at this meeting. There was a productive meeting held with the drivers the night before this meeting and the plan would continue to evolve. There were tradeoffs to be made, such as leaving the 30 minute headways enjoyed in the past, but leaving that makes that timetables harder to remember by the ridership. The headways could be kept, more busses could be run, but service to some areas would need to be limited.

Mr. Payne said the Capital Transit Operators are dedicated to their work and the service to their customers. The schedules have been the same for almost 20 years. The Borough has continued to grow, there are more traffic signals, and transit takes longer time frames to accomplish. The plan was based on the perspective that there was more funding available for Capital Transit and an expansion was anticipated, however this is a challenge to contain resources. The consultants anticipated returning a revised plan to the Assembly in the fall.

Ms. Becker thanked the CBJ staff who met on a Sunday night to work through these issues.

Ms. Crane said this was frustrating. First the study was done with the interest in adding service to Riverside Drive. Recommendations were made, but then it was discovered that connections would be missed elsewhere, and that plan had to be thrown out, which was while this iteration of the plan was done. She assumed that staff had been involved in this second plan. We are back to where we were before and not making progress.

Mr. Wanamaker said he was a transit user and he spoke with the passengers and it is a very important system. He said the Assembly understood the plan would work with the budget reduction based on the information they were provided. He hears from users that it is not necessary to go all the way back into Lemon Creek. Reasonable adjustments could be made within budget.

Mr. Nankervis said he shares Ms. Crane's frustration. The drivers information should have been incorporated in the planning efforts, and it appears it wasn't. The managers needed to figure out how to make the system work within budget.

Ms. Kiefer said that staff was not asking the Assembly to fix the issues, but to let the Assembly know that the plan adopted in April, without the additional identified funding need, in addition to the budget reduction made, could not happen and a new plan was needed. Staff understood that service needed to be provided within existing budget and the main goal is to provide bus service to Riverside Drive. She said that she was frustrated as well but part of the problem is that until the schedules were in place, they were hard to evaluate. It is easier to discuss plans than to test them out. This also needs to go back out to the public.

Mr. Kiehl said the Assembly understood that a \$300,000 budget amount would have an impact on services. His priorities were maintaining 1/2 hour service. Predictability and reliability to users is

critical especially for those who use the system to get to work. Mr. Kiehl said winter service for residents from Churchill and Lemon Creek Road to get safely to a bus stop was important. -

Mr. Smith asked Mr. Payne to rank the efficiency of the technology improvements. Mr. Payne said the most basic parts of an operating the transit system was reliable rolling stock, good schedules and good operators. None of the technology improvements were more important than those key components. Technology tools could assist the basic system. Electronic fare boxes could assist in revenue recovery, for example to issue a day pass efficiently and with a secure payment system. Automatic Vehicle Location and Computer Aided Dispatch work hand in hand. Currently the operators are in continuous touch with each other by radio regarding location and number of passengers to transfer. The technology can help automate that system to enable "Real Time Information," which is an enhancement for users, which may increase ridership. For the size of Juneau's system, would not recommend the investment of computer aided scheduling due to annual fees and employee training. Automated passenger counters were a fairly small add-on to AVL. He said it was more important to decide if AVL was worth it.

Mayor Sanford asked if Federal funds would be available for technology. Mr. Payne said there were some grants for technology improvements but were in small quantity and competitive and there were no earmarks. A business case had to be made to add technology to receive federal funds.

Ms. Crane said she was at a meeting with the Secretary of the Department of Transportation. Transit was an issue and the Secretary said that Alaska would receive an additional \$3 million in transit funds in the coming year.

Ms. Becker thanked the staff and consultants for their time and information.

C. Shattuck Way - Pedestrian Street Proposal

Ms. Kiefer presented information provided in the meeting packet regarding a 2012 Notice of Recommendation from the Planning Commission to partially vacate Shattuck Way from Municipal Way to Front Street at the request of Richard Harris, adjacent property owner. His concerns were the amount of damage from vehicles to his building due to the narrowness of the street and drainage from snow removal entering his building. Mr. Harris requested this matter be brought before the Assembly for consideration. Ms. Kiefer asked Sealaska Heritage Institute (SHI) for comments. SHI did not take a position, but expressed concerns about the removable bollards described in the proposal based on deliveries and winter use.

The Assembly discussed the potential loss of 8-9 on street parking spaces resulting from this proposal and the overall concern of parking for downtown. There were some questions regarding snow removal responsibilities, and Ms. Kiefer said CBJ would still be responsible for clearing the sidewalk and the PC anticipated the applicant would be responsible for maintaining the street area clear of snow, but that might be renegotiated. There were concerns expressed that once the SHI facility was operational there might be more information or needs identified. Based on the concern about on-street parking availability, there was no motion from the committee to move the matter forward to the full Assembly for consideration at this time.

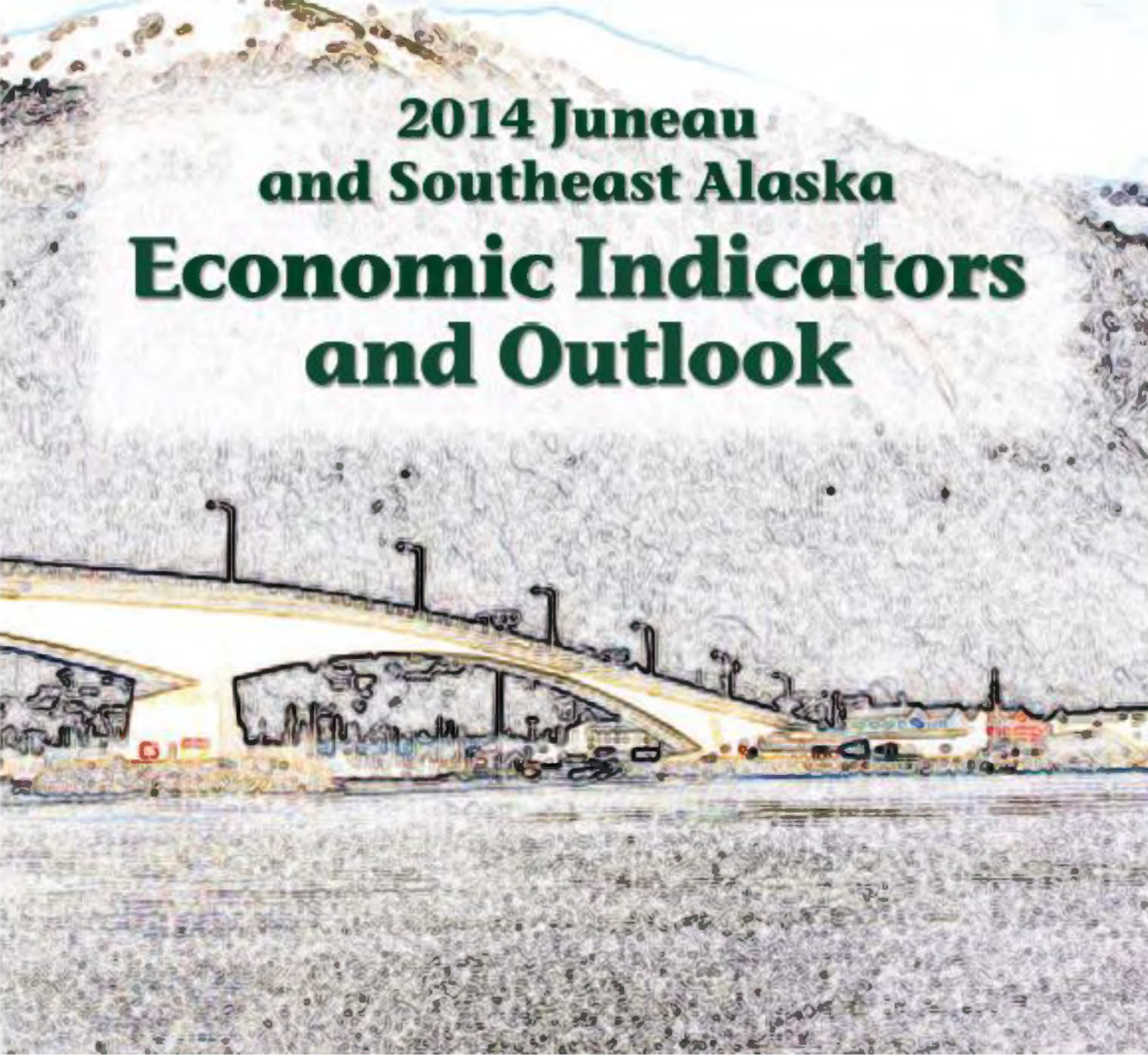
V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 7:15 p.m.

Submitted by
Laurie Sica, Municipal Clerk



2014 Juneau and Southeast Alaska Economic Indicators and Outlook

**Presentation to the CBJ
Committee of the Whole
September 22, 2014**

How did we do in 2013?

- Employment
 - Earnings
- Demographics
- Personal Income
- Construction and Housing
 - Business Activity



2014 Juneau Economic Development Council Investors

GOLD Investors



SILVER Investors



BRONZE Investors



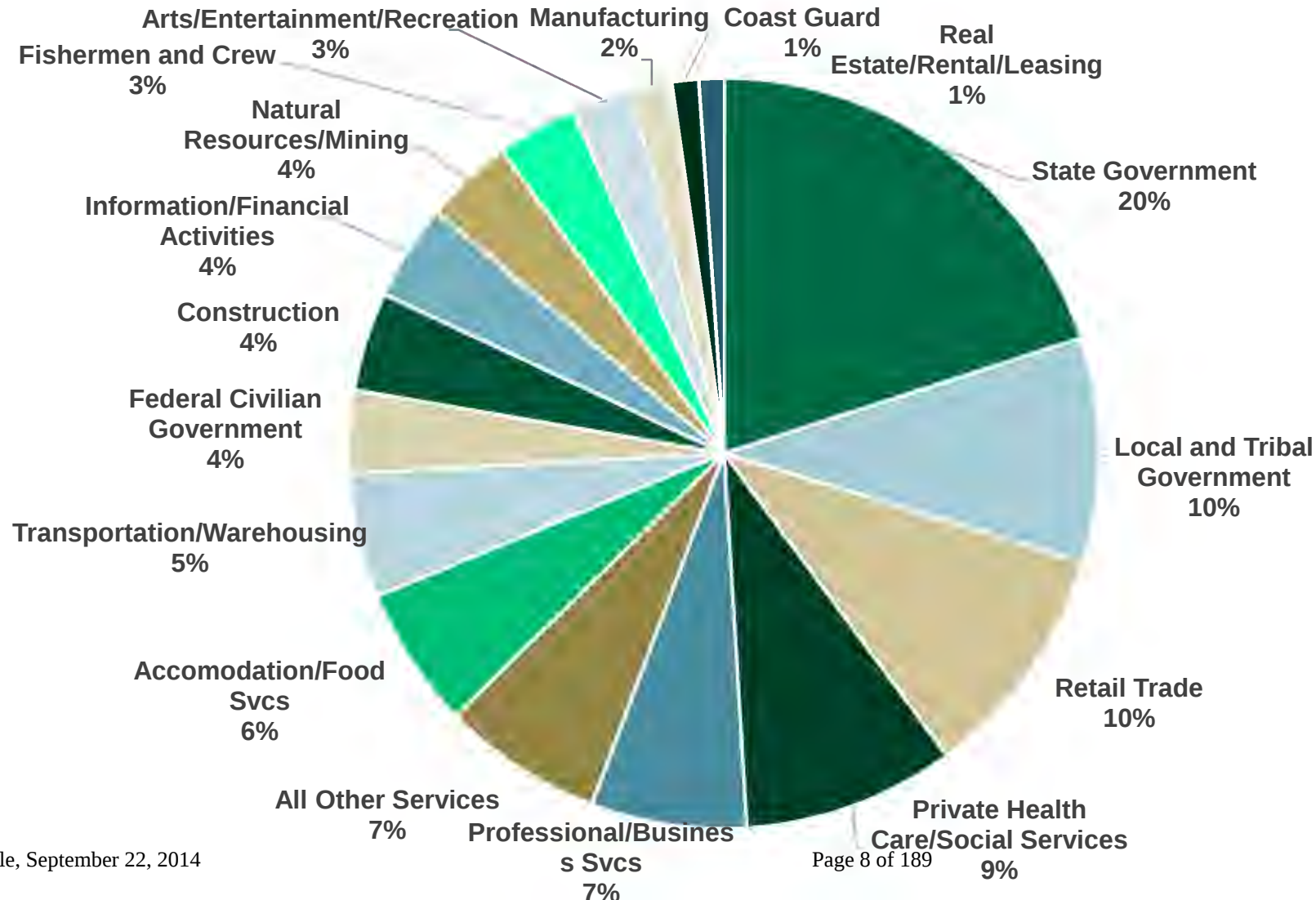
AFFILIATE Investors



Committee of

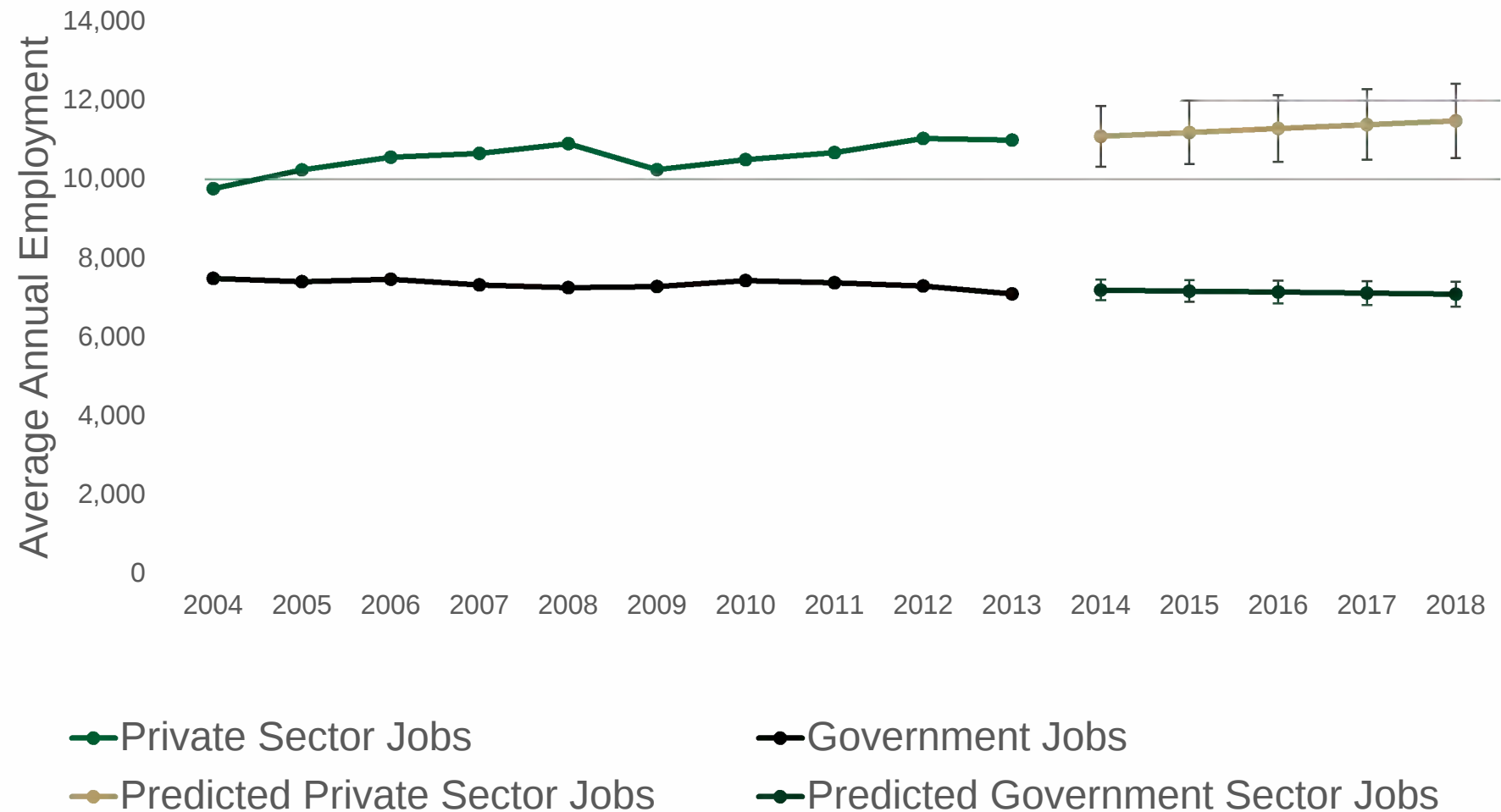
With major support from the City & Borough of Juneau

Where Juneau Works: Wage Earner, Self-Employed and Active Duty Workers, 2013

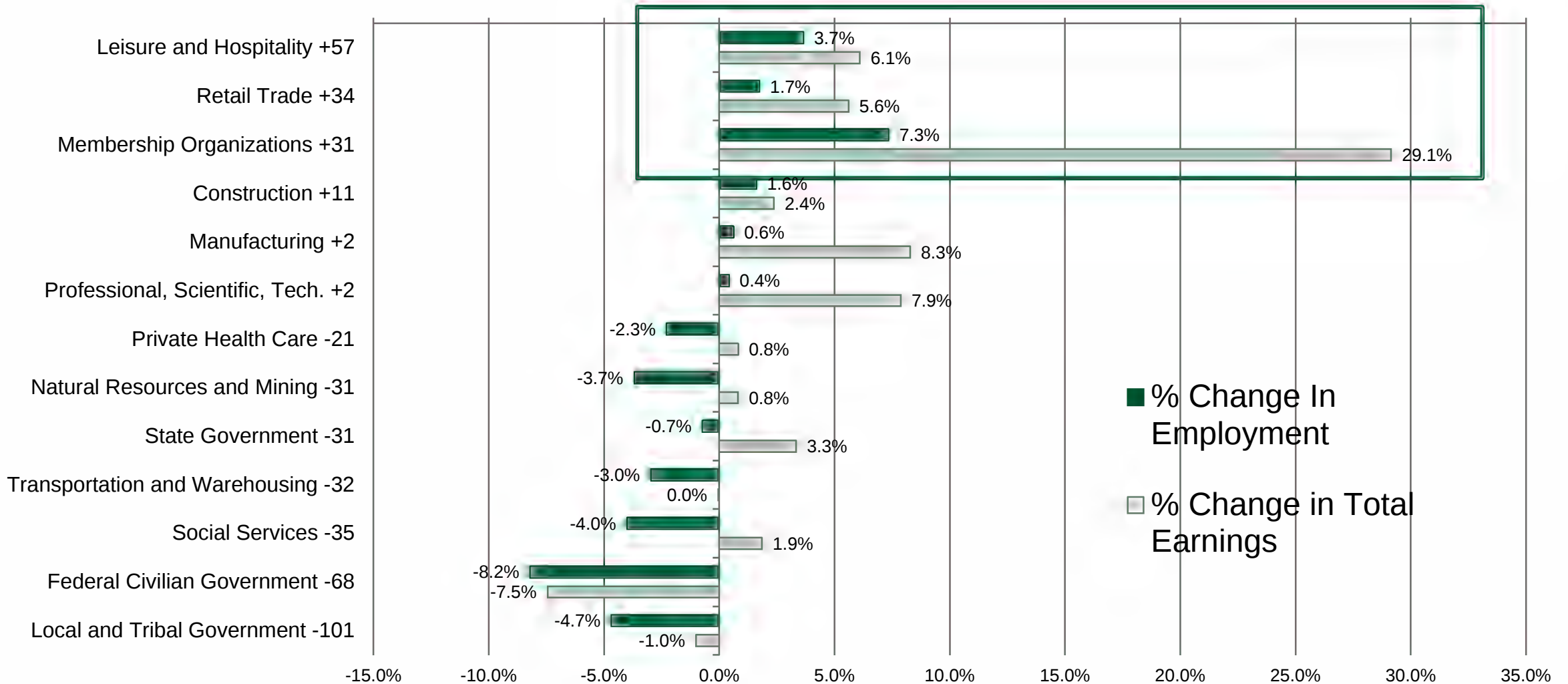


Private and Government Sector Job Trends

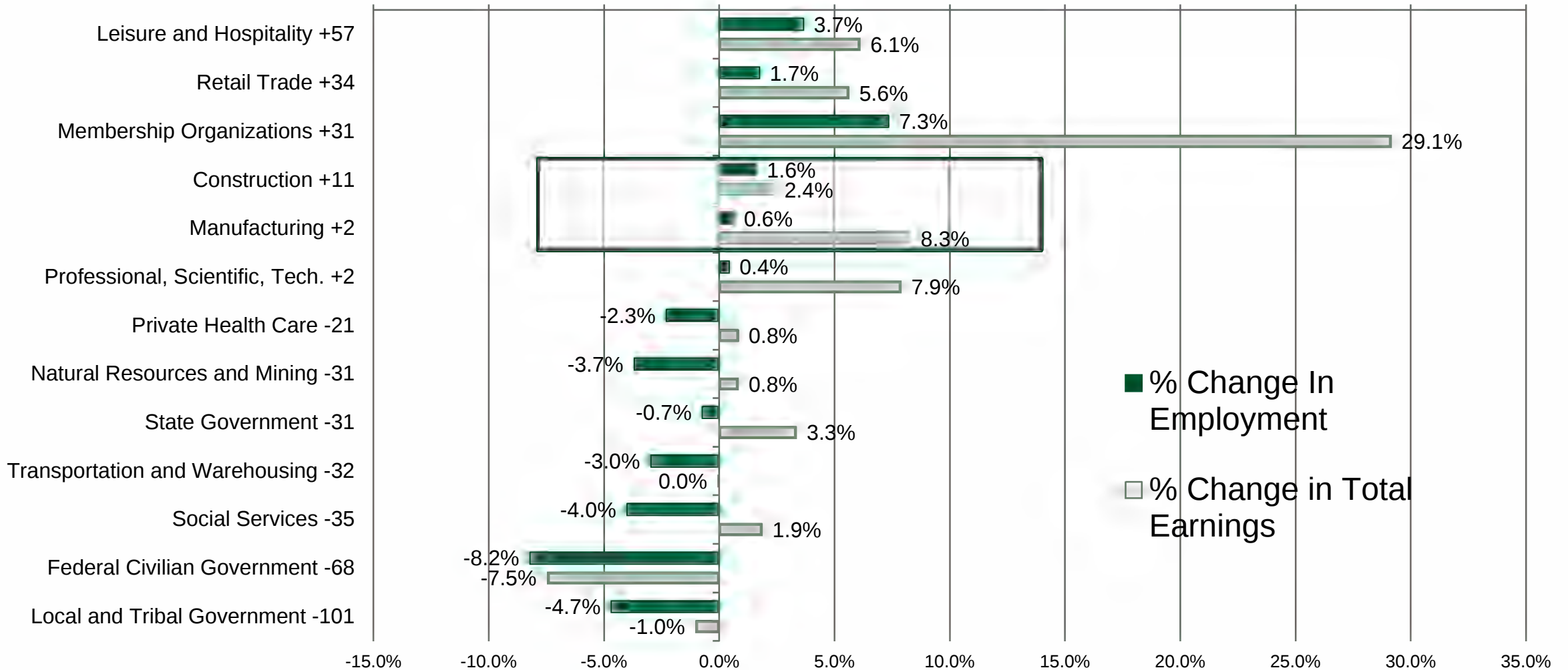
2004 - 2013



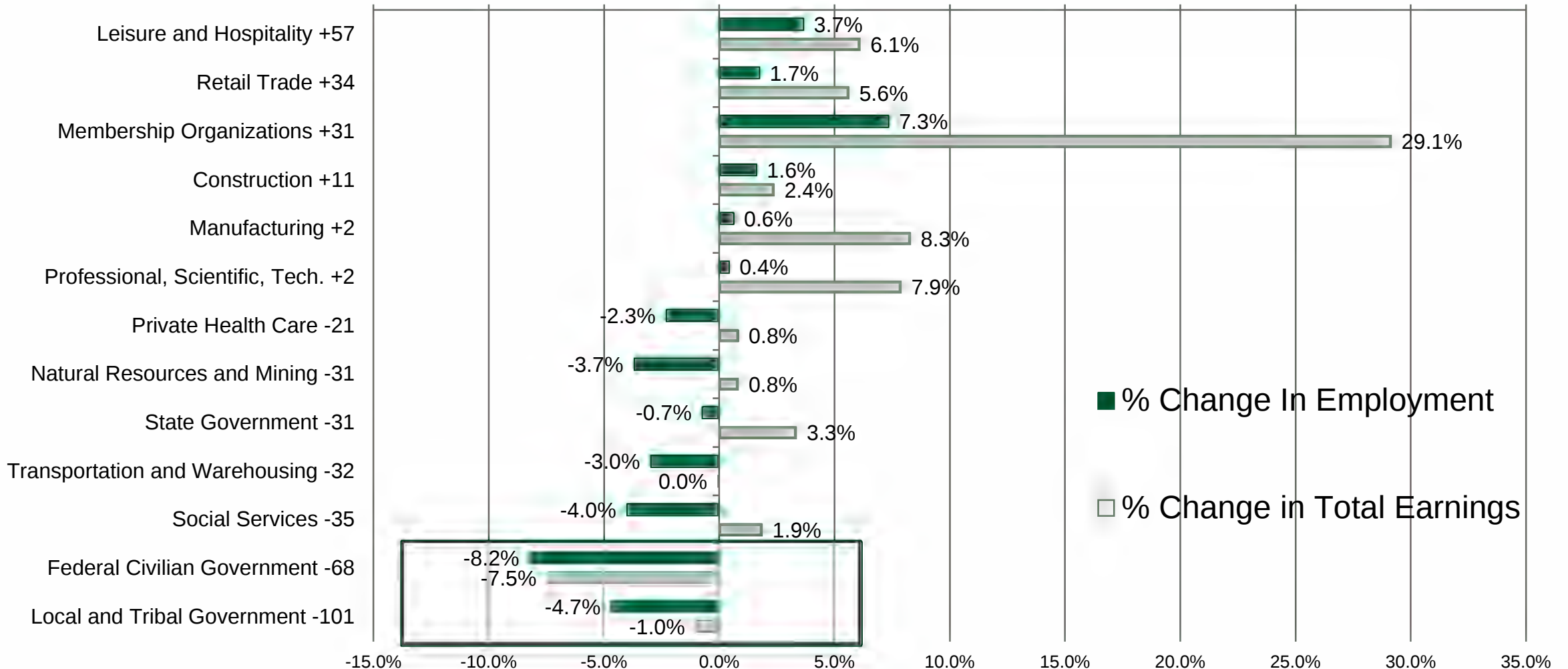
Juneau Employment and Earnings Growth 2012 - 2013



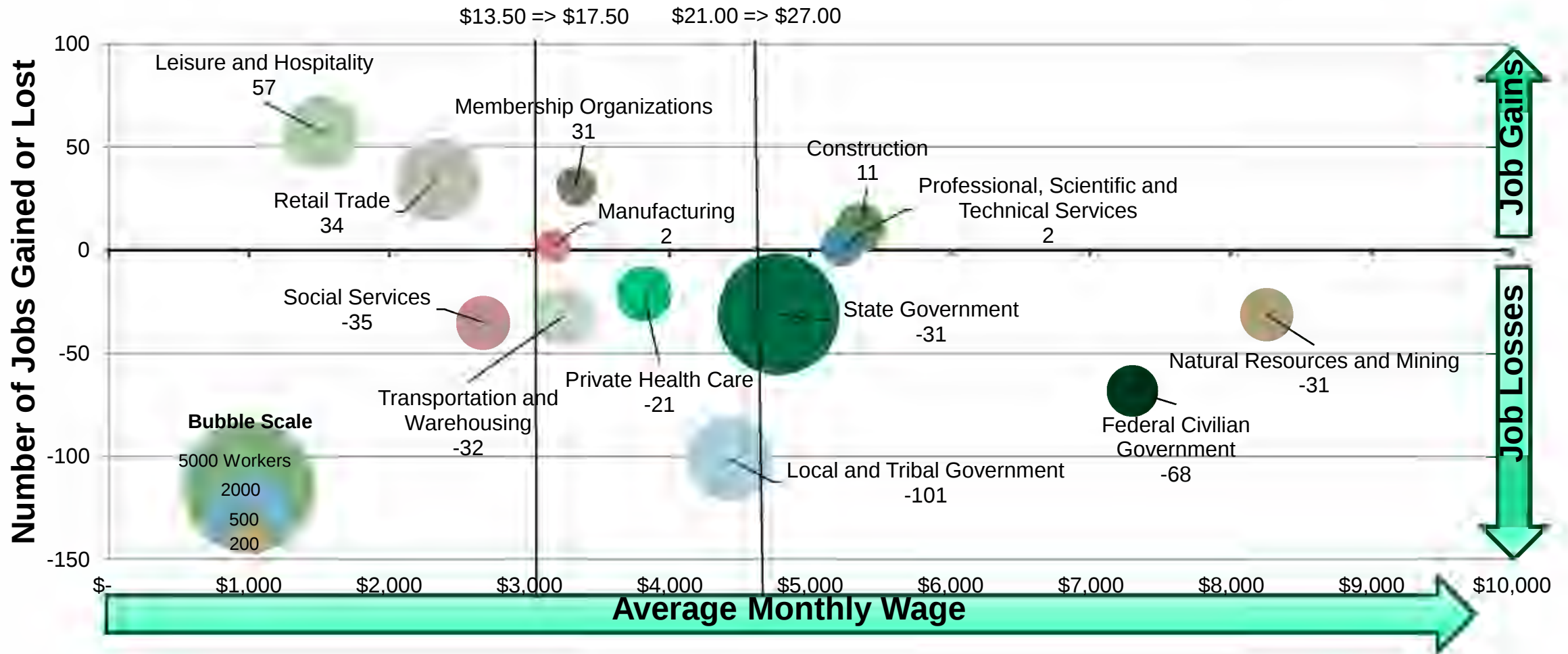
Juneau Employment and Earnings Growth 2012 - 2013



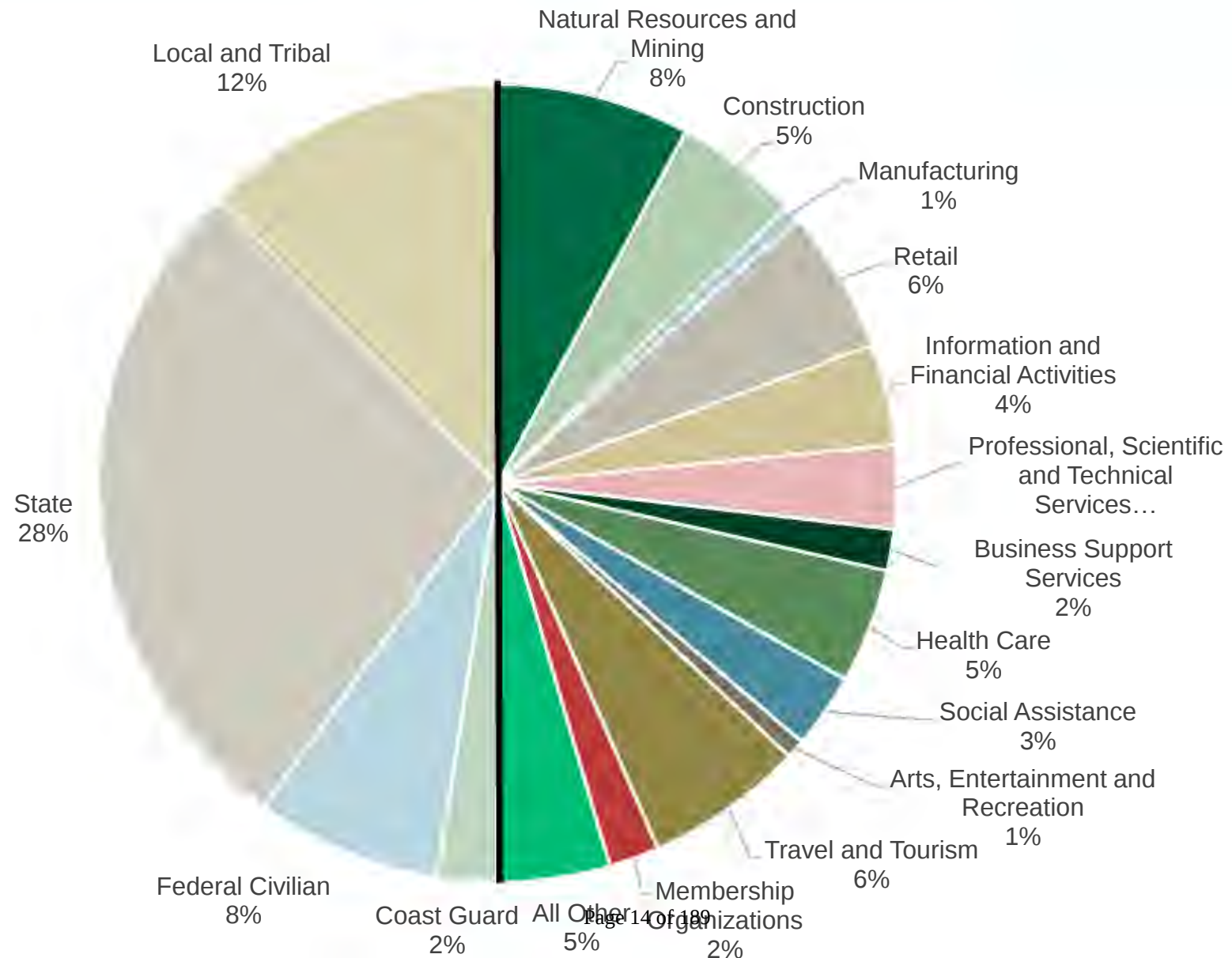
Juneau Employment and Earnings Growth 2012 - 2013



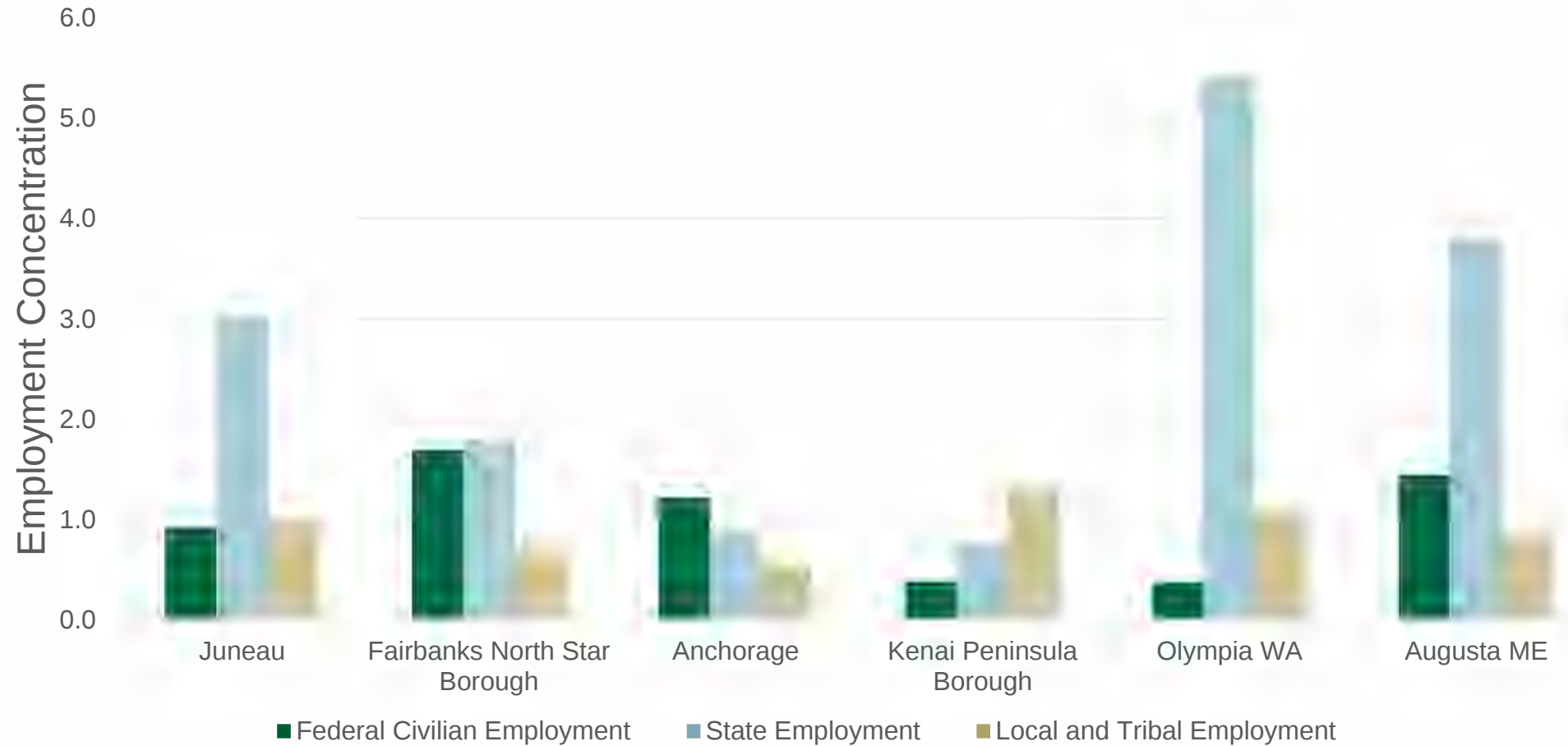
Job Gains and Losses and Average Monthly Wage 2012 - 2013



Economic Contribution of Employment Sectors

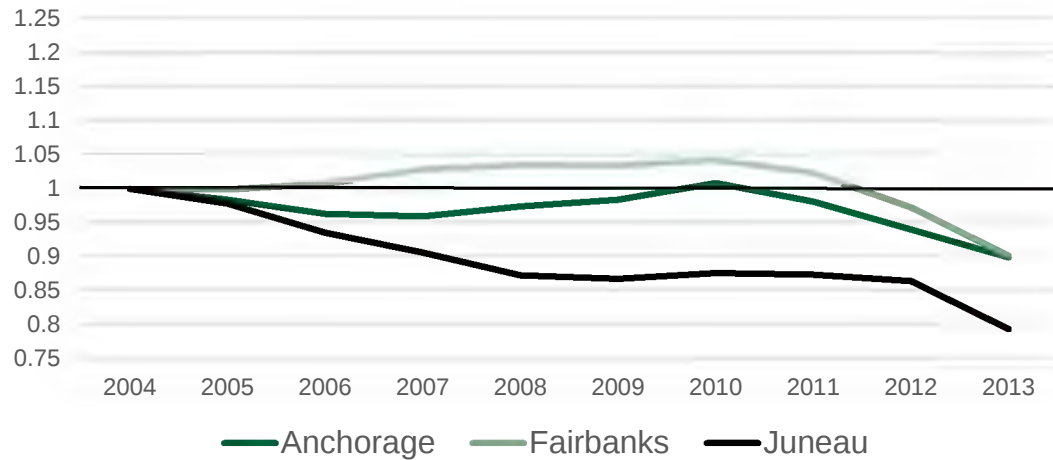


Government Employment Concentration for Select Communities, 2013

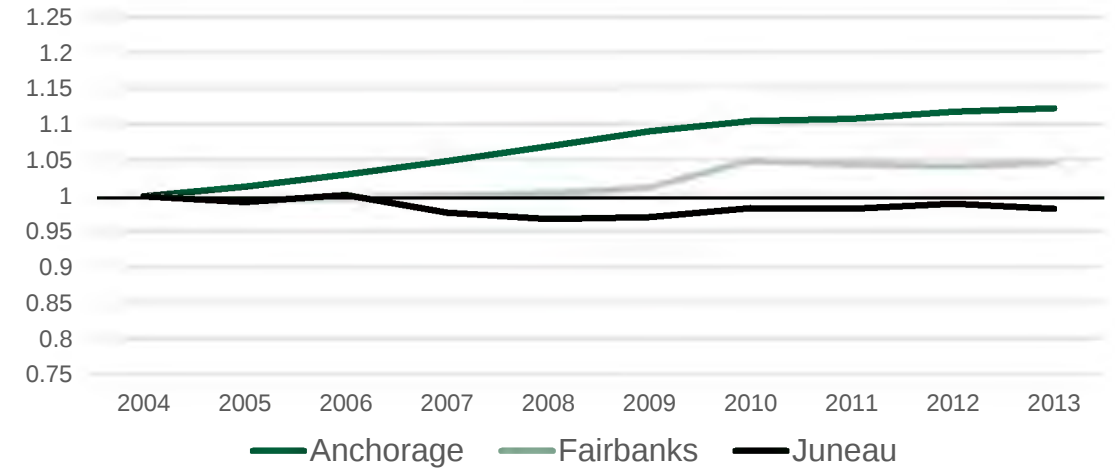


Federal, State and Local Government Employment for Anchorage, Fairbanks and Juneau, 2004-2013, Indexed to 2004

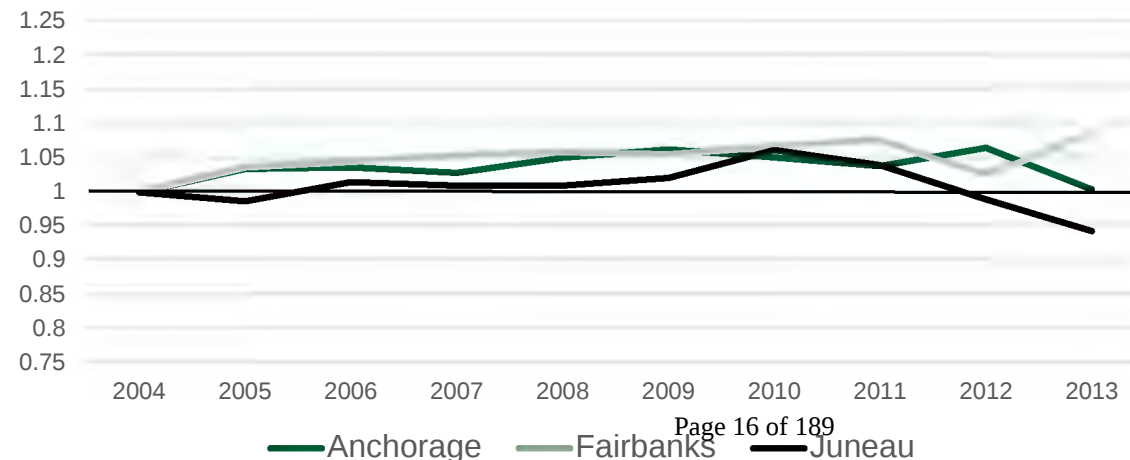
Federal Civilian Employment



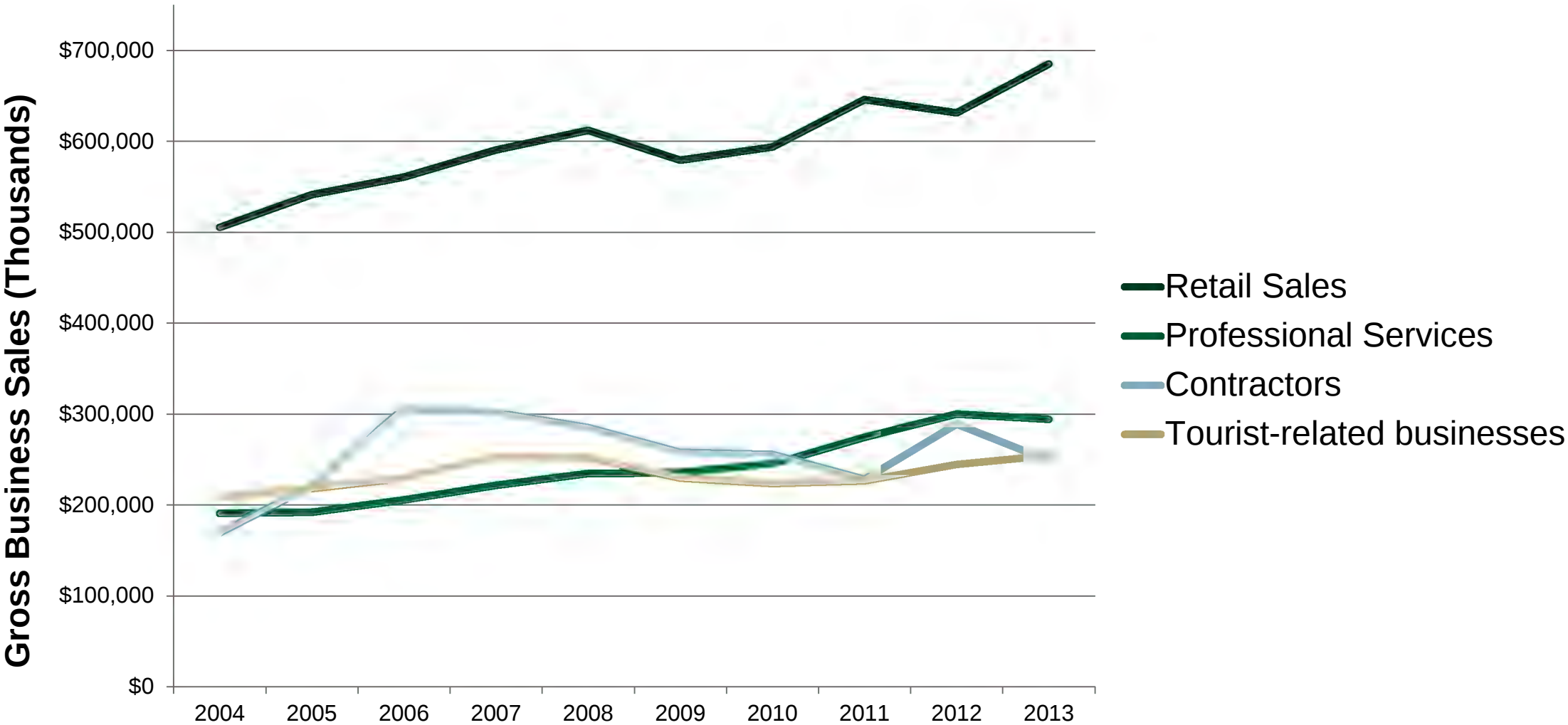
State Government Employment



Local and Tribal Government Employment

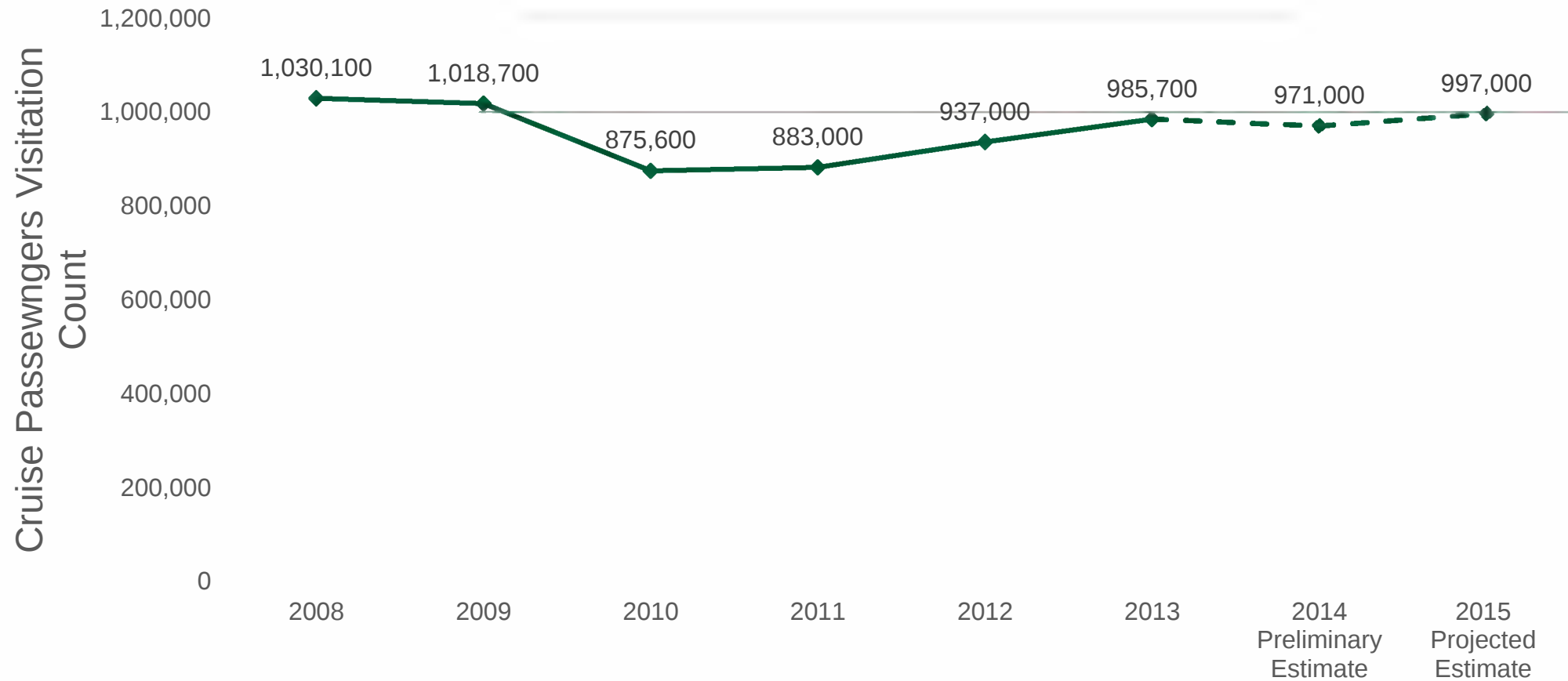


Gross Business Sales in Juneau (\$Thousands) 2009 – 2013

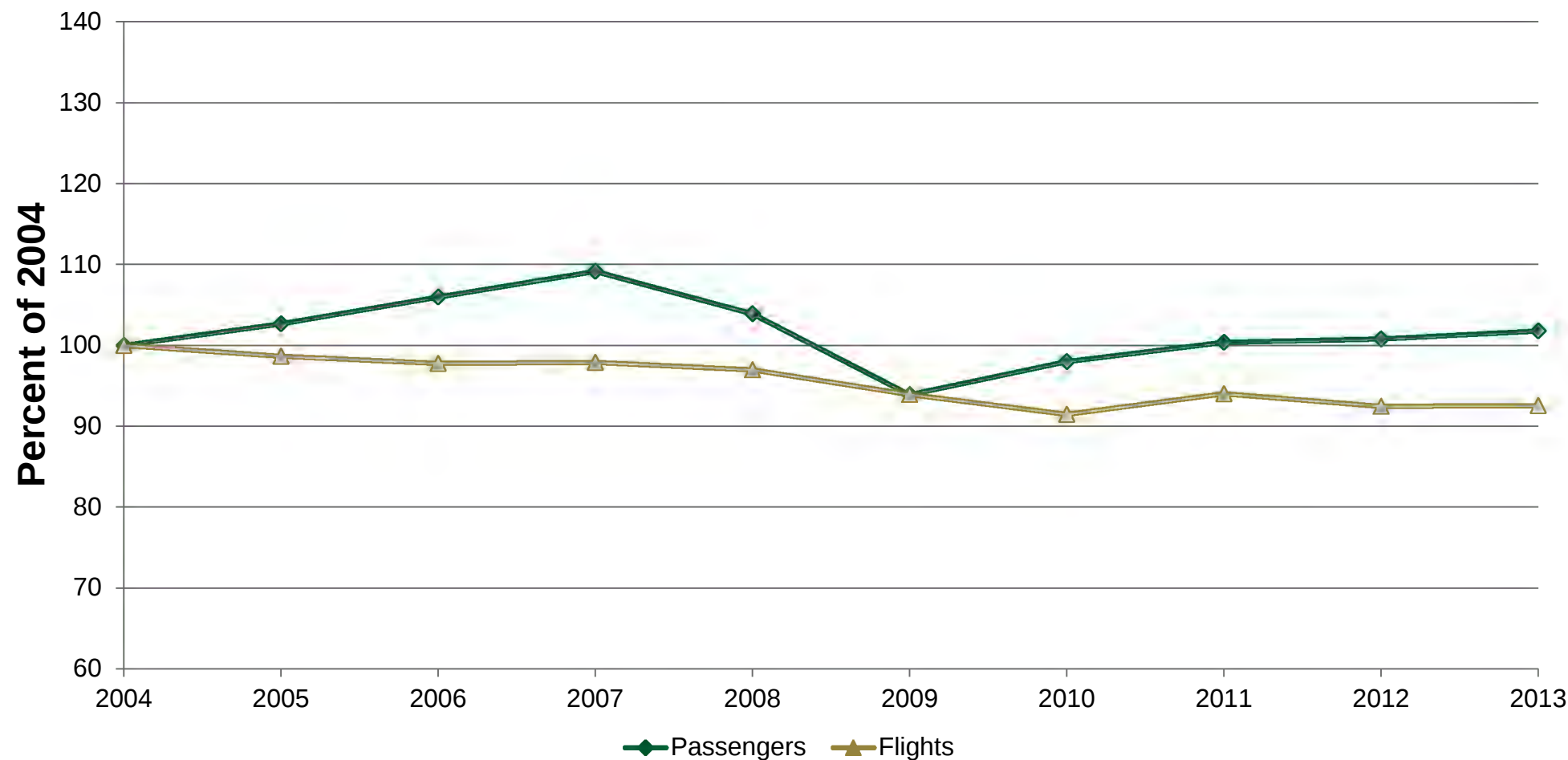


Source: City & Borough of Juneau Sales Tax Office and Financial Reports, Comprehensive Annual Financial Report; Note: Retail Sales are exclusive of gift, jewelry and photography retail sales.

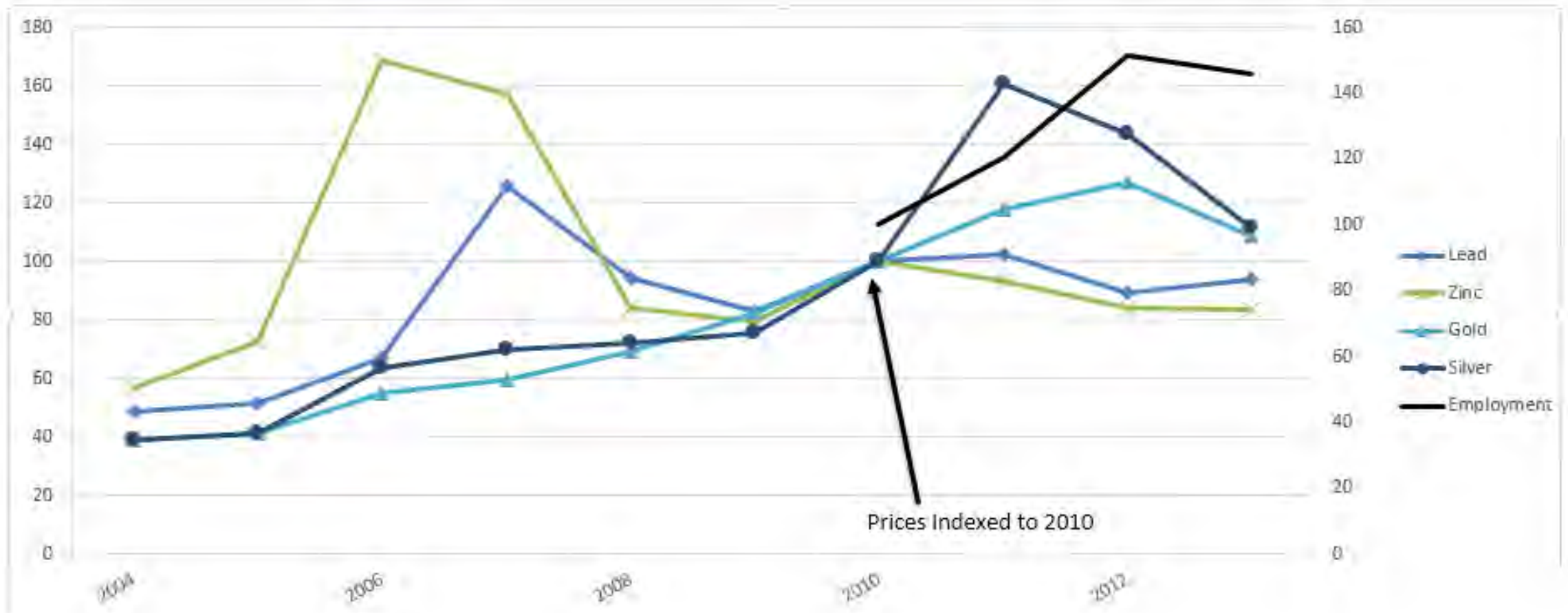
Cruise Passengers Visiting Juneau 2008 – 2015 (Projected)



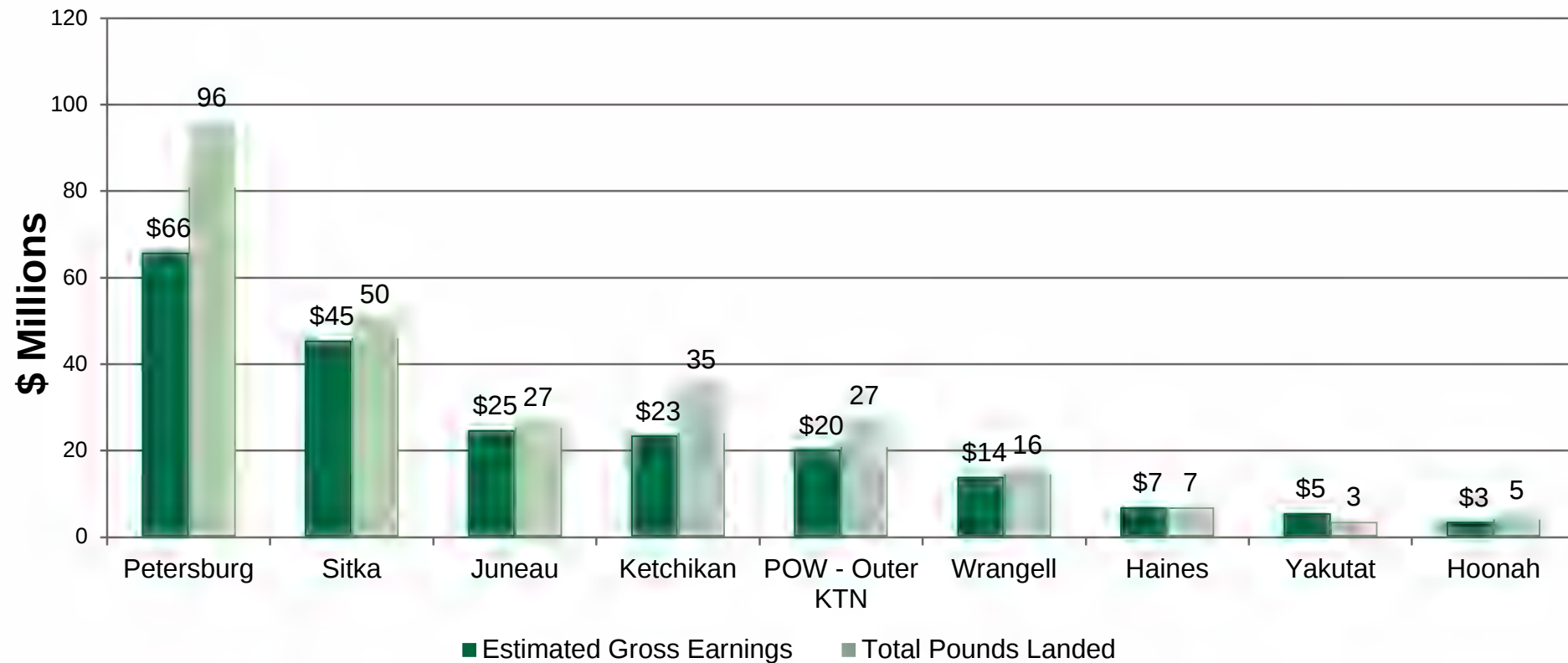
Change in Alaska Airlines Arrivals and Change in Number of Flights 2004 – 2013 (Indexed to 2004)



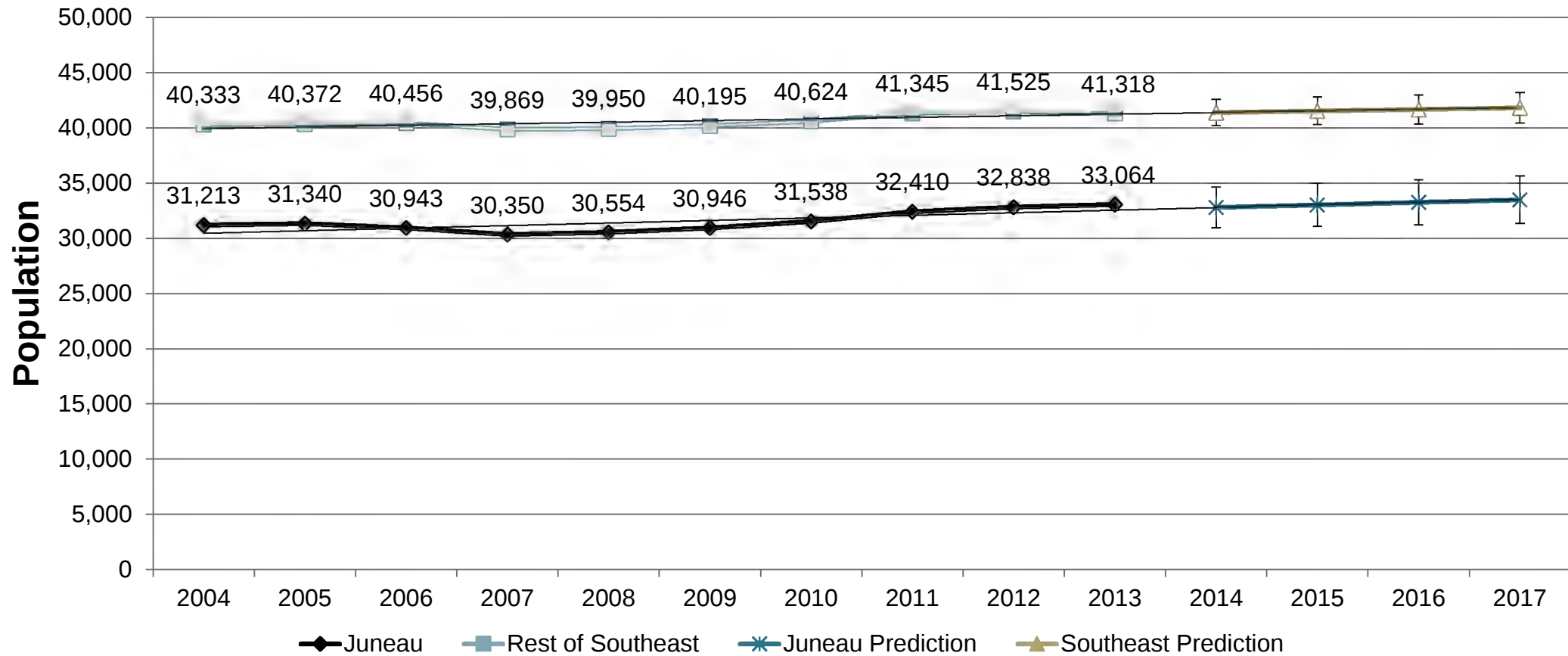
Prices of Metals Mined in Juneau and Natural Resource and Mining Employment, Indexed to 2010



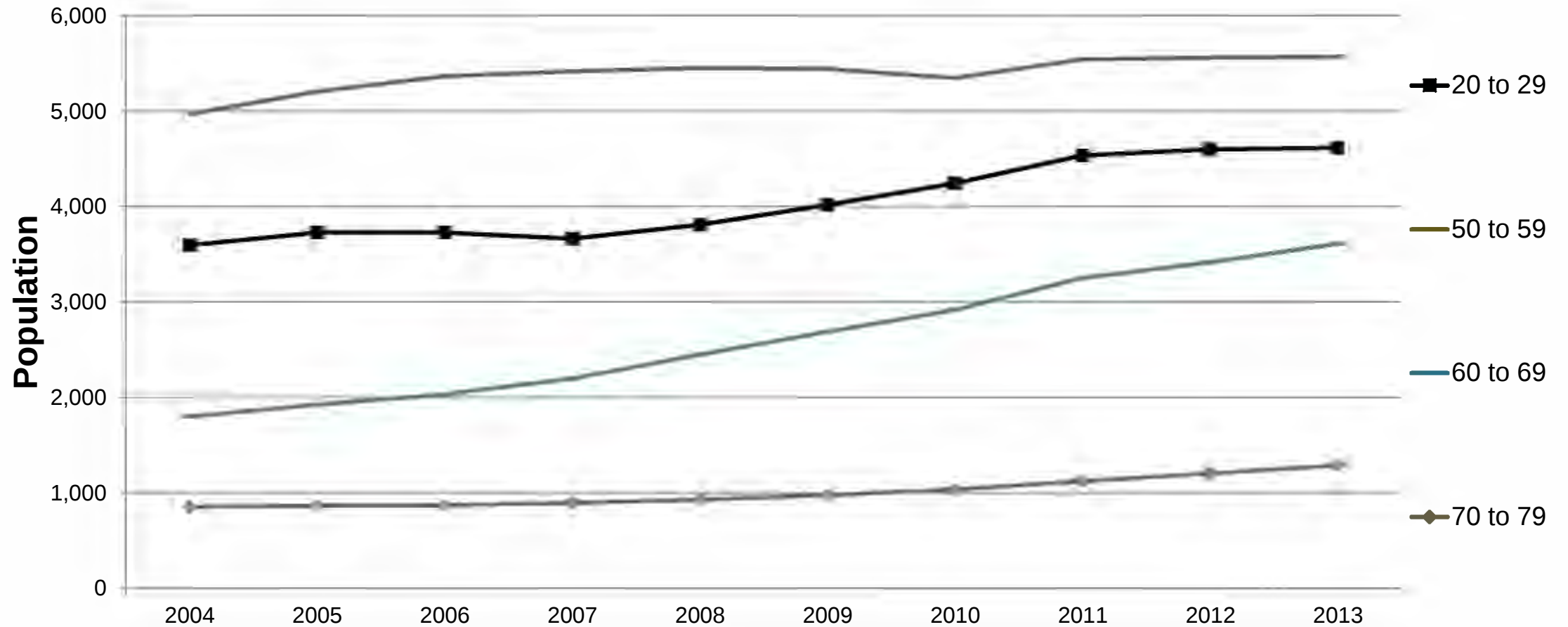
Estimated Gross Earnings and Pounds Landed by Southeast Alaska Residents, 2013



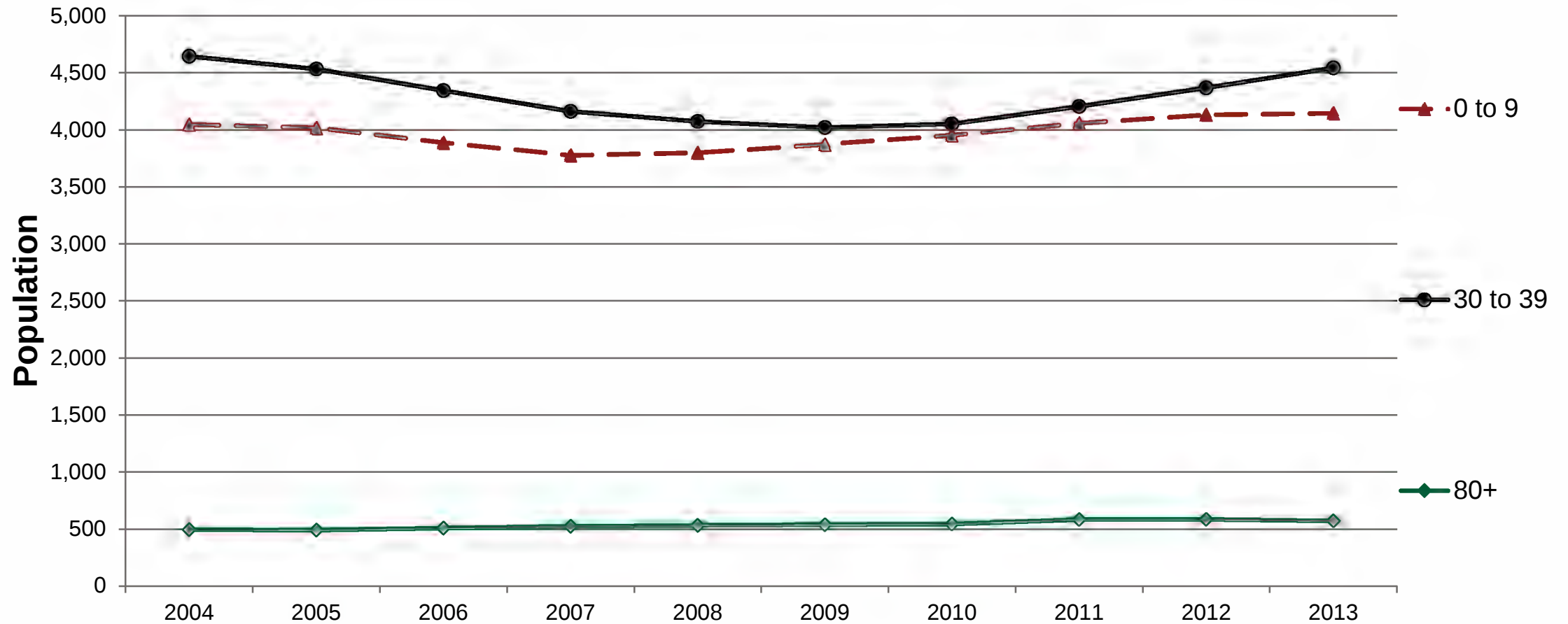
Juneau and Southeast Alaska Population 2004 - 2017



Juneau Population by Age Group 2004 - 2013

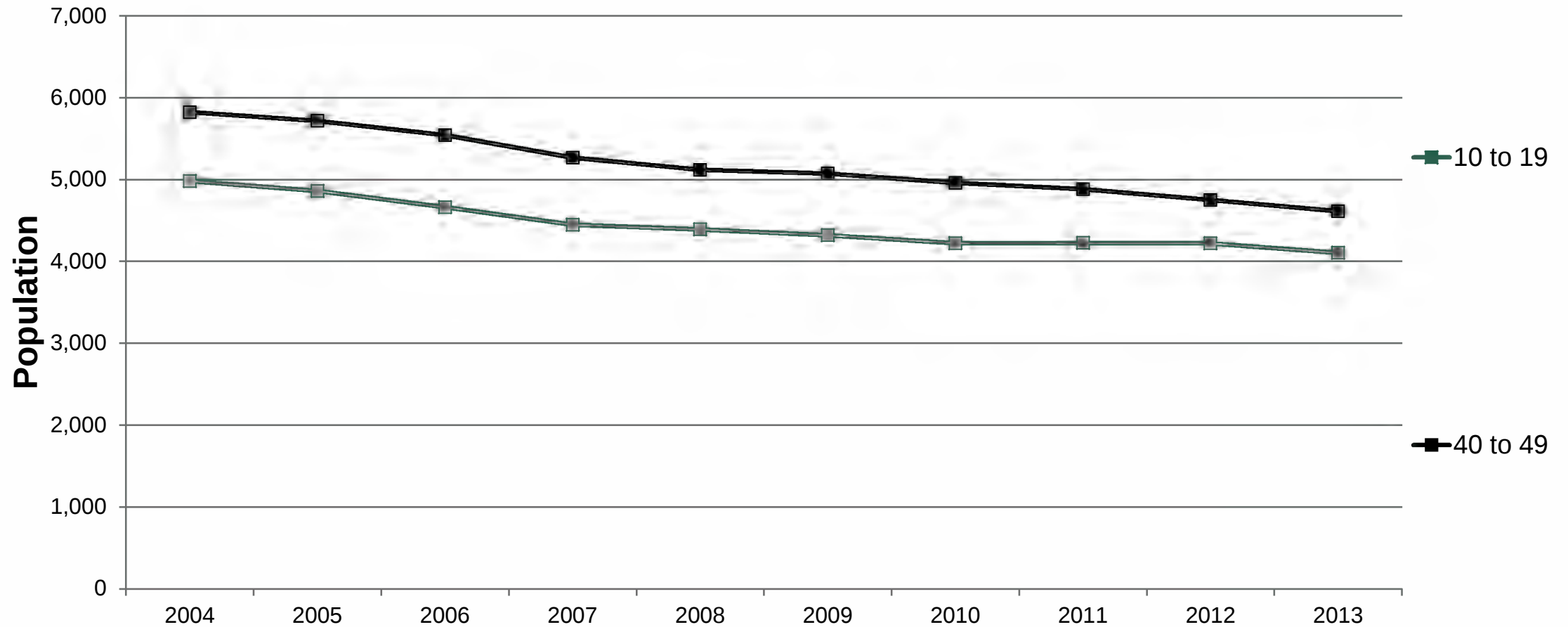


Juneau Population by Age Group 2004 - 2013

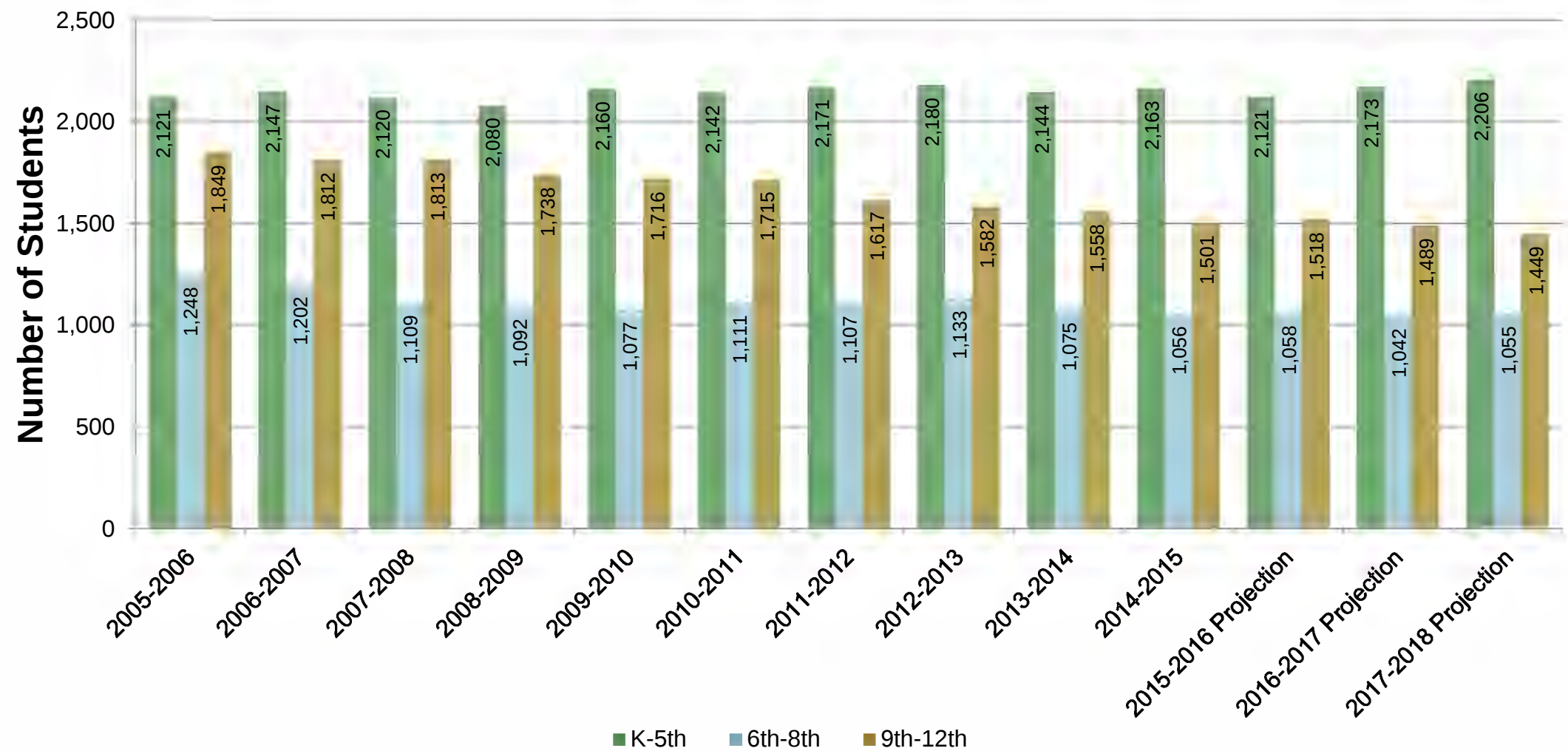


Juneau Population by Age Group

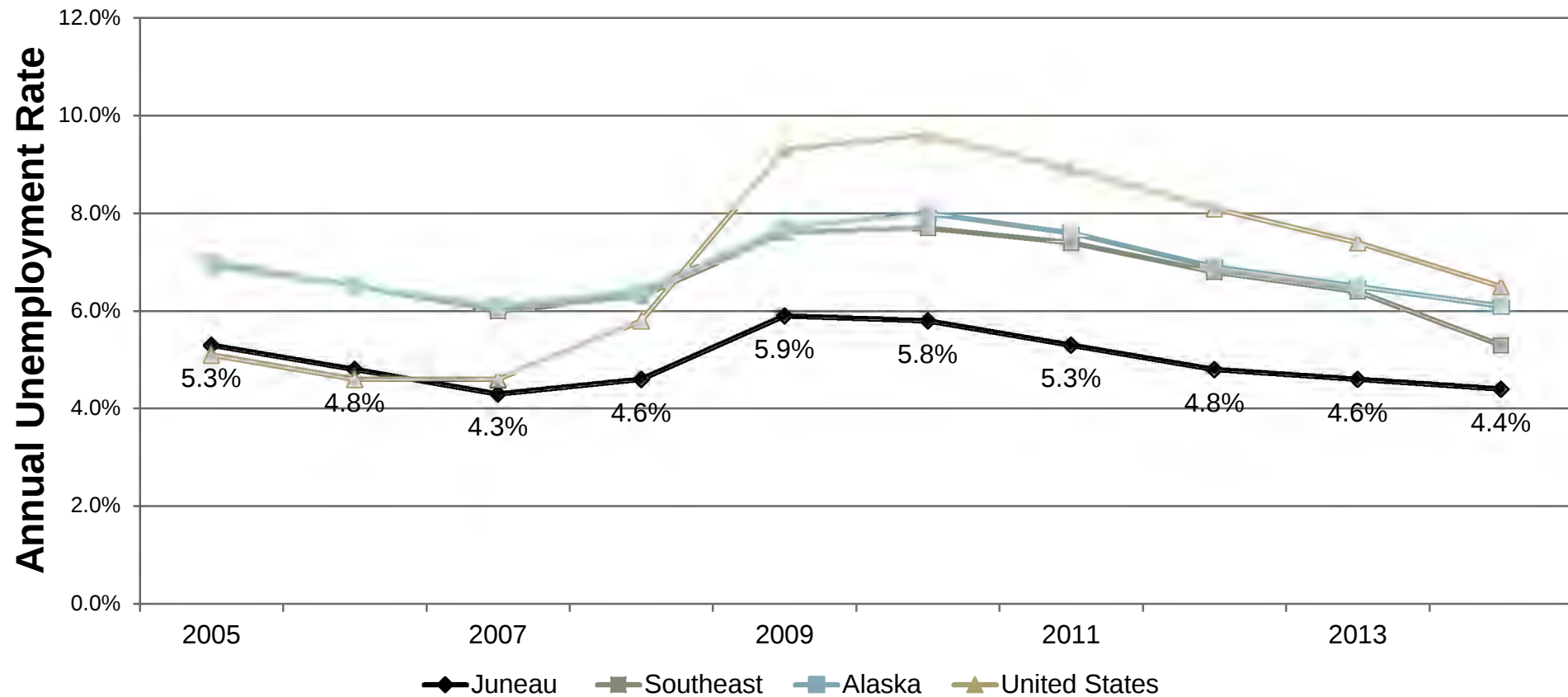
2004 - 2013



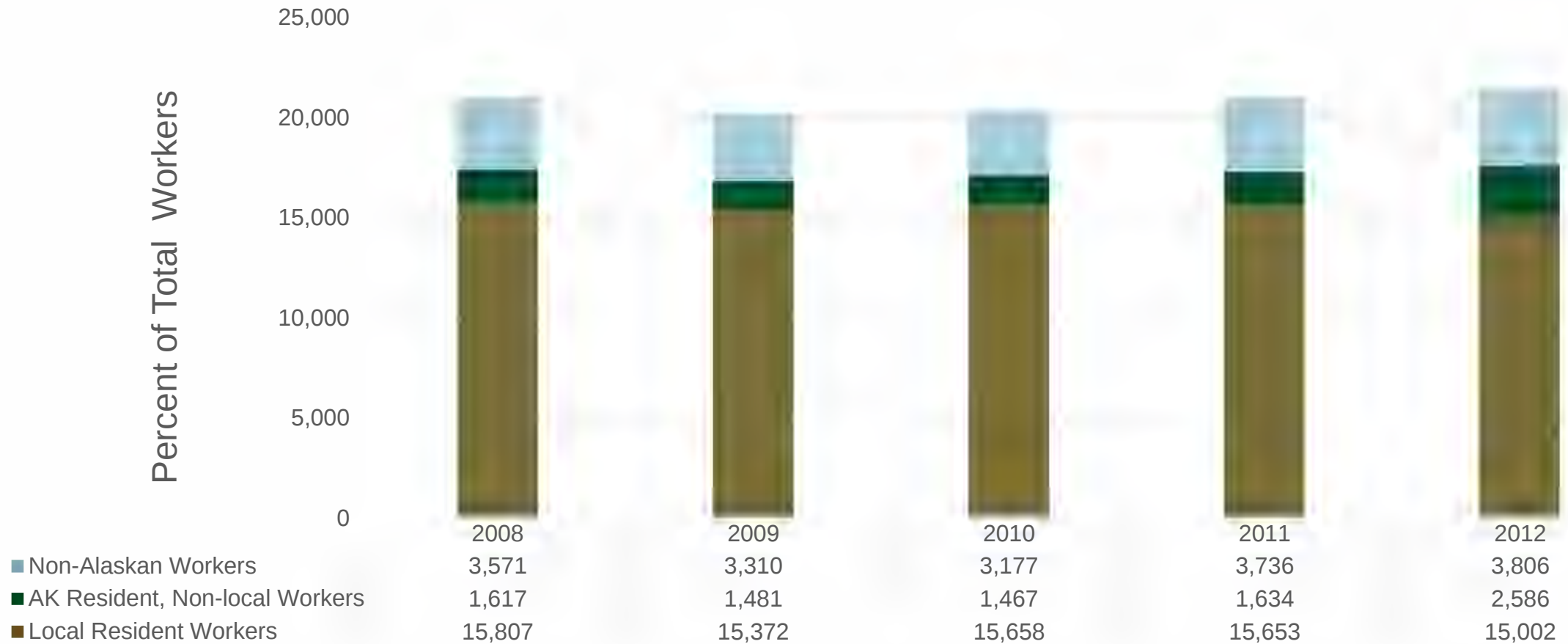
Juneau School District Enrollment



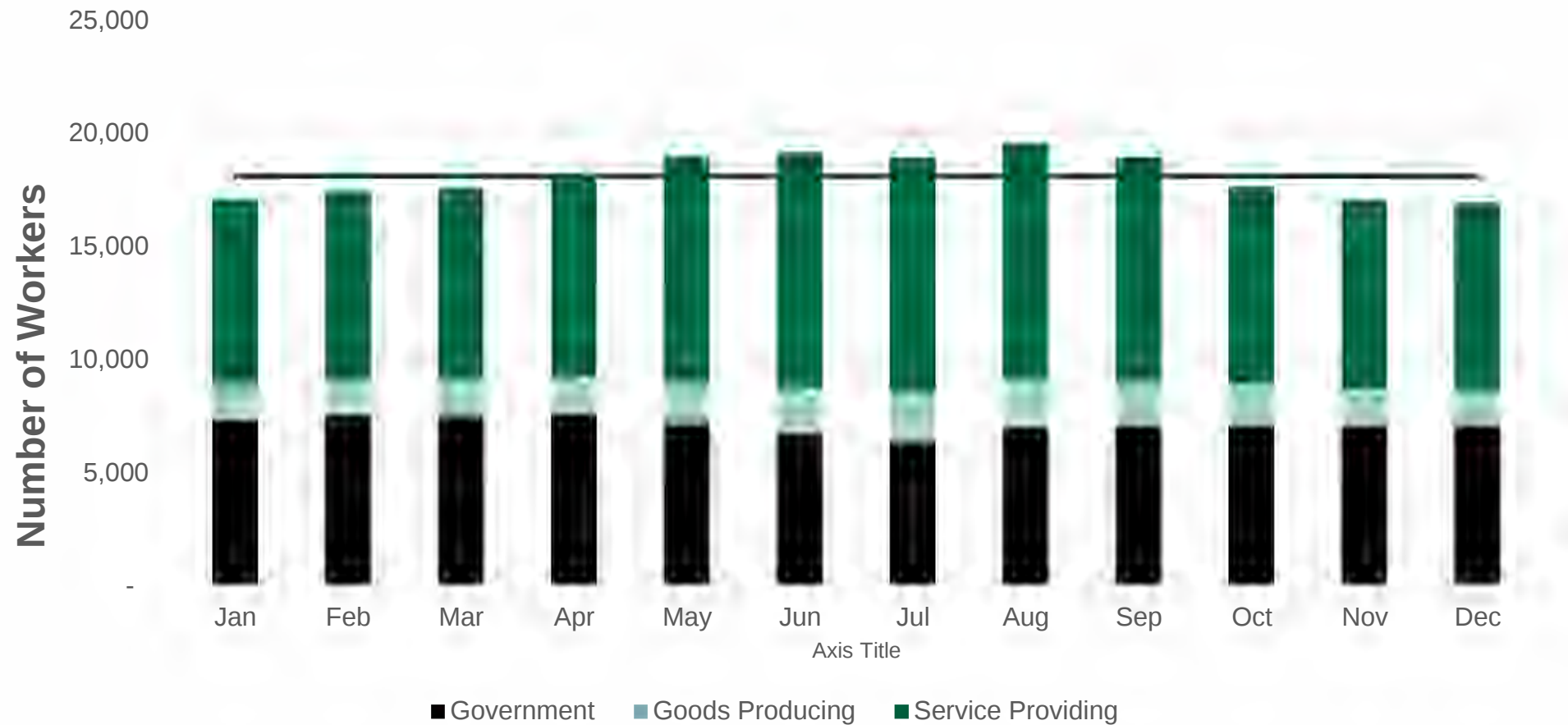
Annual Unemployment Rate Trend (Not Seasonally Adjusted) 2005 – 2014 (July)



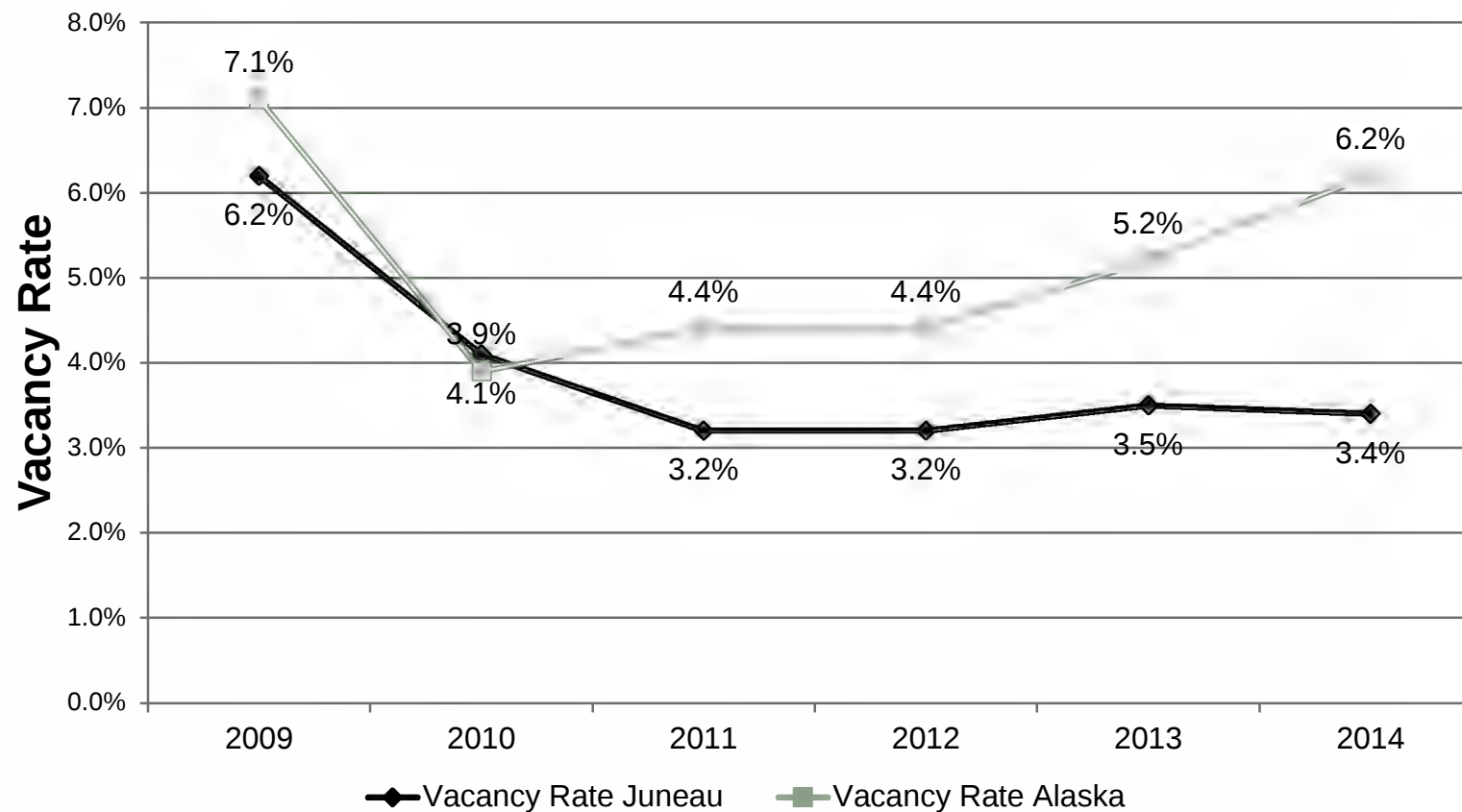
Non-local Workers in Juneau, 2008 - 2012



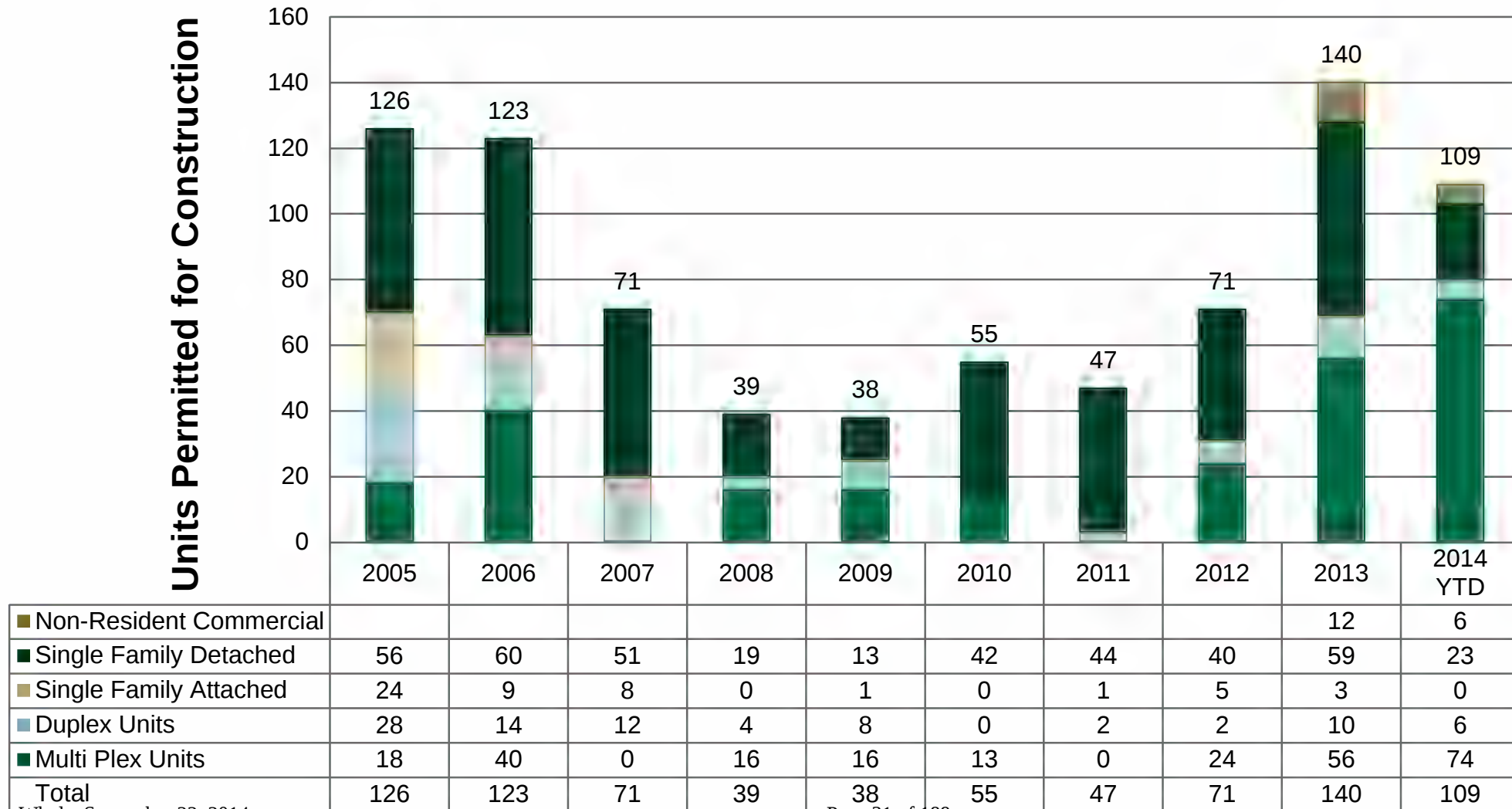
Seasonality of Juneau's Workforce, 2013



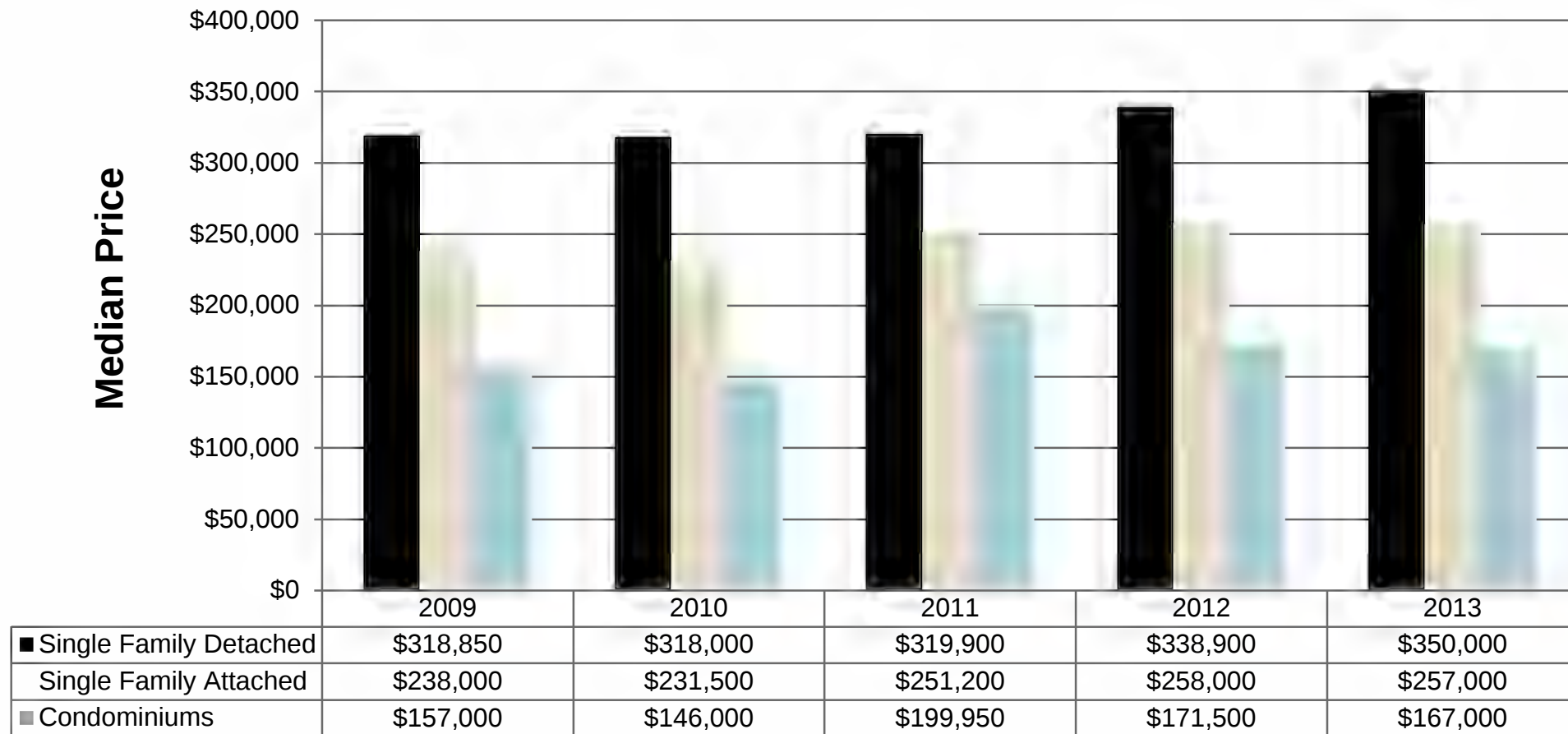
All Units Vacancy Rate for Juneau and Alaska 2009 – 2014



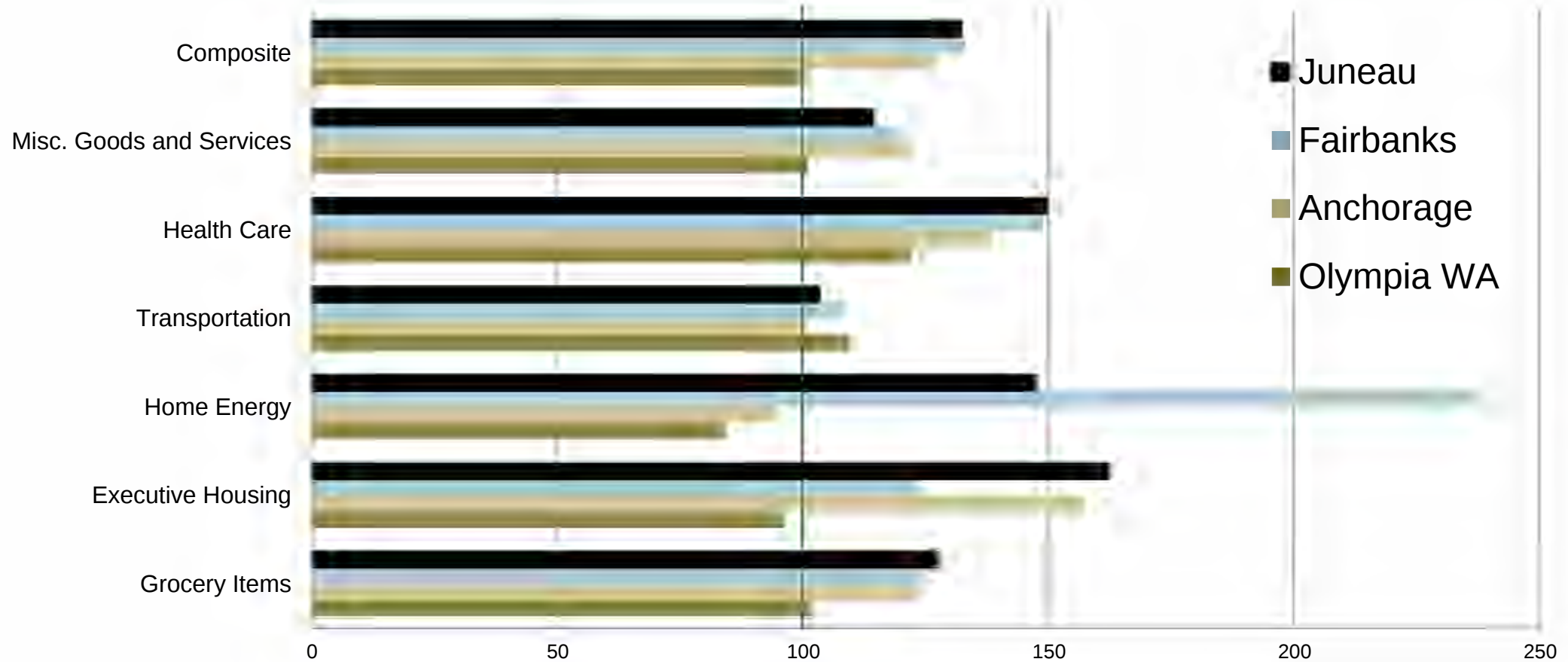
New Units Permitted to be Built in Juneau 2004 – 2014 (YTD June)



Median Price of Single Family Homes and Condominiums in Juneau 2009 – 2013

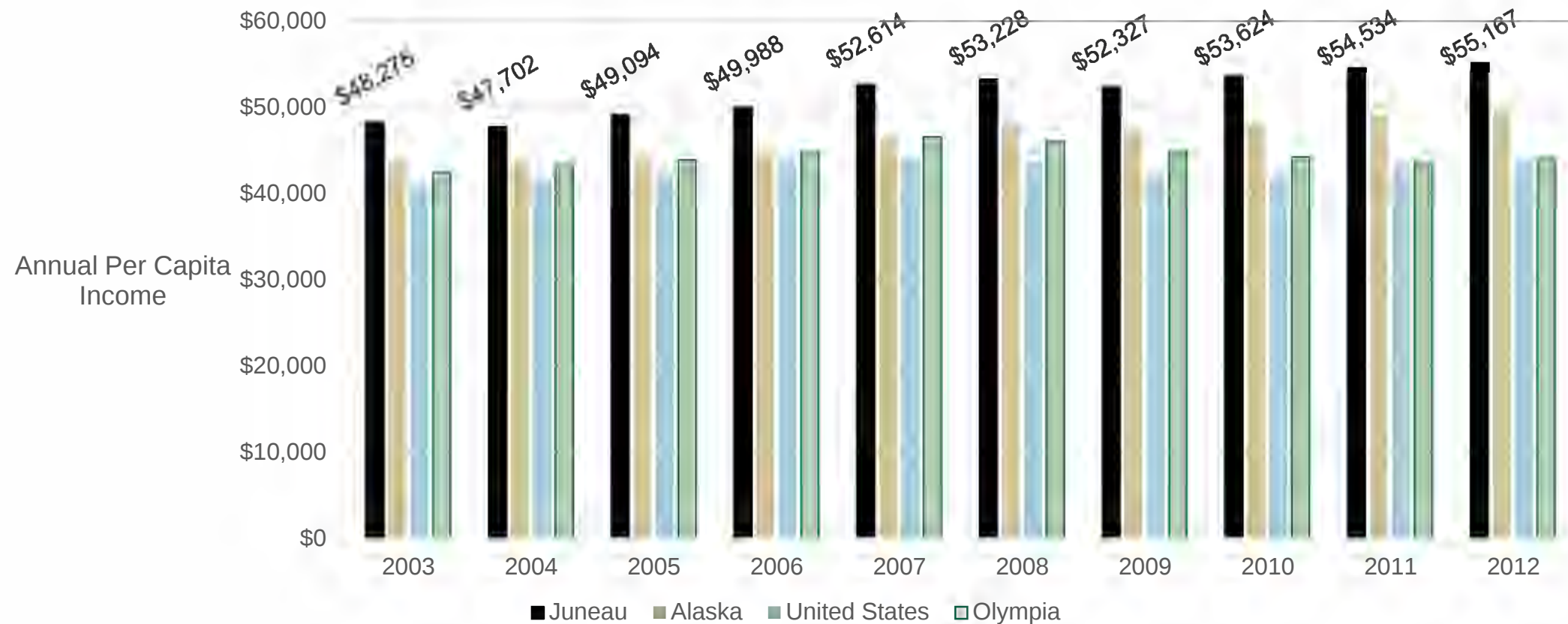


Comparative Cost of Living Index for Select Cities, June 2014



	Grocery Items	Executive Housing	Home Energy	Transportation	Health Care	Misc. Goods and Services	Composite
■ Juneau	127.4	162.4	147.3	103.3	149.6	114.3	132.2
■ Fairbanks	124.9	124.2	238.5	108.1	148.8	119.3	133.2
■ Anchorage	123.5	157.3	94.6	100.6	138.8	121.9	126.8
■ Olympia WA	101.9	96.3	84.1	109.5	122	100.9	100.3

Per Capita Annual Personal Income In 2012 Inflation-Adjusted Dollars 2003 - 2012



2014 Juneau Economic Development Council Investors

GOLD Investors



SILVER Investors



BRONZE Investors



AFFILIATE Investors



Committee of

With major support from the City & Borough of Juneau

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Ordinance 2014-14(b) An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

MANAGER'S REPORT:

This ordinance was introduced on May 19 and referred to the Assembly Committee of the Whole on June 16. At that meeting, the Assembly Committee of the Whole discussed the matter in a joint meeting with the Planning Commission, and forwarded the matter to the Assembly for public hearing on June 30, 2014. At the June 30, 2014 Assembly meeting, the Assembly referred the matter back to the Committee of the Whole. The Committee of the Whole considered the ordinance at its July 28, 2014 meeting and decided to continue its discussion to the September 22, 2014 Committee of the Whole meeting.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2014-14(b)	9/18/2014	Ordinance
☐ Planning Commission Notice of Recommendation - AME2014 0005	5/23/2014	Exhibit
☐ Staff Report - AME2014 0005	5/23/2014	Exhibit
☐ Ordinance 2014-14	6/24/2014	Ordinance

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(b)

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. CBJ 49.75.130 Procedure is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a)(4) The commission decision for approval shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request shall constitute only a recommendation to the assembly. The commission shall prepare written findings in support of its recommendation. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed

1 disapproved unless the applicant files a notice of protest in accordance with CBJ
2 49.75.130(b).

3
4 (b) Protests.

5 (1) An applicant may protest the commission's recommendation to deny the rezoning by
6 filing a written statement with the municipal clerk within 20 days of the
7 commission's written notice of recommendation for denial, requesting that an
8 ordinance amending the zoning map as set out in the application be submitted for
9 action by the assembly. The director shall, within 30 days of the filing of the protest
10 with the municipal clerk, prepare a draft ordinance to be appended to the notice of
11 recommendation for consideration by the assembly.

12
13 (2) Any person may protest the commission's recommendation to approve a rezoning
14 request or approve a rezoning request with modification by filing a written protest
15 with the municipal clerk within 20 days of the commission's written notice of
16 recommendation.

17
18 (3) In the case of a timely filed protest and after introduction of the proposed ordinance
19 at a regularly scheduled assembly meeting, the assembly shall hold a public hearing
20 on the proposed rezoning. At the close of the hearing, the assembly shall approve the
21 zoning map amendment as recommended by the commission, approve the zoning
22 map amendment with modifications, or deny the zoning map amendment.

23
24 ~~(2) As soon as possible after the commission's recommendation, the assembly shall~~
25 ~~provide public notice and hold a public hearing on the proposed rezoning. After~~
26 ~~public hearing, the assembly may adopt the commission's recommendation as~~
27 ~~submitted or with amendments, or reject the recommendation. A rezoning shall be~~
28

1 ~~adopted by ordinance, and any conditions thereon shall be contained in the~~
2 ~~ordinance. Upon adoption of any such ordinance, the director shall cause the official~~
3 ~~zoning map to be changed in accordance therewith.~~

4
5 ~~(3) The commission decision for denial shall constitute a final agency decision on the~~
6 ~~matter which will not be presented to the Assembly unless it is appealed to the~~
7 ~~Assembly in accordance with CBJ 49.20.120.~~

8 (c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be
9 contained in the ordinance. Upon adoption of any such ordinance, the director shall cause
10 the official zoning map to be amended in accordance with the adopted ordinance.
11

12
13 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its
14 adoption.

15
16 Adopted this _____ day of _____, 2014.

17
18
19 _____
Merrill Sanford, Mayor

20 Attest:

21 _____
22 Laurie J. Sica, Municipal Clerk
23
24
25
26
27
28



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: April 23, 2014

File No.: AME2014 0005

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding an ordinance amending Title 49, the Land Use Code regarding Planning Commission rezoning recommendations of denial to the Assembly.

Legal Description: N/A

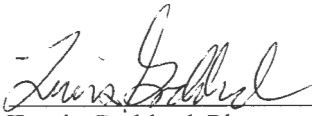
Property Address: N/A

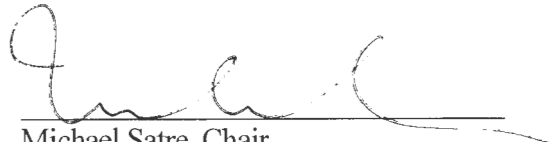
Hearing Date: April 22, 2014

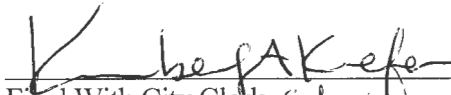
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 11, 2014 and recommended that the City and Borough Assembly adopt staff's recommendation for the amendment to Title 49 Section 49.75.130. A final draft of the Ordinance which includes changes recommended by the Planning Commission is attached.

Attachments: April 11, 2014 memorandum from Travis Goddard, Community Development, to the CBJ Planning Commission regarding AME2014 0005.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner: 
Travis Goddard, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk City Manager

April 24, 2014
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: April 11, 2014
TO: Planning Commission
FROM: Travis Goddard, Planning Manager
Community Development Department
Cherry Nobile for Travis Goddard
FILE NO.: AME2014 0005

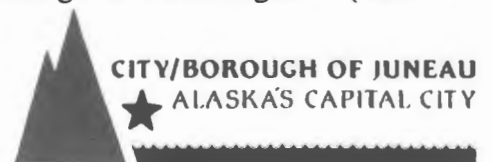
PROPOSAL: Proposed amendment to Title 49 Section 49.75.130 amending the Land Use Code related to rezoning approval.

At the February 28, 2012 Planning Commission meeting, the Commission recommended approval of an ordinance amending Title 49 Section 49.75.130 to the Assembly. The purpose of the text amendment was to clarify rezoning procedures when the Planning Commission denies a rezone request. Title 49 has been clear that when the Planning Commission approves a rezoning the action is a recommendation to the Assembly. However, Title 49 was silent on whether a denial was a recommendation or a final decision. Ordinance 2012-11 established that a denial of a rezone request by the Planning Commission was a final decision. The decision can be appealed to the Assembly.

Based on the recommendation of the CBJ Law Department, the proposed Ordinance would make a Planning Commission denial of a rezone request a recommendation to the Assembly. The purpose of Ordinance 2014-14 is to remedy two issues related to the amendment of CBJ 49.75.130 (rezoning procedure.) First, Ordinance 2012-11 created an inconsistency in the code by providing for the Planning Commission's decision to deny a rezone to be a "final agency decision on the matter."

Second, CBJ 49.75.130 improperly suggests that rezoning decisions are quasi-judicial, and thus appealable, rather than legislative acts. While rezoning decisions are subject to direct judicial review and can be invalidated when they are the result of prejudice, arbitrary decision-making, improper motive, or when they violate due process, they are not subject to direct appeal. ("[T]he decision of a legislative body is subject to review by appeal only where the decision is a quasi-judicial one." *Cabana v. Kenai Peninsula Borough*, 21 P.3d 833, 836 (Alaska 2001). *See also*: "As a general rule, an applicant whose rezoning petition is denied cannot seek a direct review of that denial..." 3 Rathkopf's The Law of Zoning and Planning § 40:4 (4th ed.)).

The Planning Commission is not authorized to make the final legislative decision on rezoning requests under the current code. The Planning Commission's role with respect to rezoning is to "make recommendations to the assembly on all proposed . . . zonings and rezonings..." (CBJ



49.10.170(d)). In order to correct this inconsistency, either: (1) the Planning Commission's authority would need to be expanded to allow for it to be the legislative, and final, decision-maker on rezoning requests; or (2) 49.75.130 needs to be amended to return the legislative authority to decide all rezoning requests to the Assembly, which is consistent with past practice. (CBJ 49.75.130 suggests that the legislative authority on rezoning requests is split between the Assembly and Planning Commission. It provides that the authority to make the legislative decision on approvals is held by the Assembly, but on denials, suggests that authority rests with the Planning Commission.)

Finally, even if CBJ 49.10.170(d) were amended to give the Planning Commission the legislative-decision-making authority on rezoning requests (denials and approvals), CBJ 49.75.130 would need to be amended to eliminate the reference to appealing denials to the Assembly. As stated above, small scale rezoning decisions are legislative acts, not quasi-judicial, and are not subject to appeal under CBJ 01.50. (*Cabana v. Kenai Peninsula Borough*, 21 P.3d 833, 836 (Alaska 2001)).

RECOMMENDATION

Based on the above analysis, it is recommended that the Planning Commission forward to the Assembly a recommendation to approve the proposed Ordinance.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description: <u>Text amendment for C49.75.130 (Rezoning Procedures)</u>		
PROPERTY LOCATION		
Street Address: <u>Borough Wide</u>	City/Zip	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
Assessor's Parcel Number(s)		
LANDOWNER/LESSEE		
Property Owner's Name: <u>Borough Wide</u>	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
LANDOWNER/LESSEE CONSENT Required for Planning Permits, not needed on Building/Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
X	<u>[Signature]</u> Landowner/Lessee Signature	Date
X	<u>[Signature]</u> Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name: <u>Travis Goddard</u>	Contact Person: <u>Same</u>	Work Phone: <u>907-586-0756</u>
Mailing Address	Home Phone:	Fax Number:
E-mail Address: <u>travis.goddard@ci.juneau.ak.us</u>	Other Contact Phone Number(s):	
X	<u>[Signature]</u> Applicant's Signature	<u>4/4/14</u> Date of Application

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS

✓	Permit Type	Date Received	Application Number(s)
	Building/Grading Permit		
	City/State Project Review and City Land Action		
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	Sign Approval (If more than one, fill in all applicable permit #'s)		
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	Variance Case (De Minimis and all other Variance case types)		
	Wetlands Permits		
	Zone Change Application		
	Other (Describe): <u>TEXT Amendment</u>	<u>4/7/14</u>	<u>AME 14-0005</u>
Comments: _____ _____ _____ _____			

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. CBJ 49.75.130 Procedure is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

- (1) ~~The commission decision for approval shall make a recommendation to the assembly to approve or deny a rezoning request shall constitute only a recommendation to the assembly.~~
- (2) As soon as possible after the commission's recommendation, the assembly shall provide public notice and hold a public hearing on the proposed rezoning. After public hearing, the assembly may adopt the commission's recommendation as

1 submitted or with amendments, or reject the recommendation. A rezoning shall be
2 ~~adopted by ordinance, and any conditions thereon shall be contained in the~~
3 ~~ordinance. Upon adoption of any such ordinance, the director shall cause the official~~
4 ~~zoning map to be changed in accordance therewith.~~

- 6 (3) ~~The commission decision for denial shall constitute a final agency decision on the~~
7 ~~matter which will not be presented to the Assembly unless it is appealed to the~~
8 ~~Assembly in accordance with CBJ 49.20.120. All rezoning shall be adopted by~~
9 ~~ordinance, and any conditions thereon shall be contained in the ordinance. Upon~~
10 ~~adoption of any such ordinance, the director shall cause the official zoning map to~~
11 ~~be amended in accordance with the adopted ordinance.~~

13 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its
14 adoption.

16 Adopted this _____ day of _____, 2014.

18
19 _____
20 Merrill Sanford, Mayor

21 Attest:

22 _____
23 Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

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- (1) The commission ~~decision for approval~~ shall make a recommendation to the assembly to approve or deny a rezoning request ~~shall constitute only a recommendation to the assembly.~~
- (2) As soon as possible after the commission's recommendation, the assembly shall provide public notice and hold a public hearing on the proposed rezoning. After public hearing, the assembly may adopt the commission's recommendation as submitted or with amendments, or reject the recommendation. ~~A rezoning shall be adopted by ordinance, and any conditions thereon shall be contained in the~~

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Ordinance 2014-32(d) An Ordinance Amending the Land Use Code of the City and Borough to Provide for the Regulation of Wireless Communication Facilities and Providing for a Penalty.

MANAGER'S REPORT:

This ordinance was introduced on June 9, set for public hearing on June 30, and discussed by the Committee of the Whole in a joint worksession with the Planning Commission on June 16. Public testimony was heard at the June 30 Regular Assembly meeting and the Assembly action was to refer the ordinance to the Committee of the Whole on July 28, 2014. At the July 28, 2014 meeting, the Committee of the Whole moved to continue its consideration of the ordinance to the September 22, 2014 meeting.

Version (d) contains all of the changes requested at the July 28, 2014 meeting, a section on photosimulation testing and a section on balloon testing. The new language appears in bold.

RECOMMENDATION:

ATTACHMENTS:

	Description	Upload Date	Type
☐	Ordinance 2014-32(d)	9/18/2014	Ordinance
☐	Ordinance 2014-32(b)	6/25/2014	Ordinance
☐	Draft Wireless Master Plan	6/26/2014	Cover Memo
☐	Planning Commission Recommendation - TXT2009-00007 re Wireless	6/3/2014	Cover Memo
☐	2014-06-25 Memo re Photosimulation	6/25/2014	Cover Memo

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-32(d)

An Ordinance Amending the Land Use Code of the City and Borough to Provide for the Regulation of Wireless Communication Facilities and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. New Article. Article IX. Wireless Communication Facilities, is created to read:

ARTICLE IX. – WIRELESS COMMUNICATION FACILITIES

49.65.900 Purpose.

It is the purpose of this article to establish reasonable regulations for the placement, construction and modification of wireless communication facilities (WCF) consistent with the Telecommunications Act of 1996 and applicable law and:

(a) Promote the health, safety, and general welfare of the public and the City and Borough;

(b) Minimize the impacts of WCFs by establishing standards for siting, design and screening and by requiring consistency with the City and Borough's Wireless Telecommunications Master Plan;

1 (c) Encourage the collocation of antennas on existing structures thereby
2 minimizing new visual impacts and reducing the need for new towers;

3 (d) Maintain the natural surroundings and character of the City and Borough;

4 (e) Preserve neighborhood harmony and scenic viewsheds and corridors as
5 indicated in the Comprehensive Plan of the City and Borough of Juneau;

6 (f) Accommodate the growing need and demand for wireless communications
7 services;

8 (g) Respond to the policies embodied in the Telecommunications Act of 1996 in
9 such a manner as not to unreasonably discriminate between providers of functionally
10 equivalent personal wireless services or to prohibit or have the effect of prohibiting personal
11 wireless services; and
12

13 (h) Respond to the policies embodied in Section 6409(a) of the Middle Class Tax
14 Relief and Job Creation Act of 2012.
15

16 **49.65.910 Applicability.**
17

18 (a) This article shall apply to the development activities including installation,
19 construction, or modification of all WCFs including, but not limited to, existing towers,
20 proposed towers and collocated facilities on existing structures.

21 (b) All applications for WCF are subject to the standards in this article to the
22 extent that they do not violate Federal limitations on local siting standards and are not
23 otherwise inconsistent with Federal law. The provisions of this article are not intended to
24 and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless
25 services. This article shall not be applied in such a manner as to unreasonably discriminate
26 between providers of functionally equivalent personal wireless services.

27 (c) Exempt Facilities. The following are exempt from this article:
28

- 1 (1) Noncommercial, FCC licensed amateur (ham) radio antennas;
- 2 (2) Satellite earth stations and/or antennas used for private television
- 3 reception;
- 4 (3) A government-owned or temporary, commercial WCF installed upon
- 5 the declaration of a state of emergency by federal, state, or local government, or a written
- 6 determination of public necessity by the director; except that such facility must comply with
- 7 all federal and state requirements. The WCF shall be exempt from the provisions of this
- 8 article for up to one week after the duration of the state of emergency; and
- 9 (4) A temporary, commercial WCF installed for providing coverage of a
- 10 special event such as news coverage or sporting event, subject to approval by the director.
- 11 The WCF shall be exempt from the provisions of this article for up to one week after the
- 12 duration of the special event.
- 13
- 14 (d) All WCFs existing on or before the effective date of this article shall be
- 15 allowed to continue as they presently exist, provided however, that any proposed
- 16 modification to an existing WCF, including collocation, must comply with this article.
- 17

18 **49.65.920 Location preference for new WCFs.**

- 19 (a) Locating a new antenna array or new tower shall be in accordance with the
- 20 following location preferences, one being the highest priority and six being the lowest
- 21 priority:
- 22
- 23 (1) Collocated antenna on existing WCF;
- 24 (2) Concealed attached antenna;
- 25 (3) Non-concealed attached antenna;
- 26 (4) New concealed freestanding towers;
- 27 (5) New non-concealed freestanding towers;
- 28

1 (6) Any lighted WCF or any WCF requiring air navigation lighting.

2 (b) If the proposed location is not the highest priority listed above, then a detailed
3 explanation justifying why a site of a higher priority was not selected must be submitted
4 with the WCF application, as required by section 49.65.960. Any application seeking
5 approval to locate a WCF in a lower-ranked location may be denied unless the applicant
6 demonstrates to the satisfaction of the director or planning commission the following:

7 (1) That despite diligent efforts to adhere to the established hierarchy,
8 doing so is technically infeasible or commercially impractical; and

9 (2) The reason or reasons why the application should be approved for the
10 proposed location.
11

12
13 **49.65.930 General requirements.**

14 (a) *Concealed and non-concealed antenna.*

15 (1) Antennas shall be mounted on WCFs so as to present the smallest
16 possible silhouette, profile, or cross-section, unless applicant provides sufficient evidence
17 that doing so would prohibit the applicant from properly deploying the network. New
18 antenna mounts shall be flush-mounted onto existing WCFs, unless it is demonstrated
19 through RF propagation analysis that flush-mounted antennas will not meet the network
20 objectives of the desired coverage area.
21

22 (2) Attached, concealed feed lines and antennas shall be designed to
23 architecturally match the facade, roof, wall, or structure on which they are affixed so that
24 they blend with the existing design, color, and texture of the structure.

25 (b) *Security of WCFs.* All WCFs shall be located, fenced or otherwise secured in a
26 manner that prevents unauthorized access.
27
28

1 (1) All antennas, towers and other supporting structures, ~~including guy~~
2 ~~wires~~, shall be constructed or shielded to reasonably prevent unauthorized access.

3 (2) Transmitters and telecommunications control points must be installed
4 in a manner to be readily accessible only to persons authorized to operate or service them.

5 (c) *Signage.* WCFs shall contain a sign no larger than four square feet with text
6 in a sufficient font size to provide adequate notification to persons in the immediate area of
7 the presence of an antenna that has transmission capabilities. The sign shall contain the
8 name(s) of the owner(s) and operator(s) of the facility, an emergency phone number(s), and
9 FCC registration number, if applicable. The sign shall be on the equipment shelter or
10 cabinet and be visible from the access point of the site. The sign shall not be lighted unless
11 authorized by the City and Borough or unless applicable provisions of law require such
12 lighting. No other signage, including advertising, shall be permitted on any WCF, unless
13 required by law.
14

15 (d) *Lighting.* Notice is required to be provided to the FAA, on a form prescribed
16 by the FAA, if the facility falls under notification requirements mentioned in 14 CFR Part
17 77. The applicant is responsible for determining whether notification is required. Any WCF
18 that is required to have lighting by the FAA will be lighted with the minimum intensity and
19 number of flashes per minute (i.e., the longest duration between flashes) allowable by the
20 FAA. The lights shall be oriented, **shielded or otherwise designed** so as not to project
21 directly on to surrounding property, consistent with FAA requirements.
22

23 (e) *Design criteria.*

24 (1) All freestanding WCFs between 60 and 120 feet in height shall be
25 engineered and constructed to accommodate no fewer than four antenna arrays. All WCFs
26 between 121 feet and 150 feet shall be engineered and constructed to accommodate no fewer
27 than five antenna arrays. All WCFs between 151 feet and taller shall be engineered and
28

1 constructed to accommodate no fewer than six antenna arrays.

2 (2) All utilities for a WCF site shall be installed underground and in
3 compliance with all ordinances, rules and regulations of the City and Borough, including,
4 but not limited to, the National Electrical Code where appropriate. The director may waive
5 or vary the requirements of underground installation of utilities whenever, in the opinion of
6 the director, such waiver shall not be detrimental to the health, safety, or general welfare of
7 the community or the environment, or the visual and scenic characteristics of the area.

8 (3) All appurtenant or associated facilities of a WCF shall maximize use of
9 building materials, colors and textures designed to blend with the structure to which it may
10 be affixed, or to harmonize with the natural surroundings or built environment, which shall
11 include the utilization of concealed or concealment technology for facilities appurtenant to
12 concealed WCFs. If located in or abutting a Residential, Commercial or Mixed-Use district,
13 the appurtenant or associated facility shall either be placed inside an enclosed structure,
14 fenced, or screened with sight-obscuring foliage, which will be as tall as the appurtenant or
15 associated facility.
16

17 (4) Use of guy wires is prohibited for all WCF.
18

19 (f) *Setbacks.* Freestanding towers and appurtenant structures shall be subject to
20 the setbacks described below:

21 (1) If the tower is not constructed using breakpoint design technology, the
22 minimum setback distance from the nearest property line shall be equal to the height of the
23 proposed tower.

24 (2) If tower has been constructed using breakpoint design technology, the
25 minimum setback distance shall be equal to 110 percent (110%) of the distance from the top
26 of the structure to the breakpoint level of the structure, or the minimum yard setback
27 requirements, whichever is greater. For example, on a 100-foot tall freestanding tower with
28

1 a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20
2 feet, the distance from the top of the tower to the breakpoint) plus the minimum side or rear
3 yard setback requirements for that zoning district. Certification by a professional engineer
4 registered in the State of Alaska, of the breakpoint design and the design's fall radius must
5 be provided with the application.

6 (3) Any appurtenant structure shall be located so as to comply with the
7 applicable minimum setback requirements for the property on which it is situated.

8 (g) WCF shall not significantly affect Natural Areas or land designated as
9 Natural Area Park or Scenic Corridor/Viewshed as identified in the Comprehensive Plan.

10 (h) *Master Plan.* WCFs shall be consistent with the City and Borough's Wireless
11 Telecommunications Master Plan.

12 (i) *Visibility.*

13 (A) WCF shall be configured and located in a manner that shall minimize
14 adverse effects including visual impacts on the landscape and adjacent properties and shall
15 be maintained in accordance with the requirements of this article.

16 (B) WCFs shall be designed to either resemble the surrounding landscape
17 and other natural features where located in proximity to natural surroundings, or be
18 compatible with the urban, built environment, through matching or complementing existing
19 structures and specific design considerations such as architectural designs, height, scale,
20 color, and texture.

21 (j) *Structural assessment.* The owner of a freestanding WCF tower shall have a
22 structural assessment of the tower conducted by a professional engineer, licensed in the
23 State of Alaska, if the tower is within the distance from the top of the structure to the
24 breakpoint level of the structure from a dwelling, parking lot, playground, or right-of way, or
25 if the tower~~s~~ was not constructed using breakpoint design technology, ~~a structural~~
26
27
28

1 ~~assessment is required if the tower is at a distance equal to the tower's height from a~~
2 ~~dwelling, parking lot, playground, or right of way.~~ The owner shall submit the
3 structural assessment report required by this subsection, signed by the engineer who
4 conducted the assessment, to the director by July 1 every fifth year from the date of issuance
5 of the building permit.
6

7
8 **49.65.940 Permit application process for all WCFs.**

9 (a) Applications, on a form specified by the director, and site plans for all WCFs
10 shall be submitted to the director.

11 (b) At the time that a person submits an application for a permit for any type of
12 WCF, such person shall pay a nonrefundable application fee to the CBJ, as set forth in
13 Chapter 49.85.100. In addition to the application fee, the director may require a technical
14 review by a third party expert, the actual costs of which shall be borne by the applicant.
15 Based on the results of the technical review, the director may require changes or additional
16 documentation before the application will be considered complete. The technical expert
17 review may address some or all of the following, at the discretion of the director:
18

19 (1) The accuracy and completeness of the items submitted with the
20 application;

21 (2) The applicability of analysis and techniques and methodologies
22 proposed by the applicant;

23 (3) The validity of conclusions reached by the applicant;

24 (4) Whether the proposed WCF complies with applicable approval criteria
25 set forth in this article; and

26 (5) Other matters deemed to be relevant to determining whether a
27 proposed WCF complies with the provisions of this article.
28

49.65.950 Administrative permits.

(a) A WCF described in Table 1 shall be approved or denied by the director, unless lighting would be required by the FAA or FCC. A special use permit shall be required of all lighted WCF or any WCF requiring air navigation lighting.

TABLE 1

<u>WCF Type</u>	<u>Zoning Districts</u>	<u>Maximum Height</u>	<u>Min. Distance</u>
Eligible Collocation, Removal or Replacement of Transmission Equipment as provided in CBJ 49.65.950(b)	All	Not more than 10% of existing structure or 20 feet (unless the increased height requires an existing unlit WCF to become lit)	N/A
Concealed Attached	All	≤ 20 Feet ¹	N/A
Non-concealed Attached	D-1 – D-18	≤ 5 Feet ¹	N/A
Non-concealed Attached	Non-Residential and Mixed Use	≤ 20 Feet ¹	N/A
New Concealed Tower	WI, WC, GC, LC	≤ 20 Feet above Max. Height of Zoning District	N/A
New Concealed Tower	RR	≤ 100 Feet	> 500 Feet of to Nearest Dwelling
New Concealed Tower	I	≤ 120 Feet	> 500 Feet of to D-1 – D-18 Districts
New Concealed Tower	D-1 – D-18	Compliant with Max Height of Zoning District	N/A
New Non-Concealed Tower	RR	≤ 120 Feet	>1000 Feet of to Nearest Dwelling
New Non-Concealed Tower	I	≤ 60 Feet	>500 Feet of to D-1 – D-18 Districts

1 Note: (fn. 1) Rooftop and attachment heights are identified as above the highest point of
2 the existing structure.

3 (b) *Collocations and other modifications to existing facilities pursuant to Section 6409*
4 *of the Middle Class Tax Relief and Job Creation Act of 2012.* Eligible collocations and
5 modifications for the removal or replacement of transmission equipment on an existing
6 wireless tower or base station that do not substantially change the physical dimensions of
7 the existing tower or base station shall be eligible for an administrative permit. For the
8 purposes of this section, “substantial change” means:

9 (1) The mounting of the proposed antenna would increase the existing
10 height of the WCF by more than 10%, or by the height of one additional antenna array with
11 separation from the nearest existing antenna not to exceed twenty feet, whichever is
12 greater, except that the mounting of the proposed antenna may exceed the size limits set
13 forth in this subsection if necessary to avoid interference with existing antenna or unless the
14 increased height requires an existing unlit WCF to become lit;

15 (2) The mounting of the proposed antenna would involve the installation
16 of more than the standard number of new equipment cabinets for the technology involved,
17 not to exceed four, or more than one new equipment shelter;

18 (3) The mounting of the proposed antenna would involve adding an
19 appurtenance to the body of an existing WCF that would protrude from the edge of the
20 existing WCF more than twenty feet, or more than the width of the WCF at the level of the
21 appurtenance, whichever is greater, except that the mounting of the proposed antenna may
22 exceed the size limits set forth in this subsection if necessary to shelter the antenna from
23 inclement weather or to connect the antenna to the structure via a cable; or

24 (4) The mounting of the proposed antenna would involve excavation
25 outside the existing WCF site, defined as the current boundaries of the leased or owned
26
27
28

1 property surrounding the WCF and any access or utility easements currently related to the
2 site.

3 (c) *Director's decision.* Except for applications requiring a special use permit,
4 applications shall be approved or denied, in writing, by the director.

5 (1) The director shall review the submitted application for completeness
6 and shall notify the applicant within 30 days of receipt of the initial submission whether the
7 application is deemed complete. If rejected as incomplete, the director shall identify the
8 deficiencies in the application, which if cured, would make the application complete.
9

10 (2) The director shall review all completed applications for compliance
11 with the requirements of section 49.65.930. The director may notify an applicant of a failure
12 to comply with section 49.65.930 and may allow the applicant to resubmit a revised
13 application. Any period of time from when the director notifies the applicant to the date the
14 revised application is received shall not count for the purposes of calculating the 90 calendar
15 day deadline in subsection (3).

16 (3) Applications not meeting the requirements of this article shall be
17 rejected. The director's decision to approve or deny an application shall be in writing and
18 supported by substantial evidence. The director's decision shall be postmarked to the
19 applicant by the 90th calendar day from the date of receipt of the final and complete
20 application.
21

22
23 **49.65.960 General application submittal requirements for all WCFs.**

24 (a) An application for a WCF shall be signed on behalf of the applicant by the
25 person preparing the same and with knowledge of the contents and representations made
26 therein and attesting to the truth and completeness of the information. The landowner, if
27 different than the applicant, shall also sign the application. All information submitted in an
28

1 application shall be provided by a person qualified to provide the information. All
2 applications for the construction or installation of a new WCF shall be accompanied by the
3 following documentation, except applications for eligible collocation or modification under
4 section 49.65.950(b) are exempt from providing the documentation required by subsection
5 (r):

6 (b) In addition to the information required by 49.65.920(b), an affidavit
7 demonstrating compliance with 49.65.920. If a lower ranking alternative is proposed the
8 affidavit must address why higher ranked options are technically infeasible or commercially
9 impracticable given the proposed location of the wireless communications facility;

10 (c) A narrative describing compliance with the 49.65.930.

11 (d) A signed statement from a qualified person, together with a statement of that
12 person's professional qualifications, certifying that radio frequency emissions from the
13 antenna array(s), both individually and cumulatively considering any other WCF located on
14 or immediately adjacent to the proposed WCF, will comply with FCC standards;

15 (e) Name, address, email address, and phone number of all persons preparing the
16 application and any required submittals;

17 (f) Name, address and phone number of the property owner, applicant, and
18 facility owner, if applicable;

19 (g) Postal address and tax map parcel number of the property;

20 (h) Zoning designation of the property on which the proposed WCF will be
21 situated;

22 (i) Size of the property stated both in square feet and lot line dimensions, and a
23 diagram showing the location of all lot lines;

24 (j) Locations of any dwellings within a radius equal to the height of the proposed
25 tower from its base;

1 (k) Location, size and height of all structures on the property which is the subject
2 of the application;

3 (l) Location, size and height of all proposed and existing antennas and all
4 appurtenant structures;

5 (m) Type, locations and dimensions of all proposed and existing landscaping and
6 fencing;

7 (n) The number, type and design of the WCFs proposed and the basis for the
8 calculations of the WCFs capacity to accommodate multiple collocations;

9 (o) A detailed description of the proposed WCF and all related fixtures,
10 structures, appurtenances and apparatus, including height above preexisting grade,
11 materials, color and lighting;

12 (p) Certification that the application is in compliance with all applicable laws
13 pertaining to the type of service offered;

14 (q) Applicant shall disclose in writing the existence of any agreement that would
15 limit or preclude the ability of the applicant to share any new WCF that it constructs;

16 (r) Applicant shall furnish written certification by a professional engineer,
17 licensed in the State of Alaska, that the WCF, foundation and appurtenant attachments are
18 designed to meet relevant site and subsurface conditions, and will be constructed to meet
19 EIA/TIA 222 G (as amended) and local building code structural requirements for loads,
20 including wind, snow and ice loads for the specified number of collocations required in
21 section 49.65.930~~(e)(1)~~ (e)(1).

22 (s) Certification by a professional engineer licensed in the State of Alaska that
23 the WCF ~~was~~ will be constructed, repaired, modified or restored in strict compliance with all
24 current applicable technical, safety and safety-related laws adopted by the City and
25 Borough, state, or federal government, and in compliance with accepted and responsible
26
27
28

1 workmanlike industry practices and recommended practices of the National Association of
2 Tower Erectors; and

- 3 (t) Proof of compliance with FAA regulations in 14 CFR Part 77, if applicable.
4

5 **49.65.970 Special use permit applications.**

6 (a) As of the effective date of this article, no person shall be permitted to site,
7 place, build, construct, modify, or prepare any site for the placement or use of WCF, except
8 for those WCF identified in section 49.65.940, Table 1, without having first obtained a
9 special use permit. All applicants for a special use permit and any modification of such
10 facility shall comply with the requirements set forth in this section.
11

12 (b) *Pre-application meeting.* Prior to submission of an application, the applicant
13 shall meet with the director for the purpose of discussing the site and development proposal,
14 and to address any issues that will help to expedite the review and permitting process,
15 including the scope of the visual assessment the applicant will be required to provide as part
16 of the special use permit process. A pre-application meeting may also include a site visit, as
17 determined by the director. No statement by either the applicant or director shall be
18 regarding as binding or authoritative for purposes of this section.
19

- 20 (c) *Additional required application submittals.*

21 (1) In addition to the fee required in 49.65.940(b), the applicant shall pay
22 an additional special use permit application fee as set forth in 49.85.100.

23 (2) In addition to the documentation required by section 49.65.960, the
24 following documentation must be submitted with any special use permit application:

25 (A) *Design Criteria.* A narrative describing compliance with the
26 design criteria listed in section 49.65.930;
27
28

1 (B) *Visual impact assessment.* The scope of the required assessment
2 will be reviewed at the pre-application meeting, but the planning commission may require
3 submission of a more detailed visual analysis after submittal of the following required
4 information. The visual impact assessment must include:

5 (i) A "zone of visibility map" which shall be provided in
6 order to determine locations from which the tower may be seen;

7 (ii) An analysis demonstrating that the WCF will be sited so
8 as to have the least adverse visual impact on the environment and its character, on existing
9 vegetation, and on the properties in the area, while still meeting the applicant's network
10 objectives;

11 (iii) A "before" pictorial representation of the proposed
12 WCF site together with photo-simulated post construction renderings of the
13 completed proposed antenna support structure, equipment cabinets, and ancillary
14 structures which shall at a minimum include renderings from multiple vantage
15 points of any adjacent roadways and occupied or proposed non-residential or
16 residential structures, and other locations as determined in the Pre-Application
17 meeting (the "before" representations and photo-simulations shall be from the same
18 locations). In addition to the requirements of this subsection, the applicant shall
19 provide simulated photographic evidence of the proposed WCF's appearance from
20 any and all residential zones (as identified in the Comprehensive Plan) within
21 1,500 feet and vantage points approved by the director and the impact on adjacent
22 properties including: overall height; configuration; physical location; mass and
23 scale; materials and color; illumination; and architectural design. In addition to
24 the foregoing, the applicant shall also submit proposed exterior paint and stain
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1 *samples for any items to be painted or stained, and exterior building material and*
2 *roof samples.*

3 (iv) A description of the visual impact of the tower base and
4 accessory buildings from abutting properties and streets;

5 (v) The applicant shall demonstrate in writing and/or by
6 drawing how it shall effectively screen from view the base of its proposed WCF tower and all
7 appurtenant facilities and structures; and

8 (vi) If the tower is to be lit, a description of the specific type
9 of lighting applicant proposes using and a description of how the applicant will comply with
10 the directive in 49.65.930(d), requiring that lighting be oriented, *shielded or otherwise*
11 *designed* so as to not project directly on to surrounding property (for example, by the use of
12 buffers, louvers, etc.).

13
14 (C) The applicant shall provide evidence that the proposed facility
15 is designed to meet the minimum height requirement necessary for effective functioning of
16 the provider's network.

17 (D) *Balloon test.* In order to better inform the public in the case of
18 a new freestanding WCF, the applicant shall, prior to the public hearing on the application,
19 hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a
20 ~~*minimum of a three (3) foot in diameter*~~ brightly colored balloon at the maximum height
21 of the proposed new tower. *The balloon shall have a diameter between three and six*
22 *feet and have shall contain no more than 115 cubic feet of gas.* The applicant shall
23 inform the director, in writing, of the dates and times of the test, at least two days in
24 advance. *The applicant may also need to notify the Federal Aviation*
25 *Administration.* The balloon shall be flown for at least 72 consecutive hours, with one 24
26
27
28

1 hour period occurring on a Saturday or Sunday. The applicant shall submit photos of the
2 test and a narrative describing the date, time and duration of the test.

3 (E) A propagation study for the proposed WCF.

4 (d) *Director's Review.*

5 (1) The director shall review the application for completeness.

6 (2) Incomplete applications shall be rejected and the applicant notified in
7 writing within 30 days of receipt of the initial submission. If rejected, the director's decision
8 shall identify the deficiencies in the application, which, if cured, would make the application
9 complete.
10

11 (3) Once an application is deemed complete, the director shall schedule it
12 for a hearing before the planning commission, and shall give notice to the applicant and the
13 public in accordance with subsection (e).

14 (e) *Public notice.* Public notice of planning commission consideration of a special
15 use permit, at a minimum, shall be provided as follows:

16 (1) Permit consideration shall be included as an item in the posted
17 agenda.
18

19 (2) Notice of the hearing and the agenda item shall be published in a
20 newspaper of general circulation in the City and Borough a minimum of ten days prior to
21 the date of the meeting. The cost of publication shall be paid by the applicant.

22 (3) The applicant shall post three signs on the site at least 14 days prior to
23 the hearing at locations determined by the director. The sign shall be between four square
24 feet and 32 square feet in area, shall have a red background, and shall indicate in white
25 lettering, 216-point or larger, that a special use permit for a WCF has been sought for the
26 site, the date of the hearing thereon, and that further information is available from the
27
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1 director. The applicant shall maintain the sign and shall remove it within 14 days after final
2 action on the application.

3 (4) The director shall mail notice of the application and the public hearing
4 to the neighbor associations listed with the municipal clerk and owners of record of
5 all property located ~~within three miles~~ 1500 feet of the site, unless the director
6 determines that a geographic feature between the site and a property would
7 conceal the proposed WCF from view. The actual cost of mailing shall be paid by the
8 applicant.
9

10 (f) *Planning Commission determination.* The planning commission is authorized
11 to review, analyze, evaluate and make decisions with respect to reviewing special use
12 permits for WCFs.

13 (1) The planning commission may impose any conditions on a special use
14 permit:

15 (A) Required to ensure compliance with the design criteria specified
16 in section 49.65.930; and

17 (B) That are consistent with the purposes of this article, which may
18 include conditions related to the aesthetic effect of the WCF and compatibility with the
19 surrounding area. Factors relevant to aesthetic effects are: the protection of the view in
20 sensitive or particularly scenic areas, Scenic Corridors/Viewsheds identified in the
21 Comprehensive Plan of the City and Borough of Juneau, and in the Historic District; the
22 concentration of WCFs in the proposed area; and whether the height, design, placement or
23 other characteristics of the proposed facility could be modified to have a less intrusive visual
24 impact.
25

26 (2) The planning commission may deny an application for any of the
27 following reasons.
28

- 1 (A) Conflict with safety and safety-related codes and requirements;
2 (B) Conflict with the purpose of a specific zoning, overlay, or land
3 use designation;
4 (C) Presence of another approved WCF or WCF application within
5 the geographic search area, which is available to the applicant;
6 (D) The proposed site is on, or eligible to be on, the National
7 Register of Historic Places;

8
9 **(E) The proposed site is in an area commonly valued by the**
10 **community as a whole for its natural or scenic properties.**

11 (F) For a proposed freestanding tower, the applicant fails to
12 demonstrate that no existing structure or tower can accommodate the applicant's proposed
13 use without increasing the height of the existing tower or structure or otherwise creating a
14 greater visual impact; or that use of such existing facilities is technically infeasible or
15 commercially impracticable; and

16 (G) Conflicts with the provisions of this article.

17 (3) The planning commission shall deny any application for WCF in the
18 following locations:

- 19 (A) State or local wildlife refuges;
20 (B) In any area designated as a public park, unless screened so as
21 to minimize visual and noise impacts, and as long as public use will not be disrupted; and
22 (C) In any area designated as a Scenic Corridor/Viewshed identified
23 in the Comprehensive Plan of the City and Borough of Juneau.
24 (D) In any area that **fully or partially** obstructs the view of the
25 Mendenhall Glacier from the waterfront roadway from the North Douglas boat launch
26 facility to False Outer Point.
27
28

1 (4) The planning commission shall condition a permit on a requirement to
2 construct the WCF within a reasonable period of time, which may not exceed 18 months.

3 (g) Any and all representations made by the applicant to the planning
4 commission on the record during the application process, whether written or verbal, shall be
5 deemed a part of the application and may be relied upon in good faith by the commission.

6 (h) A holder of a special use permit granted under this article shall obtain, at its
7 own expense, all permits and licenses required by applicable law, rule, regulation or code,
8 and must maintain the same, in full force and effect, for as long as required by the City and
9 Borough or other governmental entity or agency having jurisdiction over the applicant.

10 (i) The planning commission's decision shall be in writing and mailed to the
11 applicant, postmarked by the 150th day of receipt of a final and completed application. A
12 decision to grant or deny a request to place, construct or modify a WCF shall be supported
13 by substantial evidence.

14 (j) If the planning commission denies a request to place, construct or modify a
15 WCF, the applicant may, within 20 days from the postmarked date of the decision, appeal
16 the planning commission's decision in accordance with section 49.20.110.
17
18
19

20 **49.65.980 Extent and parameters of special use permits.**

21 (a) Special use permits may, following a hearing upon prior notice to the
22 applicant, be revoked, canceled, or terminated for a violation of the conditions and
23 provisions of the special use permit for WCFs or for a material violation of this article after
24 prior written notice to the applicant and the holder of the special use permit.

25 (b) The holder of a special use permit shall notify the City and Borough of any
26 intended modification of a WCF and shall apply to the director to modify, relocate or rebuild
27 any WCF.
28

1 (c) A special use permit shall become void 18 months after its effective date if no
2 substantial construction progress has been made. A new application must be submitted for
3 a voided permit, including the payment of any required fees, and a new permit obtained. No
4 permit shall be renewed more than once, the maximum duration of which shall be 18
5 months.

6 (d) Upon an application submitted at least 30 days before the expiration of an
7 existing special use permit, the commission shall hold a hearing to consider whether the
8 permit should be extended. At least ten days prior to the hearing, notice thereof shall be
9 mailed to the property owners of record within three miles of the proposed site identified in
10 the application and at least two days prior to the hearing a general notice thereof shall be
11 printed in a newspaper of general circulation in the municipality. At the hearing, the burden
12 of proof for the justification for a permit extension shall rest with the applicant. Upon
13 written findings that such burden has been met, the commission may grant an extension not
14 to exceed 18 months, but shall not delete from, amend or add to the conditions contained in
15 the permit. Upon written findings that the applicant's burden has not been met, or that the
16 conditions contained in the permit should be changed, or both, the commission shall deny
17 the application whereupon the permit shall be voided. Upon application and consideration
18 pursuant to this section, the commission may grant no more than one additional extension,
19 the maximum duration of which shall be 18 months.
20
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22

23 **49.65.990 Interference with public safety equipment.**

24 In order to facilitate the regulation, placement, and construction of antenna, and to
25 ensure that all parties are complying to the fullest extent possible with the rules,
26 regulations, and/or guidelines of the FCC, each applicant or owner applicant shall agree in a
27 written statement to the following:
28

1 (a) Compliance with "good engineering practices" as defined by the FCC in its
2 rules and regulations;

3 (b) Compliance with FCC regulations regarding susceptibility to radio frequency
4 interference, frequency coordination requirements, general technical standards for power,
5 antenna, bandwidth limitations, frequency stability, transmitter measurements, operating
6 requirements, and any and all other federal statutory and regulatory requirements relating
7 to radio frequency interference (RFI);
8

9 (c) In the case of an application for collocated telecommunications facilities, the
10 applicant, together with the owner of the subject site, shall use their best efforts to provide a
11 composite analysis of all users of the site to determine that the applicant's proposed
12 facilities will not cause radio frequency interference with the City and Borough's public
13 safety communications equipment and will implement appropriate technical measures, as
14 described in antenna element replacements, to attempt to prevent such interference; and

15 (d) Whenever the City and Borough has encountered radio frequency interference
16 with its public safety communications equipment, and it believes that such interference has
17 been or is being caused by one or more antenna arrays, the following steps may be taken:
18

19 (1) The City and Borough shall provide notification to all wireless service
20 providers operating in the City and Borough of possible interference with the public safety
21 communications equipment, and upon such notifications, the owners shall use their best
22 efforts to cooperate and coordinate with the City and Borough among themselves to
23 investigate and mitigate the interference, if any, utilizing the procedures set forth in the
24 joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC
25 in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering
26 Practices," as may be amended or revised by the FCC from time to time in any successor
27 regulations.
28

1 (2) If any equipment owner fails to cooperate with the City and Borough in
2 complying with the owner's obligations under this section or if the FCC makes a
3 determination of radio frequency interference with the City and Borough public safety
4 communications equipment, the owner who failed to cooperate and/or the owner of the
5 equipment which caused the interference shall be responsible, upon FCC determination of
6 radio frequency interference, for reimbursing the City and Borough for all costs associated
7 with ascertaining and resolving the interference, including but not limited to any
8 engineering studies obtained by the City and Borough to determine the source of the
9 interference. For the purposes of this subsection, failure to cooperate shall include failure to
10 initiate any response or action as described in the "Enhanced Best Practices Guide" within
11 24 hours of the City and Borough's notification.
12

13
14 **49.65.1000 Transfers and assignments.**

15 (a) Permits obtained pursuant to this chapter may not be assigned or transferred
16 without providing prior notice to the City and Borough, on a form acceptable to the director.
17

18 (b) In the event a WCF provider or owner transfers ownership of a WCF to a
19 different provider or owner, the previous and new service provider or owner shall notify the
20 director no less than 10 days from the date of transfer. The new provider or owner shall
21 include the name, address and phone number of the person to be responsible for the WCF.
22

23 **49.65.1010 Non-use and abandonment.**

24 (a) Notwithstanding section 49.10.600, the director may require removal of a
25 WCF under the following circumstances, which are deemed detrimental to the health,
26 safety, and welfare interests of the City and Borough:
27
28

(1) WCFs with a permit that have not been used as a WCF for a period exceeding 90 consecutive days or a total of 180 days in any 365-day-period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days or within such other reasonable time approved by the director.

(2) Permitted WCFs that have fallen into such a state of disrepair that create a public health or safety hazard, which shall be deemed a nuisance per se.

(3) WCFs that have been located, constructed, or modified without first obtaining all permits required by law, or that have been located, constructed or modified in a manner inconsistent with the applicable permit requirements, which shall be deemed a nuisance per se.

(b) If the director makes such a determination as noted in subsection (a) of this section, the director shall notify the permittee in writing that said WCF is to be removed.

(c) Within 90 days of the postmarked date of the director's notice, the permittee, or its successors or assigns, shall dismantle and remove such WCF, and all associated structures and facilities, from the site and restore the site as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability proven to the satisfaction of the director.

(d) If the WCF is not removed or substantial progress has not been made to remove the WCF within 90 days after the permit holder has received notice, the City and Borough may remove or cause to be removed the WCF at the sole expense of the owner or permit holder.

(e) If, the City and Borough removes or causes to be removed a WCF and the owner of the WCF does not claim and remove it from the site to a lawful location within ten days, then the City and Borough may take steps to declare the WCF abandoned, and sell it and its components.

1 (f) Notwithstanding anything in this section to the contrary, the director may
2 approve a temporary use permit/agreement for the WCF, for no more than 90 days, during
3 which time a suitable plan for removal, conversion, or relocation of the affected WCF shall
4 be developed by permit holder or owner, subject to the approval of the director. If such a
5 plan is not developed, approved and executed within the 90-day time-period, then the City
6 and Borough may take possession of and dispose of the affected WCF in the manner
7 provided in this section.
8

9
10 **49.65.1020 Conflict with other ordinances.**

11 Where this article differs or conflicts with other ordinances, unless the right to do so is
12 preempted or prohibited by the state or federal law, the more restrictive or protective of the
13 City and Borough and the public shall apply.
14

15 **49.65.1030 Violations.**

16 Violations of this article or any special use permit obtained pursuant to this article
17 shall be subject to the provisions of section 49.10.600 through 49.10.660.
18

19
20 **Section 3. Amendment of Section.** CBJ 49.80.120 Definitions, is amended by
21 the addition of the following definitions to be incorporated in alphabetical order:

22 *Amateur Radio Antenna* means any tower used for amateur radio (ham) transmissions
23 consistent with FCC regulations.

24 *Antenna* means communications equipment that transmits and receives electromagnetic
radio signals used in the provision of all types of wireless communications services.

25 *Antenna array* means A single or group of antenna elements and associated mounting
26 hardware, transmission lines, or other appurtenances which share a common attachment
27 device such as a mounting frame or mounting support structure for the sole purpose of
transmitting or receiving electromagnetic waves.
28

1 *Appurtenant or associated facilities* means an accessory facility or structure serving or being
2 used in conjunction with (WCF), and located on the same property or lot as the (WCF),
3 including but not limited to, utility or transmission equipment storage shelters or cabinets.

4 *Base station* means a facility consisting of radio transceivers, antenna, coaxial cable, a
5 regular and back-up power supply, and other electronics associated with the operation of a
6 WCF.

7 *Breakpoint Technology* means the engineering design of a monopole wherein a specified
8 point on the monopole is designed to be at least five percent more susceptible to failure than
9 any other point along the monopole so that in the event of structural failure, the failure will
10 occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the
11 monopole.

12 *Collocation* means the placement of an antenna on an existing WCF for the purpose of
13 transmitting and/or receiving radio frequency signals for communications purposes.

14 *Commercially impracticable* means the inability to perform an act on terms that are
15 reasonable in commerce. The inability to achieve a satisfactory financial return on
16 investment or profit, standing alone, shall not be considered "commercial impracticability"
17 and shall not render an act or the terms of an agreement commercially impracticable.

18 *Equipment cabinet or shelter* means a small structure shelter, cabinet or vault used to house
19 and protect the electronic equipment necessary for processing wireless communication
20 signals. Associated equipment may include air conditioning and emergency generators.

21 *FAA* means the Federal Aviation Administration or its duly designated and authorized
22 successor agency.

23 *FCC* means the Federal Communications Commission or its duly designated and authorized
24 successor agency.

25 *Feed lines* means cables used as the interconnecting media between the
26 transmission/receiving base station and the antenna.

27 *Flush mounted* means any antenna or antenna array attached directly to the face of the
28 support structure or building in a manner that permits mechanical beam tilting if necessary
but such that no portion of the antenna extends above the height of the support structure or
building.

Geographic Search Area means an area designated by a wireless provider or operator for a
new base station or WCF, produced in accordance with generally accepted principles of
wireless engineering.

Guy wire means any wire or cable that provides structural support between a tower and the
ground.

1 *Monopole WCF* means a style of free-standing WTF consisting of a single shaft usually
2 composed of two or more hollow sections that are in turn attached to a foundation. This type
3 of WTF is designed to support itself without the use of guy wires or other stabilization
4 devices. These facilities are mounted to a foundation that rests on or in the ground or on a
5 building's roof.

6 *Non-concealed* means a WCF that has not been treated, camouflaged, or disguised to blend
7 with its surroundings and is readily identifiable.

8 *Propagation study means a computer generated study estimating the signal emanating, and*
9 *prediction of coverage, from antennas or repeaters sited on a specific tower or structure.*

10 *Radio frequency emissions* means any electro-magnetic radiation or other communication
11 signal emitted from an antenna that is regulated by the FCC.

12 *Satellite earth station* means a parabolic or dish antenna that is mounted to a structure,
13 which may include associated equipment cabinets, necessary for the transmission or
14 reception of wireless communication signals with satellites.

15 *Tower* means a structure that is built for the sole or primary purpose of supporting
16 equipment for the transmission and/or reception of radio frequency signals or other wireless
17 communications or meteorological purposes, and usually consisting of an antenna or
18 antenna array, transmission cables, equipment cabinets, and their associated facilities.

19 *Tower base* means the foundation, usually concrete, on which the tower and other support
20 equipment is situated. For measurement calculations, the tower base is that point on the
21 foundation reached by dropping a perpendicular from the geometric center of the tower.

22 *Wireless Communication Facility (WCF)* means any manned or unmanned location for the
23 transmission and/or reception of radio frequency signals or other wireless communications,
24 and usually consisting of an antenna or group of antennas, transmission cables, and
25 equipment cabinets, and may include an antenna support structure. The following
26 developments shall be considered a WCF: developments containing new, mitigated, or
27 existing antenna support structures, public antenna support structures, replacement
28 antenna support structures, collocation on existing antenna support structures, attached
wireless communications facilities, concealed wireless communication facilities, and non-
concealed wireless communication facilities. Excluded from the definition are:
noncommercial amateur radio, amateur ham radio and citizen band antennas, satellite
earth stations and antenna support structures, and antennas and/or antenna arrays for
AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include:

Attached WCF means an antenna or antenna array that is secured to an existing
building or structure with any accompanying pole or device which attaches it to the
building or structure, together with transmission cables, and an equipment cabinet,
which may be located either on the roof or inside/outside of the building or structure.

1 An attached wireless communications facility is considered to be an accessory use to
2 the existing principal use on a site.

3 *Concealed WCF*, sometimes referred to as a concealed or camouflaged facility, means
4 a WCF, ancillary structure, or WCF equipment compound that is not readily
5 identifiable as such, and is designed to be aesthetically compatible with existing and
6 proposed building(s), vegetation, natural features, and uses on a site. There are two
7 types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed
8 attached WCF include, but are not limited to, those designed to integrate or blend
9 with the building or structure upon which the facility is attached by the use of paint,
10 faux windows, dormers or other architectural features. 2) Freestanding concealed
11 WCFs usually have a secondary, obvious function which may be, but is not limited to
12 the following: church steeple, windmill, bell tower, clock tower, cupola, light
13 standard, flagpole with or without a flag, or faux tree.

14 *Freestanding WCF* means any manned or unmanned location for the transmission
15 and/or reception of radio frequency signals, or other wireless communications, and
16 usually consisting of an antenna or group of antennas, feed lines, and equipment
17 cabinets, and may include an antenna support structure. A freestanding WCF
18 includes, but is not limited to the following: guyed, lattice, or monopole support
19 structures.

20 *Non-concealed WCF* means a wireless communication facility that is readily
21 identifiable as such and can be either freestanding or attached.

22 **Section 4. Amendment of Section.** CBJ 49.85.100 is amended to add a
23 subsection (1) to read:

24 (18) Wireless Communication Facility Application Fees.

25 (A) Application fees required by 49.65.940(b): \$350

26 (B) Additional fee required for special use permit applications
27 required by 49.65.970(b)(1): \$500

28 (C) Any actual costs incurred for technical expert review, publication and
29 mailings.

Section 5. Amendment of Section. CBJ 49.05.200 is amended to add a subsection (1) to read:

(L) Wireless Telecommunication Master Plan, dated May 2014.

Section 6. Amendment of Table. Category 18.000 of section CBJ 49.25.300 Table of Permissible Uses, is amended is amended to add a superscript “AA” to 18.100, 18.200, and 18.300.

Section 7. Amendment of Table. Category 18.000 of section CBJ 49.25.300 Table of Permissible Uses is amended to add a subcategory, 18.500 WCF Wireless Communications Facilities, to read as follows:

18.500	<u>Wireless Communication Facilities</u>	<u>See CBJ 49.65, Wireless Communication Facilities</u>
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Section 8. Amendment of Table. Section 49.25.300 Table of Permissible Uses, is amended by adding to the Notes section the following:

AA. Does not apply to Wireless Communication Facilities.

Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-32(b)

An Ordinance Amending the Land Use Code of the City and Borough to Provide for the Regulation of Wireless Communication Facilities and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. New Article. Article IX. Wireless Communication Facilities, is created to read:

ARTICLE IX. – WIRELESS COMMUNICATION FACILITIES

49.65.900 Purpose.

It is the purpose of this article to establish reasonable regulations for the placement, construction and modification of wireless communication facilities (WCF) consistent with the Telecommunications Act of 1996 and applicable law and:

(a) Promote the health, safety, and general welfare of the public and the City and Borough;

(b) Minimize the impacts of WCFs by establishing standards for siting, design and screening and by requiring consistency with the City and Borough's Wireless Telecommunications Master Plan;

1 (c) Encourage the collocation of antennas on existing structures thereby
2 minimizing new visual impacts and reducing the need for new towers;

3 (d) Maintain the natural surroundings and character of the City and Borough;

4 (e) Preserve neighborhood harmony and scenic viewsheds and corridors as
5 indicated in the Comprehensive Plan of the City and Borough of Juneau;

6 (f) Accommodate the growing need and demand for wireless communications
7 services;

8 (g) Respond to the policies embodied in the Telecommunications Act of 1996 in
9 such a manner as not to unreasonably discriminate between providers of functionally
10 equivalent personal wireless services or to prohibit or have the effect of prohibiting personal
11 wireless services; and
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13 (h) Respond to the policies embodied in Section 6409(a) of the Middle Class Tax
14 Relief and Job Creation Act of 2012.
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16 **49.65.910 Applicability.**
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18 (a) This article shall apply to the development activities including installation,
19 construction, or modification of all WCFs including, but not limited to, existing towers,
20 proposed towers and collocated facilities on existing structures.

21 (b) All applications for WCF are subject to the standards in this article to the
22 extent that they do not violate Federal limitations on local siting standards and are not
23 otherwise inconsistent with Federal law. The provisions of this article are not intended to
24 and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless
25 services. This article shall not be applied in such a manner as to unreasonably discriminate
26 between providers of functionally equivalent personal wireless services.

27 (c) Exempt Facilities. The following are exempt from this article:
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- 1 (1) Noncommercial, FCC licensed amateur (ham) radio antennas;
- 2 (2) Satellite earth stations and/or antennas used for private television
- 3 reception;
- 4 (3) A government-owned or temporary, commercial WCF installed upon
- 5 the declaration of a state of emergency by federal, state, or local government, or a written
- 6 determination of public necessity by the director; except that such facility must comply with
- 7 all federal and state requirements. The WCF shall be exempt from the provisions of this
- 8 article for up to one week after the duration of the state of emergency; and
- 9 (4) A temporary, commercial WCF installed for providing coverage of a
- 10 special event such as news coverage or sporting event, subject to approval by the director.
- 11 The WCF shall be exempt from the provisions of this article for up to one week after the
- 12 duration of the special event.
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- 14 (d) All WCFs existing on or before the effective date of this article shall be
- 15 allowed to continue as they presently exist, provided however, that any proposed
- 16 modification to an existing WCF, including collocation, must comply with this article.
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18 **49.65.920 Location preference for new WCFs.**

- 19 (a) Locating a new antenna array or new tower shall be in accordance with the
- 20 following location preferences, one being the highest priority and six being the lowest
- 21 priority:
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- 23 (1) Collocated antenna on existing WCF;
- 24 (2) Concealed attached antenna;
- 25 (3) Non-concealed attached antenna;
- 26 (4) New concealed freestanding towers;
- 27 (5) New non-concealed freestanding towers;
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1 (6) Any lighted WCF or any WCF requiring air navigation lighting.

2 (b) If the proposed location is not the highest priority listed above, then a detailed
3 explanation justifying why a site of a higher priority was not selected must be submitted
4 with the WCF application, as required by section 49.65.960. Any application seeking
5 approval to locate a WCF in a lower-ranked location may be denied unless the applicant
6 demonstrates to the satisfaction of the director or planning commission the following:

7 (1) That despite diligent efforts to adhere to the established hierarchy,
8 doing so is technically infeasible or commercially impractical; and

9 (2) The reason or reasons why the application should be approved for the
10 proposed location.
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13 **49.65.930 General requirements.**

14 (a) *Concealed and non-concealed antenna.*

15 (1) Antennas shall be mounted on WCFs so as to present the smallest
16 possible silhouette, profile, or cross-section, unless applicant provides sufficient evidence
17 that doing so would prohibit the applicant from properly deploying the network. New
18 antenna mounts shall be flush-mounted onto existing WCFs, unless it is demonstrated
19 through RF propagation analysis that flush-mounted antennas will not meet the network
20 objectives of the desired coverage area.
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22 (2) Attached, concealed feed lines and antennas shall be designed to
23 architecturally match the facade, roof, wall, or structure on which they are affixed so that
24 they blend with the existing design, color, and texture of the structure.

25 (b) *Security of WCFs.* All WCFs shall be located, fenced or otherwise secured in a
26 manner that prevents unauthorized access.
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1 (1) All antennas, towers and other supporting structures, ~~including guy~~
2 ~~wires~~, shall be constructed or shielded to reasonably prevent unauthorized access.

3 (2) Transmitters and telecommunications control points must be installed
4 in a manner to be readily accessible only to persons authorized to operate or service them.

5 (c) *Signage.* WCFs shall contain a sign no larger than four square feet with text
6 in a sufficient font size to provide adequate notification to persons in the immediate area of
7 the presence of an antenna that has transmission capabilities. The sign shall contain the
8 name(s) of the owner(s) and operator(s) of the facility, an emergency phone number(s), and
9 FCC registration number, if applicable. The sign shall be on the equipment shelter or
10 cabinet and be visible from the access point of the site. The sign shall not be lighted unless
11 authorized by the City and Borough or unless applicable provisions of law require such
12 lighting. No other signage, including advertising, shall be permitted on any WCF, unless
13 required by law.
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15 (d) *Lighting.* Notice is required to be provided to the FAA, on a form prescribed
16 by the FAA, if the facility falls under notification requirements mentioned in 14 CFR Part
17 77. The applicant is responsible for determining whether notification is required. Any WCF
18 that is required to have lighting by the FAA will be lighted with the minimum intensity and
19 number of flashes per minute (i.e., the longest duration between flashes) allowable by the
20 FAA. The lights shall be oriented so as not to project directly on to surrounding property,
21 consistent with FAA requirements.
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23 (e) *Design criteria.*

24 (1) All freestanding WCFs between 60 and 120 feet in height shall be
25 engineered and constructed to accommodate no fewer than four antenna arrays. All WCFs
26 between 121 feet and 150 feet shall be engineered and constructed to accommodate no fewer
27 than five antenna arrays. All WCFs between 151 feet and taller shall be engineered and
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1 constructed to accommodate no fewer than six antenna arrays.

2 (2) All utilities for a WCF site shall be installed underground and in
3 compliance with all ordinances, rules and regulations of the City and Borough, including,
4 but not limited to, the National Electrical Code where appropriate. The director may waive
5 or vary the requirements of underground installation of utilities whenever, in the opinion of
6 the director, such waiver shall not be detrimental to the health, safety, or general welfare of
7 the community or the environment, or the visual and scenic characteristics of the area.

8 (3) All appurtenant or associated facilities of a WCF shall maximize use of
9 building materials, colors and textures designed to blend with the structure to which it may
10 be affixed, or to harmonize with the natural surroundings or built environment, which shall
11 include the utilization of concealed or concealment technology for facilities appurtenant to
12 concealed WCFs. If located in or abutting a Residential, Commercial or Mixed-Use district,
13 the appurtenant or associated facility shall either be placed inside an enclosed structure,
14 fenced, or screened with sight-obscuring foliage, which will be as tall as the appurtenant or
15 associated facility.

16 (4) Use of guy wires is prohibited for all WCF.

17 (f) *Setbacks.* Freestanding towers and appurtenant structures shall be subject to
18 the setbacks described below:

19 (1) If the tower is not constructed using breakpoint design technology, the
20 minimum setback distance from the nearest property line shall be equal to the height of the
21 proposed tower.

22 (2) If tower has been constructed using breakpoint design technology, the
23 minimum setback distance shall be equal to 110 percent (110%) of the distance from the top
24 of the structure to the breakpoint level of the structure, or the minimum yard setback
25 requirements, whichever is greater. For example, on a 100-foot tall freestanding tower with
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1 a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20
2 feet, the distance from the top of the tower to the breakpoint) plus the minimum side or rear
3 yard setback requirements for that zoning district. Certification by a professional engineer
4 registered in the State of Alaska, of the breakpoint design and the design's fall radius must
5 be provided with the application.

6 (3) Any appurtenant structure shall be located so as to comply with the
7 applicable minimum setback requirements for the property on which it is situated.

8 (g) WCF shall not significantly affect Natural Areas or land designated as
9 Natural Area Park or Scenic Corridor/Viewshed as identified in the Comprehensive Plan.

10 (h) *Master Plan.* WCFs shall be consistent with the City and Borough's Wireless
11 Telecommunications Master Plan.

12 (i) *Visibility.*

13 (A) WCF shall be configured and located in a manner that shall minimize
14 adverse effects including visual impacts on the landscape and adjacent properties and shall
15 be maintained in accordance with the requirements of this article.

16 (B) WCFs shall be designed to either resemble the surrounding landscape
17 and other natural features where located in proximity to natural surroundings, or be
18 compatible with the urban, built environment, through matching or complementing existing
19 structures and specific design considerations such as architectural designs, height, scale,
20 color, and texture.

21 (j) *Structural assessment.* The owner of a freestanding WCF tower shall have a
22 structural assessment of the tower conducted by a professional engineer, licensed in the
23 State of Alaska, if the tower is within the distance from the top of the structure to the
24 breakpoint level of the structure from a dwelling, parking lot, playground, or right-of way, or
25 if the tower~~s~~ was not constructed using breakpoint design technology, ~~a structural~~
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1 ~~assessment is required~~ if the tower is at a distance equal to the tower's height from a
2 dwelling, parking lot, playground, or right-of way. The owner shall submit the structural
3 assessment report required by this subsection, signed by the engineer who conducted the
4 assessment, to the director by July 1 every fifth year from the date of issuance of the
5 building permit.
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8 **49.65.940 Permit application process for all WCFs.**

9 (a) Applications, on a form specified by the director, and site plans for all WCFs
10 shall be submitted to the director.

11 (b) At the time that a person submits an application for a permit for any type of
12 WCF, such person shall pay a nonrefundable application fee to the CBJ, as set forth in
13 Chapter 49.85.100. In addition to the application fee, the director may require a technical
14 review by a third party expert, the actual costs of which shall be borne by the applicant.
15 Based on the results of the technical review, the director may require changes or additional
16 documentation before the application will be considered complete. The technical expert
17 review may address some or all of the following, at the discretion of the director:
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19 (1) The accuracy and completeness of the items submitted with the
20 application;

21 (2) The applicability of analysis and techniques and methodologies
22 proposed by the applicant;

23 (3) The validity of conclusions reached by the applicant;

24 (4) Whether the proposed WCF complies with applicable approval criteria
25 set forth in this article; and

26 (5) Other matters deemed to be relevant to determining whether a
27 proposed WCF complies with the provisions of this article.
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49.65.950 Administrative permits.

(a) A WCF described in Table 1 shall be approved or denied by the director, unless lighting would be required by the FAA or FCC. A special use permit shall be required of all lighted WCF or any WCF requiring air navigation lighting.

TABLE 1

<u>WCF Type</u>	<u>Zoning Districts</u>	<u>Maximum Height</u>	<u>Min. Distance</u>
Eligible Collocation, Removal or Replacement of Transmission Equipment as provided in CBJ 49.65.950(b)	All	Not more than 10% of existing structure or 20 feet (unless the increased height requires an existing unlit WCF to become lit)	N/A
Concealed Attached	All	≤ 20 Feet ¹	N/A
Non-concealed Attached	D-1 – D-18	≤ 5 Feet ¹	N/A
Non-concealed Attached	Non-Residential and Mixed Use	≤ 20 Feet ¹	N/A
New Concealed Tower	WI, WC, GC, LC	≤ 20 Feet above Max. Height of Zoning District	N/A
New Concealed Tower	RR	≤ 100 Feet	> 500 Feet of to Nearest Dwelling
New Concealed Tower	I	≤ 120 Feet	> 500 Feet of to D-1 – D-18 Districts
New Concealed Tower	D-1 – D-18	Compliant with Max Height of Zoning District	N/A
New Non-Concealed Tower	RR	≤ 120 Feet	>1000 Feet of to Nearest Dwelling
New Non-Concealed Tower	I	≤ 60 Feet	>500 Feet of to D-1 – D-18 Districts

1 Note: (fn. 1) Rooftop and attachment heights are identified as above the highest point of
2 the existing structure.

3 (b) *Collocations and other modifications to existing facilities pursuant to Section 6409*
4 *of the Middle Class Tax Relief and Job Creation Act of 2012.* Eligible collocations and
5 modifications for the removal or replacement of transmission equipment on an existing
6 wireless tower or base station that do not substantially change the physical dimensions of
7 the existing tower or base station shall be eligible for an administrative permit. For the
8 purposes of this section, “substantial change” means:

9 (1) The mounting of the proposed antenna would increase the existing
10 height of the WCF by more than 10%, or by the height of one additional antenna array with
11 separation from the nearest existing antenna not to exceed twenty feet, whichever is
12 greater, except that the mounting of the proposed antenna may exceed the size limits set
13 forth in this subsection if necessary to avoid interference with existing antenna or unless the
14 increased height requires an existing unlit WCF to become lit;

15 (2) The mounting of the proposed antenna would involve the installation
16 of more than the standard number of new equipment cabinets for the technology involved,
17 not to exceed four, or more than one new equipment shelter;

18 (3) The mounting of the proposed antenna would involve adding an
19 appurtenance to the body of an existing WCF that would protrude from the edge of the
20 existing WCF more than twenty feet, or more than the width of the WCF at the level of the
21 appurtenance, whichever is greater, except that the mounting of the proposed antenna may
22 exceed the size limits set forth in this subsection if necessary to shelter the antenna from
23 inclement weather or to connect the antenna to the structure via a cable; or

24 (4) The mounting of the proposed antenna would involve excavation
25 outside the existing WCF site, defined as the current boundaries of the leased or owned
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1 property surrounding the WCF and any access or utility easements currently related to the
2 site.

3 (c) *Director's decision.* Except for applications requiring a special use permit,
4 applications shall be approved or denied, in writing, by the director.

5 (1) The director shall review the submitted application for completeness
6 and shall notify the applicant within 30 days of receipt of the initial submission whether the
7 application is deemed complete. If rejected as incomplete, the director shall identify the
8 deficiencies in the application, which if cured, would make the application complete.
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10 (2) The director shall review all completed applications for compliance
11 with the requirements of section 49.65.930. The director may notify an applicant of a failure
12 to comply with section 49.65.930 and may allow the applicant to resubmit a revised
13 application. Any period of time from when the director notifies the applicant to the date the
14 revised application is received shall not count for the purposes of calculating the 90 calendar
15 day deadline in subsection (3).

16 (3) Applications not meeting the requirements of this article shall be
17 rejected. The director's decision to approve or deny an application shall be in writing and
18 supported by substantial evidence. The director's decision shall be postmarked to the
19 applicant by the 90th calendar day from the date of receipt of the final and complete
20 application.
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23 **49.65.960 General application submittal requirements for all WCFs.**

24 (a) An application for a WCF shall be signed on behalf of the applicant by the
25 person preparing the same and with knowledge of the contents and representations made
26 therein and attesting to the truth and completeness of the information. The landowner, if
27 different than the applicant, shall also sign the application. All information submitted in an
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1 application shall be provided by a person qualified to provide the information. All
2 applications for the construction or installation of a new WCF shall be accompanied by the
3 following documentation, except applications for eligible collocation or modification under
4 section 49.65.950(b) are exempt from providing the documentation required by subsection
5 (r):

6 (b) In addition to the information required by 49.65.920(b), an affidavit
7 demonstrating compliance with 49.65.920. If a lower ranking alternative is proposed the
8 affidavit must address why higher ranked options are technically infeasible or commercially
9 impracticable given the proposed location of the wireless communications facility;

10 (c) A narrative describing compliance with the 49.65.930.

11 (d) A signed statement from a qualified person, together with a statement of that
12 person's professional qualifications, certifying that radio frequency emissions from the
13 antenna array(s), both individually and cumulatively considering any other WCF located on
14 or immediately adjacent to the proposed WCF, will comply with FCC standards;

15 (e) Name, address, email address, and phone number of all persons preparing the
16 application and any required submittals;

17 (f) Name, address and phone number of the property owner, applicant, and
18 facility owner, if applicable;

19 (g) Postal address and tax map parcel number of the property;

20 (h) Zoning designation of the property on which the proposed WCF will be
21 situated;

22 (i) Size of the property stated both in square feet and lot line dimensions, and a
23 diagram showing the location of all lot lines;

24 (j) Locations of any dwellings within a radius equal to the height of the proposed
25 tower from its base;

1 (k) Location, size and height of all structures on the property which is the subject
2 of the application;

3 (l) Location, size and height of all proposed and existing antennas and all
4 appurtenant structures;

5 (m) Type, locations and dimensions of all proposed and existing landscaping and
6 fencing;

7 (n) The number, type and design of the WCFs proposed and the basis for the
8 calculations of the WCFs capacity to accommodate multiple collocations;

9 (o) A detailed description of the proposed WCF and all related fixtures,
10 structures, appurtenances and apparatus, including height above preexisting grade,
11 materials, color and lighting;

12 (p) Certification that the application is in compliance with all applicable laws
13 pertaining to the type of service offered;

14 (q) Applicant shall disclose in writing any agreement that would limit or preclude
15 the ability of the applicant to share any new WCF that it constructs;

16 (r) Applicant shall furnish written certification by a professional engineer,
17 licensed in the State of Alaska, that the WCF, foundation and appurtenant attachments are
18 designed to meet relevant site and subsurface conditions, and will be constructed to meet
19 EIA/TIA 222 G (as amended) and local building code structural requirements for loads,
20 including wind, snow and ice loads for the specified number of collocations required in
21 section 49.65.930~~(e)(1)~~ (e)(1).

22 (s) Certification by a professional engineer licensed in the State of Alaska that
23 the WCF ~~was~~ will be constructed, repaired, modified or restored in strict compliance with all
24 current applicable technical, safety and safety-related laws adopted by the City and
25 Borough, state, or federal government, and in compliance with accepted and responsible
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1 workmanlike industry practices and recommended practices of the National Association of
2 Tower Erectors; and

- 3 (t) Proof of compliance with FAA regulations in 14 CFR Part 77, if applicable.
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5 **49.65.970 Special use permit applications.**

6 (a) As of the effective date of this article, no person shall be permitted to site,
7 place, build, construct, modify, or prepare any site for the placement or use of WCF, except
8 for those WCF identified in section 49.65.940, Table 1, without having first obtained a
9 special use permit. All applicants for a special use permit and any modification of such
10 facility shall comply with the requirements set forth in this section.
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12 (b) *Pre-application meeting.* Prior to submission of an application, the applicant
13 shall meet with the director for the purpose of discussing the site and development proposal,
14 and to address any issues that will help to expedite the review and permitting process,
15 including the scope of the visual assessment the applicant will be required to provide as part
16 of the special use permit process. A pre-application meeting may also include a site visit, as
17 determined by the director. No statement by either the applicant or director shall be
18 regarding as binding or authoritative for purposes of this section.
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- 20 (c) *Additional required application submittals.*

21 (1) In addition to the fee required in 49.65.940(b), the applicant shall pay
22 an additional special use permit application fee as set forth in 49.85.100.

23 (2) In addition to the documentation required by section 49.65.960, the
24 following documentation must be submitted with any special use permit application:

25 (A) *Design Criteria.* A narrative describing compliance with the
26 design criteria listed in section 49.65.930;
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1 (B) *Visual impact assessment.* The scope of the required assessment
2 will be reviewed at the pre-application meeting, but the planning commission may require
3 submission of a more detailed visual analysis after submittal of the following required
4 information. The visual impact assessment must include:

5 (i) A "zone of visibility map" which shall be provided in
6 order to determine locations from which the tower may be seen;
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8 (ii) An analysis demonstrating that the WCF will be sited so
9 as to have the least adverse visual impact on the environment and its character, on existing
10 vegetation, and on the properties in the area, while still meeting the applicant's network
11 objectives;

12 (iii) A pictorial representations of "before and after" views
13 from key viewpoints as may be appropriate, including but not limited to roadways, parks,
14 public lands, historic districts, and any other location where the site is visible to a large
15 number of visitors, travelers or residents. Guidance will be provided concerning the
16 appropriate key viewpoints at the pre-application meeting;

17 (iv) A description of the visual impact of the tower base and
18 accessory buildings from abutting properties and streets;
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20 (v) The applicant shall demonstrate in writing and/or by
21 drawing how it shall effectively screen from view the base of its proposed WCF tower and all
22 appurtenant facilities and structures; and

23 (vi) If the tower is to be lit, a description of the specific type
24 of lighting applicant proposes using and a description of how the applicant will comply with
25 the directive in 49.65.930(d), requiring that lighting be oriented so as to not project directly
26 on to surrounding property (for example, by the use of buffers, louvers, etc.).
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1 (C) The applicant shall provide evidence that the proposed facility
2 is designed to meet the minimum height requirement necessary for effective functioning of
3 the provider's network.

4 (D) *Balloon test.* In order to better inform the public in the case of
5 a new freestanding WCF, the applicant shall, prior to the public hearing on the application,
6 hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a
7 minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of
8 the proposed new tower. The applicant shall inform the director, in writing, of the dates and
9 times of the test, at least two days in advance. The balloon shall be flown for at least 72
10 consecutive hours, with one 24 hour period occurring on a Saturday or Sunday. The
11 applicant shall submit photos of the test and a narrative describing the date, time and
12 duration of the test.
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14 (E) A propagation study for the proposed WCF.

15 (d) *Director's Review.*

16 (1) The director shall review the application for completeness.

17 (2) Incomplete applications shall be rejected and the applicant notified in
18 writing within 30 days of receipt of the initial submission. If rejected, the director's decision
19 shall identify the deficiencies in the application, which, if cured, would make the application
20 complete.
21

22 (3) Once an application is deemed complete, the director shall schedule it
23 for a hearing before the planning commission, and shall give notice to the applicant and the
24 public in accordance with subsection (d).

25 (e) *Public notice.* Public notice of planning commission consideration of a special
26 use permit, at a minimum, shall be provided as follows:
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1 (1) Permit consideration shall be included as an item in the posted
2 agenda.

3 (2) Notice of the hearing and the agenda item shall be published in a
4 newspaper of general circulation in the City and Borough a minimum of ten days prior to
5 the date of the meeting. The cost of publication shall be paid by the applicant.

6 (3) The applicant shall post three signs on the site at least 14 days prior to
7 the hearing at locations determined by the director. The sign shall be between four square
8 feet and 32 square feet in area, shall have a red background, and shall indicate in white
9 lettering, 216-point or larger, that a special use permit for a WCF has been sought for the
10 site, the date of the hearing thereon, and that further information is available from the
11 director. The applicant shall maintain the sign and shall remove it within 14 days after final
12 action on the application.
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14 (4) The director shall mail notice of the application and the public hearing
15 to the owners of record of all property located within three miles of the site. The actual cost
16 of mailing shall be paid by the applicant.

17 (f) *Planning Commission determination.* The planning commission is authorized
18 to review, analyze, evaluate and make decisions with respect to reviewing special use
19 permits for WCFs.
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21 (1) The planning commission may impose any conditions on a special use
22 permit:

23 (A) Required to ensure compliance with the design criteria specified
24 in section 49.65.930; and

25 (B) That are consistent with the purposes of this article, which may
26 include conditions related to the aesthetic effect of the WCF and compatibility with the
27 surrounding area. Factors relevant to aesthetic effects are: the protection of the view in
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1 sensitive or particularly scenic areas, Scenic Corridors/Viewsheds identified in the
2 Comprehensive Plan of the City and Borough of Juneau, and in the Historic District; the
3 concentration of WCFs in the proposed area; and whether the height, design, placement or
4 other characteristics of the proposed facility could be modified to have a less intrusive visual
5 impact.

6 (2) The planning commission may deny an application for any of the
7 following reasons.

8 (A) Conflict with safety and safety-related codes and requirements;

9 (B) Conflict with the purpose of a specific zoning, overlay, or land
10 use designation;

11 (C) Presence of another approved WCF or WCF application within
12 the geographic search area, which is available to the applicant;

13 (D) The proposed site is on, or eligible to be on, the National
14 Register of Historic Places;

15 (E) For a proposed freestanding tower, the applicant fails to
16 demonstrate that no existing structure or tower can accommodate the applicant's proposed
17 use without increasing the height of the existing tower or structure or otherwise creating a
18 greater visual impact; or that use of such existing facilities is technically infeasible or
19 commercially impracticable; and
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21 (F) Conflicts with the provisions of this article.

22 (3) The planning commission shall deny any application for WCF in the
23 following locations:

24 (A) State or local wildlife refuges;

25 (B) In any area designated as a public park, unless screened so as
26 to minimize visual and noise impacts, and as long as public use will not be disrupted; and
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1 (C) In any area designated as a Scenic Corridor/Viewshed identified
2 in the Comprehensive Plan of the City and Borough of Juneau.

3 (D) In any area that obstructs the view of the Mendenhall Glacier
4 from the waterfront roadway from the North Douglas boat launch facility to False Outer
5 Point.

6 (4) The planning commission shall condition a permit on a requirement to
7 construct the WCF within a reasonable period of time, which may not exceed 18 months.

8 (g) Any and all representations made by the applicant to the planning
9 commission on the record during the application process, whether written or verbal, shall be
10 deemed a part of the application and may be relied upon in good faith by the commission.

11 (h) A holder of a special use permit granted under this article shall obtain, at its
12 own expense, all permits and licenses required by applicable law, rule, regulation or code,
13 and must maintain the same, in full force and effect, for as long as required by the City and
14 Borough or other governmental entity or agency having jurisdiction over the applicant.

15 (i) The planning commission's decision shall be in writing and mailed to the
16 applicant, postmarked by the 150th day of receipt of a final and completed application. A
17 decision to grant or deny a request to place, construct or modify a WCF shall be supported
18 by substantial evidence.

19 (j) If the planning commission denies a request to place, construct or modify a
20 WCF, the applicant may, within 20 days from the postmarked date of the decision, appeal
21 the planning commission's decision in accordance with section 49.20.110.

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25 **49.65.980 Extent and parameters of special use permits.**

26 (a) Special use permits may, following a hearing upon prior notice to the
27 applicant, be revoked, canceled, or terminated for a violation of the conditions and
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1 provisions of the special use permit for WCFs or for a material violation of this article after
2 prior written notice to the applicant and the holder of the special use permit.

3 (b) The holder of a special use permit shall notify the City and Borough of any
4 intended modification of a WCF and shall apply to the director to modify, relocate or rebuild
5 any WCF.

6 (c) A special use permit shall become void 18 months after its effective date if no
7 substantial construction progress has been made. A new application must be submitted for
8 a voided permit, including the payment of any required fees, and a new permit obtained. No
9 permit shall be renewed more than once, the maximum duration of which shall be 18
10 months.

11 (d) Upon an application submitted at least 30 days before the expiration of an
12 existing special use permit, the commission shall hold a hearing to consider whether the
13 permit should be extended. At least ten days prior to the hearing, notice thereof shall be
14 mailed to the property owners of record within three miles of the proposed site identified in
15 the application and at least two days prior to the hearing a general notice thereof shall be
16 printed in a newspaper of general circulation in the municipality. At the hearing, the burden
17 of proof for the justification for a permit extension shall rest with the applicant. Upon
18 written findings that such burden has been met, the commission may grant an extension not
19 to exceed 18 months, but shall not delete from, amend or add to the conditions contained in
20 the permit. Upon written findings that the applicant's burden has not been met, or that the
21 conditions contained in the permit should be changed, or both, the commission shall deny
22 the application whereupon the permit shall be voided. Upon application and consideration
23 pursuant to this section, the commission may grant no more than one additional extension,
24 the maximum duration of which shall be 18 months.
25
26
27
28

1 **49.65.990 Interference with public safety equipment.**

2 In order to facilitate the regulation, placement, and construction of antenna, and to
3 ensure that all parties are complying to the fullest extent possible with the rules,
4 regulations, and/or guidelines of the FCC, each applicant or owner applicant shall agree in a
5 written statement to the following:

6 (a) Compliance with "good engineering practices" as defined by the FCC in its
7 rules and regulations;

8 (b) Compliance with FCC regulations regarding susceptibility to radio frequency
9 interference, frequency coordination requirements, general technical standards for power,
10 antenna, bandwidth limitations, frequency stability, transmitter measurements, operating
11 requirements, and any and all other federal statutory and regulatory requirements relating
12 to radio frequency interference (RFI);

13 (c) In the case of an application for collocated telecommunications facilities, the
14 applicant, together with the owner of the subject site, shall use their best efforts to provide a
15 composite analysis of all users of the site to determine that the applicant's proposed
16 facilities will not cause radio frequency interference with the City and Borough's public
17 safety communications equipment and will implement appropriate technical measures, as
18 described in antenna element replacements, to attempt to prevent such interference; and
19 described in antenna element replacements, to attempt to prevent such interference; and
20 described in antenna element replacements, to attempt to prevent such interference; and

21 (d) Whenever the City and Borough has encountered radio frequency interference
22 with its public safety communications equipment, and it believes that such interference has
23 been or is being caused by one or more antenna arrays, the following steps may be taken:

24 (1) The City and Borough shall provide notification to all wireless service
25 providers operating in the City and Borough of possible interference with the public safety
26 communications equipment, and upon such notifications, the owners shall use their best
27 efforts to cooperate and coordinate with the City and Borough among themselves to
28 efforts to cooperate and coordinate with the City and Borough among themselves to

1 investigate and mitigate the interference, if any, utilizing the procedures set forth in the
2 joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC
3 in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering
4 Practices," as may be amended or revised by the FCC from time to time in any successor
5 regulations.

6 (2) If any equipment owner fails to cooperate with the City and Borough in
7 complying with the owner's obligations under this section or if the FCC makes a
8 determination of radio frequency interference with the City and Borough public safety
9 communications equipment, the owner who failed to cooperate and/or the owner of the
10 equipment which caused the interference shall be responsible, upon FCC determination of
11 radio frequency interference, for reimbursing the City and Borough for all costs associated
12 with ascertaining and resolving the interference, including but not limited to any
13 engineering studies obtained by the City and Borough to determine the source of the
14 interference. For the purposes of this subsection, failure to cooperate shall include failure to
15 initiate any response or action as described in the "Enhanced Best Practices Guide" within
16 24 hours of the City and Borough's notification.
17
18
19

20 **49.65.1000 Transfers and assignments.**

21 (a) Permits obtained pursuant to this chapter may not be assigned or transferred
22 without providing prior notice to the City and Borough, on a form acceptable to the director.

23 (b) In the event a WCF provider or owner transfers ownership of a WCF to a
24 different provider or owner, the previous and new service provider or owner shall notify the
25 director no less than 10 days from the date of transfer. The new provider or owner shall
26 include the name, address and phone number of the person to be responsible for the WCF.
27
28

1 **49.65.1010 Non-use and abandonment.**

2 (a) Notwithstanding section 49.10.600, the director may require removal of a
3 WCF under the following circumstances, which are deemed detrimental to the health,
4 safety, and welfare interests of the City and Borough:

5 (1) WCFs with a permit that have not been used as a WCF for a period
6 exceeding 90 consecutive days or a total of 180 days in any 365-day-period, except for
7 periods caused by force majeure or acts of God, in which case, repair or removal shall
8 commence within 90 days or within such other reasonable time approved by the director.

9 (2) Permitted WCFs that have fallen into such a state of disrepair that
10 create a public health or safety hazard, which shall be deemed a nuisance per se.

11 (3) WCFs that have been located, constructed, or modified without first
12 obtaining all permits required by law, or that have been located, constructed or modified in
13 a manner inconsistent with the applicable permit requirements, which shall be deemed a
14 nuisance per se.
15

16 (b) If the director makes such a determination as noted in subsection (a) of this
17 section, the director shall notify the permittee in writing that said WCF is to be removed.

18 (c) Within 90 days of the postmarked date of the director's notice, the permittee,
19 or its successors or assigns, shall dismantle and remove such WCF, and all associated
20 structures and facilities, from the site and restore the site as close to its original condition as
21 is possible, such restoration being limited only by physical or commercial impracticability
22 proven to the satisfaction of the director.
23

24 (d) If the WCF is not removed or substantial progress has not been made to
25 remove the WCF within 90 days after the permit holder has received notice, the City and
26 Borough may remove or cause to be removed the WCF at the sole expense of the owner or
27 permit holder.
28

1 (e) If, the City and Borough removes or causes to be removed a WCF and the
2 owner of the WCF does not claim and remove it from the site to a lawful location within ten
3 days, then the City and Borough may take steps to declare the WCF abandoned, and sell it
4 and its components.

5 (f) Notwithstanding anything in this section to the contrary, the director may
6 approve a temporary use permit/agreement for the WCF, for no more than 90 days, during
7 which time a suitable plan for removal, conversion, or relocation of the affected WCF shall
8 be developed by permit holder or owner, subject to the approval of the director. If such a
9 plan is not developed, approved and executed within the 90-day time-period, then the City
10 and Borough may take possession of and dispose of the affected WCF in the manner
11 provided in this section.
12

13
14 **49.65.1020 Conflict with other ordinances.**

15 Where this article differs or conflicts with other ordinances, unless the right to do so is
16 preempted or prohibited by the state or federal law, the more restrictive or protective of the
17 City and Borough and the public shall apply.
18

19 **49.65.1030 Violations.**

20 Violations of this article or any special use permit obtained pursuant to this article
21 shall be subject to the provisions of section 49.10.600 through 49.10.660.
22

23 **Section 3. Amendment of Section.** CBJ 49.80.120 Definitions, is amended by
24 the addition of the following definitions to be incorporated in alphabetical order:

25 *Amateur Radio Antenna* means any tower used for amateur radio (ham) transmissions
26 consistent with FCC regulations.
27
28

1 *Antenna* means communications equipment that transmits and receives electromagnetic
2 radio signals used in the provision of all types of wireless communications services.

3 *Antenna array* means A single or group of antenna elements and associated mounting
4 hardware, transmission lines, or other appurtenances which share a common attachment
5 device such as a mounting frame or mounting support structure for the sole purpose of
6 transmitting or receiving electromagnetic waves.

7 *Appurtenant or associated facilities* means an accessory facility or structure serving or being
8 used in conjunction with (WCF), and located on the same property or lot as the (WCF),
9 including but not limited to, utility or transmission equipment storage shelters or cabinets.

10 *Base station* means a facility consisting of radio transceivers, antenna, coaxial cable, a
11 regular and back-up power supply, and other electronics associated with the operation of a
12 WCF.

13 *Breakpoint Technology* means the engineering design of a monopole wherein a specified
14 point on the monopole is designed to be at least five percent more susceptible to failure than
15 any other point along the monopole so that in the event of structural failure, the failure will
16 occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the
17 monopole.

18 *Collocation* means the placement of an antenna on an existing WCF for the purpose of
19 transmitting and/or receiving radio frequency signals for communications purposes.

20 *Commercially impracticable* means the inability to perform an act on terms that are
21 reasonable in commerce. The inability to achieve a satisfactory financial return on
22 investment or profit, standing alone, shall not be considered "commercial impracticability"
23 and shall not render an act or the terms of an agreement commercially impracticable.

24 *Equipment cabinet or shelter* means a small structure shelter, cabinet or vault used to house
25 and protect the electronic equipment necessary for processing wireless communication
26 signals. Associated equipment may include air conditioning and emergency generators.

27 *FAA* means the Federal Aviation Administration or its duly designated and authorized
28 successor agency.

FCC means the Federal Communications Commission or its duly designated and authorized
successor agency.

Feed lines means cables used as the interconnecting media between the
transmission/receiving base station and the antenna.

Flush mounted means any antenna or antenna array attached directly to the face of the
support structure or building in a manner that permits mechanical beam tilting if necessary
but such that no portion of the antenna extends above the height of the support structure or
building.

1 *Geographic Search Area* means an area designated by a wireless provider or operator for a
2 new base station or WCF, produced in accordance with generally accepted principles of
wireless engineering.

3 *Guy wire* means any wire or cable that provides structural support between a tower and the
4 ground.

5 *Monopole WCF* means a style of free-standing WTF consisting of a single shaft usually
6 composed of two or more hollow sections that are in turn attached to a foundation. This type
7 of WTF is designed to support itself without the use of guy wires or other stabilization
devices. These facilities are mounted to a foundation that rests on or in the ground or on a
building's roof.

8 *Non-concealed* means a WCF that has not been treated, camouflaged, or disguised to blend
9 with its surroundings and is readily identifiable.

10 *Propagation study means a computer generated study estimating the signal emanating, and*
11 *prediction of coverage, from antennas or repeaters sited on a specific tower or structure.*

12 *Radio frequency emissions* means any electro-magnetic radiation or other communication
signal emitted from an antenna that is regulated by the FCC.

13 *Satellite earth station* means a parabolic or dish antenna that is mounted to a structure,
14 which may include associated equipment cabinets, necessary for the transmission or
reception of wireless communication signals with satellites.

15 *Tower* means a structure that is built for the sole or primary purpose of supporting
16 equipment for the transmission and/or reception of radio frequency signals or other wireless
17 communications or meteorological purposes, and usually consisting of an antenna or
antenna array, transmission cables, equipment cabinets, and their associated facilities.

18 *Tower base* means the foundation, usually concrete, on which the tower and other support
19 equipment is situated. For measurement calculations, the tower base is that point on the
foundation reached by dropping a perpendicular from the geometric center of the tower.

20
21 *Wireless Communication Facility (WCF)* means any manned or unmanned location for the
22 transmission and/or reception of radio frequency signals or other wireless communications,
and usually consisting of an antenna or group of antennas, transmission cables, and
23 equipment cabinets, and may include an antenna support structure. The following
24 developments shall be considered a WCF: developments containing new, mitigated, or
existing antenna support structures, public antenna support structures, replacement
25 antenna support structures, collocation on existing antenna support structures, attached
wireless communications facilities, concealed wireless communication facilities, and non-
26 concealed wireless communication facilities. Excluded from the definition are:
noncommercial amateur radio, amateur ham radio and citizen band antennas, satellite
27 earth stations and antenna support structures, and antennas and/or antenna arrays for
AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include:

Attached WCF means an antenna or antenna array that is secured to an existing building or structure with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Concealed WCF, sometimes referred to as a concealed or camouflaged facility, means a WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s), vegetation, natural features, and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached WCF include, but are not limited to, those designed to integrate or blend with the building or structure upon which the facility is attached by the use of paint, faux windows, dormers or other architectural features. 2) Freestanding concealed WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or faux tree.

Freestanding WCF means any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding WCF includes, but is not limited to the following: guyed, lattice, or monopole support structures.

Non-concealed WCF means a wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

Section 4. Amendment of Section. CBJ 49.85.100 is amended to add a subsection (1) to read:

(18) Wireless Communication Facility Application Fees.

(A) Application fees required by 49.65.940(b): \$350

(B) Additional fee required for special use permit applications required by 49.65.970(b)(1): \$500

1 (C) Any actual costs incurred for technical expert review, publication and
2 mailings.

3
4 **Section 5. Amendment of Section.** CBJ 49.05.200 is amended to add a
5 subsection (1) to read:

6 (L) Wireless Telecommunication Master Plan, dated May 2014.
7

8
9 **Section 6. Amendment of Table.** Category 18.000 of section CBJ 49.25.300
10 Table of Permissible Uses, is amended is amended to add a superscript "AA" to 18.100,
11 18.200, and 18.300.
12

13 **Section 7. Amendment of Table.** Category 18.000 of section CBJ 49.25.300
14 Table of Permissible Uses is amended to add a subcategory, 18.500 WCF Wireless
15 Communications Facilities, to read as follows:
16

17 <u>18.500</u>	<u>Wireless Communication</u> <u>Facilities</u>	<u>See CBJ 49.65, Wireless Communication</u> <u>Facilities</u>
------------------	--	---

18
19 **Section 8. Amendment of Table.** Section 49.25.300 Table of Permissible Uses,
20 is amended by adding to the Notes section the following:
21

22 AA. Does not apply to Wireless Communication Facilities.

23 //

24 //

25 //

26 //

27 //
28

Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

C i t y a n d B o r o u g h o f J u n e a u , A K

DRAFT Wireless Telecommunications Master Plan



June 23, 2014

Prepared for:

The City and Borough of Juneau
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Chapter 1 Wireless Telecommunications Master Plan

Purpose

The Wireless Telecommunications Master Plan (WMP) serves as a planning tool for the City & Borough of Juneau (CBJ) that guides the future development of wireless telecommunication facilities. This plan provides a short history of wireless communication technology, explanation of current technology, service area maps, and an inventory of telecommunication sites in the borough. The WMP meets the goals and objectives of the 2013 CBJ Comprehensive Plan. Specific land use permitting requirements for wireless communication facilities are provided in the CBJ Land Use Code, Title 49. These permitting requirements are consistent with the policies provided in the WMP.

Background

Wireless communication technology has been rapidly evolving during the past 20 years with the increase in cell phone and internet use and the advent of smart phones. Demand for data (internet) service coverage has grown tremendously due to the popularity of smart phones. This high demand for data service has strained existing telecommunication facilities and resulted in a surge of new infrastructure, such as towers and antenna arrays.

Due to the remote location of Juneau and its regional and state importance, the use of wireless technologies is critical and heavily relied upon. In the past 10 years, Juneau has seen an increase in new towers and antenna arrays. Juneau experiences a summer seasonal spike in cellular and data usage from the more than one million cruise ship tourists who visit annually. Also, high marine use places another unique service demand: the need for cell and data service over waterways. Further, the mountainous terrain presents another challenge in service coverage.

Since 2005, the public has shown a growing concern in new towers, health effects from radio frequency emissions, and trends in wireless infrastructure. New towers have become most controversial in residential neighborhoods. The permitting process for new wireless infrastructure may be unclear and unpredictable for developers and general public. To better understand wireless technology and improve the permitting process, the CBJ and Cityscape Consultants, Inc. (CityScape) partnered to create the *Wireless Telecommunications Master Plan* and associated *Personal Wireless Service Facility Development Standards*.

The need for CBJ to manage the development of wireless telecommunication infrastructure is indicated by the following policies of the 2013 Comprehensive Plan:

POLICY 12.11. TO PLAN FOR AND TO ESTABLISH LAND USE CONTROLS ON WIRELESS COMMUNICATIONS FACILITIES IN A MANNER THAT IS APPROPRIATE FOR THE COMMUNITY AND WITHIN THE PARAMETERS ESTABLISHED BY FEDERAL LAW.

- 12.11 - SOP1 Facilitate the provision of high quality, consistent wireless communication services to residents, business, and visitors.
- 12.11 - SOP2 Avoid potential injury to persons and properties from tower failure and windstorm hazards through structural standards and setback requirements.
- 12.11 - SOP3 Accommodate the growing need and demand for wireless communication services.
- 12.11 - SOP4 Encourage coordination between suppliers and providers of wireless communication services.
- 12.11 - SOP5 Minimize the potential for WCFs to cause interference to other radio services.
- 12.11 - DG1 Encourage developers and tenants of WCF to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- 12.11 - DG2 Encourage the location and co-location of WCF on existing structures to minimize the need for additional structures.
- 12.11 - IA1 Conduct a planning process and adopt a CBJ *Wireless Master Plan*.
- 12.11 - IA2 Adopt new Specified Use Provisions in the Land Use Code that provide a uniform and comprehensive framework for evaluating proposals for WCF.
- 12.11 - IA3 Establish standards for location, structural integrity, and compatibility with surrounding neighborhoods to minimize the impacts of WCFs on surrounding land uses.
- 12.11 - IA4 Establish predictable and balanced codes governing the construction and location of WCF.
- 12.11 - IA5 Ensure that any new local regulation or restriction on WCFs responds to the policies embodied in federal law.
- 12.11 - IA6 Include provisions that encourage the use of locations identified in the CBJ *Wireless Master Plan* as preferred locations for wireless communications infrastructure in any ordinance that regulates WCFs.

- 12.11 - IA7 Use zoning restrictions to encourage concealment technologies for new wireless communication infrastructure to lessen adverse effects to surrounding neighborhoods.

The *Wireless Telecommunications Master Plan* and *Personal Wireless Service Facility Development Standards* help achieve conformance with those policies and consistency with the 2013 Comprehensive Plan.

Wireless Telecommunications Master Plan Policies

The policies and implementing actions shown below should guide the development of Wireless Communication Facilities (WCF).

Public Health & Safety

Ensuring the safety and health of the public with the development of wireless communication facilities is critical. Many antenna array are placed on tall towers near buildings and roads. Having towers and antenna array meet local building codes will minimize tower failure during high wind and snow/ ice conditions. Further, antenna arrays send radio waves when distributing cell and data signal. This emits levels of electromagnetic frequencies that, if not controlled, can be harmful. The Federal Communication Commission (FCC) establishes a maximum emission level to preserve human health and safety. Also, with the construction of new and improved towers reaching above the treeline, it is important that the Federal Aviation Administration (FAA) and the Juneau International Airport (JIA) are notified to ensure aviation safety and compliance with aviation regulations.

POLICY 1. TO ENSURE THE PROTECTION OF THE HEALTH AND SAFETY OF THE PUBLIC WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.

POLICY 2. TO PROTECT AVIATION SAFETY BY REQUIRING COORDINATING WITH FEDERAL AVIATION ADMINISTRATION (FAA) WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.

Implementing Actions:

1. Require permits for all wireless communication facilities to ensure building and land use code compliance.
2. Adopt standards that establish a minimum setback distance that towers may be located away from adjacent property lines or buildings (i.e., fall zones).
3. Require approval and compliance with minimum FCC radio frequency emission standards.
4. Adopt standards that allow for the development of wireless communication facilities in remote areas for emergency communication.

Natural Environment

Wireless communication facilities should be located and designed in a way that avoids harming sensitive environments. Best Management Practices should be used to lessen impacts. The placement of wireless communication facilities should avoid highly sensitive wetlands, riparian vegetation, eagle nests, and other protected areas. Coordination with State and Federal agencies that manage sensitive environments should be ensured with the development of wireless communication facilities.

POLICY 3. TO PROTECT THE NATURAL ENVIRONMENT WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.

Implementing Actions:

1. Ensure that new wireless communication facilities are located away from, or built using BMPs to minimize impacts to, sensitive environments such as wetlands, anadromous streams, eagle nests, etc.
2. Coordinate with State and Federal jurisdictions when wireless communication facilities may impact sensitive environments.
3. Ensure that wireless communication facilities are located away from geophysical hazards, such as flood zones, or are built to withstand such forces.

Neighborhood Harmony

Property value and neighborhood harmony should be preserved with the development of wireless communication facilities. The fabric and overall feel of residential neighborhoods should be preserved with new and improved wireless communication facilities through the adoption of design standards. The permitting process should include incentives to support preferred development methods. Having a clear permitting process for the public to follow and participate in will improve decision making. Encourage the development of camouflaging wireless communication facilities to reduce impacts to residential neighborhoods.

POLICY 4. TO PROTECT THE PUBLIC INTEREST AND NEIGHBORHOOD HARMONY BY MINIMIZING THE IMPACT WHILE ACCOMMODATING THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.

Implementing Action

- The CBJ should adopt regulations that are predictable for the public to ensure fair and timely participation.
- The CBJ should adopt regulations that require new wireless communication facilities in residential zones to be designed in a manner that minimizes impacts to residences.

- The CBJ should provide permitting incentives for new towers that encourage designs and locations that have minimal intrusions toward residential property.
- The CBJ should encourage the use of public lands, buildings, and structures as locations for future wireless communications infrastructure to minimize impacts to private property.
- The CBJ should adopt regulations that encourage wireless communication facilities to be designed to blend in with the surrounding environment.
- The CBJ should encourage concealed technologies for new or rebuilt wireless communication facilities.

Land Use Efficiency

Due to the shortage of buildable land, especially residential, the CBJ should encourage developers to utilize existing structures for future collocations or attachments of antenna array. This will reduce the need for new towers and increase the efficiency of land use. Existing towers should be reinforced to allow for future collocations.

POLICY 5. PROMOTE LAND USE EFFICIENCY WITH THE COLLOCATION OF WIRELESS COMMUNICATION FACILITIES TO EXISTING STRUCTURES.

Implementing Action

- The CBJ should incentivize the collocation of antenna arrays onto existing towers and structures to reduce the need for new towers.
- The CBJ should establish incentives for reconstructing existing structures to accommodate future antenna arrays.

Scenic Corridors/ Viewsheds

Unique scenic corridors and viewshed in the borough have been mapped in the 2013 Comprehensive Plan. These areas capture the quintessential feeling of Juneau and Alaska and, therefore, should be preserved.

POLICY 6. TO PRESERVE THE SCENIC VIEWSHEDS AND CORRIDORS LISTED IN THE 2013 COMPREHENSIVE PLAN WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.

Implementing Action:

- Wireless communication infrastructure should be located outside of, or blend in with existing vegetation, the mapped scenic viewsheds and corridors of the 2013 Comprehensive Plan.

Amendment and Updating

The Assembly should update the Wireless Telecommunications Master Plan every ten years or more frequently depending on the growth of wireless communication infrastructure. This update should include the re-modeling of the service coverage maps (as provided in Chapter 3 of the WMP) and constitute as a substantial change to the Master Plan.

Amending the WMP, or minor change, should be done on an as-needed basis at the Director's discretion. An amendment should not have the effect of changing any policies or substantially revise any service coverage maps within the Master Plan.

Chapter 2 The Telecommunications Industry

Introduction

Telecommunications is the transmission, emission and/or reception of radio signals, whether it is in the form of voice communications, digital images, sound bytes or other information, via wires and cables; or via space, through radio frequencies, satellites, microwaves, or other electromagnetic systems. Telecommunications includes the transmission of voice, video, data, broadband, wireless and satellite technologies and others.

Traditional landline telephone service utilizes an extensive network of copper interconnecting lines to transmit and receive a phone call between parties. Fiber optic and T-1 data lines increase the capabilities by delivering not only traditional telephone, but also high-speed internet and, in some situations cable television, and are capable of substantially more. This technology involves an extensive network of fiber optic lines situated either above or below ground locations.

Wireless telephony, also known as wireless communications, includes mobile phones, pagers, and two-way enhanced radio systems and relies on the combination of landlines, cable and an extensive network of elevated antennas most typically found on communication towers to transmit voice and data information. The evolution of this technology is known as first, second, third, fourth and fifth generation (1G through 5G) of wireless deployment.

Wireless handsets



1G 1984 Mobria Cell Phone
Image: J. Bundy

During the early 1980's, the first generation (1G) of 800 megahertz (MHz) band cellular systems was launched nationwide. The 1G portable cell phones were boxy in shape and operated much like an AM and FM radio station. The 800 MHz frequency allows the radio signal from the base station to travel between three and five miles depending on topography and line of site between the base stations. Customers using a cell phone knew when they traveled outside of the service area because a static sound on the phone similar to the sound of a weak AM or FM radio station was heard through the handset. The signal either faded or remained crackling until the subscriber was within range of a transmitting base station.

Originally, the 800 MHz band only supported an analog radio signal. Later technological advancements allowed 800 MHz systems to also support digital customers which allows for an increased number of subscriber transmissions per base station.

The 1990's marked the deployment of the 1900 MHz band Personal Communication Systems (PCS). This second generation (2G) of wireless technology primarily supported a digital signal, which audibly was clearer than the analog signal. The handsets were a fraction of the size of the 1G cell phones and the first handsets provided expanded services such as paging and the ability

to send text messaging through the handheld unit. However 2G had some network functionality trade-offs. The technology of 2G included a static free signal but with a higher rate of disconnects or dropped calls thus the deployment of 2G required significantly more base stations for several reasons. First, the propagation signal in 1900 MHz is limited to a 2-4 mile range so the number of required base stations almost tripled just to provide basic 2G coverage in the same geographic area as a 1G service area. Second, the industry was reluctant to share tower space with a competitor and many service providers resisted collocating on the same tower. Third, subscriber base and usage grew rapidly and the industry needed more sites to improve network coverage demands by their customers.



2G Motorola Phone
Image: amazon.com



2G Nokia Phone
Image: hlicevoforum.net



2G Motorola Phone
Image: superstock.com

Third and fourth generation (3G and 4G) wireless handsets offer a wide variety of tools and services including access to e-mail, news, music and videos; built in cameras and videos; global positioning services (GPS); internet commerce; and thousands of applications from games to flashlights for downloading onto the handset. These applications require large amounts of bandwidth and service providers continue to upgrade existing base stations and add additional base stations to improve and increase network capacity. To improve network functionality service providers purchased licenses to operate in the 1700-1800, and 2100-2400 MHz frequencies.



2G Phone (left)
4G Phone (right)
Image: answers.com

The operating footprint is similar to the 1900 MHz footprint and helped to increase bandwidth in smaller geographic areas. With the advances of 4G the service providers are purchasing licenses in the 700 MHz frequencies. The 700 MHz platform has a service area similar to 800 MHz and will allow the service providers to broadcast a larger propagation footprint. The need for additional infrastructure for 3G and 4G is significant nationwide and continuous deployment of new base stations will be necessary as the industry transitions to fifth and sixth generation (5G and 6G) utilizing the 700, 800, 1700-1900, and 2100-2400 MHz frequencies. LTE is used as a marketing name and is not reflective of the actual download speed as defined as 3G and 4G.

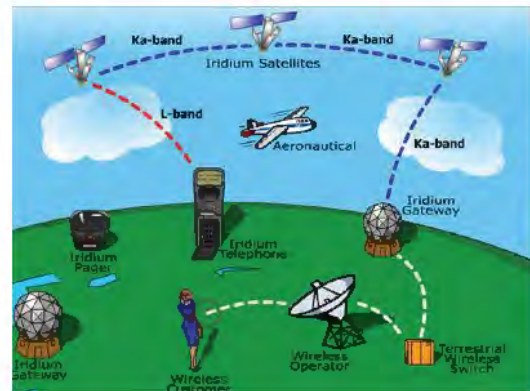
Unlike 1G and 2G (initial launch of cellular and PCS wireless service with the goal and objective of providing initial wireless coverage); 3G through 5G deployments will be focused on compressing more data in existing and future bandwidths. Fourth generation network technology (the platform for smartphones) emphasizes improving network capacity and

maximizing the use of bandwidth for faster and more efficient transfers of data. Fifth generation wireless will bring faster data transfers and additional wireless services such as using your phone for credit card transactions and other similar functions. Like all previous generations of wireless deployment, 5G will require more sites.

Satellite technologies

Satellite growth has surpassed the highest expectations of only a few years ago. The reason is simple - cost. Previously, relaying information, data, and other related materials were cumbersome and required many relay stations in very specific locations and relatively close together. Initially satellite use was expensive because of the rarity and limited amount of available airtime needed. Satellite airtime has become more affordable with the deployment of additional satellites and advanced technologies that allow more usage of the same amount of bandwidth. Competition always holds down cost, and that is what has occurred. In addition, satellite services are in the early stages of designing more localized networks; contributing to the already rapid growth.

Satellite technology has its limitations, which are all based on the Laws of Physics. Some licensees of satellite services such as SiriusXM Radio and satellite telephone services petitioned the Federal Communications Commission (FCC) and have been allowed additional deployment of land-based supplemental transmission relay stations for the ability to compete more aggressively with existing ground base services, and overcome obstacles typical to satellite technology. Subscribers found the delay in talk times unacceptable along with fade and signal dropout. The FCC is looking favorably upon this request, even though the existing land-based services are strongly objecting for various reasons. SiriusXM Radio was successful in obtaining ground base supplemental transmitters, and is rapidly becoming one of the largest users of ground base transmitters. This will place more demands on governmental agencies as another service begins to construct a land-based infrastructure.



Iridium Satellite Routing System
Image: wccip.com

Wireless facilities

Wireless communication facilities are comprised of four main apparatuses: 1) an electronic base station; 2) feed lines; 3) antenna or antenna array; and 4) an antenna support facility.

Base station and feed lines

Base stations are the wireless service provider's specific electronic equipment used to transmit and receive radio signals, and is usually mounted within a facility including, but not limited to: cabinets, shelters, pedestals or other similar enclosures generally used to contain electronic equipment for said purpose. Feed lines are the coaxial copper cables used as the interconnecting media between the transmission/receiving base station and the antenna. The base station and

feed lines shown in Figure 1 is a typical model for providers operating in the 1900 MHz frequencies and ground space for this equipment cabinet is around eight (8) square feet.



Figure 1: Example of 1900 MHz Wireless Infrastructure Ground Equipment

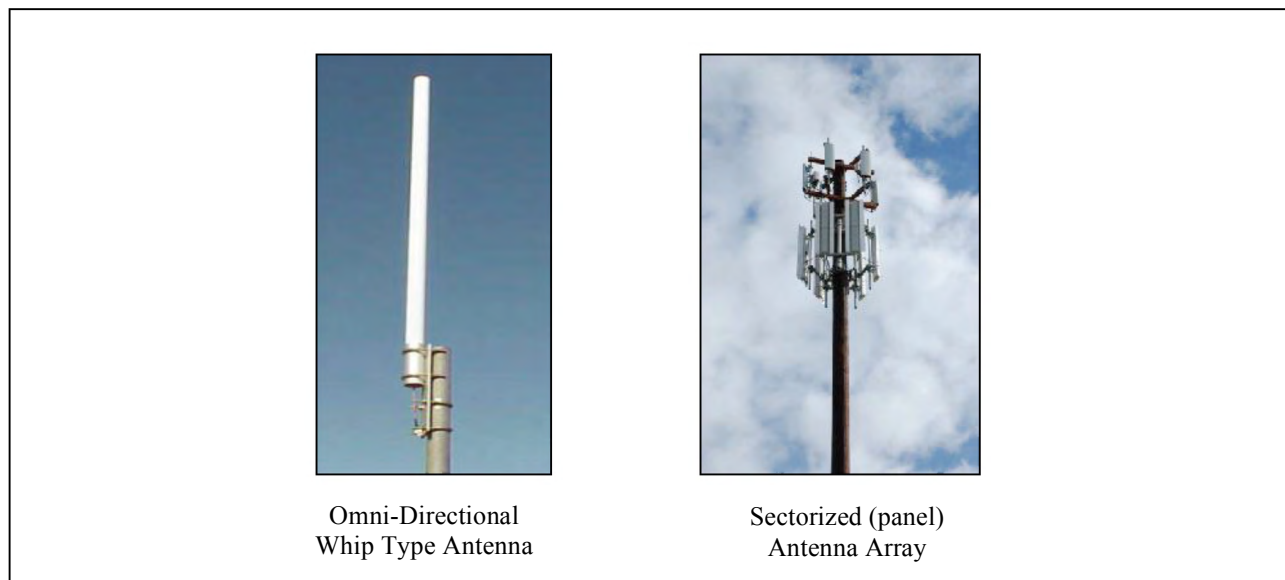
The electronics operating the 800 MHz wireless systems within the base station can generate substantial heat, therefore the base stations for providers operating in the 800 MHz frequencies are much larger and generally need an equipment cabinet a minimum of four hundred (400) square feet to house the equipment. The only noise that might be produced from the vicinity of any base station would be from an air conditioner or a backup generator that might be necessary in instances of no power or power failure. Figure 2 is a picture of an 800 MHz base station.



Figure 2: Example of 800 MHz Base Station

Antennas and antenna arrays for wireless telecommunications

Antennas can be a receiving and/or transmitting facility. Examples and purposes of antennas include: a single omni-directional (whip) antenna or grouped sectorized (also known as panel antennas). These antennas are used to transmit and/or receive two-way radio, Enhanced Specialized Mobile Radio (ESMR), cellular, Personal Communications Service (PCS), or Specialized Mobile Radio (SMR) signals. The single sectionalized or sectionalized panel antenna array is also used for transmitting and receiving cellular, PCS or ESMR wireless telecommunication signals.



Omni-Directional
Whip Type Antenna

Sectorized (panel)
Antenna Array

Figure 3: Examples of Directional and Panel Antennas

The antenna can also be concealed. Concealment techniques include: faux dormers; faux chimneys or elevator shafts encasing the antenna feed lines and/or equipment cabinet; and painted antenna and feed lines to match the color of a building or structure. A concealed attached facility is not readily identifiable as a wireless facility. Various examples of antennas attached to buildings and structures are shown in the following pictures.

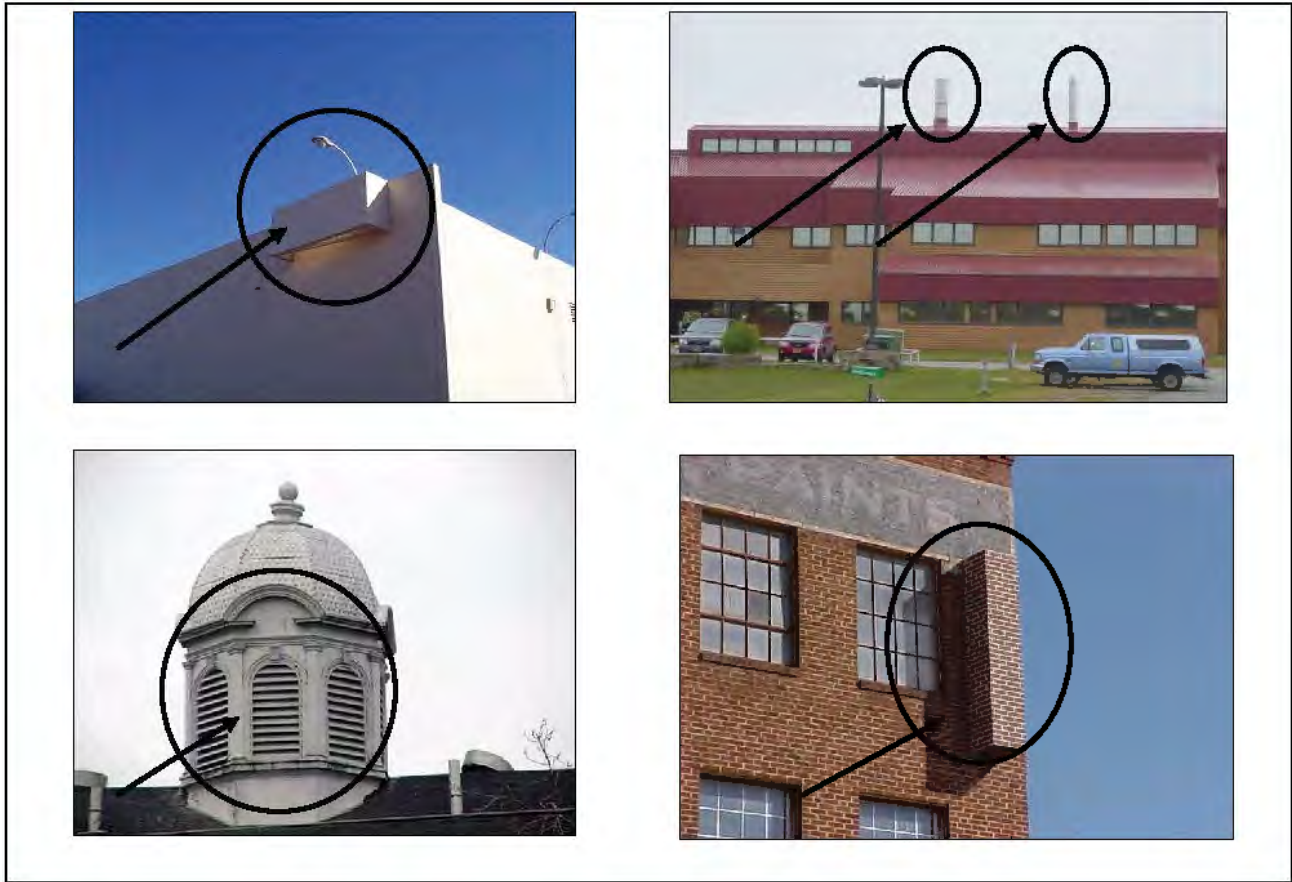


Figure 4: Examples of Concealment Techniques

Support facilities for the antenna

A variety of structures can be used for mounting the antenna(s) such as towers, buildings, water tanks, existing 911 tower facilities, tall signage and light poles; provided that, 1) the structure is structurally capable of supporting the antenna and the feed lines; and, 2) there is sufficient ground space to accommodate the base station and accessory equipment used in operating the network. Antenna support structures can also be concealed in some circumstances to visually blend-in with the surrounding area.

Figure 5 on the following page provides examples of several antenna support structures. The flagpole and light standard are concealed towers. The antennas are flush-mounted onto a monopole and a fiberglass cylinder is fitted over the antenna concealing them from view. The bell tower is a concealed lattice tower. The antennas are hidden above the bells and behind the artwork at the top of the structure.

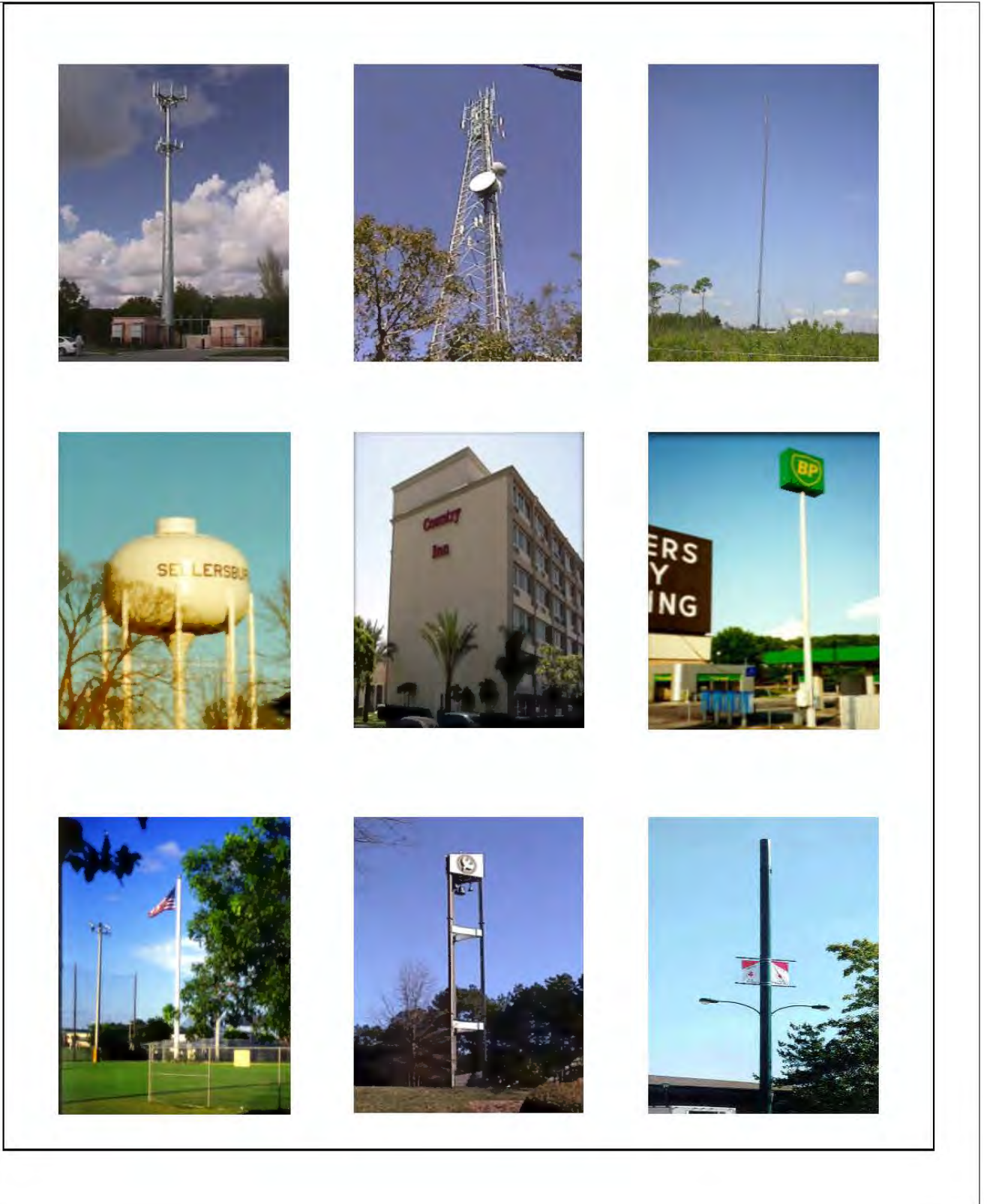
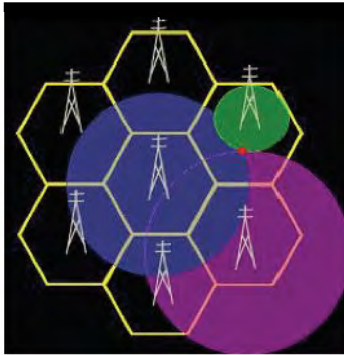


Figure 5: Examples of Antenna Support Facilities

Wireless infrastructure

To design the wireless networks, radio frequency (RF) engineers overlay hexagonal cells representing circles on a map creating a grid system. These hexagons represent an area equal to the proposed base station coverage area. The center of the hexagon pinpoints the theoretical



Hexagonal Grid with Circular Coverage from Base Stations
Image: 5freshminutes.IT

“perfect location” for a base station (antenna support facility). Next, coverage predictions are shown from the base station within the hexagon. The propagation pattern is generally circular and the size of the coverage area is affected by many variables such as antenna mounting elevation, topography, land cover, and size of the immediate subscriber base. The illustration to the left shows a smaller coverage area in green and the largest coverage area in pink. The difference in coverage areas could be relative to the antenna mounting elevations (a lower antenna mounting elevation on the tower in the green circle and a higher antenna mounting elevation on the tower in the pink shaded circle); or differences in network capacity or topography. The grid systems are unique to each service provider and maintained by each individual wireless provider’s engineering department.

Antenna network capacity

The number of base station sites in a grid network not only determines the limits of geographic coverage, but the number of subscribers (customers) the system can support at any given time. Each provider is different but a single carrier can only process or turn over a certain number of calls per minute, and at any particular time only a certain number of calls can occur simultaneously. This process is referred to as network capacity. As population, tourists and local wireless customers increase, excessive demand is put on the existing system's network capacity. When the network capacity reaches its limit, a customer will frequently hear a rapid busy signal, or get a message indicating all circuits are busy, or commonly a call goes directly to voicemail without the phone ring on the receiving end of the call.

As the wireless network reaches design network capacity, it causes the service area to shrink, further complicating coverage objectives. Network capacity can be increased several ways. The service provider can shift channels from an adjacent site, or the provider can add additional base stations with additional infrastructure.

A capacity base station has provisions for additional calling resources that enhance the network’s ability to serve more wireless phone customers within a specific geographic area as its primary objective. An assumption behind the capacity base station concept is that an area already has plenty of radio signals from existing coverage base stations, and the signals are clear. But there are too many calls being sent through the existing base stations resulting in capacity blockages at the base stations and leading to no service indications for subscribers when attempting to place a call.

According to data from SNL Kagan, the federal penetration rates of subscribers with wireless telephone service for the United States indicate a level of around eighty-four percent (84%) and it is predicted to be at one hundred percent (100%) by the end of 2013. This does not mean that every person will have a cell phone; rather, many people will have more than one phone creating the effect of one cell phone per person.

Thus, subscriber density for 3G and 4G is what controls the separation distance between base stations. The existing network design, based on local wireless penetration rates and usage, has each site facilitating the use of between 1750 and 2500 separate devices. As wireless devices increase in number *and* usage (particularly more intensive bandwidth usage like e-mail, Facebook, and mobile TV), each site will need to *decrease* its geographic area and serve a smaller number of subscribers in order to avoid overloading its systems.

Wireless broadband

Wireless broadband is analogous to the communications of voice via wireless phones but for the transmission of high speed wireless data along with standard voice communications. Wireless broadband is the transfer of data (wireless broadband) via radio waves between computers, hand held wireless phones and other wireless devices. First generation wireless deployments launched the analog hand held phones operating in the 800 MHz frequency. Second generation wireless deployments launched the digital wireless voice network in the 800 and 1900 MHz frequencies. Third and fourth generation wireless deployments add the capability of wireless data networks, now including the 2400 and 700 MHz frequencies, although many carriers are using their designated voice channels for broadband.

Traditional service providers such as AT&T, Verizon, and Sprint/Nextel have added wireless broadband to their platforms. Newer wireless handsets (smartphones) can communicate via voice (phone) and access the wireless broadband (internet). Additionally there are service providers such as Clearwire and other smaller regional services whose business plan is to provide wireless data/internet (broadband) (but not traditional voice service) to its subscriber base as an alternative to local cable and dial up internet service providers.

The infrastructure for wireless broadband is similar to that in use for wireless phones; i.e. an elevated antenna with a base station for each service provider. The service area can be reduced in order to maintain an acceptable download speed which will lead to the need for more infrastructure. For example, during maximum usage periods in order to cover a geographic area of approximately five square miles the following would be anticipated:

- 1G – Analog - 1 cell site
- 2G – Cell phone - Digital TDM – 6 cell sites
- 3G – Smartphone - Digital CDMA – 14 sites
- 4G – Universal personal communicator device - Digital CFDM or LTE - 36 sites

Complete fourth generation broadband network deployment is anticipated to begin in 2013 beginning in the urban markets.

Summary

Wireless handsets used for personal wireless services have changed significantly from the initial launch of the cellular phones in the 1980's. The infrastructure that is the backbone of these handsets has not changed as much from a visual perspective. The wireless networks still need elevated antennas above tree lines and rooftops to transmit and receive the communication information between wired and wireless devices. Moisture contained within leaves and pine needles absorb and refract the signal and create an unpredictable propagation variable. There are no antennas currently on the market that can manipulate nature and the laws of physics to eliminate the changes in the propagation characteristics from antennas placed within the tree line. Wireless antennas can function below the tree line but not at the same performance level as compared to antennas placed in the same location above the tree line. For this reason, the industry will continue to prefer placement of their antenna arrays above the tree line to achieve optimal propagation from the infrastructure and maximize their investment in the communities they are servicing. The antenna sizes used have changed minimally over the years. Recent inclusion of remote radio heads in the antenna will generally mean larger and more complex antennas as compared to the earlier 2G installations.

The structures on which the antennas mount have changed very little, other than generally becoming shorter in geographic areas where taller towers are permitted. The monopole and lattice towers remain the most widely used tower infrastructure nationwide for deployment practices. It is likely that diameters of monopoles will need to increase to allow additional space inside for more coaxial lines to accommodate additional antenna and antenna types. Concealment techniques continue to be used to mitigate the visual impact in areas of concern as identified by local governments.

Mergers and acquisitions (Sprint and Nextel for example) will bring about a temporary downsizing and consolidation of infrastructure for the companies involved but overall the industry will continue to need more and more infrastructure with transitions to 3G, 4G, 5G and beyond. The antenna elements will need to be closer together and above tree lines and rooftops.

Chapter 3 Engineering Analysis

Base station network design is founded on the principles of a grid system that is maintained by each wireless provider's engineering department. The hexagonal cells on the grid represent the radius equal to the proposed cells' coverage area. Common points of adjoining hexagons pinpoint the theoretical perfect location for a prospective new base station. For these reasons, deviation from these specified locations can significantly affect the wireless provider's deployment network.

Search area within proposed coverage areas

The search area for new wireless infrastructure is ideally specified in a document provided to site search consultants in pursuit of a lease for property on which to place their facilities, whether a new tower, a rooftop or some other existing structure that could accommodate wireless antennas. From an engineering perspective, any location within the proposed search area is considered to be acceptable for the provider, with certain considerations based on terrain and sometimes population balance.

Search Area Radii

Search areas for the 800 MHz frequencies and 1900 MHz (PCS) frequencies are computed in Tables 1 and 2. The tables utilize the "Okumura-Hata" propagation path loss formula for 800 MHz, and the "COST-231" formula for 1900 MHz. Maximum coverage radii for typical in-vehicle coverage is calculated for various tower heights, and is de-rated by twenty percent to account for a reasonable handoff zone, then divided by four to obtain a search area radius for each tower height. Thus, 800 MHz antenna mounted at the 100-foot elevation would have a search area radius of 0.72 miles, and 0.36 miles for 1900 MHz.

Okumura-Hata Coverage Predictions

Antenna mounting height	50'	80'	100'	115'	150'
Radius, miles	2.53	3.20	3.60	3.88	3.91
Allow for handoff	2.03	2.56	2.88	3.10	3.60
Search area, miles	0.51	0.64	0.72	0.78	0.90

Table 1: Okumura-Hata Coverage Predictions for 800 MHz

COST 231 Coverage Predictions

Antenna mounting height	50'	80'	100'	115'	150'
Radius, miles	1.33	1.64	1.82	1.95	2.32
Allow for handoff	1.07	1.31	1.46	1.56	1.79
Search area, miles	0.27	0.33	0.36	0.39	0.45

Table 2: COST 231 Coverage Predictions for 1900 MHz

Wireless search areas are usually circles of approximately one-quarter the radius of the proposed cell. In practice it is fairly simple to determine whether the search area radius is reasonable. The distance from the closest existing site is determined, halved, and a handoff overlap of about twenty percent is added. One fourth of this distance is the search area radius. CityScape provides the Coverage Prediction tables for antenna mounting elevations between 50 and 150 feet to allow communities the opportunity to evaluate this variable. Generally in areas where initial coverage is the objective taller towers allow the antenna to service a larger geographic coverage area and additional collocations by other service providers. Shorter tower limit the geographic coverage area and reduce the number of collocations resulting in a greater number of towers within each search area.

Tower height and antenna mounting elevation considerations

Taller structures (towers, rooftops, and water tanks) may offer more opportunity for collocation, which could theoretically decrease the number of additional towers and antennas required in an area, but capacity issues could circumvent any advantage of taller towers. The extent to which height may increase collocation opportunities must be verified by an RF engineering review on a case-by-case basis. In geographic areas where there is a larger wireless phone subscriber base or terrain concerns, build-out plans may require lower antenna mounting elevations, especially in densely populated areas. Antennas located at higher elevations on the antenna support facility are indicative of rural areas. In some cases, the wireless providers seek to limit the height in more populous geographic areas because they may need differing heights on a single tower to reduce the potential for interference between the same provider and/or a competing wireless provider.

Master plan design process

This chapter evaluates wireless coverage for the most populated areas of the City and Borough of Juneau (CBJ) and is accomplished by:

- Researching the inventory of existing antenna locations on support structures and buildings and evaluating the possible 800 MHz and 1900 MHz coverage from those sites; and
- Designing an engineered search radii template based on the average existing antenna mounting elevations and applying it over the jurisdictional boundary of the CBJ to evaluate theoretical build-out conditions; and
- Forecasting future infrastructure needs based on the status of the existing deployments and locations of the subscriber base.

Basic coverage predictions and wireless coverage handoff

CityScape provides a series of maps to help visualize the number of antenna locations that would be necessary to provide wireless communications coverage throughout the more urbanized areas of the CBJ. To accomplish this task, CityScape has created a series of root mean square (RMS)

theoretical coverage and handoff maps by randomly selecting existing antenna locations throughout the defined geographical boundary. This hypothetical network demonstrates the minimum number of base station locations required for one provider to provide complete coverage throughout the study area. In order to complete this analysis an antenna mounting elevation must be determined. CityScape has reviewed the existing tower inventory for the CBJ and determined the average tower height used for wireless telecommunications purposes to be around 88 feet. Thus, 88 feet was chosen for the mounting elevation for the theoretical RMS maps.

According to the Okumura-Hata propagation path loss formula in Table 1 coverage for 800 MHz, a reasonable coverage area for an antenna mounted at 80 feet for cellular deployment on flat terrain is about 3.20 miles. This means a single antenna mounted at 80 feet with flat terrain and minimal subscribers would provide a wireless signal to a 3.20 mile geographic radius. Using these three variables (flat terrain, 800 MHz and 80-foot antenna mounting elevations) CityScape has created a wireless network grid covering the CBJ. Figure 6 illustrates that it requires fifteen towers centrally located within the study area to provide complete 800 MHz cellular coverage. These sites represent a theoretical build-out for antennas mounted at the 88-foot elevation at equal dispersion, in a perfect radio frequency environment, with no consideration of topographic and population variables. The black dot within the circle indicates the antenna location. The smaller circle shown within the larger circle represents the limits of the search area for locating the tower. The fifteen cells would theoretically provide wireless service throughout the study area for one provider to address coverage objectives and not capacity objectives.

Referring to the “COST-231” formula for 1900 MHz a reasonable coverage area for an antenna mounted at 80 feet for a PCS site on flat terrain is approximately 1.82 miles. The coverage reduction from 3.2 miles to 1.64 miles reflects the variable change from 800 MHz to 1900 megahertz. Figure 7 illustrates it would take up to forty-nine antenna locations to cover the same geographic area as in Figure 6. These 1900 MHz PCS sites represent a theoretical build-out of one antenna mounted at the 88-foot elevation at equal dispersion for one PCS provider; *with no consideration of terrain or demographic variables.*

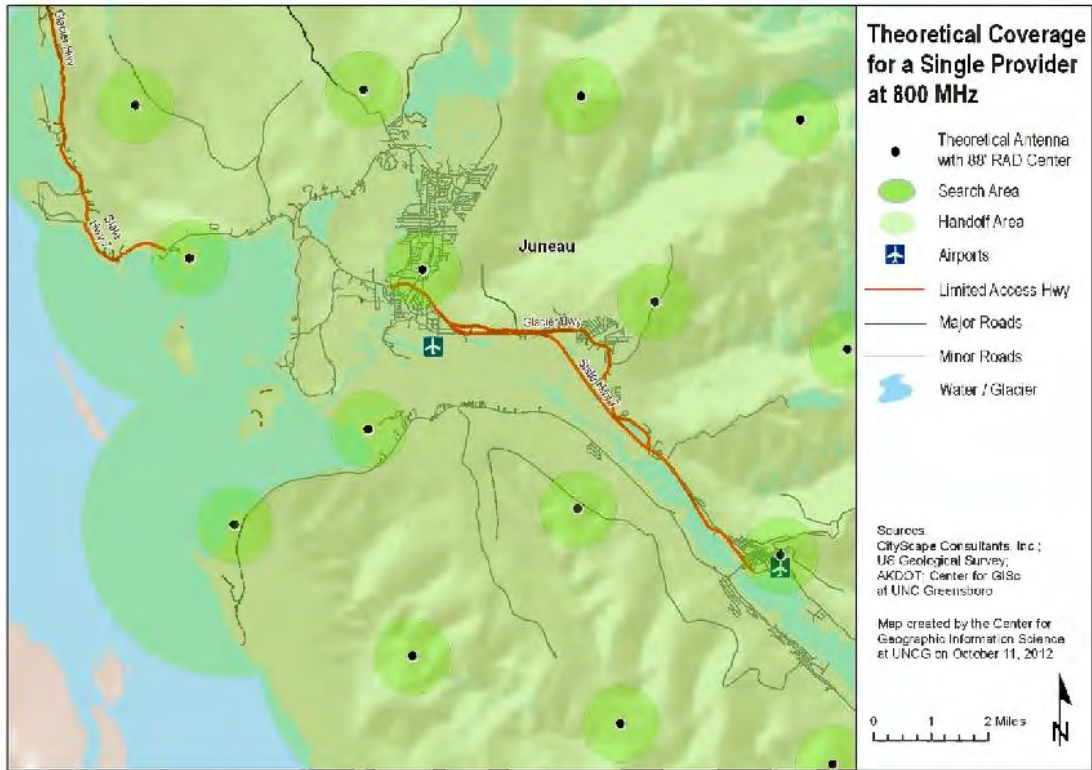


Figure 6: RMS 800 MHz Handoff and Search Areas at 88' Antenna Mounting Elevations



Figure 7: RMS 1900 MHz Handoff and Search Areas at 88' Antenna Mounting Elevations

Topographic variable on theoretical coverage

As previously described in flat terrain and sparsely populated areas, base station prediction is an easier art. The impact terrain has on a service area can be the most dramatic. Radio frequency propagation is line-of-sight technology. Line of sight works best with an unobstructed path between the base station and the handset. There are some variations of this principle. The analogy of a light bulb works well to explain how a wireless signal gets from point A to point B.

In this manner communication signals perform very similar to light. The areas closest to the light are illuminated the brightest. Adding a lampshade over the light bulb dims the light. Walls, closed doors, and other opaque object obscure the light. Similarly for best results in wireless communications there should be nothing in the transmission line of sight path between antenna point A and antenna point B, but that is usually impossible. Reflected or refracted signal will fill in some geographic areas but at a reduced power level.

Therefore, on flat terrain service areas with minimal vegetation, the coverage network from each antenna propagates in an even circular pattern. In areas with varying terrain conditions, the line of-sight coverage will be altered by higher and lower ground elevations. The CBJ has significant topographical variations so terrain greatly alters the theoretical maps.

Using the same random grid antenna locations identified in Figure 6 and Figure 7; Figures 8 and 9 illustrate how wireless service coverage is affected when the topographic variables are added to the propagation formulas. The areas in tan identify geographic area that would have no coverage due to the topography.

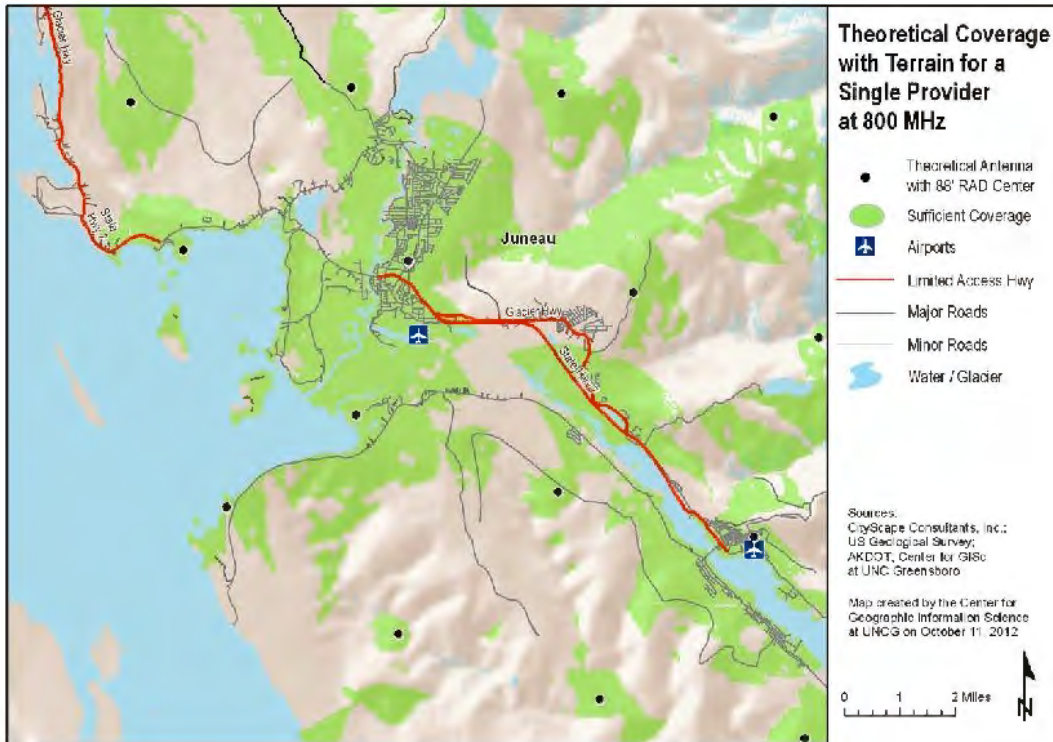


Figure 8: 800 MHz Handoff at 88' Antenna Mounting Elevations with Terrain

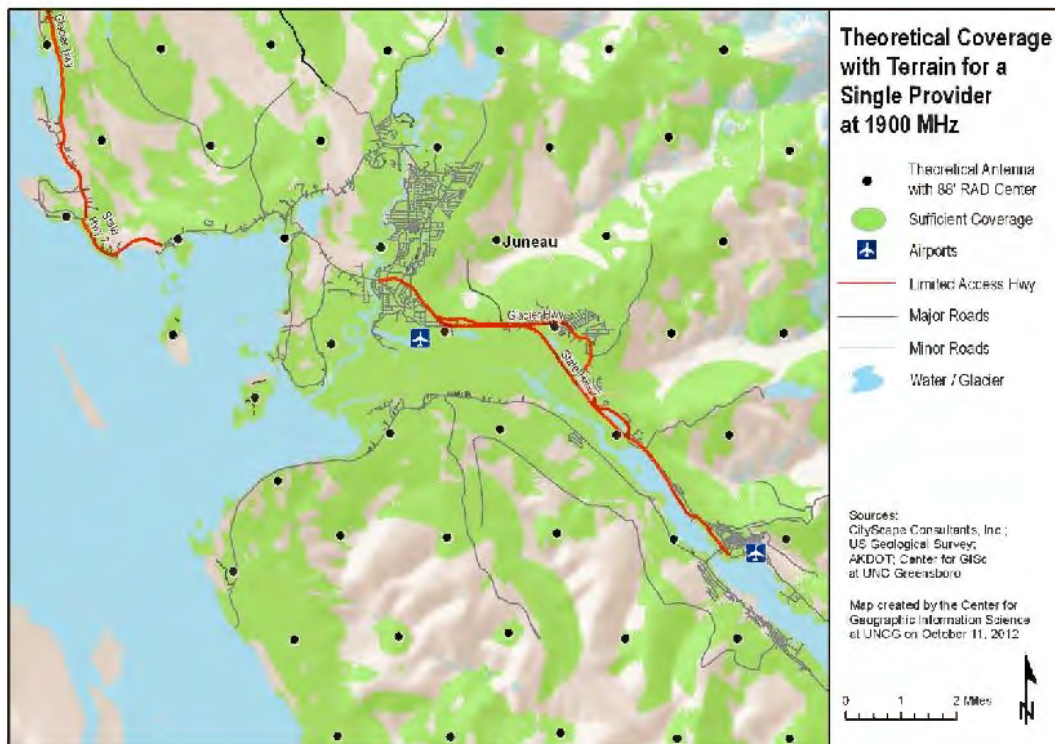


Figure 9: 1900 MHz Handoff with 88' Antenna Mounting Elevations with Terrain

Signal strength on theoretical coverage

Signal strength

The theoretical maps to this point in the master plan illustrate general coverage area from identified sites. Propagation mapping is a process that illustrates the level of coverage from an individual antenna site. Signal strength, in this application, is a term used to describe the level of operability of a handheld portable phone. The stronger the signal between the elevated antenna and the handheld wireless phone, the more likely the phone and all the built-in features will work. A reduced signal decreases the opportunity for satisfactory service caused by dropped calls or failed calls on the wireless device. Distance between the wireless handset and the elevated antennas, in addition to existing obstructions such as topography, buildings, and the physical location of the person using the handset (indoors or outdoors) are variables that affect signal strength.

The level of propagation signal strength is shown through the gradation of colors from yellow to blue. The geographic areas in yellow identify superior signal strength; green equates to areas with average signal strength; shades of blue symbolize acceptable signal strength; and tan shades show marginal or no signal strength. Generally, the closer the proximity to the antenna, the brighter shades of yellow within the geographic service area; which means the better quality of wireless service between the elevated antenna and the wireless handset. As distance increases between the handset and the antenna the green, blue, and tan shades appear indicating geographic service areas with good, marginal, sporadic, or no signal strength, respectively. Table 3 below provides further explanation of the color-coding relative to propagation signals.

Signal Strength Color	Signal Strength Title	Signal Strength Description
Yellow	Superior	Signal strength strong enough to receive signal in many buildings
Green	Average	Signal strength strong enough to receive signal in a car, but not inside most buildings
Blue	Acceptable	Signal strength strong enough to receive signal outside for many handsets, but no expectation of receiving a signal in a car or building

Table 3: Signal Strength

Seasonal variables

Vegetative land cover also affects radio frequency propagation. For example, pine needles absorb radio frequency emissions that distort the propagation from the antenna. Leaf foliage has a similar effect on propagation. Geographic land areas predominately covered by deciduous vegetation will have improved network coverage in the winter when the leaves are off the trees.

Using the same random antenna locations identified in Figure 6 and Figure 7; Figures 10 and 11 illustrate the various levels of signal coverage from the theoretical antenna locations including the foliage (clutter) variable. While the industry standards identify green and blue shades as “average” and “acceptable” coverage; customers tend to indicate otherwise. Most early twenty-first century wireless subscribers are demanding superior signal strength (yellow) in their residences, schools, offices, outdoor spaces and places frequented for shopping and entertainment. As consumers continue the trend of terminating traditional land line phone services and using the wireless handset as the primary mode of communication having signal strength inside buildings is paramount to meeting these expectations. The industries “average” and “acceptable” coverage variables do not meet customer demands and expectations. Figures 10 and 11 show many geographic areas with yellow/superior signal strength throughout most of the valley indicating generally a good level of coverage from these random locations.

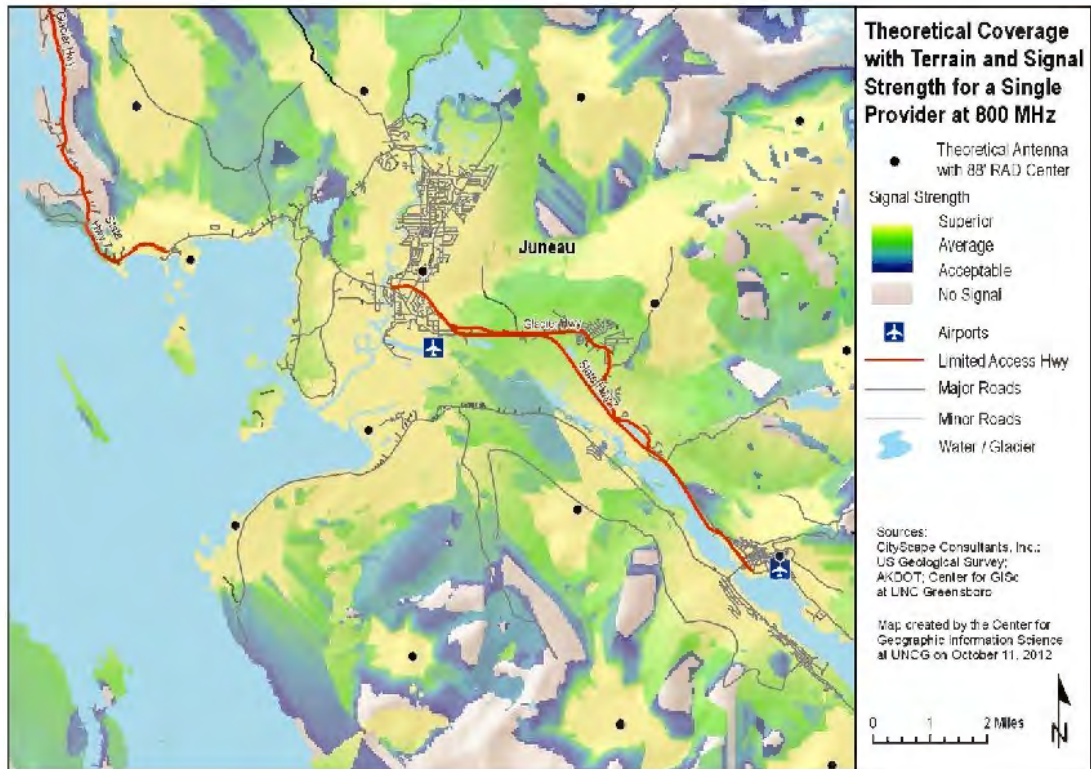


Figure 10: RMS Coverage and Signal Strength for a Single Theoretical 800 MHz Wireless Provider

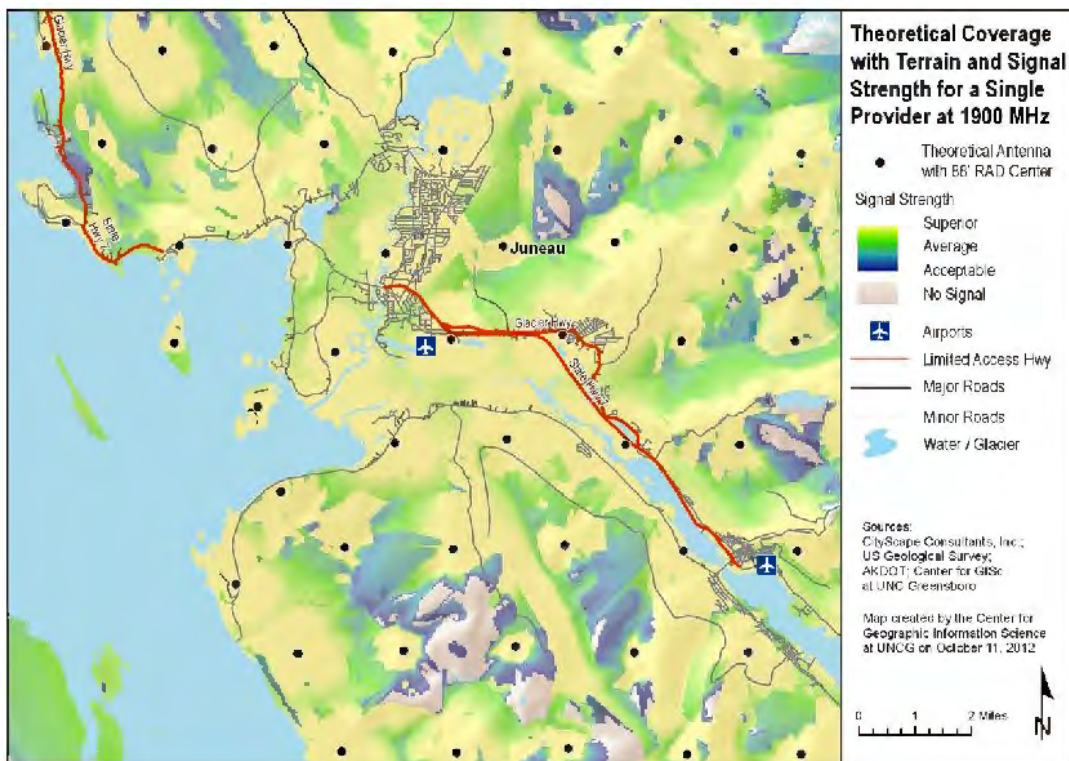


Figure 11: RMS Coverage and Signal Strength for a Single Theoretical 1900 MHz Wireless Provider

The industry and infrastructure

Prior to the granting of the cellular licenses in 1980 for the first phase of deployment, the United States was divided into 51 regions by Rand McNally and Company. These regions are described as Metropolitan Trading Areas (MTA). The spectrum auction conducted by the Federal Government for the 1900 MHz bands for 2G (PCS), further divided the United States into 493 geographic areas called Basic Trading Areas (BTA). The CBJ is located in the “Alaska” MTA (a.k.a. MTA 49) and the “Juneau-Ketchikan, AK” BTA (a.k.a. BTA 221).

Presently throughout the CBJ AT&T and Alaska Communications Systems are licensed to operate in the A and B blocks of cellular services allocated in the 800 MHz band.

Personal Communications Services (PCS) licensees and service providers for wireless phone and broadband operating in the 1700 - 2200 MHz bands include: AT&T Wireless; Alaska Communication Systems; MTA Wireless; T-Mobile; GCI and Sprint Nextel.

The recent transition to digital broadcasting (DTV) from the 700 MHz frequency has enabled the FCC to reassign the 700 MHz band for public safety radio communications and licensed wireless service providers. Public safety entities include police, fire, ambulance, rescue, and other emergency responders will use the spectrum to improve public safety networks. Licensed service providers and local and regional providers of wireless voice and/or data services will use 700 MHz to improve in-building network coverage.

The following service providers have purchased licenses to offer more advanced services in the 700 MHz frequencies: AT&T Wireless; Access 700, LLC; Echostar; Triad 700; and Verizon Wireless.

Per Section 704 of the Telecommunications Act of 1996, all service providers will require uninterrupted and continuous handoff service throughout the CBJ.

Combined there are ten known service providers that will each want to compete for the subscriber base in Juneau. Each of these wireless voice and data providers will need towers and/or above ground antenna mounting locations to improve network coverage and capacity equating to an ongoing need to deploy more infrastructure, especially in areas of greater residential density.

Existing antenna locations

Mapping the existing antenna sites creates a base map from which observations and analysis are derived relative to current and future deployment patterns. The CBJ provided existing facility locations to CityScape and other locations were attained from tower owners and the FCC database. Multiple facilities were found through various antenna locator search engines or found in the field during the site assessment process. Once these sites were mapped CityScape assessed each of the existing antenna locations throughout the CBJ study area to identify the following: 1) the location of existing telecommunications facilities currently within the CBJ; and 2) the availability of future potential collocations on the existing structures.

The assessment is achieved through actual site visits to each of the base station locations. The wireless infrastructure assessment for CBJ identifies 60 existing wireless communication facilities within the study area. Antennas mounted on towers and buildings are symbolized with a black dot. These antenna locations are identified in Figures 12 and 13. Figure 12 illustrates all the sites on a larger scale map and Figure 13 illustrates sites number 2-60 on a smaller scale map.

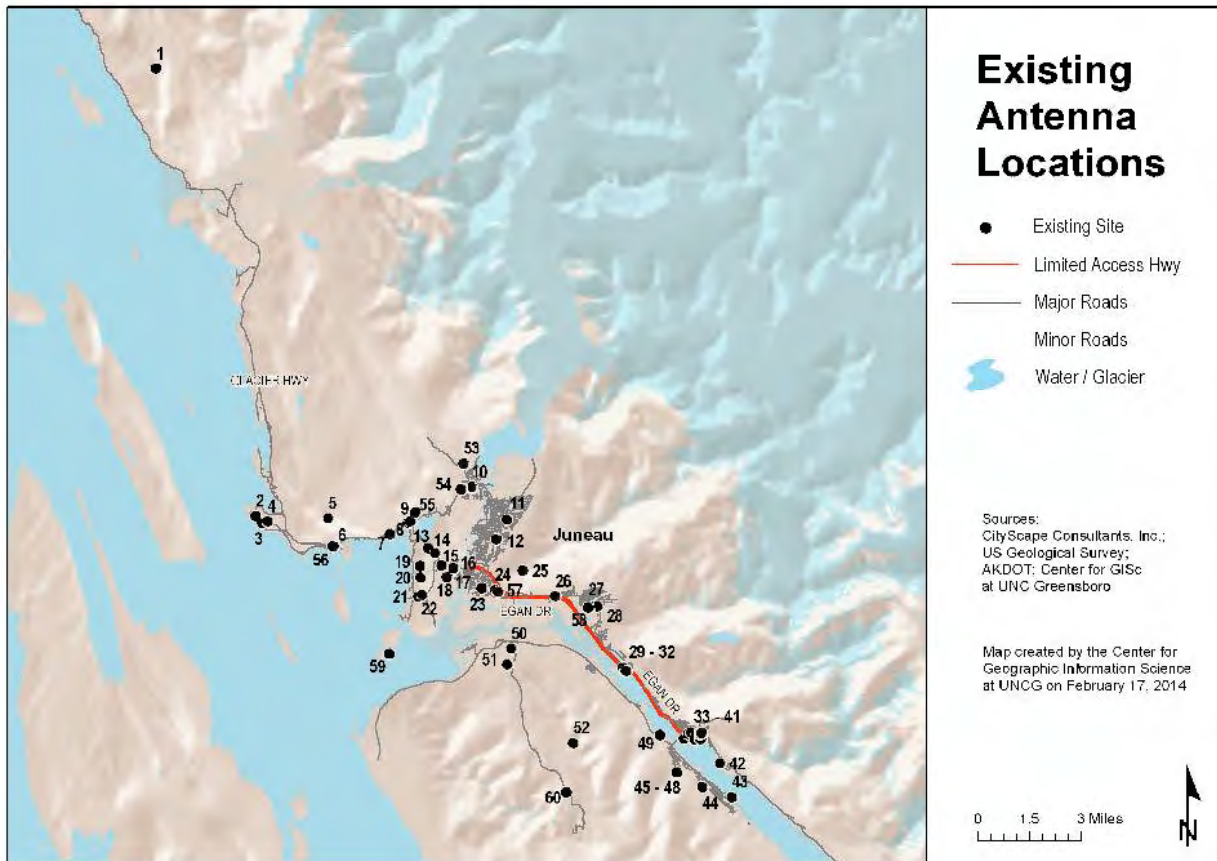


Figure 12: Existing Antenna Locations (large scale map)

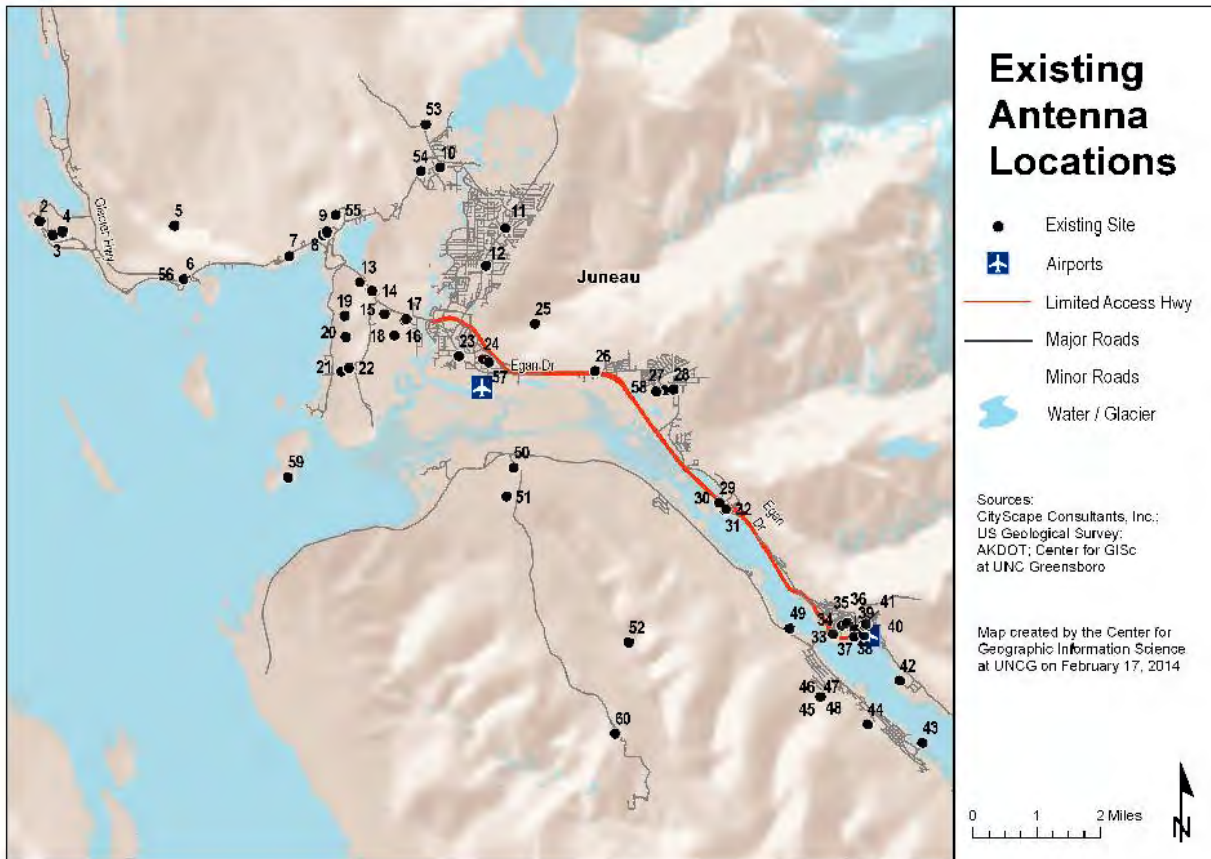


Figure 13: Existing Antenna Locations (small scale map)

Generally, the wireless infrastructure deployment patterns (antenna and tower locations) are concentrated in the downtown and airport areas with most of the remaining sites located parallel the major thoroughfares. Very few of the towers are located on the mountaintops. The FAA and other public safety agencies predominantly use the sites found in these locations.

Table 4 provides a summary of the total number of sites assessed within the CBJ study area by type, height, and ownership. CityScape and the CBJ have identified 60 total sites and some of these sites are home to multiple structures. While doing the research on each of these properties CityScape identified some discrepancies between the height approved for certain antenna structured by the FCC and the actual height approved by the CBJ. This is likely because the tower applicant requested the Antenna Structure Registration permit prior to applying for approval by the CBJ for the new facility. In most cases the tower height approved by the CBJ is lower than what was approved by the FCC. In these cases both approved heights are listed in the infrastructure inventory in Chapter four; however, only the approved tower height by the CBJ is used in the summary provided in Table 4.

60 Total Number of Existing Antenna Locations Identified within Study Area	60 Total Facilities Identified Within CBJ Study Area
Guy Towers	5
Monopoles	7
Lattice Towers	22
Wooden Pole Towers	8
Painted Monopoles	5
Rooftop Guy Towers	4
Rooftop Lattice Towers	2
Rooftop Attached Antenna	2
Other	1
Unknown	4
Total	60
Heights of Infrastructure Identified within Study Area	
> = 35' < 82'	18
> = 90 < = 110'	14
> = 130' < 160'	9
> = 175' < 199'	3
> = 200' < 350+'	4
Unknown	12
Total	60
Ownership of Infrastructure Identified within Study Area	
ACS (service provider)	2
AlaskaCom (service provider)	4
AT&T (service provider)	2
Atlas Tower USA	2
Broadcast Companies	5
Cingular (service provider)	4
CBJ (public safety)	7
GCI (service provider)	1
Global Tower Partners (tower owner)	6
Government other than CBJ (Federal/State)	12
Other	3
SBA (tower owner)	1
Unknown	10
Total	60

Table 4: Summary of Identified Antenna Locations

Theoretical coverage from existing antenna locations

The next step in the evaluation process is to examine the coverage from all known existing antenna locations to determine if any area of the CBJ has unsatisfactory or no service at all. CityScape theorizes how existing antenna locations might be used by the wireless industry.

For example, CityScape asks the following questions. First, “would network coverage gaps be visible if a single Cellular (800 MHz) and PCS (1900 MHz) provider utilized the identified antenna locations?” And second, “does the CBJ have adequate existing infrastructure suitable for providers to meet complete network coverage objectives?”

Figures 14 and 15 are RMS maps that demonstrate the theoretical coverage for a single 800 MHz service provider with antenna mounted at the top mounting position of all known support structures currently used for 800 MHz. Figure 14 does not include the terrain variable and 15 does include the variable of topography.

Figures 16 and 17 are RMS maps that illustrate the propagation (level of signal strength) for a single 1900 MHz network service provider from the top mounting elevation of all known support structures currently used for 1900 MHz. Figure 16 is without the terrain variable and Figure 17 includes the terrain variable.

Figures 18 and 19 are propagation maps that illustrate the approximate quality of service coverage from the sites identified in Figures 14 and 15. These maps include topography, urban density (population and vegetative ground cover) and known tower height variables.

Please note, of the 60-antenna/tower locations only around 25 of the sites are utilized for wireless telecommunication purposes. Generally the public safety, government and broadcast towers do not have any of the wireless service providers equipment on them and it is unlikely that the public service agencies will allow future collocations by the industry. For this reason only the locations used by the wireless telecommunications industry are shown on this sequence of maps. Additionally, CityScape can generally determine the operating frequency of the service provider by the equipment at each site. The maps in this sequence also differentiate between the 700/800 MHz service providers and the 1700 - 2100 MHz service providers to give a more realistic perception of the generalize coverage.

The map sequence illustrate relatively good coverage from the existing towers for 800 MHz provided a single service provider had equipment at each of the sites identified; and it demonstrates that for 1900 MHz many areas throughout the valley have marginal network coverage and capacity. It is very important to keep in mind that no one single 800 MHz or 1900 MHz wireless provider has equipment at all of these sites. For this reason the coverage pattern by the individual wireless providers is not as widespread throughout much of the CBJ valley as shown on these map. However, the zoning policies in place presently appear to allow facilities in these locations and thus do not appear to be creating a barrier to entry.

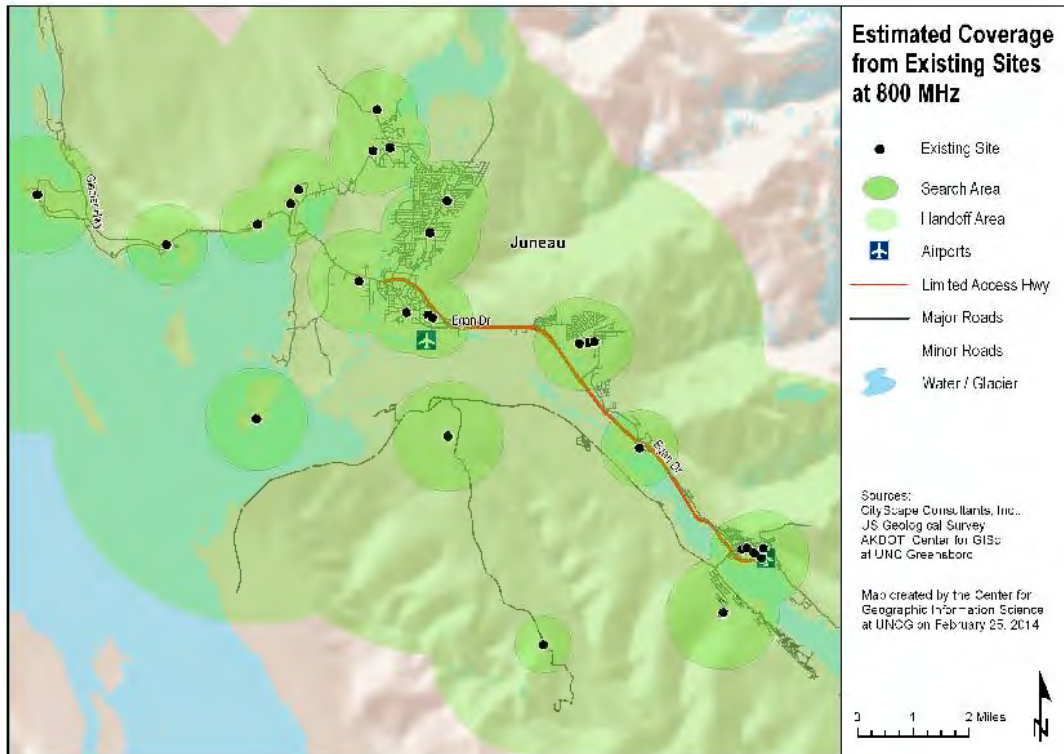


Figure 14: RMS Coverage for a Single Theoretical 800 MHz Wireless Provider without Terrain

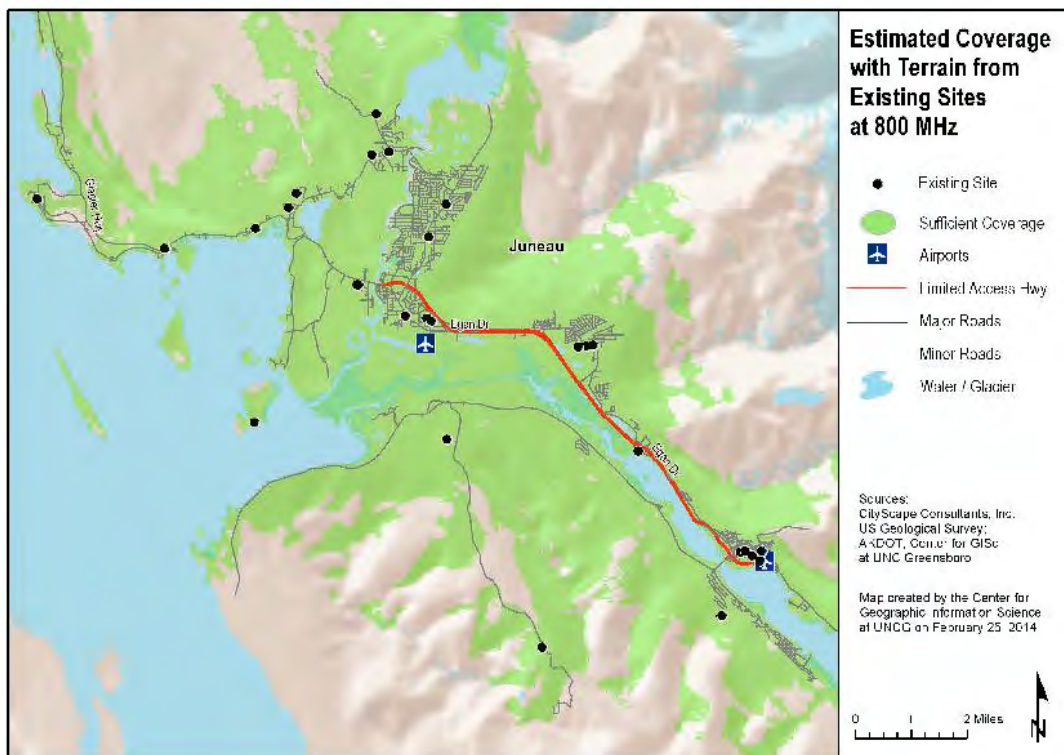


Figure 15: RMS Coverage for a Single Theoretical 800 MHz Wireless Provider with Terrain

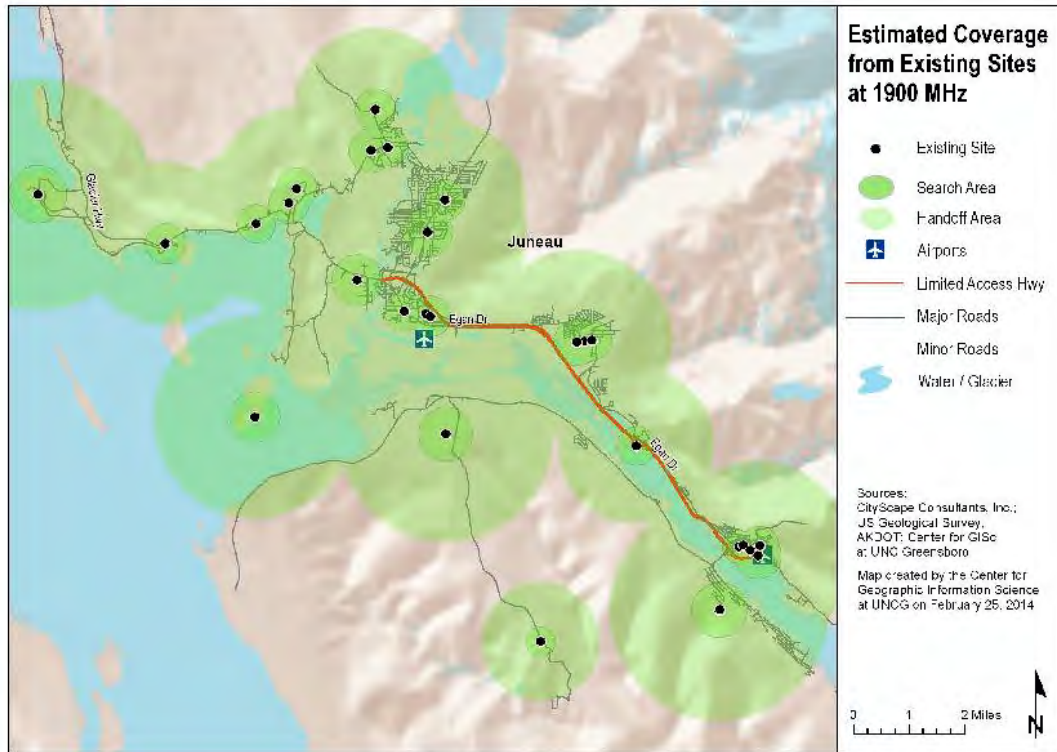


Figure 16: RMS Coverage for a Single Theoretical 1900 MHz Wireless Provider without Terrain

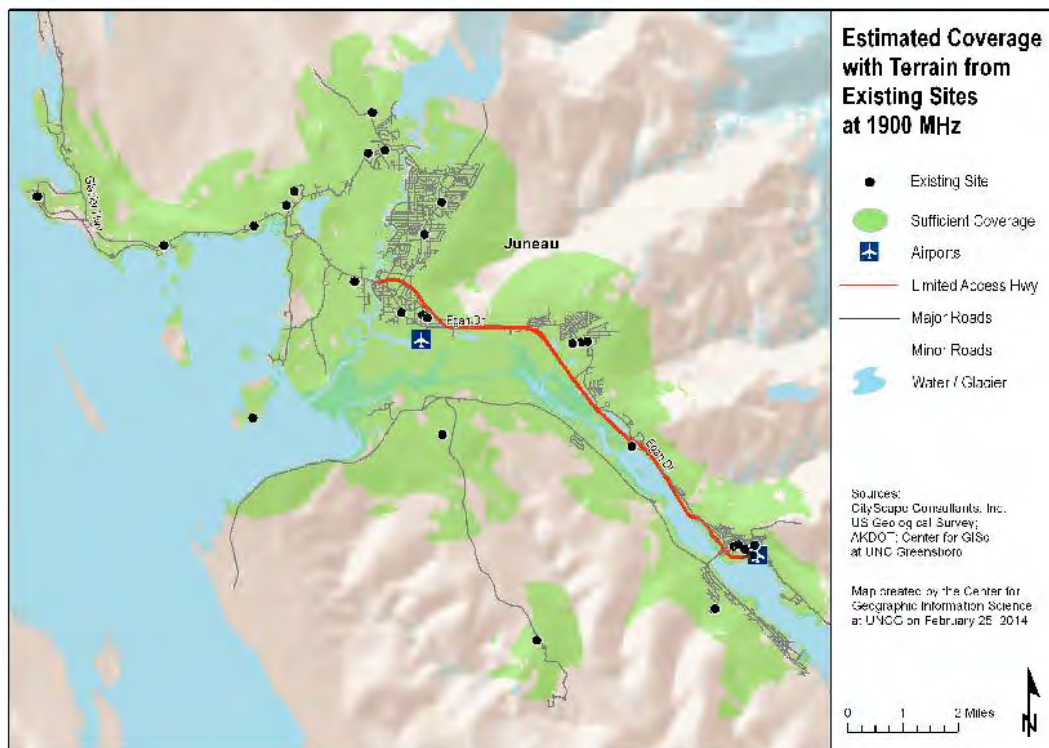


Figure 17: RMS Coverage for a Single Theoretical 1900 MHz Wireless Provider with Terrain

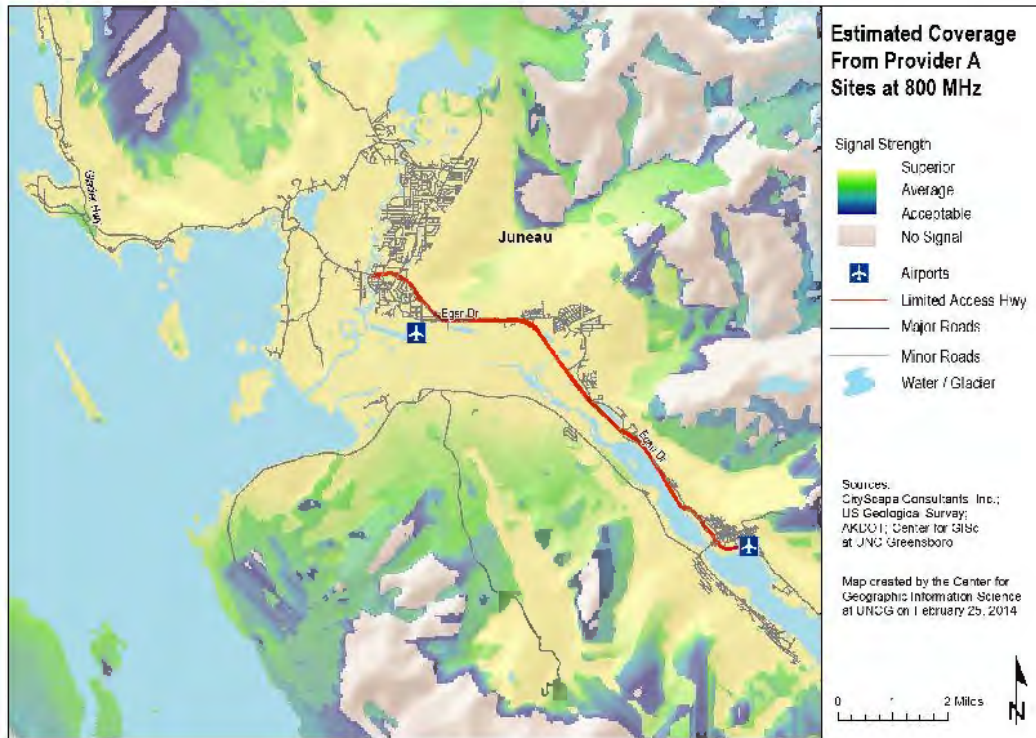


Figure 18: Coverage for a Single Wireless Provider from Existing Antenna Locations with Terrain and Signal strength and Urban Density for 800 MHz

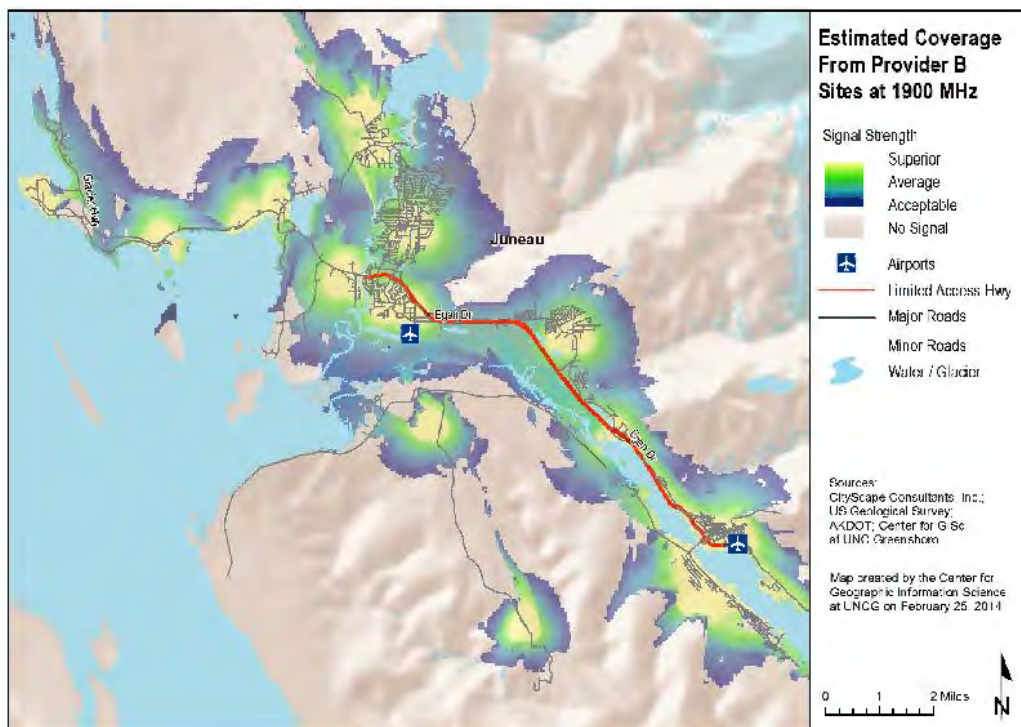


Figure 19: Coverage for a Single Wireless Provider from Existing Antenna Locations with Terrain and Signal Strength and Urban Density for 1900 MHz

Future tower site projections

Up to this point the Master Plan has focused on existing wireless base station coverage, however current network coverage is only one aspect of wireless service. The primary objective of the first phase of network development is to create coverage over a large service area. When network coverage is achieved wireless service providers begin to monitor the number of calls. Once the number of simultaneous calls reaches a predetermined maximum number, and the facility cannot support the subscriber base, the wireless network exceeds the capacity design of the system. Exceeding network capacity equates to overloading the network which results in lost service, dropped calls, rapid busy signals, and the inability to make calls. To overcome problems caused by over-capacity challenges, additional antenna and base stations are required.

According to 2009 data the federal penetration rates of subscribers with wireless telephone service for the United States indicate a level of around 77 percent. Cell phone service is projected to have increased to about 80 percent by the end of 2010, and may exceed that with the success of “smartphones.”

Carriers use base population estimates for their network design. Population density is what controls the separation distance between base stations. The existing network design, based on local wireless penetration rates and usage, has each site facilitating the use of between 1750 and 2500 separate devices. As wireless devices increase in number AND usage (particularly more intensive bandwidth usage like email, facebook, and mobile tv), each site will need to *decrease* its geographic area and serve a smaller number of subscribers in order to avoid overloading its systems. In other words, the 1750 to 2500 users per site will shrink significantly over the next 10 years, with estimates ranging from 500 to 1200 devices per site, depending on the particular carrier, services offered, and number of overall subscribers. Concurrent with the shrinkage of number of users per site will be an increase in the total number of sites needed in order to provide service to subscribers.

Each wireless phone and/or broadband network has unique deployment needs, and might need antennas at varying heights. Just because one provider locates on a building, does not mean that building height will work for the next provider. Additionally, the rapid change in how people are using technology will continue to impact the existing network infrastructure. More and more devices on the market can transfer data via cell signals (Kindles, iPads, Nintendo DS, etc.) The addition of wireless objects such as these coupled with the ongoing popularity of text messaging will require new antenna locations not due to increased wireless network traffic, but the evolvement of high speed wireless broadband devices, even if the population is not growing at a similar rate.

As a result of the present growth models and the current wireless market penetration rate, and the rate of wireless network evolution from 3G to 5G, CityScape’s prediction for future antenna deployment is based on network growth from the existing antenna locations. Currently in the CBJ there are about twenty-five antenna locations used for wireless telecommunication purposes. Each year in the future the number of new collocations, antenna attachments, and tower facilities will vary. Subscriber demand on the network will control future deployments.

To effectively and efficiently provide network coverage throughout the Valley over the next ten years CityScape anticipates it will require about twenty-nine new antenna locations *following conventional deployment practices* to provide a comprehensive network to fill in the service coverage and capacity gaps. Yearly increases cannot be anticipated to increase evenly as customer demand on the network will control future deployments. As a rule of thumb the CBJ could anticipate an average (of any combination) of approximately two new tower sites and/or two to four collocations and/or antenna attachments per year over the next ten years. This estimation is based on the mathematics of the population density; subscriber base and usage; transient movement through the CBJ and how many calls a base station can simultaneously serve at any given time.

This projection model is based on new tower heights at the 88-foot mounting elevation on a tower estimated to be around 130' to allow for maximum collocation opportunities and the reduction of multiple towers within the same geographic search areas. The geographic areas of where these new facilities will be needed are shown by a brown dot in Figure 20.

Unique to the CBJ is another deployment scenario that offers a very different approach to wireless deployment. After studying the geographic area, CityScape had determined the vast majority of the Valley could be served by deploying "rim shots". Rim shot are directional signals from the transmitting antenna aimed toward the valley floor from an elevation on a tower located in the surrounding hillside. The towers are not proposed to be located on or near the mountain tops; rather from the 200' - 500' elevations above mean sea level to blend into the hillside.

This pattern of deployment is presently evidenced at one tower site in the CBJ. On the Global Tower Company tower located at the water reservoir site the collocations are all mounted on one side of the tower to provide a directional signal to the downtown Juneau area. CityScape believes this pattern of rim shots can be duplicated throughout the CBJ and would be an effective deployment method resulting in less required infrastructure throughout the Valley. CityScape estimates it would take approximately eighteen new antenna locations utilizing this *alternative deployment pattern* to meet the same coverage objectives of the proposed twenty-nine facilities anticipated for a more conventional deployment. The rim shot deployment pattern is shown in Figure 21.

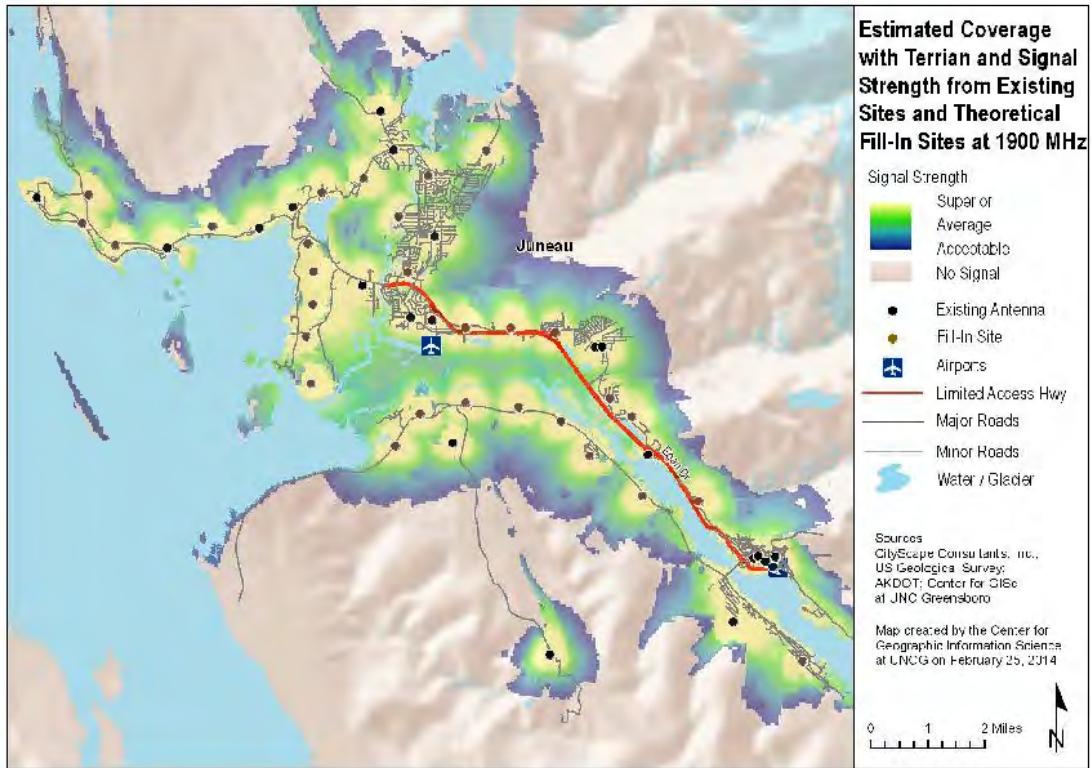


Figure 20: Projected New Infrastructure Infill Sites for Conventional Deployment

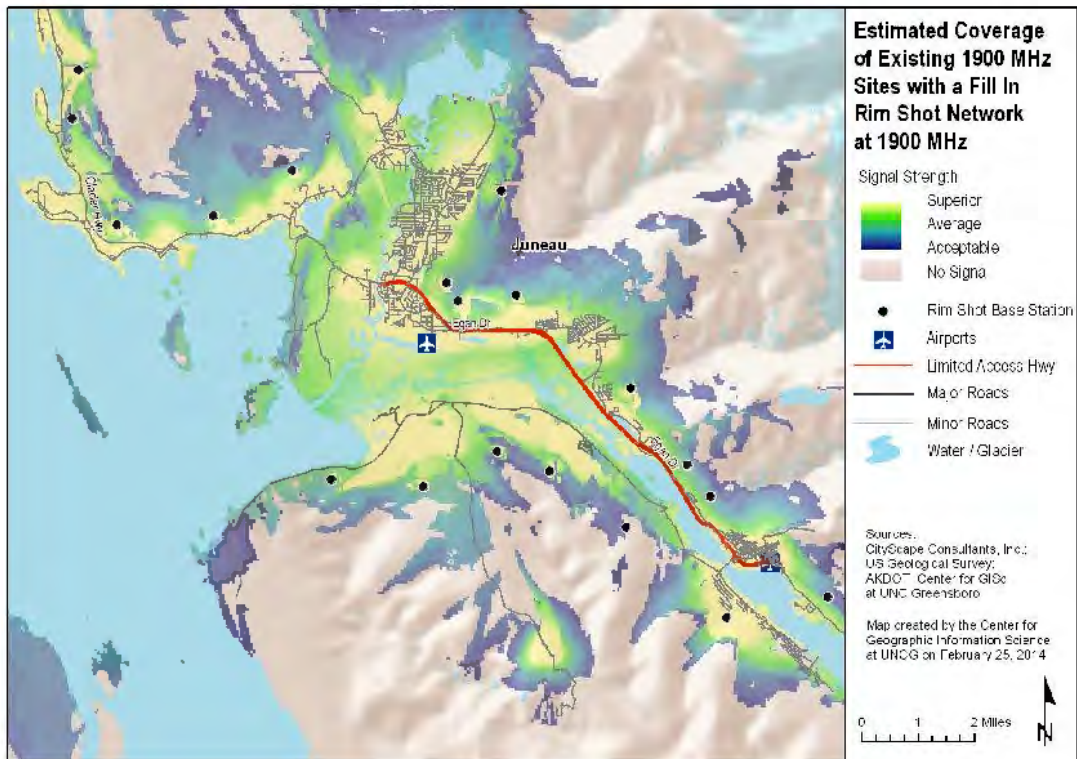


Figure 21: Projected New Infrastructure Infill Sites for Rim Shot Deployment

Chapter 4 Federal Telecommunications Act, Rulings and Policies

Wireless infrastructure and local zoning

With the deployment of first generation wireless, there were only two competing wireless cellular (800 MHz) providers. But with the deployment of 2G, and six competing PCS (1900 MHz) providers, the wireless marketplace became furiously competitive. “Speed to market” and “location, location, location” became the slogans for the competing 1G and 2G providers. The concept of collocation or sharing base stations was not part of the initial tower deployment strategy as each provider sought to have the fastest deployment and largest customer base resulting in a quick return on their cost of deployment. This resulted in an extraneous amount of new tower construction without the benefit of local land use management.

Coincidentally, as local governments began to adopt development standards for the wireless communications industry, the industry strategy changed again. The cost associated with each provider developing an autonomous inventory of base stations put a financial strain on their ability to deploy their networks. As a result, most of the wireless providers divested their internal real estate departments and tower inventories. This change gave birth to a new industry of vertical real estate; and it includes a consortium of tower builders, tower owners, site acquisition and site management firms.

No longer was a tower being built for an individual wireless service provider, but for a multitude of potential new tenants who would share the facility without the individual cost of building, owning and maintaining the facility. Sharing antenna space on the tower between wireless providers is called collocation.

This industry change could have benefited local governments who adopted new tower ordinances requiring collocation as a way to reduce the number of new towers. But, *initially* it did not; because the vertical real estate business model for new towers is founded on tall tower structures intended to support as many wireless providers and other wireless services as possible. As a result, local landscapes became dotted with all types of towers and communities began to adopt regulations to restrict or even prohibit tall communication towers within their jurisdictional boundaries.

Wireless deployment came to a halt in many geographical areas as all involved in wireless deployment became equally frustrated with the situation. Second generation wireless providers had paid a large sum of money for the rights to provide wireless services. Collectively the 2G wireless providers paid over twenty-three billion dollars to the US Treasury (which at that time helped the Federal government pay off the annual deficit by 1998) for the licenses to build and operate these networks. Furthermore, the license agreements between the wireless providers and the FCC mandated the networks be deployed within a specific time period and at that time many local government agencies were prohibiting the deployments through new zoning standards.

Robert F. Roche of the Cellular Telecommunications Industry Association (CTIA) stated in The Unpredictable Certainty: White Papers (1997)

“...the wireless paradigm has resulted in more than 200,000 new jobs, and almost \$19 billion in private-sector investment...and in spite of these gains and the promise of another \$50 billion in investment over the next 10 years, there are impediments to this success...Some local jurisdictions are preventing the deployment of antennas, either through outright bans, extensive delays, or application of unscientific “local technical standards” to radio frequency emissions...”

Roche further suggests the CTIA should:

“...1) urge President Clinton to direct federal agencies to make available federal land and sites for telecommunications infrastructure; 2) urge the FCC to develop national standards on radio frequency emissions over local standards; and 3) urge the FCC to advocate the primacy of national telecommunications policy over local policies that are hostile to competition...”

This perplexing situation prompted the adoption of Section 704 of the Federal Telecommunication Act of 1996.

Federal Telecommunications Act of 1996

The Federal Communications Commission (FCC) policies impacting deployment of wireless facilities are, with certain exceptions, unchanged since the enactment of the 1996 Telecommunications Act. The overall concept as passed by Congress was to facilitate the creation of a wireless infrastructure to parallel the wired infrastructure that existed in the United States. The FCC’s mandate has been to work towards accomplishing that goal, and the current Commission in particular has paid great attention to moving that task forward.

Section 704 of the Federal Telecommunications Act of 1996 retains local governments’ zoning authority over the deployment of wireless telecommunication facilities subject to several specific requirements.

First, zoning regulations and decisions may not unreasonably discriminate among the wireless providers, and may not prohibit or have the effect of prohibiting the deployment of wireless infrastructure. For example, some communities adopted development standards restricting the distance between towers to three miles. In some geographic locations with sparse populations this may have been adequate for 1G deployment; however the Laws of Physics make it impossible for 2G wireless deployments to meet this spacing requirement. Unknowingly some communities inadvertently prohibited the deployment of 2G.

Second, local governments must act on applications for new wireless infrastructure within a “reasonable” amount of time

Third, the local government must provide in writing a reason for any denials and the decision must be supported by substantial evidence.

Fourth, local government cannot deny an application for a new wireless facility or the expansion of an existing facility on the grounds that radio frequency emissions are harmful to the environment or to human health (provided federal standards are met by the wireless provider).

Additionally, the FCC provided two Fact Sheets to further explain the goals and objectives of the Act. Included in Fact Sheet 1 is the suggestion for local government to the use of third party professional review of site applications. Specifically stated, “Local zoning authorities may wish to retain a consulting engineer to evaluate the proposals submitted by wireless communications licensees. The consulting engineer may be able to determine if there is some flexibility as to the geographic location of the tower.”

The full text of Section 704 of the 1996 Telecommunication Act is provided in Appendix A.

Federal Communications Commission Declaratory Ruling November 18, 2009

In states where there is no specific state statutory obligation on local jurisdictions (which includes the Commonwealth of Virginia) the FCC’s Declaratory Ruling will apply and impose upon local jurisdictions a timeline in which it must act upon wireless siting applications. The November 18, 2009 *Declaratory Ruling*¹ regarding timelines for local government to act upon a wireless siting application specifies a local government agency has thirty (30) days from receipt of an application for a new tower or collocation to determine if the application is complete or incomplete. Additionally the FCC provided the following deadlines for the local government decision process:

Collocation – local government agencies have ninety (90) days from the date the application is filed to render a decision for approval or denial of the collocation.

New towers – government agencies have one hundred fifty (150) days from the date the application is filed to provide a decision on the proposed request.

If a jurisdiction fails to act on an application within those timelines, an applicant will have the opportunity to file suit in federal court and seek judicial determination of the application. Several jurisdictions challenged the FCC’s authority to impose a “shot clock” on such local zoning decisions. On January 23, 2012, the Fifth Circuit Court of Appeals decided *City of Arlington, Texas v. FCC*, 668 F.3d 229 (5th Cir. 2012), and found that the FCC was legally empowered to impose the “shot clock” on local governments in jurisdictions without state statutory provisions that are more restrictive. There have been some other federal district court cases that have addressed the “shot clock” issue tangentially but are not relevant for this discussion. Of note and importance because of recent Congressional action was the FCC’s definition in the *Declaratory Ruling* of what constitutes a collocation application, which the FCC defined as “a substantial increase in the size of the tower” as set forth in the National Programmatic Agreement.²

¹ *Declaratory Ruling*, FCC 09-99 (Released November 18, 2009)

² . A “[s]ubstantial increase in the size of the tower” occurs if:

(1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the

Having established a procedural timeline for action on wireless siting applications, the FCC has recently also enacted regulations that impose additional burdens on applicants seeking to construct new towers for wireless services. Effective **June 18, 2012**, new federal procedural obligations (unrelated to any local procedural obligations) imposed on any applicant who is:

- (1) planning to build *any* new tower that would have to register through the FCC's Antenna Structure Registration (ASR) system (typically towers that exceed 200 feet in height, but sometimes less). The only exceptions are for (a) towers to be built on sites for which some other federal agency has responsibility for environmental review or (b) cases in which an emergency waiver has been granted; or
- (2) modifying an existing registered tower by (a) increasing its overall height by more than 10% or 20 feet, or (b) adding lighting to a previously unlit structure, or (c) modifying existing lighting from a more preferred configuration to a less preferred configuration; or
- (3) amending a pending application involving either of the foregoing situations and the amendment would (a) change the type of structure, or (b) change the structure's coordinates, or (c) increase the overall height of the structure or (d) change from a more preferred to a less preferred lighting configuration or (e) an Environmental Assessment is required.

If an applicant's proposed tower or tower modifications fall into one of these categories, an applicant must follow new processes and procedures with the FCC in order to obtain approval of its proposed facility, including:

- (1) Filing a partially-completed Form 854 in the FCC's ASR system. This will consist of information previously required on Form 854, plus tower lighting information *and* specification of the date on which the applicant wants the FCC to post the application on the Commission's website for comments; and

nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or (2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or (3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or (4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

47 C.F.R. Part 1, App. B—Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, Definitions, Subsection C.

- (2) Publishing a notice (“in a local newspaper or by other means”) regarding the application on or before the date the applicant has designated in its application for posting of the application on the FCC’s website. The comment period will be open for 30 days, during which time members of the public can ask the FCC for further environmental review.
- (3) If, after the comment period, FCC staff concludes that no additional environmental review is required, the applicant will then move on to Table 1, Step 1 of the process. In that step, the applicant will have to amend its application to reflect (a) the FAA’s study number and issue date (if those haven’t already been provided in the initial application), (b) the date of the local public notice, and (c) a certification that the proposed construction will have no significant environmental impact; OR,
- (4) If, after considering the initial filing and any public comments, the FCC decides that more review is required, it will require the submission of an Environmental Assessment. If an Environmental Assessment is required, the FCC will first have to issue a Finding of No Significant Impact before the applicant can proceed to Step Two with the necessary amendment of its application.

All of the foregoing processes were adopted after FCC consideration of multiple petitions by parties concerned about the effect of tower construction on the environment, including the effect on migratory birds and tower strikes by such birds.

These new provisions will significantly extend the timeline for federal approval of new construction or modification of towers that meet the conditions above³, which may have the effect in some instances of slowing the deployment of wireless facilities where the proposed facilities fall into one of the three (3) categories above.

Applicants may also seek local approval of their proposal at the same time the federal processes are underway on parallel paths, and thus it is unclear at this time what impact the federal processes may have on the processing and adjudication by local government of wireless siting applications.

In addition to the FCC’s recent actions, Congress also recently involved itself in wireless siting issues by including language in recent legislation signed by the President on February 22, 2012 that impacts local governments’ consideration of wireless siting applications.

The Middle Class Tax Relief & Job Creation Act of 2012 – HR 3630

In Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Congress further eroded local government’s jurisdiction over wireless facilities through the following language:

(a) FACILITY MODIFICATIONS.—

³ The new requirements are imposed on proposals for either new towers or modifications that, generally speaking, do constitute a “substantial change” as that term is defined by the FCC.

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Note that Section 6409 applies where an application for modification of an existing wireless facility does not involve a “substantial change” to the physical dimensions of such tower or base station.

Congress did not define “substantial change” in the legislation. In order to determine what constitutes “substantial change”, the only currently available definition arises from the FCC’s National Programmatic Agreement (see footnote 2), which is also the definition endorsed by the wireless industry.

Under this new Congressional requirement, local governments must approve any application for collocation, removal or replacement of wireless equipment if the proposed modifications to an existing facility do not involve a “substantial change” (and as noted above, the only currently available definition of “substantial change” is that defined by the FCC in the National Programmatic Agreement). This further degradation of local governmental authority over wireless facilities (and the willingness of wireless providers to suggest to local governments that this new statutory mandate provides a basis to immediately grant their application) is impacting wireless deployment by emboldening the wireless industry to increase deployment efforts despite local government concerns. Although this is recent legislation and there does not yet appear to be any reported decisions involving Section 6409, Cityscape is aware of at least one lawsuit being commenced citing Section 6409 as jurisdictional authority (despite the fact that the applicant who has sought judicial relief was *granted* authority by the local government to modify their facility with certain conditions).

Since the CBJ adopted the Personal Wireless Services Facility Development Standards the Federal government has adopted additional policies that should be integrated into the existing regulations in order to harmonize them with applicable federal law. For example, the timeline as described in the “shot clock” *Declaratory Ruling* should be integrated to indicate that collocation applications shall be reviewed and adjudicated by the CBJ within ninety days of completed submission, and an application for a new facility shall be reviewed and adjudicated by the CBJ within one hundred fifty days of complete application submission.

Furthermore, the CBJ's regulations should recognize the provisions of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 to permit equipment collocations, removals and replacements on existing eligible facilities that do not "substantially change" the physical dimensions of the tower structure, via well-defined collocation and related approval processes that meet the ninety (90) day shot clock standards.

Chapter 5 Inventory

Purpose of the inventory

Procedure

CityScape conducted an assessment of the existing antenna locations throughout the CBJ by driving to all locations. Data for the assessments was obtained from a number of sources including actual permits obtained from the CBJ for wireless infrastructure, research of FCC registered site locations, direct information from existing wireless service providers and tower owners active in the CBJ, the CBJ GIS, and through actual site visits to each location.

Inventory catalog existing antenna(s) and towers

Pictures of existing antennas mounted on towers and rooftops are included in the inventory catalog. Existing antenna site locations are identified numerically in Figure 21.

Structural evaluation

Based on a visual inspection of antenna arrays already on existing antenna support structures, CityScape has made a judgment as to whether each support structure is likely to physically accommodate more antennas. The number of estimated collocations is referenced as future antenna collocation possibilities. The suggested collocation is based on visual observations only. In this consideration, adding antennas equates to adding another wireless antenna platform consisting of several antennas and associated heavy coaxial cable. Prior to mounting new antennas and related equipment, the structure must be examined and analyzed by a structural engineer for its ability to support the proposed addition.

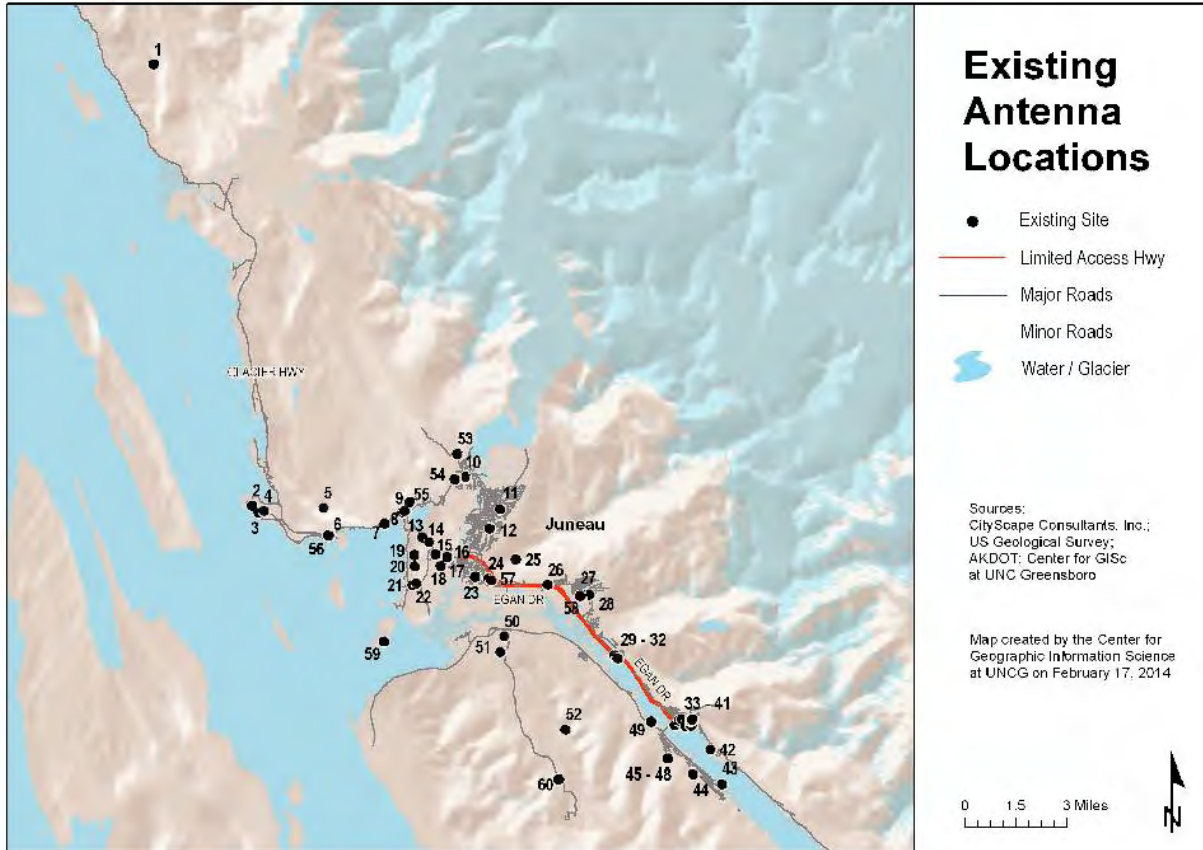
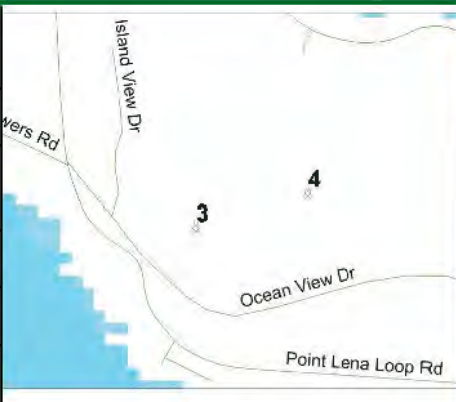
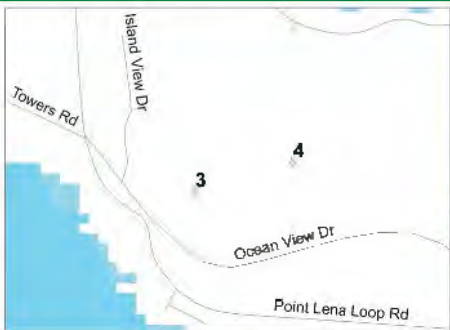


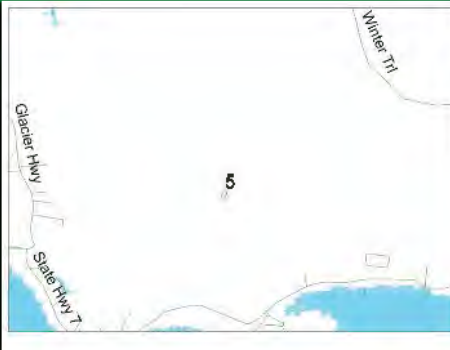
Figure 21: Existing Inventory

Site 1		Site Map	Site Photo
Owner:	AT&T/AlaskaCom		
Identification:	Bessie Mountain		
Address:	Unknown		
Latitude:	58-34-42.82 N		
Longitude:	-134-51-16.49 W		
Access:	Air		
Site Details			
Type:	Lattice used primarily for microwave backhaul.		
Height:	60' per the CBJ		
Collocations:	Existing: Yes, approximately 2		Future: 2
Observations:	Site was not assessed by CityScape Consultants, Inc.		
Comments:	Photo provided by the CBJ.		

Site 2		Site Map	Site Photo
Owner:	AlaskaCom		
Identification:	FCC: 1005565		
Address:	17103 Lena Loop Rd.		
Latitude:	58-23-27.8 N		
Longitude:	-134-46-6.5 W		
Access:	Vehicle		
Site Details			
Type:	Lattice used for microwave backhaul and collocations.		
Height:	FCC antenna structure registration indicates 220'.		
Collocations:	Existing: Yes, approximately 2	Future: 3	
Observations:	Ground space available for base stations; site secured by fence and locked gate.		
Comments:	Lattice tower will provide great opportunities for collocation.		

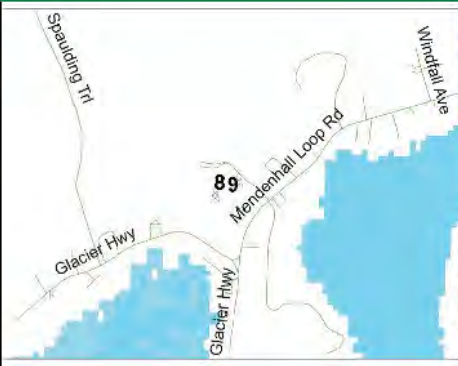
Site 3		Site Map	Site Photo
Owner:	City and Borough of Juneau		
Identification:	FCC: 1247302		
Address:	17099 Point Lena Loop Road		
Latitude:	58-23-17.5 N		
Longitude:	-134-45-45.8 W		
Access:	Vehicle		
Site Details			
Type:	Lattice used primarily for microwave backhaul		
Height:	80' per the CBJ.		
Collocations:	Tower is not available for collocation.	Future 3	
Observations:	Site was not assessed by CityScape Consultants Inc. Photo provided by the CBJ.		
Comments:	The CBJ should establish a policy for use of this tower by the wireless industry.		

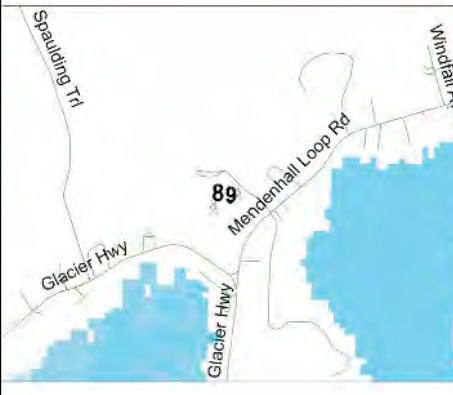
Site 4		Site Map	Site Photo
Owner:	State of Alaska		
Identification:	FCC: 1241297		
Address:	Lena Point		
Latitude:	58-23-20 N		
Longitude:	-134-45-31 W		
Access:	Vehicle		
Site Details			
Type:	Guy		
Height:	185'		
Collocations:	No	Future 0	
Observations:	Site is not accessible to the public.		
Comments:	Tower is used for air traffic safety and not available for collocations.		

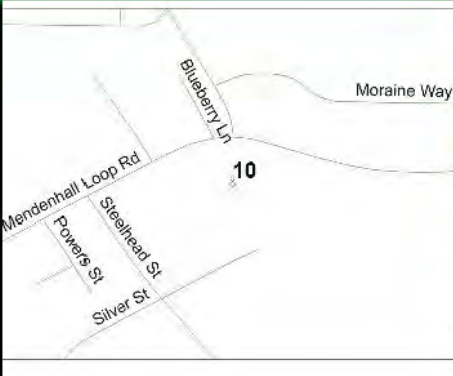
Site 5		Site Map	Site Photo
Owner:	Unknown		
Identification:	Auke Mountain		
Address:	Unknown		
Latitude:	58-23-25.98 N		
Longitude:	-134-42-37.01 W		
Access:	Unsure		
Site Details			
Type:	Not Available		
Height:	60'		
Collocations:	Existing: Unsure	Future: Unsure	
Observations:	Site was not found or assessed by CityScape Consultants Inc.		
Comments:	Site Provided to CityScape by the CBJ; very little information is available.		

Site 6		Site Map	Site Photo
Owner:	New Cingular Wireless		
Identification:	FCC: 1282723		
Address:	14080 Glacier Highway		
Latitude:	58-22-43.35 N		
Longitude:	-134-42-17.71 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	FCC indicates 98'; CBJ indicates 100'		
Collocations:	Existing: Yes, approximately 2	Future: 1-2	
Observations:	FCC identification on tower but no other tower ownership or contact information on site.		
Comments:	Site is clean with easy access directly off of Glacier Highway.		

Site 7		Site Map	Site Photo
Owner:	New Cingular Wireless PCS, LLC		
Identification:	FCC: 1282723		
Address:	12401 Glacier Highway		
Latitude:	58-23-3.2 N		
Longitude:	-134-39-37 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	90' per the CBJ		
Collocations:	Existing: Yes, approximately 2	Future 2	
Observations:	No site ownership identification and no FAA ASR number posted.		
Comments:	Site is on a small hill and easily accessible from Glacier Highway.		

Site 8		Site Map	Site Photo
Owner:	First Student		
Identification:	Unknown		
Address:	12364 Glacier Highway		
Latitude:	58-23-20.94 N		
Longitude:	-134-38-45.52 W		
Access:	Vehicle		
Site Details			
Type:	Rooftop Tower		
Height:	100' per the CBJ		
Collocations:	Existing: Yes, approximately 2	Future: none	
Observations:	The rooftop tower appears to be used for both dispatch and a wireless collocation		
Comments:	Ownership of the tower is assumed to be by the business owner.		

Site 9		Site Map	Site Photo
Owner:	GCI Communications Corp		
Identification:	FCC: 1263789		
Address:	12364 Glacier Highway		
Latitude:	58-23-23 N		
Longitude:	-134-38-39 W		
Access:	Vehicle		
Site Details			
Type:	Monopole		
Height:	100' per the CBJ		
Collocations:	Existing: Yes, 2	Future: 1	
Observations:	Site has FAA and ownership information.		
Comments:	Tower has wires from the tower to a nearby tree and wrapping around the tree and leading to a nearby utility pole.		

Site 10		Site Map	Site Photo
Owner:	Unknown		
Identification:	Not posted on site		
Address:	9741 Mendenhall Loop Road		
Latitude:	54-24-16.51 N		
Longitude:	-134-35-44.21 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	100' per the CBJ.		
Collocations:	Existing: 1 tenant	Future: 1	
Observations:	No tower ownership identification on the site and outside storage of non-tower related items are in the green shelter.		
Comments:	Site is easily accessible.		

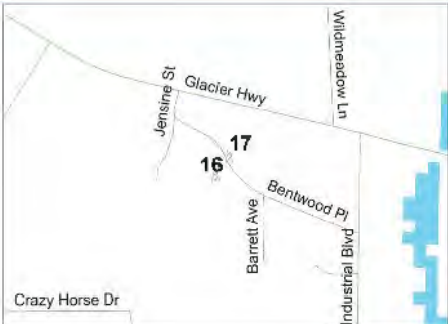
Site 11		Site Map	Site Photo
Owner:	ACS Wireless, Inc.		
Identification:	FCC: 1241641		
Address:	8503 Valley Boulevard		
Latitude:	58-23-29.5 N		
Longitude:	-134-33-53 W		
Access:	Vehicle		
Site Details			
Type:	Brown Monopole		
Height:	100'		
Collocations:	Existing: 1 Tenant	Future: 0 - 1	
Observations:	No tower ownership or FAA identification posted on site.		
Comments:	Site is secured with a fence and locking gate and is easily accessible by vehicle.		

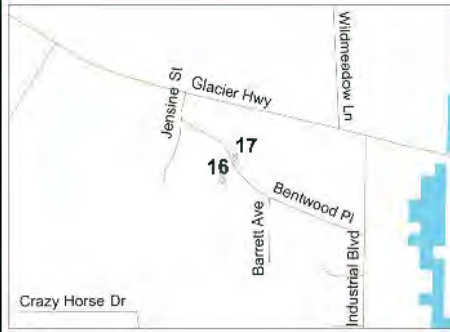
Site 12		Site Map	Site Photo
Owner:	Global Tower, LLC		
Identification:	FCC: 1242713		
Address:	8748 Trinity Drive		
Latitude:	58-22-55.8 N		
Longitude:	-134-34-26.3 W		
Access:	Vehicle		
Site Details			
Type:	Monopole		
Height:	163' per the FCC antenna structure registration and the CBJ indicates 150' tower height.		
Collocations:	Existing: Yes, 4	Future: none	
Observations:	Tower has reinforced metal strips to increase structural capacity of the tower.		
Comments:	Tower is used by multiple service providers indicating this is a good location for a site. It is likely another tower will be needed in the vicinity to accommodate future service providers.		

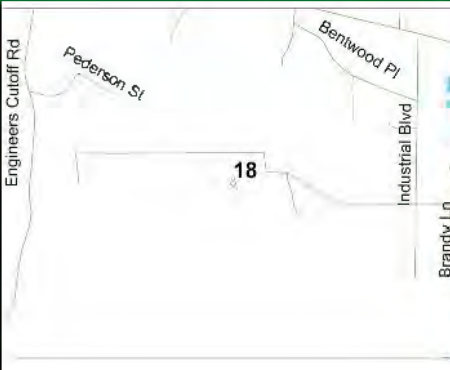
Site 13		Site Map	Site Photo
Owner:	City and Borough of Juneau		
Identification:	FCC: 1205353		
Address:	10745 Glacier Highway		
Latitude:	58-22-42.8 N		
Longitude:	-134-37-46.4 W		
Access:	Vehicle		
Site Details			
Type:	Guy tower used for public safety		
Height:	150' per the CBJ.		
Collocations:	Existing: No, public safety equipment only	Future: 1	
Observations:	FAA identification is posted on the tower.		
Comments:	The CBJ should to decide if they are going to lease space on tower for collocations.		

Site 14		Site Map	Site Photo
Owner:	Calvary Fellowship		
Identification:	FCC: 1250045		
Address:	Glacier Highway		
Latitude:	58-22-35.8 N		
Longitude:	-134-37-27.4 W		
Access:	Vehicle		
Site Details			
Type:	Tree with broadcast equipment		
Height:	FCC indicates approval for 82'; the CBJ indicates a height of 90'.		
Collocations:	Existing: No	Future: 0	
Observations:	Tree branches removed and equipment mounted onto tree		
Comments:	Regulations should be amended to prevent future similar installations.		

Site 15		Site Map	Site Photo
Owner:	State of Alaska		
Identification:	FCC: 1003201		
Address:	2760 Sherwood Lane		
Latitude:	58-22-17 N		
Longitude:	-134-37-8 W		
Access:	Vehicle		
Site Details			
Type:	Lattice used primarily for microwave backhaul		
Height:	142' per the FCC antenna structure registration.		
Collocations:	Existing: No	Future: 0	
Observations:	Tower is secured with a fence and locked gate. FAA identification not posted on tower.		
Comments:	Tower is located at the DMV and an unlikely candidate for collocations.		

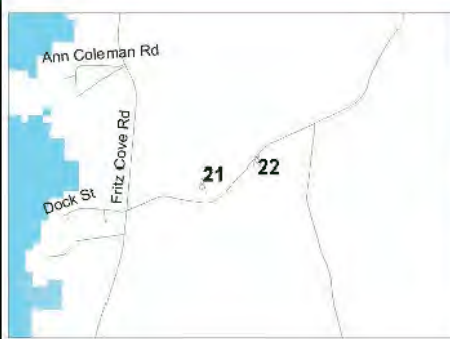
Site 16		Site Map	Site Photo
Owner:	Alascom, Inc.		
Identification:	FCC: 1005560		
Address:	10087 Jensine Street		
Latitude:	58-21-11.8 N		
Longitude:	-134-36-35.4		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	158' per the FCC antenna structure registration.		
Collocations:	Existing: Yes, approximately 2	Future: 2	
Observations:	Site is secured with a fence and locked gate.		
Comments:	The lattice tower is a very good tower for future collocations.		

Site 17		Site Map	Site Photo
Owner:	AlaskaCom		
Identification:	Not available		
Address:	10087 Jensine Street		
Latitude:	58-22-12.23 N		
Longitude:	-134-36-33.77 W		
Access:	Vehicle		
Site Details			
Type:	Small Guy tower next to lattice tower		
Height:	60' per the CBJ (although it appears shorter)		
Collocations:	Existing: No	Future: 0	
Observations:	Shorter tower is to the right of the lattice tower identified as Site 16.		
Comments:	Height and type of tower structure made it not a good option for collocation.		

Site 18		Site Map	Site Photo
Owner:	Unsure		
Identification:	FAA Tower		
Address:	10020 Crazy Horse Drive		
Latitude:	58-21-59.71 N		
Longitude:	-134-36-51.78 W		
Access:	Vehicle		
Site Details			
Type:	Monopole		
Height:	60' per the CBJ.		
Collocations:	Existing: No		Future: 0
Observations:	No tower ownership posted on tower.		
Comments:	Signage at the site indicates the tower is used for air traffic control purposes.		

Site 19		Site Map	Site Photo
Owner:	Unknown		Picture Unavailable
Identification:	Fritz Cove		
Address:	Fritz Cove Road		
Latitude:	58-22-15.19 N		
Longitude:	-134-38-9.75 W		
Access:	Unsure		
Site Details			
Type:	Unsure		
Height:	90' per the CBJ		
Collocations:	Existing: Unsure	Future: Unsure	
Observations:	CityScape Consultants, Inc. was not able to assess this site.		
Comments:	Site information provided by the CBJ. The ridgeline photo shows three towers but CityScape could not find access to this facility.		

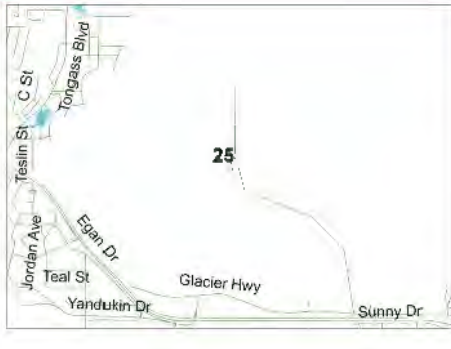
Site 20		Site Map	Site Photo
Owner:	City and Borough of Juneau		
Identification:	FCC: 1247301		
Address:	Pederson Hill		
Latitude:	58-21-58 N		
Longitude:	-134-38-7.5 W		
Access:	Vehicle		
Site Details			
Type:	Guy Tower		
Height:	40' per the CBJ		
Collocations:	Existing: No		Future: 0
Observations:	The tower (a.k.a. "Mendenhall Peninsula") is used by the CBJ for public safety communications.		
Comments:	Site was not assessed by CityScape Consultants. The photo was provided by the CBJ.		

Site 21		Site Map	Site Photo
Owner:	Unsure		
Identification:	FAA Tower		
Address:	1600 Engineers Cut Off		
Latitude:	58-21-29.64 N		
Longitude:	-134-38-13.44 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	60' per the CBJ.		
Collocations:	Existing: No	Future: 0	
Observations:	Tower will likely be exclusively used by the FAA.		
Comments:	Signage at the site indicates the tower is used for air traffic control purposes.		

Site 22		Site Map	Site Photo
Owner:	Unsure		
Identification:	FAA Tower		
Address:	Engineers Cut Off		
Latitude:	58-21-32.51 N		
Longitude:	-134-38-2.22 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	FAA		
Collocations:	Existing: No	Future: 0	
Observations:	Tower is likely used exclusively by the FAA		
Comments:	Signage at the site indicates the tower is used for air traffic control purposes.		

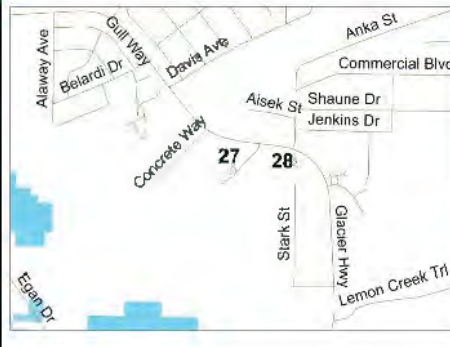
Site 23		Site Map	Site Photo
Owner:	ACS Wireless Inc.		
Identification:	FCC: 1275626		
Address:	9229 Cessna Drive		
Latitude:	58-21-43.4 N		
Longitude:	-134-35-10.7 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	100' per FCC antenna structure registration.		
Collocations:	Existing: Yes, 2	Future: 2	
Observations:	Future collocations will likely require structural reinforcements of the tower.		
Comments:	Actually 2 wood poles side by side. The shorter pole hosts a microwave dish.		

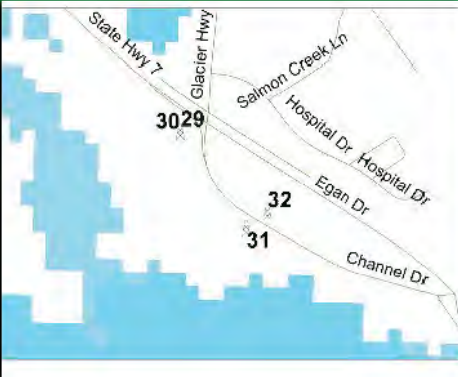
Site 24		Site Map	Site Photo
Owner:	Global Tower, LLC		
Identification:	FCC: 1236722		
Address:	8725 Mallard Street		
Latitude:	58-21-41.08 N		
Longitude:	-134-34-32.7 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	FCC antenna structure registration indicates 80'; the CBJ indicates 70'.		
Collocations:	Existing: Yes, approximately 2	Future: 0-1	
Observations:	Future collocations will likely require structural reinforcements of the tower.		
Comments:	Equipment shelter(s) match principal building on site.		

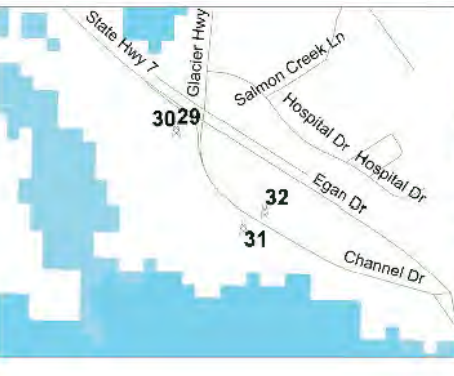
Site 25		Site Map	Site Photo
Owner:	Unknown		Picture Unavailable
Identification:	Heintzleman Ridge		
Address:	Unknown		
Latitude:	58-22-10.97 N		
Longitude:	-134-33-13.7 W		
Access:	Unknown		
Site Details			
Type:	Unknown		
Height:	Unknown		
Collocations:	Existing: Unknown	Future: Unknown	
Observations:	CityScape Consultants, Inc. did not assess this site.		
Comments:	Site location was provided by the CBJ and was not found by CityScape Consultants, Inc.		

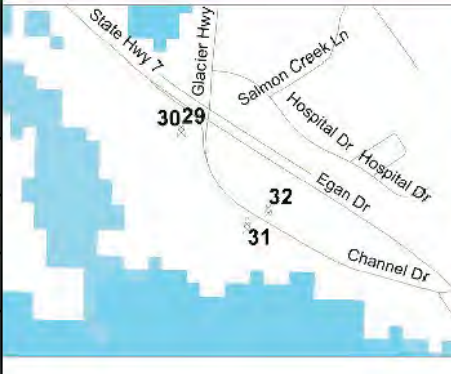
Site 26		Site Map	Site Photo
Owner:	State of Alaska		
Identification:	FCC: 1244555		
Address:	6860 Glacier Highway		
Latitude:	58-21-32.8 N		
Longitude:	-134-31-39.4 W		
Access:	Vehicle		
Site Details			
Type:	Lattice used primarily for microwave backhaul		
Height:	70' per the FCC antenna structure registration		
Collocations:	Existing: No	Future: 0	
Observations:	Tower is easily accessible from Glacier Highway and would likely have to be rebuilt to accommodate collocations.		
Comments:	Tower is owned by the State and used by the AK Marine Highway System.		

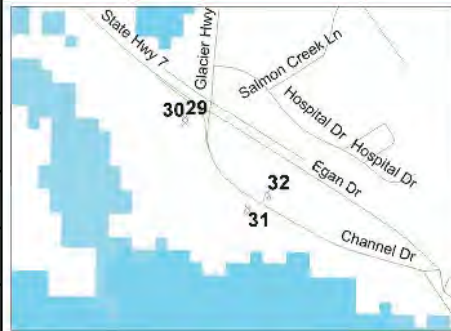
Site 27		Site Map	Site Photo
Owner:	Global Tower, LLC		
Identification:	FCC: 1242712		
Address:	5594 Tonsgard Court		
Latitude:	58-21-17.8 N		
Longitude:	-134-29-49.4 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	FCC antenna structure registration identifies tower height at 105'; the CBJ indicates 80'.		
Collocations:	Existing: Yes, 3	Future: 0-2	
Observations:	Tower property identified.		
Comments:	Future collocations will likely require structural reinforcements of the tower.		

Site 28		Site Map	Site Photo
Owner:	Unknown		
Identification:	Unknown		
Address:	5541 Glacier Highway		
Latitude:	58-21-18.58 N		
Longitude:	-134-29-37 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	100' per the CBJ.		
Collocations:	Existing: Yes, 2	Future: 3	
Observations:	No tower ownership information provided on site.		
Comments:	Site is easily accessible off Glacier Highway.		

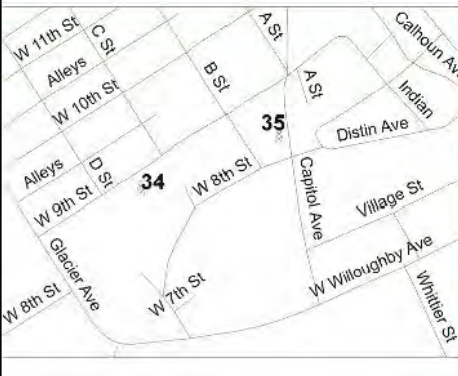
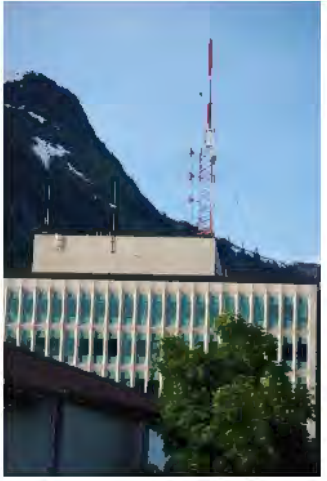
Site 29		Site Map	Site Photo
Owner:	Alaska Broadcast Communications, Inc.		
Identification:	FCC: 1029038		
Address:	3161 Channel Drive		
Latitude:	58-19-46 N		
Longitude:	-134-28-23 W		
Access:	Vehicle		
Site Details			
Type:	Lattice used for radio broadcasting		
Height:	325' per the FCC antenna structure registration.		
Collocations:	Existing: No	Future: 3	
Observations:	A good site for future collocations.		
Comments:	Presently a broadcast tower for KINO		

Site 30		Site Map	Site Photo
Owner:	Alaska Broadcast Communications, Inc.		
Identification:	Unknown		
Address:	3161 Channel Drive		
Latitude:	58-19-46 N		
Longitude:	-134-28-23 W		
Access:	Vehicle		
Site Details			
Type:	Short lattice tower next to Site 29		
Height:	80'		
Collocations:	Existing: No	Future: 0	
Observations:	Tower used for microwave backhaul to support broadcast signal.		
Comments:	Use of shorter tower for collocation is very unlikely.		

Site 31		Site Map	Site Photo
Owner:	New Cingular Wireless		
Identification:	FCC: 1283764		
Address:	3156 Channel Drive		
Latitude:	58-19-40 N		
Longitude:	-134-28-15 W		
Access:	Vehicle		
Site Details			
Type:	Monopole Tower		
Height:	FCC antenna structure registration indicates a height of 98; the CBJ indicates 92'.		
Collocations:	Existing: No	Future: 2	
Observations:	Tower ownership property identified.		
Comments:	This tower is a good facility for future collocations.		

Site 32		Site Map	Site Photo
Owner:	State of Alaska		
Identification:	Unsure		
Address:	3132 Channel Drive		
Latitude:	58-19-41.04 N		
Longitude:	-134-28-12.54 W		
Access:	Vehicle		
Site Details			
Type:	Lattice used primarily for microwave backhaul		
Height:	50' per the CBJ.		
Collocations:	Existing: No	Future: 0	
Observations:	The base station equipment for the is tower is located within the adjacent building.		
Comments:	Tower is owned by the AK DOT and Public Facilities and collocation is unlikely.		

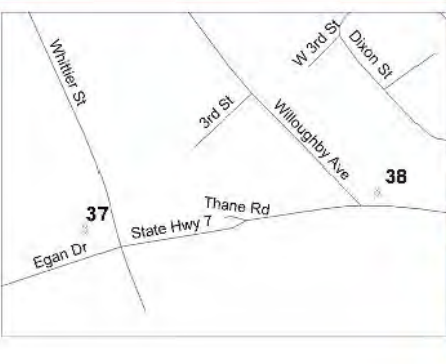
Site 33		Site Map	Site Photo
Owner:	Cycle Alaska		
Identification:	Unknown		
Address:	1107 Eighth Street		
Latitude:	58-17-59.5 N		
Longitude:	-134-25-24.49 W		
Access:	Vehicle		
Site Details			
Type:	Rooftop Guy Tower		
Height:	Unknown		
Collocations:	Existing: No	Future: None	
Observations:	Facility appears to be used for dispatch and surveillance devices by retailer.		
Comments:	Unlikely candidate for collocation unless tower is improved structurally.		

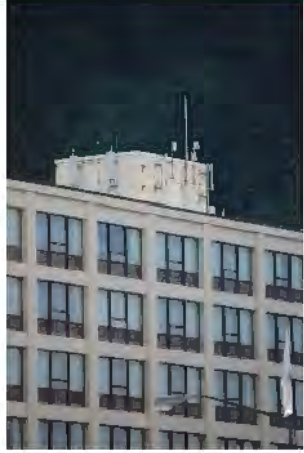
Site 34		Site Map	Site Photo
Owner:	US Federal Government		
Identification:	FCC: 1046332		
Address:	Ninth Street		
Latitude:	58-18-6.8 N		
Longitude:	-134-25-11 W		
Access:	Vehicle		
Site Details			
Type:	Rooftop Guy Tower; Rooftop Attachments		
Height:	220' per the FCC antenna structure registration.		
Collocations:	Existing on tower: No	Future Rooftop Attachments: Unlimited	
Observations:	Rooftop and sides are building are used presently by multiple entities and service providers.		
Comments:	Rooftop tower is owned by Capital Community Broadcasting Ind., DBA KTOO FM & TV		

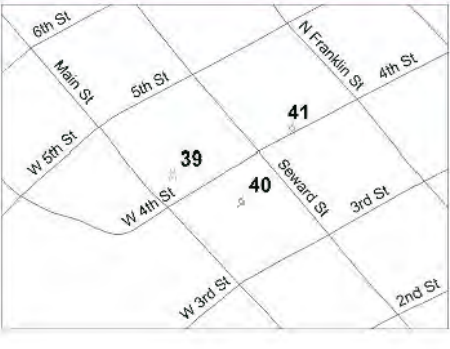
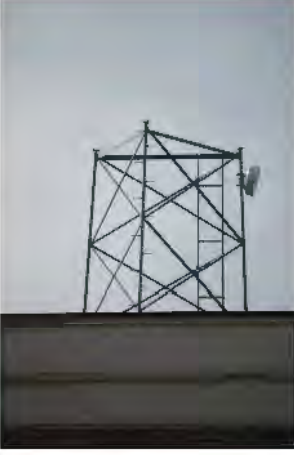
Site 35		Site Map	Site Photo
Owner:	New Cingular Wireless		
Identification:	FCC: 1265743		
Address:	740 Capitol Ave		
Latitude:	58-18-8.5 N		
Longitude:	-134-25-2.9 W		
Access:	Vehicle		
Site Details			
Type:	Monopole Tower Painted Brown		
Height:	FCC antenna structure registration indicates 50'; CBJ indicates 40'.		
Collocations:	Existing: 1 Tenant	Future: 0-1	
Observations:	FAA identification not found on tower or on tower site.		
Comments:	Low tower height will not likely support additional collocations.		

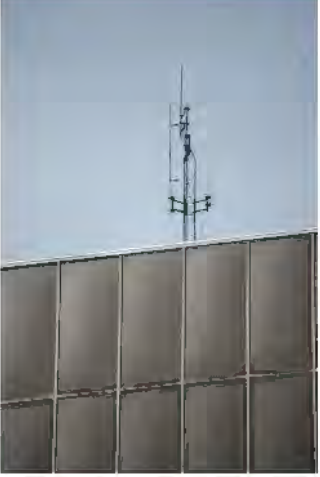
Site 36		Site Map	Site Photo
Owner:	Unknown		
Identification:	Unknown		
Address:	410 W. Willoughby Avenue		
Latitude:	58-18-3.71 N		
Longitude:	-134-24-50.4 W		
Access:	Vehicle		
Site Details			
Type:	Potential Location for a Concealed Rooftop Attachment		
Height:	Unknown		
Collocations:	None	Future: Unlimited	
Observations:	The metal tubing along side the building going up to rooftop is similar to concealment rooftop infrastructure found in Wasilla, AK.		
Comments:	This type installation would be a good use of rooftop antenna concealment.		

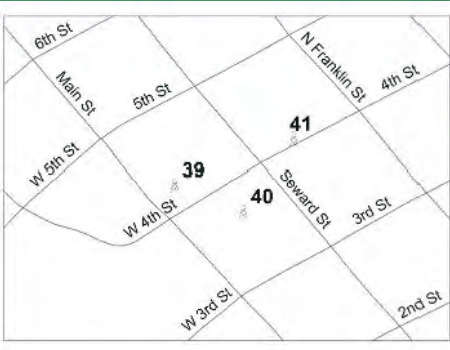
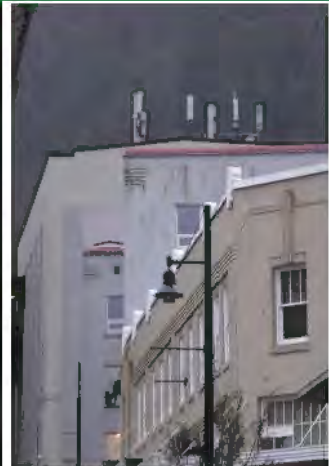
This is not a WCF Site.

Site 37		Site Map	Site Photo
Owner:	KTOO		
Identification:	Unknown		
Address:	360 Whittier Street		
Latitude:	58-17-57.7 N		
Longitude:	-134-24-51.49 W		
Access:	Vehicle		
Site Details			
Type:	Short Lattice Rooftop Tower; Rooftop Satellite Dishes		
Height:	Unknown		
Collocations:	Existing: Maybe 1 tenant	Future: 0	
Observations:	Short lattice rooftop tower (not shown in picture) appears to have 1 collocation.		
Comments:	Potential for collocation is minimal.		

Site 38		Site Map	Site Photo
Owner:	Goldbelt Hotel		
Identification:	Unknown		
Address:	51 Egan Drive		
Latitude:	58-17-59.01 N		
Longitude:	-134-24-46.31 W		
Access:	Vehicle		
Site Details			
Type:	Rooftop Attachments		
Height:	Unknown		
Collocations:	Existing: Yes, approximately 2	Future: Unlimited	
Observations:	Antenna attachments appear to be only on the parapet.		
Comments:	Rooftop could likely support a new structure on which additional attachments could be placed.		

Site 39		Site Map	Site Photo
Owner:	State of Alaska		
Identification:	Unknown		
Address:	120 E. 4th Street		
Latitude:	58-18-6.12 N		
Longitude:	-134-24-38.45 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Rooftop Tower with Small Dish		
Height:	Unknown		
Collocations:	Existing: No	Future: Unlimited	
Observations:	A good location for future collocations.		
Comments:	The existing rooftop tower could be concealed by a faux architectural feature.		

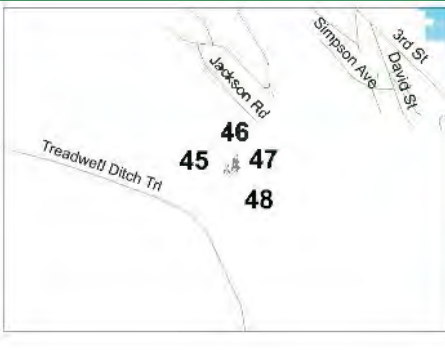
Site 40		Site Map	Site Photo
Owner:	Federal Government		
Identification:	District Courthouse		
Address:	Main Street & East 4th Street		
Latitude:	58-18-5.33 N		
Longitude:	-134-24-36.58 W		
Access:	Vehicle		
Site Details			
Type:	Guy Rooftop Mount		
Height:	Unknown		
Collocations:	Existing: No	Future: Unlimited rooftop attachments	
Observations:	A good location for future collocations.		
Comments:	The existing rooftop tower could be concealed by a faux architectural feature.		

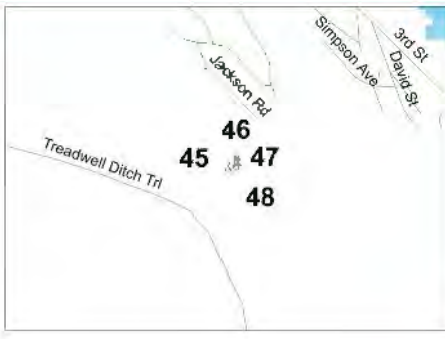
Site 41		Site Map	Site Photo
Owner:	Unknown		
Identification:	Thomas B. Stewart Legislative Building		
Address:	206 4th Street		
Latitude:	58-18-8.1 N		
Longitude:	-134-24-33.55 W		
Access:	Vehicle		
Site Details			
Type:	Rooftop Attachments		
Height:	Unknown		
Collocations:	Existing: Yes, approximately 2	Future: Unlimited	
Observations:	Antenna attachments not clearly visible for most angles of the street.		
Comments:	The existing rooftop attachments could be concealed by a faux architectural feature.		

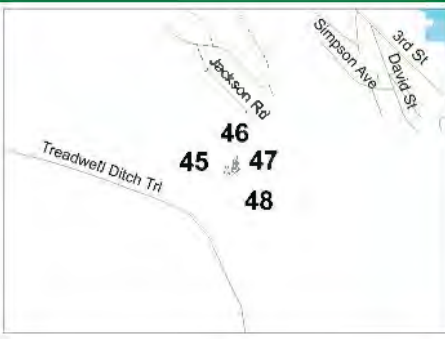
Site 42		Site Map	Site Photo
Owner:	SBA Towers III, LLC		
Identification:	FCC: 1278455		
Address:	1076 Jacobsen Drive		
Latitude:	58-17-22.2 N		
Longitude:	-134-23-40.1 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	130' per the FCC antenna structure registration.		
Collocations:	Existing: No	Future: 4	
Observations:	Tower appears vacant.		
Comments:	Typically if a tower is abandoned then the local government has policies in place to require the removal of the facility. This tower is in a good location for future collocations but visually a different type and lower height would benefit the viewshed.		

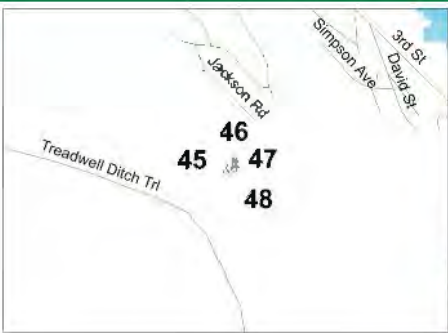
Site 43		Site Map	Site Photo
Owner:	US Coast Guard		
Identification:	Unknown		
Address:	Savikko Road		
Latitude:	58-16-31.44 N		
Longitude:	-134-23-3.91 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	Unknown		
Collocations:	Existing: No	Future: 0	
Observations:	A good location for collocation but the tower would need to rebuilt.		
Comments:	The US Coast Guard may not be willing to lease space on their tower.		

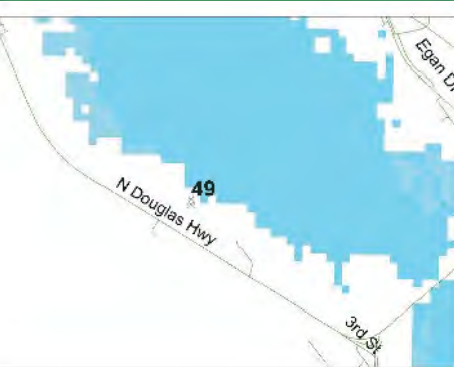
Site 44		Site Map	Site Photo
Owner:	City and Borough of Juneau		
Identification:	Crow Hill		
Address:	4000 Crow Hill Drive		
Latitude:	58-16-45.95 N		
Longitude:	-134-24-29.02 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	80' per the CBJ.		
Collocations:	Existing: No	Future: 2	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	The CBJ should establish a policy for use of this tower by the wireless industry.		

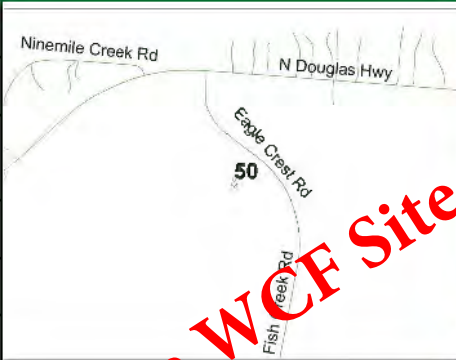
Site 45		Site Map	Site Photo	
Owner:	Unknown			
Identification:	Water Reservoir			
Address:	3000 Jackson Road			
Latitude:	58-17-7.24 N			
Longitude:	-134-25-44.98 W			
Access:	Vehicle			
Site Details				
Type:	Lattice Tower			
Height:	150' per the CBJ.			
Collocations:	Existing: Yes, approximately 2			Future: 3
Observations:	A good opportunity for collocations.			
Comments:	Tower ownership is not provided on this site. The CBJ should require nameplate ownership signage.			

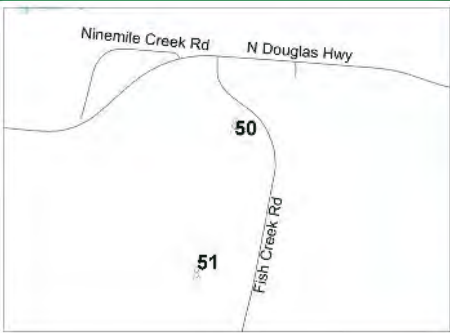
Site 46		Site Map	Site Photo
Owner:	Global Tower, LLC		
Identification:	FCC: 1282197		
Address:	3000 Jackson Road		
Latitude:	58-17-7.44 N		
Longitude:	-134-25-43.36 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	185' per the FCC antenna structure registration.		
Collocations:	Existing: Yes, 2	Future: 3	
Observations:	A good location for collocations. The antenna on this tower is mounted "directionally".		
Comments:	Directionally mounted antenna on towers at a similar ground elevation may be a solution to having fewer towers in the valley.		

Site 47		Site Map	Site Photo
Owner:	Unknown		
Identification:	Water Reservoir		
Address:	3000 Jackson Road		
Latitude:	58-17-7.9 N		
Longitude:	-134-25-43.2 W		
Access:	Vehicle		
Site Details			
Type:	Monopole Tower		
Height:	90' per the CBJ.		
Collocations:	Existing: No		Future: 0
Observations:	This tower could be removed provided the equipment could be mounted on one of the other existing towers within the compound.		
Comments:	CBJ policy should promote collocation over multiple towers on the same zone lot with ample space available for collocations.		

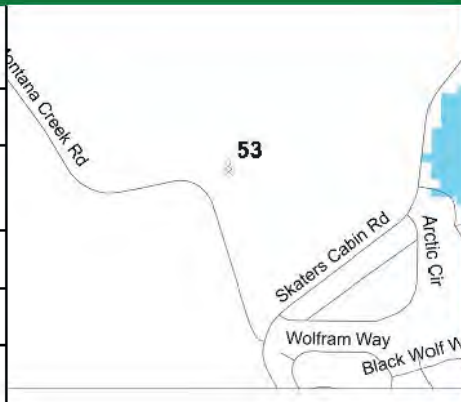
Site 48		Site Map	Site Photo
Owner:	Unknown		
Identification:	Water Reservoir		
Address:	3000 Jackson Road		
Latitude:	58.17.8 N		
Longitude:	-134-25-43 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	50' per the CBJ.		
Collocations:	Existing: No	Future: 0-1	
Observations:	This tower could be removed provided the equipment could be mounted on one of the other existing towers within the compound.		
Comments:	CBJ policy should promote collocation over multiple towers on the same zone lot with ample space available for collocations.		

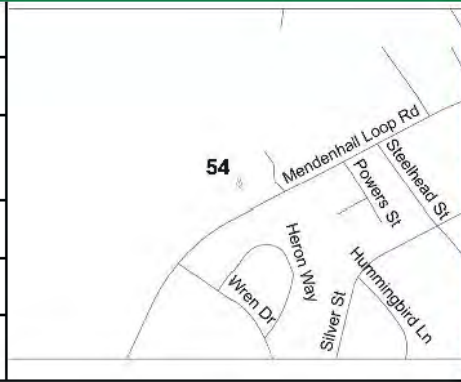
Site 49		Site Map	Site Photo
Owner:	Alaska-Juneau Communications, Inc.		
Identification:	FCC: 1028325		
Address:	North Douglas Highway		
Latitude:	58-18-4 N		
Longitude:	-134-26-32 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	FCC antenna structure registration indicates height of 278'; the CBJ indicates 300'.		
Collocations:	Existing: No	Future: 5	
Observations:	The equipment within and around the tower compound needs improvement. Copper cables between the tower base and equipment shelter are in areas overgrown with vegetation.		
Comments:	Ongoing site maintenance should be required through the zoning ordinance.		

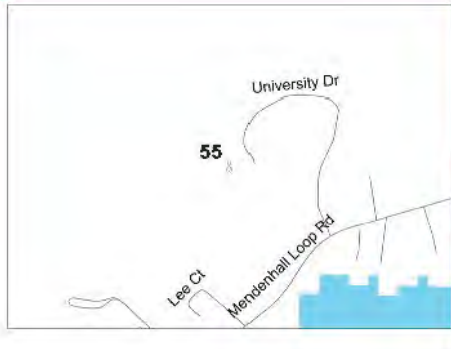
Site 50		Site Map	Site Photo
Owner:	United States		
Identification:	Unknown		
Address:	4000 Eagle Crest Road		
Latitude:	58-20-12.6 N		
Longitude:	134-33-43.4 W		
Access:	Vehicle & Foot		
Site Details			
Type:	Guy Tower		
Height:	Unknown		
Collocations:	Existing: No	Future: 0	
Observations:	Site is nicely developed with long boardwalks to preserve ground cover.		
Comments:	Facility is used for monitoring and recording weather conditions. Collocations are unlikely.		

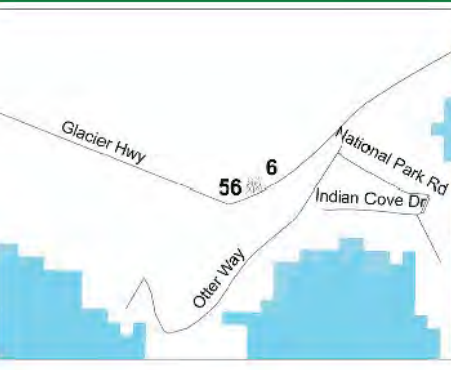
Site 51		Site Map	Site Photo
Owner:	Atlas Tower, LLC		
Identification:	FAA: 1284253		
Address:	Fish Creek Road		
Latitude:	58-19-50 N		
Longitude:	-134-33-54.9 W		
Access:	Vehicle		
Site Details			
Type:	Monopole painted green		
Height:	175' per the FAA.		
Collocations:	Existing: 1 tenant	Future: 3	
Observations:	The tower appears to be new.		
Comments:	Painted green tower appear to be visually effective in the natural setting. A light was added to this pole by the applicant at the request of local helicopter companies; this light conflicts with the issued Conditional Use permit for the facility.		

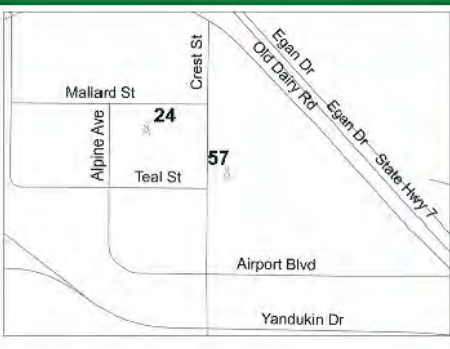
Site 52		Site Map	Site Photo
Owner:	CBJ		
Identification:	Unknown		
Address:	Saddle Mountain		
Latitude:	58-17-50.7 N		
Longitude:	-134-30-41.2 W		
Access:	Airplane		
Site Details			
Type:	Lattice Towers		
Height:	40'; 40'; and 35' per the CBJ.		
Collocations:	Existing: None	Future: 4	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	The CBJ should establish a policy for use of this tower by the wireless industry.		

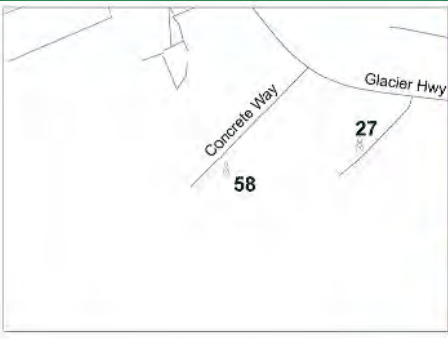
Site 53		Site Map	Site Photo
Owner:	Alaska Wireless Network		
Identification:	FCC: 1284253		
Identification:	FCC: 1284234		
Address:	Fish Creek Road		
Address:	5600 Montana Creek		
Latitude:	58-49-50 N		
Latitude:	58-43-51.79 NW		
Longitude:	134-36-57.59 W		
Access:	Vehicle		
Site Details			
Type:	Monopole painted green		
Height:	Monopole painted green antenna structure registration.		
Height:	Existing: 100'; FCC approved 104' per the antenna structure registration.		
Collocations:	Existing: 1 tower appears to be new.	Future: 0-2	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Tower built for GCI as the launch tenant. Site is also known as Coogan. Painted green tower appear to be visually effective in the natural setting.		

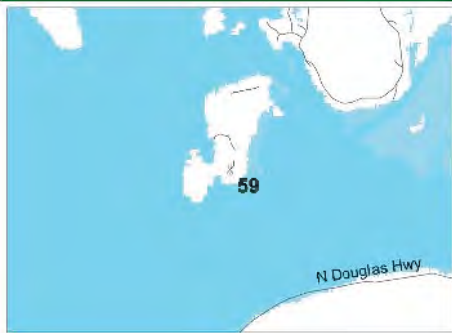
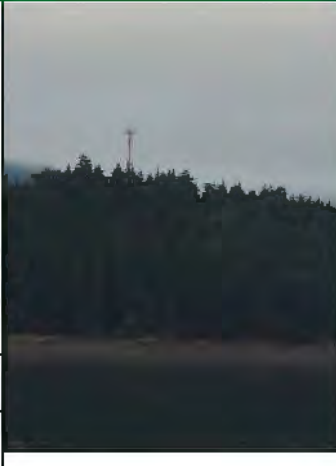
Site 52		Site Map	Site Photo
Owner:	City and Borough of Alaska		
Identification:	FCC: 1284964		
Identification:	Unknown		
Address:	10200 Mendenhall		
Address:	Saddle Mountain		
Latitude:	58-24-50.79 N		
Longitude:	-134-36-44.26 W		
Access:	Vehicle		
Site Details			
Type:	Monopole towers		
Height:	Existing: 100'; FCC approved 130' per the antenna structure registration.		
Collocations:	Existing: None	Future: 0-4	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	The CBJ should establish a policy for use of Site towers by the wireless industry. Glacier.		

Site 55		Site Map	Site Photo
Owner:	AT&T Towers		
Identification:	FCC: 1286087		
Address:	4300 University Drive		
Latitude:	58-23-36.59 N		
Longitude:	-134-38-25.59 W		
Access:	Vehicle		
Site Details			
Type:	Monopole		
Height:	CBJ approved 100'; FCC approved 110' per the FCC antenna structure registration.		
Collocations:	Existing: 1 tenant	Future: 0-1	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Site is also known as Auke Bay.		

Site 56		Site Map	Site Photo
Owner:	Cellco Partnership		
Identification:	FCC: 1285072		
Address:	14080 Glacier Highway		
Latitude:	58-22-43.32 N		
Longitude:	-134-42-21.24 W		
Access:	Vehicle		
Site Details			
Type:	Painted Monopole		
Height:	CBJ approved 100'; FCC approved 69' per the FCC antenna structure registration.		
Collocations:	Existing: 1 tenant	Future: 0-2	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Tower built for Verizon as the launch tenant. Site is also known as Auke Bay Alt #3. The tower at site 6 which is 100' should have accommodated this collocation.		

Site 57		Site Map	Site Photo
Owner:	Global Tower, LLC		
Identification:	FCC: 1236722		
Address:	Crest Street		
Latitude:	58-21-38.75 N		
Longitude:	-134-34-24.41 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	CBJ approved 100'; FCC approved 70' per the FCC antenna structure registration		
Collocations:	Existing: 1 tenant	Future: 0-2	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Tower built for Verizon as the launch tenant. Had site 24 (70') been modified or constructed originally 15' - 20' taller then this site (#57) would not have been necessary.		

Site 58		Site Map	Site Photo
Owner:	Atlas Tower USA		
Identification:	FCC: 1284968		
Address:	5753 Concrete Way		
Latitude:	58-21-16.36 N		
Longitude:	-134-30-3.06 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Towers		
Height:	CBJ approved 130'; FCC approved 135' per the FCC antenna structure registration.		
Collocations:	Existing: 1 tenant	Future: 0-3	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Tower built for Verizon as the launch tenant. Site also known as Lemon Creek. Had site 27 (70') been modified or constructed originally 15' - 20' taller then this site (#58) would not have been necessary.		

Site 59		Site Map	Site Photo
Owner:	Atlas Tower USA		
Identification:	FCC: 1287767		
Address:	Unknown		
Latitude:	58-20-2.32 N		
Longitude:	-134-39-34.46 W		
Access:	Vehicle		
Site Details			
Type:	Lattice Tower		
Height:	155' per CBJ and the FCC antenna structure registration.		
Collocations:	Existing: 1 tenant	Future: 0-4	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Tower built for Verizon as the launch tenant.		

Site 60		Site Map	Site Photo
Owner:	AT&T		
Identification:	FCC: 1288896		
Address:	3000 Fish Creek Road		
Latitude:	58-16-36.01 N		
Longitude:	-134-31-0.88 W		
Access:	Vehicle		
Site Details			
Type:	Wood Pole		
Height:	50' per the CBJ and the FCC antenna structure registration		
Collocations:	Existing: 1 tenant	Future: 0-1	
Observations:	CityScape Consultants, Inc. did not assess this site. The site photo was provided by the CBJ.		
Comments:	Given the low height if this tower is it not likely to support any additional collocations.		

Appendix A

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY- Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the

following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

“(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) LIMITATIONS-

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or place,

construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

“(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any⁷ court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any

person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

`(C) DEFINITIONS- For purposes of this paragraph--

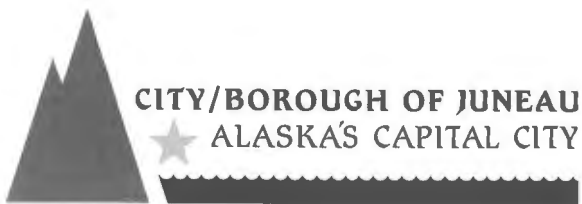
`(i) the term `personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

`(ii) the term `personal wireless service facilities' means facilities for the provision of personal wireless services; and

`(iii) the term `unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).'.

(b) RADIO FREQUENCY EMISSIONS- Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: March 29, 2014

File No.: TXT2009-00007

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission recommendation to the Assembly to adopt a Wireless Communication Facility Ordinance and related Master Plan (Ordinance # 2014-32).

Legal Description: Boroughwide

Parcel Code No.: N/A

Hearing Date: May 27, 2014

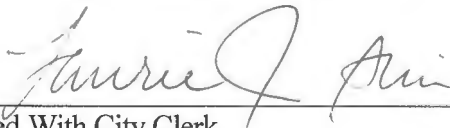
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated May 20th and 27th, 2014, with additional modifications and recommended that the City and Borough Assembly adopt staff's recommendation for codifying a Wireless Communication Facility Ordinance and related Master Plan.

Attachments: May 20th & 27th, 2014 memorandums from Eric Feldt, Community Development Department, to the CBJ Planning Commission regarding TXT2009-00007.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

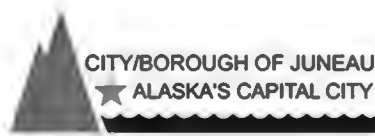
Project Planner: 
Eric Feldt, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

6/2/14
Date

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



**Law Department
City & Borough of Juneau**

MEMORANDUM

DATE: June 25, 2014
TO: Borough Assembly
FROM: Amy Gurton Mead, Municipal Attorney
SUBJECT: *Ordinance 2014-32; Proposed photo-simulation language*

At the C.O.W. meeting on June 16, 2014, I was directed to prepare language requiring a photo-simulation in lieu of a balloon test.

The new subsection 49.65.970(c)(2)(B)(iii) (shown in italics below), would be inserted on page 15 of the draft ordinance. It would replace the current subsection (iii). Additionally, subsection (D), Balloon test, would be deleted.

(B) *Visual impact assessment.* The scope of the required assessment will be reviewed at the pre-application meeting, but the planning commission may require submission of a more detailed visual analysis after submittal of the following required information. The visual impact assessment must include:

(i) A "zone of visibility map" which shall be provided in order to determine locations from which the tower may be seen;

(ii) An analysis demonstrating that the WCF will be sited so as to have the least adverse visual impact on the environment and its character, on existing vegetation, and on the properties in the area, while still meeting the applicant's network objectives;

(iii) *A "before" pictorial representation of the proposed WCF site together with photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures which shall at a minimum include renderings from multiple vantage points of any adjacent roadways and*

occupied or proposed non-residential or residential structures, and other locations as determined in the Pre-Application meeting (the "before" representations and photo-simulations shall be from the same locations). In addition to the requirements of this subsection, the applicant shall provide simulated photographic evidence of the proposed WCF's appearance from any and all residential zones (as identified in the Comprehensive Plan) within 1,500 feet and vantage points approved by the director and the impact on adjacent properties including: overall height; configuration; physical location; mass and scale; materials and color; illumination; and architectural design. In addition to the foregoing, the applicant shall also submit proposed exterior paint and stain samples for any items to be painted or stained, and exterior building material and roof samples.

(iv) A description of the visual impact of the tower base and accessory buildings from abutting properties and streets;

(v) The applicant shall demonstrate in writing and/or by drawing how it shall effectively screen from view the base of its proposed WCF tower and all appurtenant facilities and structures; and

(vi) If the tower is to be lit, a description of the specific type of lighting applicant proposes using and a description of how the applicant will comply with the directive in 49.65.930(d), requiring that lighting be oriented so as to not project directly on to surrounding property (for example, by the use of buffers, louvers, etc.).