Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

July 23, 2019
Assembly Chambers
7:00 PM

I. **ROLL CALL**

II. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA**

III. **APPROVAL OF MINUTES**

- **A.** June 25, 2019 Draft Minutes, Regular Planning Commission Meeting

IV. **WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE**

- **A.** Additional Materials for July 23, 2019 regular Planning Commission meeting

V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

VI. **ITEMS FOR RECONSIDERATION**

VII. **CONSENT AGENDA**

VIII. **UNFINISHED BUSINESS**

IX. **REGULAR AGENDA**

- **A.** WCF2019 0007: A Wireless Communications Facility Permit to replace an existing communication tower

X. **BOARD OF ADJUSTMENT**

XI. **OTHER BUSINESS**

XII. **STAFF REPORTS**

XIII. **COMMITTEE REPORTS**

XIV. **LIAISON REPORT**

XV. **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS**

XVII. **EXECUTIVE SESSION**

XVIII. **ADJOURNMENT**

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
June 25, 2019

I. ROLL CALL

Paul Voelckers, Acting Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Shannon Crossley, Dan Hickok, Travis Arndt

Commissioners absent: Ken Alper; Andrew Campbell; Ben Haight, Chairman

Staff present: Jill Maclean, CDD Director; Jane Mores, Municipal Attorney; Tim Felstead, Planner II; Amy Liu, Planner I

Assembly members: Wade Bryson, Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Ms. Maclean requested that the Commission remove USE2019 0015, the Conditional Use Permit for the Valley Transit Center, from the agenda and only hear the associated CSP so that the process can move through the Planning Commission and then through the Assembly. It was her suggestion that the USE permit may be heard once the CSP completed that process.

Mr. Voelckers agreed that this made sense and, seeing no objection, adopted the agenda with the removal of USE2019 0015.

III. APPROVAL OF MINUTES

A. May 28, 2019 DRAFT Minutes – Planning Commission Regular Meeting

MOTION: *by Mr. Dye to approve the May 28, 2019, Planning Commission Regular Meeting minutes noting any staff corrections or commissioner comments.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Patricia Young spoke saying that she is concerned with providing better housing for seniors in the community, especially those who are outdoor-type people and interested in gardening. She is interested in finding people who would like to start a new corporation because she would like to get out of HUD housing and is looking for direction to achieve her goals.

Mr. Voelckers suggested Ms. Young get in touch with the housing officer with the City. He requested that Mr. Felstead give Ms. Young contact information and invited Ms. Young to return if these leads were not helpful.

V. ITEMS FOR RECONSIDERATION - none

VI. CONSENT AGENDA

CSP2019 0005: *Several members of the public in the audience requested that CSP2019 0005 be pulled from the Consent Agenda and have a full hearing on the case.*

AME2019 0006:	An amendment to Article XII Alternative Development Overlay District (CBJ 49.70.1210), extending the sunset date for downtown Juneau ADOD from August 1, 2019 to August 1, 2020
Applicant:	City & Borough of Juneau
Location:	Downtown Juneau

Mr. Dye asked if staff felt that one year would be enough time to complete the rezone of downtown. Ms. Maclean replied that was the intent and expectation.

Staff Recommendation

Staff recommends that the Planning Commission make a recommendation to the Assembly to **extend** the downtown Juneau ADOD from August 1, 2019, to August 1, 2020.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and recommend to the Assembly the approval of AME2019 0006.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

****CASE REMOVED FROM AGENDA****

~~**USE2019 0015:**~~	~~A Conditional Use Permit to build a Valley Transit Center with associated Park & Ride facilities~~
~~**Applicant:**~~	~~City & Borough of Juneau, Engineering Department~~
~~**Location:**~~	~~Mendenhall Mall~~

CSP2019 0005:	A review of a State project to install two flashing beacon signs at the intersection of Back Loop Road and Mendenhall Loop Road
Applicant:	State of Alaska
Location:	Intersection of Back Loop Road and Mendenhall Loop Road

Staff Recommendation

Staff recommends that the Planning Commission find CSP2019 0005 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580 and **APPROVE** CSP2019 0005 to construct two flashing beacon signs at the intersection of Back Loop Road and Mendenhall Loop Road.

Staff Presentation
Ms. Maclean asked the Chair if the Commission would like a full or condensed presentation by the planner. Mr. Voelckers took the question to the public in attendance. They replied that they understood the proposal and were already prepared to comment.

Ms. Liu gave a condensed presentation regarding the proposal of two new traffic features at the intersection of Back Loop Road and Mendenhall Loop Road. The presentation included:

- Project Description
- Project Background
- Agency Review and Public Comment
- Conformity with Adopted Plans
- Findings and Recommendation

Applicant Presentation
David Epstein, Engineering Manager from the Alaska Department of Transportation (DOT) said that he was glad to answer any questions.

Mr. Voelckers clarified his understanding that the why behind this project was due to incidents of people driving through the stop sign and t-boning on the opposite side of Mendenhall Loop Road. The lights are intended to make people more aware of the upcoming intersection, and DOT has determined that the beacons are the best solution. Mr. Epstein replied that the flashing lights would not help in the situation of a driver who might be incapacitated or impaired to a state of loss of consciousness; however, someone mildly impaired or inattentive is the target driver for these improvements to the intersection.

Mr. Arndt asked if the lights would have shields to protect the sides so that the light would be directed only onto the travel way. Mr. Epstein replied that they will be like a school zone light and would be shielded by visors.

Mr. Hickok asked if DOT had worked with Capital City Transit about moving the bus stops back

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further away from the stop sign and if that might relieve congestion. Mr. Epstein said this issue was not brought up to him. Mr. Hickok commented that the bus stops seemed too close to the stop sign, in his opinion.

Public Comments

Pat Tynan lives at 8351 River Place, a cul-de-sac off Dredge Lake Avenue. Ms. Tynan said that the intersection of Back Loop and Mendenhall Loop is extremely busy at this time of year. There are city buses at the bus stop as well as tour buses turning from Auke Lake towards the glacier, traffic is backed up behind them trying to turn right towards Super Bear, and cars can be backed up all the way to Mendenhall River School. During rush hour, there are cars turning left off Mendenhall Loop Road onto Back Loop. She said that without a 3-way stop or a traffic signal to manage the flow, the traffic is a mess. When a city bus turns left off Mendenhall Loop Road and stops at the bus stop, drivers coming out of the Dredge Lake area have an obstructed view of the road making it dangerous to try to pull out. There is no crosswalk at the intersection, but people getting off the buses need to cross to get to the bike/walking path towards the Glacier. Many tourists are using public transit at this time of year to get to the glacier. She said that she felt the best options have not been considered for the problems and that flashing beacons are not the solution. She suggested that if someone were to stand at the intersection around 4:30 pm on a sunny day, they would see the traffic patterns including bus riders, pedestrians, bike riders, and bicycle tour groups. Exiting from Dredge Lake Road is often impossible. She pleaded with the Commission to take a closer look at the intersection.

Mr. Dye asked if he understood correctly that Ms. Tynan did not object to the flashing beacons, but wanted to see more done to address the situation. Ms. Tynan replied that she was not in support of spending money on the flashing beacons because it was a band-aid to much larger problems.

Raydene Garrrison said she had lived on Eyelet Court for 38 years. She said she has seen many changes to the neighborhood. It has become denser in terms of housing which has increased the traffic, and the tourist traffic has increased. There are no crosswalks, she stated, on either the Mendenhall Loop Road or the Back Loop Road. The situation is extra dangerous in the winter, she said, because people wear dark clothing. She said that she agrees that flashing lights are addressing a minor issue in a much bigger problem. There are stop signs that people ignore. Many people headed towards the glacier on Mendenhall Loop Road pass on the right side in the bike lane when traffic is stopped waiting to turn left onto the Back Loop. She said the neighborhood was told previously that this intersection did not have enough traffic to warrant consideration or analysis. This did not make sense to her. A stop light, a roundabout, or something is needed at this intersection, and she said she expects the situation to worsen if nothing is done.

Bruce Garrison lives at 4453 Eyelet Court. He said he was concerned about pedestrians. Traffic has increased exponentially. He confirmed that he also has observed many people not stopping at the stop sign. A problem at the intersection is that drivers treat it as 3 lanes by using the bike

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lane as a passing lane. He said that he anticipates even more problems. Another issue is that tour buses are slowing down on the Loop Road so that other tour buses on the Back Loop Road can make the left turn towards the glacier, he said. DOT has not investigated this intersection, and the first notice he received that something was proposed was the notice of the Planning Commission hearing. He said that he is not opposed to the flashing lights and thought they could work to fix one issue but with a few years, DOT will have to rebuild the intersection.

Mr. Voelckers asked if the intersection in question is the closest point to get off a bus if someone wanted to walk to the glacier. Mr. Garrison said it was the closest bus stop to Threadneedle, Grant Street, and the glacier; all people getting off the bus have to cross in that area, including bicyclists. There have been accidents in the area of people being struck by vehicles.

Applicant Response

Mr. Epstein said that there are two issues. One is to give advance notice to drivers of the stop sign. The other issue he heard about at this meeting was increased traffic, a concern that he has also heard about from tour bus drivers. Periodically DOT does informal assessments of un-signalized intersections to see how they compare with traffic signal warrants. An analysis of traffic at this intersection, done a few years ago, exceeded a warrant for a traffic signal. In fiscal year 2020, he is asking for funding for a traffic signal needs study at this intersection. This type of study is very formal and needs to be done before any changes are proposed to the intersection. The study may conclude that a signal is needed or may conclude that another type of treatment is needed.

Mr. Voelckers asked if this intersection has had an analysis to calculate a level of service. Mr. Epstein said the principle thing DOT looks at for un-signalized intersections is how they compare to the traffic signal warrants and the amounts of delay, which is level of service. He said he could not tell the Commission off the top of his head how many seconds of delay was reached at this intersection back when DOT looked at the traffic signal warrant, but he could find out that information if requested.

Mr. Dye asked if installing the flashing beacons would jeopardize the likelihood of this intersection receiving federal funding or having the studies done to analyze what further treatments this intersection may need. Mr. Epstein said no.

Ms. Crossley asked if there would need to be further study in order to put in a 3-way stop rather than making the one stop sign more accessible. Mr. Epstein said yes.

Mr. Hickok said that regarding the delay process, it seemed that the main concern is about safety of the pedestrians and about pulling in and out. He did not hear comments from the public about the delay. Mr. Epstein said that a traffic signal needs study and if the study results in a recommendation to install a traffic signal or a roundabout, this issue would be addressed. If it does not produce that recommendation, more analysis will need to be done. There are warrants

for crosswalks, also, he said. Mr. Hickok asked why the state believes the flashing lights are a necessary solution instead of adding turn lanes or widening the road or some other solution. Mr. Epstein said that the lights are meant to address the issue of people running through the intersection.

Mr. Arndt asked what brought this problem up instead of a full study. Mr. Epstein said there was a vehicle that ran through the intersection a few years ago and hit a home. There was another instance where a driver was having a medical issue and also ended up on a homeowner's property.

Mr. Voelckers summarized that the Commission heard four issues associated with the intersection:

- Drivers running through the stop sign
- Proximity of the buses
- Lack of crosswalks
- Through-put of the traffic

He said it seemed to him that two of the four things need a specific warrant to analyze them. He asked if all the warrants would be requested simultaneously to determine the range of improvements that would be justified at the intersection. Mr. Epstein said that a needs study will look at pedestrian activity, traffic volume, and crash history. It is comprehensive. Mr. Voelckers said did that mean that a crosswalk could not be done because it was perhaps not requested specifically in a warrant. Mr. Epstein said that he was not saying that. That would take its own data set which would be done in a needs study or could be done sooner.

Mr. Voelckers asked if bus stops are DOT managed or located by the city. Mr. Epstein said it is a joint conversation between the two. Does that require a warrant to revisit where they are located, asked Mr. Voelckers? No, said Mr. Epstein, but that requires a conversation with the right-of-way people. Mr. Voelckers asked if a conversation about that one piece could be started sooner.

Ms. Maclean reminded the Commission that they could add conditions for the Assembly to consider including working with DOT to endorse or support their application for funding of a study of the intersection and/or revisiting the bus stop locations. Mr. Dye asked if the only review of this proposal will be done by the Planning Commission and, therefore, such recommendations as suggested by Ms. Maclean would be passed on to the Assembly. Ms. Maclean said yes.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and approve recommendation to the Assembly of CSP2019 0005 and that the Commission recommend that the Assembly support DOT's request for funding for a study of the intersection at issue.*

Mr. Dye requested a point of order. He said that that he believed Mr. Levine's motion was incorrect. The Commission was not making a recommendation to the Assembly regarding the CSP case but was instead approving the CSP with the inclusion of a recommendation to the Assembly in the motion. However, the CSP stood alone for Planning Commission review.

Mr. Voelckers clarified for Mr. Levine that the Commission would be recommending to the DOT that they work the municipality.

Mr. Levine said that Mr. Dye was correct, and he misspoke. He restated his motion:

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and approve CSP2019 0005, and that the Commission note support for funding for a study of the intersection at issue.*

Mr. Hickok spoke against the motion. He said he did not feel that the flashing lights were what the corner needs. He said he had driven the route from Auke Bay to Floyd Dryden School via Back Loop Road every school day over a nine-year period and therefore is very aware of this spot. He did not think that flashing lights would help the situation. There are other ideas that are not being discussed such as turn lanes, moving bus stops away from the stop signs, and/or installing a stop light that could increase the safety of the intersection.

Mr. Arndt spoke in favor of the motion. He said there are four big issues to be looked at and this item can take care of the easiest and least expensive issue, and it is the one that there is currently funding for. He was in favor of solving one of the problems while DOT works to get funding to analyze and solve the other three problems.

Mr. Dye spoke in favor for same reasons as Mr. Arndt addressed. He added that hearing from the applicant that this project moving forward would not jeopardize future funding or this intersection receiving more attention, eased his concern that this would be just a quick fix for a bigger problem. He said he is encouraged by the fact that the public has shared their concerns and that DOT is in the room and has heard the concerns also. It is his hope that with the Commission's recommendation, this will move forward as timely as DOT is able to move.

Ms. Crossley spoke against the motion. She said that although this is the least cost, she was looking at a land action review application for $68,000 for the flashing lights. She said she thought there are many other issues at the intersection that need to be looked at. She did not see the flashing light as helping the situation.

Role Call:

Yays: Levine, Dye, Arndt, Voelckers

Nays: Hickok, Crossley

The motion failed.

Mr. Dye gave notice of reconsideration at the next meeting.

Mr. Voelckers clarified that Mr. Dye's notice did not require any action by the Commission at this meeting. It will be on the agenda at the next meeting to decide if the case should be reopened.

Ms. Mores clarified the procedure. There would need to be a motion made at the Commission's next meeting to reopen discussion.

CSP2019 0008:	A City Project Review to build a Valley Transit Center with associated Park & Ride facilities
Applicant:	City & Borough of Juneau, Engineering Department
Location:	Mendenhall Mall

Mr. Arndt said he had a possible conflict. He is working with the owners of the property on several other projects and has looked at proposals for the lot but is not involved with the transit center proposal at all.

Mr. Voelckers said he has worked with the people who own the Mendenhall Mall property on other, unrelated projects.

Commissioners said they had no problem with Mr. Arndt and Mr. Voelckers' participation.

Ms. Crossley disclosed that Mr. Felstead is her first cousin.

Staff Recommendation

Staff recommends that the Planning Commission recommend the Assembly **APPROVE** CSP2019 0008, the development of the Valley Transit Center and associated Park and Ride lot.

It is further recommended that:

1. All plumbing fixtures meet a recognized water efficiency standard beyond the minimum required by the CBJ Building Code (e.g. EPA WaterSense standard).
2. It is recommended that public recycling receptacles be used at the VTC.

Planner Presentation

Mr. Felstead gave the presentation regarding the proposal develop a currently vacant piece of land at the Mendenhall Mall site, which is currently one large lot. Mendenhall Mall Road is a private road running through the site. CBJ is working with the new owners of the mall to buy the subject property with a view to subdividing and building the proposed transit center.

Mr. Felstead said that the proposed subdivision would meet the land use code requirements for access, however since Mendenhall Mall Road is private, there is a recommendation that Capital

Transit have an easement agreement that gives the buses and users of the park and ride access onto that road.

Mr. Felstead discussed the vicinity of the site and its relationship to roads, residences, commercial activity and businesses in the area. Capital Transit expects that this site will improve routing and will reduce "missed" transfers as compared to the current transfer location behind Nugget Mall. The CBJ assessor has stated that there will be no negative impact on the surrounding area. One neighbor on James Blvd stated a concern about pedestrian traffic through an area that already has a high volume of pedestrian traffic.

Mr. Felstead presented a slide discussing elements of the site design. One important part of the project is having a break room and restroom facilities for the bus drivers, which they do not have at the Nugget Mall site. Other improvements include bike lockers and possibly a public restroom. Another important part is the development of a park and ride site to make it easier for the public to take a bus downtown, which will help with downtown parking issues. Electric vehicle (EV) stalls will be included in the plan. Based on the trip generation manual, a Traffic Impact Analysis is not required. The design is at 35%, so there are a number of required features such as lighting that are not yet shown on the design but will be required when the building permit comes in for review. The conditions were reflected in the recommendations for the USE case that was pulled from agenda. Staff is recommending that those conditions be attached to the CSP review to ensure they are addressed at some point in the project design.

Mr. Felstead said that the proposal has been reviewed against a number of relevant adopted plans and has been found to be in conformity. Mr. Felstead asked if the Commission wanted a review of the recommended conditions accompanying staff's recommendation of approval.

Mr. Voelckers stated that only some of the recommendations remained applicable due to the postponement of the Conditional Use Permit (USE) case. Mr. Felstead said that if the USE case were being heard along with the CSP, the conditions in the USE case, which reflect code requirements not shown on the submitted plans, would be binding to the project – adding them to the CSP would not be necessary. However, since the USE case is no longer being heard tonight, to insure that the project is in consistency with Title 49 based on the plans submitted, the USE conditions will be moved into the CSP recommendation that will be forwarded to the Assembly for their action.

Mr. Voelckers asked if detailed questions regarding technical aspects should be held for the applicant's presentation. Mr. Felstead said he was reviewing the comportment with plans and giving a broad overview but representatives of CBJ Engineering and Public Works and Capital Transit were in the room to answer questions.

Mr. Hickok asked if there would be a charge for parking in the park and ride. Mr. Felstead deferred to Capital Transit on that question.

Mr. Levine asked Mr. Felstead to explain again why the USE case recommended conditions should be moved into the recommendation for the CSP case. Mr. Felstead said that if the CSP permit is approved, adding the conditions that were recommended in the pulled USE permit would highlight that the project will need to meet those conditions in order to obtain a building permit. The USE permit review looked at the project as if it were a private development, the CSP recommendations are recommendations to the Assembly as to how the project could be further enhanced to meet the goals and policies in CBJ plans – this is effectively above the minimum Land Use Code requirements. He said that because no action was being taken on the USE permit at this meeting, staff have moved those conditions into the CSP to ensure that the applicant was aware of the code requirements and could address them as plans developed. CSP recommendations from the Planning Commission to the Assembly are typically non-binding unless they are code requirements.

Mr. Levine said that he did not understand why some conditions were put on the USE permit and some were put on the CSP. He wondered if there was some wisdom in forgoing the USE permit recommendations at this point in case the design changes before the USE permit comes back before the Commission for approval. Ms. Maclean said that when staff thought the two cases would be heard at this meeting, it seemed "cleaner" to keep the conditions specific to each permit with each case. However, now that the CSP is being heard without the USE case and will move on to Assembly, staff thought it best to take the point of view of "if it had a USE permit" and put both the USE and the CSP conditions on the CSP recommendation to make the Assembly aware of the purview and the types of conditions that they will look at as this project moves forward through the purchase process. However, the Planning Commission has the authority to keep only the CSP conditions and not include the USE conditions, if they so decide.

Mr. Voelckers said that he agreed with Mr. Levine that some of the specificity of the USE conditions might not be appropriate at this broad level, such as bolting down the bike rack.

Mr. Arndt asked if it is intended that land be subdivided and purchased by the city or will it be leased by the city. Mr. Felstead said that the intention is for the land to be subdivided and purchased by the city. The purchase will be the city's match to Federal Transit Administration funding for the project.

Mr. Felstead addressed Mr. Levine's questions and said that looking at USE and CSP permits together, anything required under the land use code in terms of design standards are included as part of the USE permit. CSP conditions are things that CBJ might want to consider in addition to what is required in the land use code, for example, recycling receptacles are not required in the land use code but have been identified as something CBJ has said CBJ facilities should include.

Applicant Presentation

Lori Sowa from CBJ Engineering and Public Works is the project manager for the transit center. She noted that the project is in the early stage of design. In response to a question asked by Mr. Hickok, she said there is no intention at this time to charge for parking at the park and ride.

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Mr. Voelckers asked Ms. Sowa to walk the Commissioners through the flow diagram of how the bus loop would work. Ms. Sowa showed the flow using the slide from Mr. Felstead's presentation and noted that bus riders would always exit the bus directly onto a sidewalk. She also indicated the one-way circulation path of the park and ride area. There will be an 8-foot wide multi-use path for bicycles and pedestrians that will connect to sidewalks already in place.

Mr. Voelckers asked for elaboration regarding how the buses and transfers will work. Ms. Sowa said that Capital Transit has been looking at updated timetabling and one intention is not have exact time transfers so that the wait would be a maximum of 5 minutes between buses at this location.

Mr. Arndt asked if would be two-way traffic by the EV charging stalls. Yes, said Ms. Sowa.

Mr. Dye asked if three EV stalls would be enough. Ms. Sowa said that it is early in the design stage so they are not sure if that is the right number. In addition, the intention is to have enough conduit to add more stations later. Mr. Dye asked if there is concern regarding people not using the bus who would use the charging stalls. Ms. Sowa said it could be benefit to the community to have them even if users are not riding the bus; however, the management of the park and ride is not fully fleshed out.

Mr. Hickok asked if there were any concerns about parking overflow and wondered if mall tenants would complain about parking from the transit center users. Ms. Sowa said that if the lot is successful and there is more demand than spaces, there has been conversation about a joint use parking agreement with mall parking. Surrounding business also want to expand the parking so they have been looking at where the lot lines will be and accommodating desired uses of the surrounding businesses.

Mr. Arndt commented that people using the EV stalls and taking the bus to work could occupy the stall for the full day. Ms. Sowa said that this could be managed by determining the number of Level 1 versus Level 2 charging stations. Whether users would be charged for the power use is yet to be determined at this point.

Mr. Voelckers said it was his understanding that there is hesitancy about promising warm space and public-use restrooms, in reaction to the downtown transit center's issues with vagrancy and vandalism. However, it was his opinion that done correctly, a transit could be a source of community pride and a point of visibility. He said his hope is that the center will be more ambitious in terms of what it would do for public amenity. Mr. Felstead clarified that if the Commission wanted to make a recommendation along these lines, it would be appropriate to do that at the CSP stage, not the USE permit stage.

Mr. Dye had a question about the recommendation of recycling containers and wondered how they would be situated on the lot. Mr. Felstead clarified that what are proposed are waste receptacles, not pick-up stations.

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Mr. Arndt said that he agreed a covered structure is a good thing. Ms. Sowa said that the intent is to have covered structures but not necessarily an enclosed building to be used as a waiting area. The intention is to have short waiting times for transfers.

Mr. Voelckers said that another population group is people from out the road coming half way into town and using the park and ride. These people may have longer wait times to catch their bus.

Public Comment

Garrett Schoenberger spoke on behalf of Alaska Legacy Partners, the new owners of the Mendenhall Business Park. He said they have been discussing the transit center with the city for quite a while and feel that this is an important piece of the puzzle on the 27-acre site. They are very particular about what should be developed on one of the few vacant parcels on the site. There has been much discussion with immediate neighbors and tenants in the park. He noted that Heritage Coffee is getting ready to build a new 2-story building to replace their modular structure. After much discussion and feedback, Legacy Partners views the transit center as an improvement with lighting, landscaping, pedestrian access, and a sense of security. It is their goal for the park to make it overall more safe and modern. Therefore, they are in full support of the project.

Mr. Voelckers asked if there would there be a provision to make the crosswalk across the mall road safer. Mr. Schoenberger indicated that there is an existing bus stop and crosswalk. They have not looked fully at what might need to be in place to make the crosswalk safe. However, it is their ultimate goal to create commerce so it will be important to make sure people can get across the road safely and patronize businesses on both sides of the road.

Ms. Crossley asked about a pedestrian right-of-way along the top of the graphic that was mentioned by the planners and wondered if Legacy Partners would look to extend to create a pedestrian artery. Mr. Schoenberger said yes, new development is contagious. The transit center would be a jump-start to new pedestrian access routes, and they would hope to link access to any new development in the area.

Mr. Levine said that the comments made by Mr. Voelckers and Mr. Arndt about the desire to have the transit center be something the community could be proud of is an issue worth noting at this stage. There may be some issues noted in the USE permit that might be worth noting at this point, but he said he was not convinced that they rise to the level of conditions that ought to be put on the recommendation for the CSP. Therefore, he said he was not sure how best to address the issue. He said that the reason staff has recommended continuing the conditions from the USE permit onto the CSP is in order to note to the Assembly that the Planning Commission has certain expectations as plans develop and permitting moves forward.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and recommend that the Assembly approve CSP2019 0008 with the conditions noted therein and further note that the Planning Commission recommends that the Assembly take note of the four*

conditions staff has recommended for approval of the USE permit and the desire to have the transit center be designed in such a way that it accounts for growing commerce and the needs of the community.

Mr. Voelckers asked if the last sentence could be equated with the third bullet under the project review recommendation. The point about the future growth of the community would be the generalized third bullet and the four previous conditional use recommendations would inform the CSP. Mr. Levine said he would accept this as a friendly amendment, and he restated the motion:

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and recommend that the Assembly approve CSP2019 0008 with the two conditions as recommended and two changes:*

- *The phrase "it is recommended that" under Condition 2 should be stricken because it is redundant of the earlier phrase "it is further recommended that".*
- *A recommendation 3 is added that the design of the transit center take into account growing commerce and the needs of the community, and that the Planning Commission further recommends that the Assembly take note of the four conditions staff recommended in its analysis of the Conditional Use Permit as the Assembly considers the CSP.*

Discussion
Mr. Dye spoke in favor of the motion. He said that while the wording might be a little vague, he hoped that the record of this conversation would help support the recommendations regarding such issues as EV charging stations, adequate shelter for the weather, and so forth.

Mr. Levine added that Mr. Dye had captured what he intended and it was worth recognizing Mr. Schoenberger's support of the motion and the fact that the Planning Commission fully supports and expects that this development will support the needs of the community. When the Engineering Department brings the USE permit back before the Commission, there will not be a surprise regarding the topics of conversation and concern.

The motion passed with no objection.

USE2019 0014:	A Conditional Use Permit for an accessory apartment on a substandard-sized lot
Applicant:	Northern Lights Development
Location:	Glacier Bear Boulevard

Mr. Arndt disclosed that he occasionally sells construction materials to this contractor. There were no concerns with his participation in the hearing.

Ms. Crossley disclosed that Mr. Felstead is her first cousin.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an accessory apartment of up to 600 square feet net floor area on a substandard lot in the Montana Creek West Planned Unit Development in a D3 zoning district.

The approval is subject to the following conditions:

1. Prior to issuance of building permit, the square footage of the accessory apartment, which shall not exceed 600 square feet in net floor area, shall be written on the floor plan.
2. Prior to issuance of a building permit, the construction plans shall demonstrate the necessary compliance with the flood hazard area construction requirements in CBJ 49.70.400. A LOMA for the construction site would satisfy this condition.
3. Prior to issuance of a building permit, 1,385 square feet of vegetative cover (at a minimum) shall be provided and shown on a site plan reviewed and approved by CDD staff.

Mr. Felstead noted that this case would have been on the Consent Agenda but for a member of the public who submitted a comment stating that they felt this was too small to have a house and an accessory apartment. However, with no member of the public present who wished to testify, he asked the Commissioners if they had specific things they would like him to address from the staff report.

Mr. Voelckers asked for an abbreviated presentation with the focus of addressing the neighbor's concern.

Mr. Felstead said that the parcel is zoned D3 and is part of the Montana Creek West Subdivision. The whole Planned Unit Development (PUD) developed area of Phases 1 and 2 are laid out like a D5 subdivision in terms of dimensional standards – the typical lot sizes are more similar though a little smaller than the D5 minimum. In D3, the minimum lot size is 12,000 square feet and in D5 7,000 square feet. This lot is only 75 square feet less than what would be required in a standard D5 subdivision. This lot can meet requirements that go along with accessory apartments including connection to public sewer, parking accommodation of 3 vehicles for the home and apartment, and the building that would house both the apartment and the single-family dwelling does not exceed lot coverage requirements; it meets all the requirements for a 600 square foot accessory apartment except for lot size.

Mr. Voelckers asked if there are precedents for accessory apartments in the development. Mr. Felstead said not that he is aware of on the lots that have been developed thus far. One plat note talks about only one dwelling per lot. In the review, after staff examined the record of the Montana Creek West PUD, to determine where the note came from it was determined that the note was due to a need to control the number of dwellings so as not to exceed the allowed

density for the entire PUD site. The lot size governs density for single-family zoning. If a lot meets the minimum lot size for permissible uses then it is allowed a primary dwelling with an apartment as an accessory use. Accessory apartments do not count towards density for the PUD.

Mr. Arndt asked if the development were a normal D5 zoning area would this apartment be acceptable. No, said Mr. Felstead, because the lot is substandard in size and would need to come to the Commission for review. Mr. Arndt restated to say if it met the D5 requirements of 7,000 square feet, would an accessory apartment be allowed in D5. Mr. Felstead said yes, in D5 zoning, however this lot is actually zoned D3 due to an amount of land set aside as part of the PUD process. Mr. Arndt said that the one public comment received said the lot was too small for an accessory apartment, so if the lot were full size for a D5 zoning district, would it be allowed? Mr. Felstead said in that hypothetical situation, it would be reviewed through the building permit process and would not come before the Commission.

Ms. Crossley asked how many properties have been developed in the PUD. Mr. Felstead indicated on the map which ones had been developed. Ms. Crossley said that to clarify, this property is not in the middle of a developed neighborhood; the adjacent vacant lots could, potentially, be developed in the future with accessory apartments. Mr. Felstead said that was correct, with Commission approval.

Applicant Comments

Troy Mayer is a developer and contractor. He said that many people are looking for houses with apartments, and it is difficult to find land to suit that desire that is not already developed. People are interested in apartments for their family members of just additional income to allow them to own a larger house. He said he talked with the Bicknells who gave him permission to buy two lots in this subdivision, the lot in question and the one next door. He also built a house last year on Timberwolf in the same subdivision. He said he is trying to develop homes in this area with apartments in response to interest from the community.

Mr. Arndt asked if with the apartment would the home look similar to other homes in the area or be out of character. Mr. Mayer said that it blends in. There would be another set of stairs indicating that there is an apartment above the garage, but that would be the only thing out of character.

Questions for Staff

Mr. Dye asked to clarify if the plat note Mr. Felstead mentioned was interpreted as concerns density, how the calculation for the fire marshal is done differently. He recalled the fire marshal saying that once a single-access neighborhood reached 151 dwelling units, fire sprinklers would be required and accessory apartments were included in that density count. Ms. Maclean said that the two counts are distinct and different. For Title 49, accessory apartments do not count towards density; they are just accessory to a single-family home. However, for the number of dwelling units, the fire marshal may count those in the number of units in a subdivision.

DRAFT

Mr. Voelckers asked the director if the language in Title 49 for these accessory apartments speaks to PUDs as a category. Ms. Maclean said that this PUD predated the accessory apartment ordinance, which may explain why the language was different. If a PUD proposal came in for review today, she said they would address accessory apartments. In her recollection, the revisions being worked on for accessory apartments do not include language specifying types of subdivisions; it would just be another use of the property. Mr. Felstead pointed out that this is not a typical PUD. Because it has a city street and city utilities, it behaves much more like a subdivision. It went through the PUD process so it could take advantage of the fact that they had to set some land aside for non-development because it was wetlands. That set aside was a requirement of a rezone ordinance for this area. If the property had been upgraded to D5 the way the developer wanted, they would have done a very similar subdivision just more properties.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations, and approve USE2019 0014.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT- none

X. OTHER BUSINESS

XI. STAFF REPORTS

Ms. Maclean remind the Planning Commissioners that they should not discuss CSP2019 0005 because it is up for reconsideration. It cannot be discussed outside of the Commission level.

She reminded Commissioners that an email was sent out about a Title 49 meeting date change and asked for responses regarding the preferred date.

The Blueprint Downtown Steering Committee meets at 6 pm on Thursday, June 27.

The Ad Hoc Auke Bay Implementation Committee is meeting Thursday, June 27, at noon. The neighborhood meetings have been completed. In total there were seven, and they were well attended with between 20-50 members of the public, she said.

The Thunder Mountain rezone and Comprehensive Plan land map amendments were approved by the Assembly on June 24. The Lands Committee discussed the rezone for North Douglas that was sent to them. One other item that came up at the Lands Committee was looking at a public park parcel in a subdivision and there is interest from a neighbor in purchasing some of that property. Ms. Maclean said they are looking into the process for how that could or would happen.

DRAFT

At the July 9 Planning Commission meeting, the Pederson Hill subdivision and the Capital City Fire & Rescue sleep-off center will be on the agenda.

XII. COMMITTEE REPORTS

Mr. Voelckers said he was involved in the final public Auke Bay meeting, and did not hear anything different but there was tension over density and adjoining neighborhoods. There was much conversation regarding how a bonus process would work. It seemed to him that some people were frightened by the idea of what developers might be able to do, but the conversation evolved into discussion of how to have a win-win situation with things like street alignments and parking reductions. He said it seemed that things are progressing but there still is serious knitting to do. Ms. Crossley asked if any developers interested in the Auke Bay area attended the neighborhood meetings. Ms. Maclean said that there have been a few who have attended one or a couple of meetings including Mr. Howell, Mr. Harris, Ms. Schmidt, and Mr. Duran. There may have been others, she said, but she had not be in attendance at them all.

XIII. LIAISON REPORTS

Mr. Bryson gave a report. He said that the Assembly's Committee of the Whole moved the Willoughby District renaming, nuisance property, on-site consumption, and Eaglecrest projects. At the Public Works & Facilities Committee, they have been reviewing Centennial Hall update information.

The regular Assembly passed the park master plan and the budget. The mill rate will stay the same. The JVC Home Show very successful in the new location at the Nugget Mall. There was better attendance, better vendor appreciation, and they anticipate doing the event again next year at that location. The Assembly along with some members of the Planning Commission floated down the Mendenhall River and saw erosion issues and erosion mitigation projects. At the Finance Committee, they moved forward the ability to do airport bonds; the city does not sell bonds until the money is needed for the project, which he felt, was a prudent approach. The Human Resources Committee appointed a new member to the Eaglecrest Board and most of the discussion with candidates was about summer activities. The regular Assembly meeting on June 24 they approved the name change from Willoughby District to Aak'w Kwaan Village District, approved the airport bonds, the Thunder Mountain rezone, and the crisis center at Bartlett. There are two hearings on appeals coming up: Mountainside versus the Planning Commission on September 9 and the terraces at Lawson Creek scheduled for July 11.

Mr. Dye asked about on-site marijuana consumption and how that is progressing. He wondered how it relates to the marijuana committee that was formed by the Assembly and was eventually kicked to the Planning Commission. The vast majority of how marijuana business is regulated in held in Title 49. He recalled that during the public process, the possibility of onsite consumption was never discussed nor how to address the Land Use Code regarding where

these facilities could be sited. He said it will be interesting to see if the Assembly has an appetite to direct the Planning Commission or Community Development Department to restart a public process on marijuana permitting through the Land Use Code for onsite consumption. He said that next year is the first year that Conditional Use Permits initially granted for marijuana use will be subject to review and renewal due to the five-year sunset date. At the time when language was put in code, the attitude was to be conservative and loosen or tighten, as it proved appropriate. He said that now might be the time for a larger conversation in the community about what changes to Title 49 might be necessary. Mr. Bryson said the Assembly is perplexed at this topic, and it does need more discussion. He said a comment that had him thinking was what if we only had liquor stores but not bars in our community, what would that be like. The point is to keep marijuana off the streets, he said, and so those against marijuana should be in favor of on-site consumption because this takes it off the street. He said he has advocated for on-site consumption for the health and safety of the community out on the street.

Ms. Crossley said she would like to get a gauge on where onsite consumption is going. Will there be any cross contamination of on-site smoking and drinking, she asked. Mr. Bryson said no, Law has been going through the rules because now it is prohibited to smoke a cigarette inside, so how would they be able to prohibit cigarettes but not marijuana. Even with a proper HVAC system to cope with smoking, the next topic to be dealt with is smoking in a private establishment like the Elks. There needs to be more discussion and debate about all of this, he said.

Mr. Dye said that the state regulates very strictly so he is not concerned with that but is concerned from the hierarchy of the Land Use Code and where the city decides it is appropriate for retail space. There are legal spots to use marijuana currently like any hotel that allows smoking. He said he is frustrated with the argument about the bars, because there also is much alcohol consumption on the street.

Mr. Levine said he agreed with Mr. Dye that the recommendation the Planning Commission made about where to allow the sale of marijuana might be different from a recommendation about where to allow consumption. He said there might be value in a conversation at the Planning Commission level about where consumption is allowed. He said he is a veteran of the argument that Waterfront Commercial was not an appropriate location for marijuana sales because there was no legal way for cruise ship passengers to consume it there. This is something the Commission has grappled with in the past.

Mr. Bryson said he would recommend to the Assembly to put this issue back in front of the Planning Commission.

Mr. Voelckers asked about the airport expansion LEED question. Mr. Bryson said they are not attempting to do the LEED certification. Mr. Voelckers said the Commission passed approval

and recommended that the Assembly maintain the requirement for LEED certification, but the airport resisted. It was the Assembly's decision about whether to let them out of that requirement or not. Mr. Bryson said the Assembly let them out of the requirement. The airport is trying to do some of the criterial to be sustainable and taking into consideration the LEED certification requirements but do not anticipate satisfying all qualifications.

Mr. Arndt thanked Mr. Bryson for organizing the rafting trip on the Mendenhall River and said that it gave him an important perspective.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said that he was troubled over the relationship between DOT and the highway system and the interface with the Borough and the Planning Commission, whose job it is to insure public safety at intersections. He made a request to the Director to organize a strategic conversation with DOT about risk assessment, how priorities are established, and allow the City to have some role in DOT's decision-making and planning.

Ms. Crossley said that she agreed. She was concerned that a roundabout is going in at a spot that just put in an expensive 4-way light. It was concerning to her that they did not hear an A to F rating on the Back Loop intersection when they have hear these ratings for other intersections along Mendenhall Loop Road. She would like more transparency from DOT. An idea goes a long way before the Planning Commission is asked to weigh in.

Mr. Hickok asked if the roundabouts would go before the Assembly. Mr. Bryson said he believed not.

XVI. EXECUTIVE SESSION - none

XVII. ADJOURNMENT

The meeting adjourned at 9:07 pm.

DRAFT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers, 7:00pm
Meeting Date: July 23, 2019

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1. **WCF2019 0007:**
   a. Public comment from Margo Waring, received 7/8/19
   b. Planner response to Ms. Waring, sent 7/17/19
   c. Public comment from Gene Randall, received 7/17/19
   d. Public comment from Mary Irvine, received 7/19/19
   e. Public comment from SueAnn Randall, received 7/23/19

Dear Commissioners,

I am writing in regard to WCF20190007, Lot 1 USS3817, Engineers Cutoff, a proposed new cell tower on CBJ land for use by JPD and CCFR which requires line of sight for effective functioning. There is currently a tower being used for this purpose, along with 5 other towers on the same location.

CBJ's application for the new tower is predicated on the assumption that the tower would not be lighted, since none of the other towers require lighting and since a 20 foot taller tower had previously been approved by the FAA for use without lighting. This assumption, as wise one, meant that the visual impact study was notably short and the balloon test was considered unnecessary.

I ask that you require the application be withdrawn and redone in view of the FAA's sudden requirement that lighting be provided on this proposed tower. what may have been scarcely visible on the skyline when lighting was not anticipated, especially amid the other towers, will stand out day and night and be highly visible across the water to North Douglas residents, especially as it will appear "above" the Spuhn Island light.

Please consider the following alternatives:

- The current location be re used so that lighting is not required.
- A location still within line of sight but not on the ridgeline be sought.
- An appeal be filed with the FAA asking why a higher tower did not require lighting and using this information to redesign the tower.

Discussion:
Application #9 states that CBJ prefers the tower to be unlit like the adjacent towers. Since this preference was rejected by the FAA, the application should be revised.
11.c FAA approval was expected as a "No Hazard" finding because the FAA had previously approved a taller tower on the same site without lighting (not built). Specifically, the application sates that "no lighting is anticipated". Again, since this expectation was not realized, the application should be revised.
I call your attention to the application's section Visual Impact Study, Zone of Visibility Map.

#15 states that the tower site is “not visible from North Doulas scenic view shed”. However, with a lighted tower, it will be visible night and day from this view shed.
Note that the webcam views are north and south and not across the view shed to North Douglas, despite that in (b) analysis of siting is from the North Douglas Boat Launch and False Outer Point. While the proposed tower may not have been notable against the skyline from these locations, lighting will be highly visible.
#16 “N/A is listed because=se lights are not anticipated. However, since lights are now being required, this section needs to be reconsidered.

In correspondence with CBK Engineer Alan Steffert, he states that since there is an existing tower, there is no need for a balloon test. But, again, this decision assumes that the tower will be unlit, like the other towers. But since the tower will be lighted, a balloon test should be required.

Lastly, it appears that because CBJ staff assumed lighting would not be required, no effort was made to contact those who would be impacted by a new and additional lighted tower. CBJ is obliged in the ordinance to contact impacted neighborhood associations or individuals and this was not done, since “no impact” was the basis of the application. Since there will be an impact, the process should begin again or an alternative found.

Sincerely,
Margo Waring
11380 N. Douglas Hwy.
Juneau, AK 99801

From: Amy Liu
Sent: Wednesday, July 17, 2019 9:07 AM
To: 'Margo Waring'; PC_Comments
Subject: RE: WCF 2019 0007

Margo,

Sorry for my delayed reply. Regarding your letter, the other 60' obstruction at Pederson Hill is the FAA tower with antennas. This tower is lit. Using the current location of the JPD/CCFR tower may not lessen the lighting requirement, which is partly based on the height of a 40' tower up to 20' in antenna and other radio equipment. The height of the radio equipment is not finalized at this point, but will be no more than 20 additional feet. The applicant may request a new determination from FAA after the exact height of the tower is confirmed.

Public notice of this project was provided in the July 12, 2019, and July 21, 2019, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 1500 feet of the subject parcel as well as all neighborhood associations. Three public notice signs were posted on July 5, one at the trailhead to the tower site, one at the intersection of Glacier Highway and Fritz Cove Road, and one at the intersection of Glacier Highway and Engineers Cutoff. The signs were posted to be visible from the public right-of-way.

Let me know if you have further questions. The Planning Commission Hearing is July 23 at 7:00 PM in Assembly Chambers.

Amy Liu | Planner
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0764

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Members of the Planning Commission

Amy Liu, CBJ Planner

Alan Steffert, Project Engineer

Erik Gazdig, JPD/CCFR Radio Electronics Specialist

Public Comment Regarding: Case WCF Application 2019 0007 Special Use Permit

July 17, 2019

To all concerned:

Echoing Frank Rue's insightful, June 27, 2019 public comment email to Amy Liu, I have no problem with a new WCF tower that will enhance safety related communications within our community. However, I do have a problem with the FAA's requirement that the proposed tower be lighted when an adjacent higher tower is already lighted and adjacent towers of the same height as the proposed towers are not lighted. There is a disconnect in logic here that begs for clarification at the federal level.

But the greater issue I have is with the Community Development Department's apparent disregard for the process arduously refined in the WCF Ordinance established in 2013-14. Quite possibly current CDD staff was not onboard at that time and have only a cursory reflection of the intensity of public involvement in the crafting and promulgation of that ordinance designed to protect the public interest. I call your attention to three key statements in the application package that cause me alarm and call for a re-do of the entire application.

1. Alan Steffert wrote to Jill Maclean on May 24, 2019, "Please tell me that a balloon study is a complete waste of time in this instance." Mr. Steffert clearly does not recognize that a balloon study is not a "waste of time" and not arbitrary, but rather has a critical function related to public notice. People drive right by the three signs posted on public roads without notice, and very, very few people read the notices buried in the newspaper. Residents within 1500 feet who receive written notice in the mail probably toss what appears to be junk mail. But a balloon test brings attention to not only the closest residents affected, but also to the community in general who see the balloon and ask, "What's that?" It's a lot like using a highlighter to call attention to what may impact you.

2. Erik Gazdig should be commended for working through the numerous details and protocol required by this application. However the application checklist included in the application, dated May 24, 2019, has been inadvertently mischecked--twice. First, number 16 on the checklist refers to Lighted Towers. Likely with the

information Mr. Gazdig had available at the time, he was not aware that FAA would/might/could/should require lighting. He indicated that lighting was "N/A". Unfortunately, "N/A" is not the reality, at least until a clear and final determination is provided by the FAA after inspection. Second, on WCF Checklist # 19, Mr. Gazdig checked the box "Balloon test according to 49.65.970(c)(2)(B). But as we know from Mr. Steffert's above email of the same date, the necessity of a balloon test was at this point undetermined.

3. WCF Application item 15. Visual Impact Study. The conclusion drawn here that the proposed tower is largely obstructed and not visible from nearby highways, nor from the distant scenic viewsheds is not only factually incorrect but misleading to the public and to the Planning Commission. IF the proposed tower were unlighted, or, if daylight viewing was the ONLY consideration, then I would agree the tower will blend in without notice. (As is flippantly illustrated by the meme included in this section commenting that "the light is NOT visible from space".) But if it is lighted, it will impact the community well beyond the residents within 1500 feet. I can personally attest that the North Douglas residents and residents down the Gastineau Channel have a clear view of the current blinking WCF tower on Pederson Hill. We do need enhanced communication for emergency services, but we don't need additional nighttime light pollution.

For the above reasons, I request WCF Application 2019-0007 and Special Use Permit be reconsidered and required to follow the WCF Ordinance process faithfully, respectfully, with all due public consideration, and to the letter.

Respectfully,

Gene Randall

11346 N. Douglas Highway

Juneau, Alaska 99801

From: Mary Irvine <mary.irvine@acsalaska.net>
Sent: Friday, July 19, 2019 6:50 AM
To: PC_Comments
Subject: Comments regarding Case No. WCF 2019 0007

Re: Case No. WCF 2019 0007

To the Commissioners of the Planning Board:

Several years ago, residents of North Douglas brought to the City's attention the fact that we would be negatively impacted by a lighted WCF on Spuhn Island. Because that tower was far along in the conditional use permit process, the City shrugged its shoulders and declined to do anything to address concerns about the impacts from the lights of the cell tower, although the Assembly voiced collective concern regarding the fact that North Douglas residents were not particularly noticed of the reasonably foreseeable negative impacts, even despite the great advances in LIDAR technology and modeling software available that would have clearly demonstrated the impacts to the residents of North Douglas, on the Fish Creek Park watershed and viewshed and others.

A WCF plan was produced by the City, with much staff time spent on gathering comments and listening to the repeated ideas that more notice and comment is necessary and would be extremely beneficial before permitting any more lighted towers. The plan also envisions the use of putting into practice FAA-accepted, practical mitigation measures such as baffles or louvers to deflect strobing rays of lighted towers — not just away from adjacent properties, but truly affected properties, even ones at what might otherwise be considered a distance. In public testimony gathered in advance of the WCF plan, staff heard over and over from members of the public that while the public in the City and Borough of Juneau would be willing to participate in allowing WCF's throughout the Borough, the public adamantly and very vocally made it clear that LIGHTED WCF's are an issue we care very much about. The impact that lighted WCF's have on the landscape of Juneau, for residents, tourists, and homeowners alike, is perceived as impactful, most often negative, and to be avoided if at all possible. This was memorialized in the WCF Plan, published after years of staff work and public comment, and using public funding. It was further codified in the WCF Ordinance as a central requirement of special use permits that WCF's and lighted WCF's have the "least visual impact on the environment and it's character."

We come now to the present, when yet again the residents of North Douglas have received no particular notice of a LIGHTED WCF that would absolutely, directly impact our quality of life, our property values, our right to quiet enjoyment of our property, and our faith in the City — to which we duly pay our property taxes. It was reasonably foreseeable that these residents would be impacted by this proposal, and as one of the residents of North Douglas thus potentially impacted, I am writing to you to object.

Because CBJ did not anticipate that the FAA would require lights on the reconstructed tower considered by this proposal, and now the FAA is requiring them, substantially changes the very nature of this proposal from merely a reconstruction of a tower, to a proposal with an entirely different set of impacts, which have not been adequately considered in the preparation of the proposal.

Because these changed circumstances (FAA requiring lights on the tower) will negatively affect residents of North Douglas, the Fish Creek watershed and views shed area and others, I am asking you to please table all consideration of this proposal, at least until adequate notice can be given, specifically letting North Douglas residents know that this

tower will affect them, and providing adequate opportunity for comment. To do otherwise would violate the spirit of the WCF Plan and specific sections of the WCF Ordinance.

While I appreciate the need for JPD to have an array on a tower in the vicinity of the Blueberry Hill area, it is probably the case that several NON-LIGHTED towers strategically placed would provide the same or even better service for JPD, without the negative impacts to the residents of North Douglas, the Fish Creek Park watershed and viewshed area, and others.

If you find a conflict between what the proponent and City staff assume will be the impact and the impacts anticipated by the residents of North Douglas, certainly more information is needed. A simple balloon test would be inadequate in this case, and because infrastructure already exists on the Blueberry Hill site, it would be easy and warranted to conduct an actual test for several days, with adequate notice to residents of North Douglas, of the actual lighting systems the FAA is requiring for this reconstructed tower. Such a test would be effective, gather much needed factual information, and allow for a much more informed decision making process by the City.

Alternatives to this proposal exist that would meet the needs of JPD, and must be considered. If the City allows the proposal to stand without considering these reasonable alternatives, then mitigation measures are in order and must be considered, which would maintain safety for the airspace and decrease impacts to the North Douglas residents, the Fish Creek Park watershed and viewshed, and others.

Please consider consulting again with the FAA or petition for a finding of “no hazard” in this case. The tower is much shorter than 200 feet, and there is a tower nearby that is lighted adequately for both. If you are unable to obtain a finding of “no hazard” from the FAA, it would be interesting to see what the FCC has to say, and the SHPO’s office. Under the State Historic Preservation Act, it is quite easy to conceive that the ecological, aesthetic, historic, social, cumulative, and indirect impact from this high intensity light would be significantly impacted.

Please ask the proponent and City staff to re-consider the proposal with the above concerns in mind. If this proposal is considered without change, please adequately consider mitigation measures for any LIGHTED structures, such as louvers and baffles, which would provide a modicum of protection to the residents of North Douglas. These are reasonably anticipated by the FAA in its professional advisory circulars, and those circulars are in fact actually referenced in the City and Borough of Juneau’s WCF Plan currently in effect.

Thank you for your attention to this matter.

Mary Irvine
P.O. Box 21224
Juneau, AK. 99802
(907) 586-1480

Friday, July 19, 2019

Pederson Hill -WCF2019 0007

Planning Commissioners.

I write to you today with serious concern over the processing of the Special Use Permit for the new Wireless Communication Facility (WCF) tower proposed for the Pederson Hill tower site. I am concerned with the lack of due diligence as the permit application fails to comply with a balloon test as specified in the WCF ordinance. There appears to be some confusion in the Department of Community Development (CDD) in the validity and determination of following the requirements of the Wireless Communication Facility Ordinance of the City and Borough of Juneau Alaska, 2014. This application should be rejected, as it is incomplete, per the absence of evidence of the balloon test requirement

The CDD report to the planning Commission, page 6. **Visual Impact Assessment**: Bullet #5 states *"The balloon test was not required because the proposed tower is not new. It replaces a currently existing tower of the same height."* **This is a false narrative.** IN FACT the narrative of Attachment A-Application refers to the tower as NEW seven times! Greg P. Chaney and Alan Steffert signed page 2/19 where the field titled *Proposed WCF Type* box is marked *New Tower* and the field titled *Required Permit* box is marked *Special Use Permit.* On page 15/19 the tower is referred to as *"the new radio tower"* or *"the new tower"* six times! You will find that the WCF Ordinance states in **Article IX. 49.65.910. Applicability:**

(d) *All legally permitted WCF's existing on or before the effective date of this article shall be allowed to continue, as they presently exist, provided however, that* ***any*** *proposed modification to an existing WCF, including collocation,* ***must*** *comply with this article.*

The WCF Ordinance also states in **Article IX. 49.65.90:**

(D) Balloon test. *In order to better inform the public in the case of a new freestanding WCF, the applicant shall,* ***prior to the public hearing on the application****, hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a brightly colored balloon at the maximum height of the proposed new tower . . . The applicant shall submit photos of the test and a narrative describing the date, time and duration of the test."*

Continuing below the balloon test criteria is the heading **Director's Review:** *"(1) The director shall review the application for completeness . . . (2) Incomplete applications shall be rejected . . .(3) Once an application is [corrected] and deemed complete the director shall [then] schedule it for a hearing before* the planning commission."

Evidence of non-compliance:

Attachment A-Application page 19/19- Alan Steffert writes in an email dated May 24, 2019 to CDD director Jill Maclean.

"Jill, Please look at the attached and required visual impact study for the new JPD tower on Pederson Hill Tower site . . . please tell me that a balloon study is a complete waste of time in this instance: 1. You can barely see the 4 towers already up there (not counting the big FAA tower which dominates the skyline), and can't make out the 3 ft. diameter microwave dishes already mounted on the old tower. 2. The close proximity of the towers either side of ***my*** *proposed location will make flying a balloon hazardous, with likely hood (sic) of the balloon tangling up on a tower or antenna. Let me know. Thanks, Alan".*

NOTE: Alan Steffert states that this is **his** proposed location- not a required location.

CDD Director Jill Maclean replied via email to Alan Steffert on May 27, 2019.

" Hi, I think we can make the argument that it is a safety concern and that the existing tower replaces the need to use the balloon test. Thanks, Jill".

The WCF Ordinance enables applicants and the City and Borough of Juneau to build wireless communication facilities within consistent, responsible parameters. The ordinance was crafted with diligent, attention to detail and considerate foresight to future needs as well as the stewardship of the aesthetic values of our unique community. It is in the community's best interest to follow the ordinance in all its details, requirements and specifications.

Nobody wants another blight, like the Spuhn Island Cell Tower, on the horizon.

Sincerely,

SueAnn Randall

porcupinewoman@outlook.com

11346 North Douglas Highway

Juneau Alaska, 99801

2014 CBJ Assembly Meeting, WCF Ordinance: SueAnn Randall demonstrates the effectiveness of the balloon test versus paper notification for Public Notice. The assembly voted to include balloon testing in the final version of the Wireless Communication Facility Ordinance of the City and Borough of Juneau Alaska, 2014.

Photo by Lisa Phu 2014 © KTOO -Permission for use, Jeremy Hsieh

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: July 12, 2019

TO: Planning Commission

FROM: Amy Liu, Planner
Community Development Department

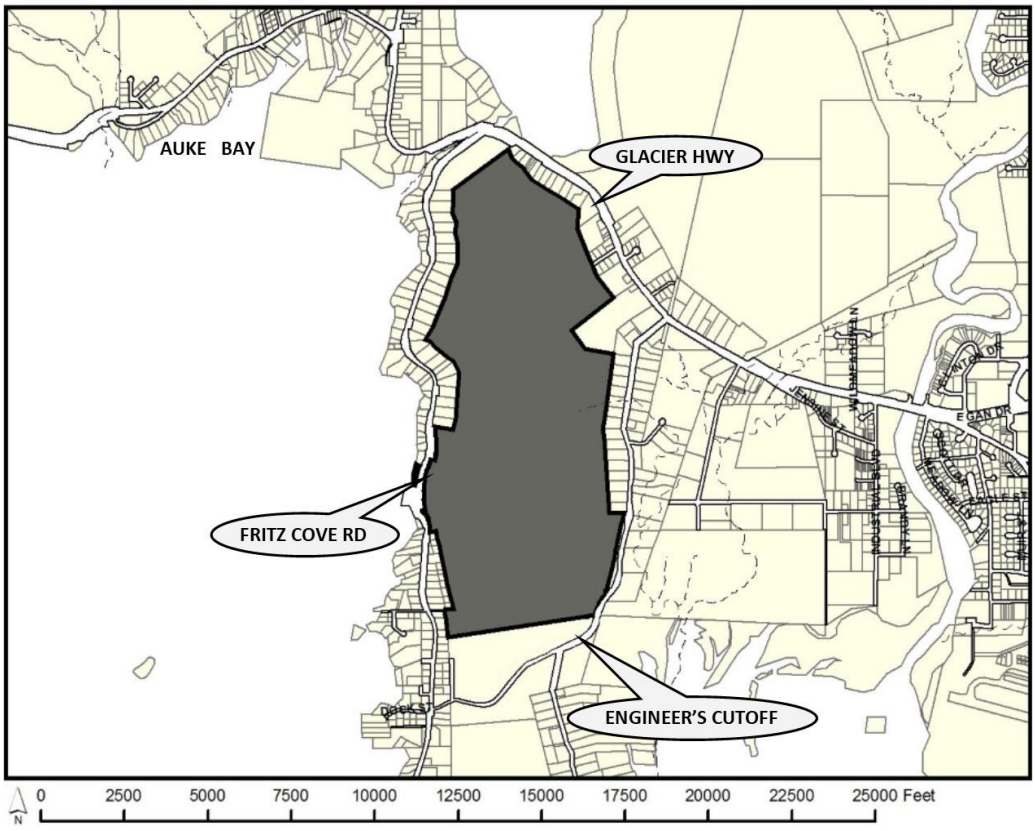
FILE NO.: WCF2019 0007

PROPOSAL: A Wireless Communications Facility Permit to replace an existing communications tower

GENERAL INFORMATION

Applicant:	CBJ Engineering and Public Works Department
Property Owner:	City and Borough of Juneau
Legal Description:	USS 3817 Lot 1
Parcel Code Number:	4B2301010170
Site Size:	416.66 acres
Comprehensive Plan Future Land Use Designation:	Urban Low Density Residential
Zoning:	Rural Reserve / D1
Utilities:	City water
Access:	Engineers Cutoff
Existing Land Use:	Cell Towers
Surrounding Land Use:	North - Residential South - Federal Aviation Administration (FAA) tower East - Residential West - Residential

VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – FAA determination
Attachment C – Public comment

PROJECT DESCRIPTION

The applicant requests a Special Use Permit (SUP) for the development of a Wireless Communication Facility (WCF) to replace a 40-foot tall, guyed cell tower with a 40-foot tall, self-supporting cell tower. Antennas and other radio equipment adding no more than 20 feet of height may be installed on the tower. The exact height of this equipment is undetermined at this time. Additionally, the applicant proposes an 8 foot x 8 foot generator shed. The existing WCF is identified in the Wireless Telecommunications Master Plan (WMP) as Site 20. The existing tower will be completely removed, and the new tower will be located on the same site approximately 50 feet from the existing tower location. The existing and proposed tower serves the Juneau

Police Department (JPD) and Capital City Fire and Rescue (CCFR).

The applicant requests approval for the 40-foot tower. During review, staff clarified that in addition to the tower, there is potential for the addition of up to 20 feet in antennas and other radio equipment.

A SUP is required for WCF that do not fall under the categories of 49.65.930, Table 1.

This application requires a SUP per the following requirements:

1. *The proposed antennas are not flush-mounted, per the requirements of 49.65.930.*
2. *The proposed antennas are not flush-mounted and thus are not concealed per the definition found in 49.80.120.*
    a. *A Concealed WCF is defined as a "WCF equipment compound that is not readily identifiable as such (emphasis added), and is designed to be aesthetically compatible with existing and proposed building(s), vegetation, natural features, and uses on the site."*
        i. *The proposed WCF may be appropriate to the site, but due to the non-flush mounted antennas it is readily identifiable as a WCF.*
3. *The proposed project exceeds the "eligible facility request" standards as shown in 49.65.950 Table 1.*
    a. *No substantial change as provided in 49.65.950 (b)—there is substantial change in the height of the existing and proposed towers (30 foot increase); and*
    b. *New non-concealed tower in an Industrial zone measuring over 60 feet in height—the proposed tower is non-concealed and measures 120 feet in height.*

BACKGROUND

The purpose of *Specified Use Provisions Article IX. Wireless Communication Facilities,* CBJ 49.65.900, is to establish reasonable regulations for the placement, construction, and modification of WCF consistent with the Telecommunications Act of 1996, applicable law, and to:

(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;

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

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

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

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

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

(h) Respond to the policies embodied in Section 6409(a) of the Spectrum Act (P.L. 112-96).

Because the Director has found that the project is not an Eligible Facility Request per CBJ 49.65.950 Table 1, the project must demonstrate compliance with the requirements of a Special Use Permit

PUBLIC COMMENT

One resident submitted written comment prior to July 1. He expressed agreement with an unlit tower and disagreement with the FAA lighting requirement (see Attachment C). This requirement is specified as FAA Style E – Medium Intensity Dual Lighting (see Attachment B). This is characterized as blinking medium intensity white light during day and twilight and a blinking red light at night. No marking is required for the proposed tower.

This lighting determination is in part based off a request for a 60-foot obstruction, which would include the 40-foot tower and up to 20 feet of antennas and other radio equipment. The applicant requested review for a higher tower in anticipation of the antennas, which are likely to add approximately 10 feet in height.

Staff contacted FAA to clarify whether the 40-foot obstruction would be required to provide the same lighting required for a 60-foot obstruction. FAA stated that within five days after construction of the tower, the applicants may request a new determination if the height is different from the initial proposal. Depending on other factors, a lower height may have a lesser lighting requirement.

AGENCY REVIEW

Staff requested review from the CBJ Assessor's Office, CBJ Building Division, CCFR, and the Juneau International Airport (JIA). The Assessor's Office and CCFR did not provide comments. The Building Division stated that it had no issues with the project.

JIA noted that FAA Form 7460 for replacement of the tower and any construction equipment would be required. The applicant anticipates submitting this form prior to beginning construction as well as during construction. This is because the FAA Notice of No Hazard to Air Navigation requires the applicant to submit the form to the local FAA office at least 48 hours before starting construction and within five days of the structure reaching its greatest height.

ANALYSIS

Project Site - The project site is a 416.66-acre parcel located in Rural Reserve (RR) and D1 zoning districts. Approximately the north half of the parcel is zoned RR and the southern half is zoned D1. According to the CBJ parcel viewer, the tower site is in the area zoned RR. Per CBJ 49.25.300, towers and antennas 35 feet to 50 feet are allowed outright in RR. The site currently accommodates one 35-foot guyed tower that will be replaced by the proposed tower, one 7.24 square foot JPD radio shack, three 40-foot tall, guyed cell towers, one approximately 4.5-foot x 3-foot KTOO shack, and several radio cabinets. Note that all of the existing cabinets and shacks will remain in addition to the proposed generator shed.

Project Design -

- Security: The proposed security is consistent with the requirements of CBJ 49.65.930(b). The proposed tower's design is not climbable and will have a locked trapdoor. Appurtenant facilities are locked.

- Signage: The application does not indicate plans to install signage consistent with CBJ 49.65.930(c), which states:

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

Staff recommends as a condition of approval that signage shall be installed prior to a final certificate of occupancy to meet the requirements of CBJ 49.65.930(c).

- Lighting: The proposed WCF will be lit. On June 17, 2019, the applicants received an FAA determination requiring FAA Style E – Medium Intensity Dual Lighting (Attachment B).This is characterized as blinking medium intensity white light during the day and twilight and a blinking red light at night.

- Setbacks: The tower will be more than 1000 feet from any of the site's lot lines. The tower meets setbacks prescribed in CBJ 49.65.930(f), which would be equal to the height of the proposed tower, which in this proposal is 60 feet.

- Structural assessment: CBJ Engineering confirmed that the development meets the requirements of CBJ 49.65.930(j). The tower is not constructed using breakpoint design, as it is not a monopole. The dishes and antenna will be non-concealed.

- Visual Impact Assessment:

  - *Zone of Visibility Map*: The application includes a zone of visibility map that meets the requirements of CBJ 49.65.970(c)(2)(B)(i) (Attachment A, page 12).

  - *Siting for Least Adverse Impact*: The development meets the requirements of CBJ 49.65.930(i) and minimizes adverse effects on the surrounding landscape, as it is located at least a quarter mile from residences. The tower consists of a galvanized steel, which appears mottled grey, and lattice that allows the surroundings to show through while matching a characteristically overcast sky (Attachment A, pages 15-18).

  - *Simulated Renderings of Existing, Proposed and Full Buildout of WCF*: The photo simulation provided in the application meets the requirements of CBJ 49.65.970(b)(2)(B)(iii) (Attachment A, page 15).

  - *Screening of Base*: The development meets the requirements of CBJ 49.65.930(e) and is screened by site-obscuring foliage that is as tall as the appurtenant facilities (Attachment A, page 15).

  - *Balloon Test*: The balloon test was not required because the proposed tower is not new. It replaces a currently existing tower of the same height.

- Radio Frequency Emissions: The submitted statement confirming that radio frequency emissions will comply with Federal Communication Commission (FCC) standards is consistent with the requirements of CBJ 49.65.960(d) (Attachment A, page 7).

- Certification by a professional engineer licensed in the State of Alaska: The application was completed and submitted by a professional engineer in the CBJ Engineering Department, and it states in the application that CBJ's practice is to retain the services of a licensed professional engineer to provide all necessary inspections to certify that the contractor has constructed in compliance with relevant laws of CBJ, the State of Alaska, and the Federal government. The applicant states that a professional engineer will prepare construction drawings.

  Staff recommends as a condition of approval that prior to issuance of a building permit, the applicant shall provide a signed and stamped letter indicating the proposed WCF complies with industry practices of the National Association of Tower Erectors and local building code requirements for loads.

Traffic – Staff does not anticipate the proposed use to add traffic to the existing site, excluding the limited traffic during construction and periodic maintenance.

Parking and Circulation – The site has parking and is accessed from Engineer's Cutoff Road.

Noise – Staff does not anticipate that the tower will generate noise. The site is, at a minimum, separated by a quarter mile of dense vegetation from the nearest dwelling.

Public Health or Safety - No evidence indicates that there are any public health or safety impacts from the proposed project. If construction of new and improved towers reach above the tree line, the FAA and the Juneau International Airport will be notified to ensure aviation safety and compliance with aviation regulations.

Habitat – The proposal does not affect habitat protected by Title 49.

Property Value or Neighborhood Harmony – The proposed tower will not generate noise, traffic, or visual impact that is inconsistent with existing towers or neighboring residential uses.

Conformity with Adopted Plans

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.

The subject property has a Comprehensive Land Use designation of Urban Low Density Residential (ULDR). WCFs are deemed appropriate to the zoning due to their low noise and traffic impact. While the tower is not similarly scaled to single-family residential development, the

tower's isolation is anticipated to mitigate conflicts with neighborhood harmony. The ULDR land use designation is defined as follows:

> *These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

Wireless Telecommunications Master Plan (WMP):

The WMP is a document that guides future development of wireless telecommunication facilities. The project generally complies with the Wireless Telecommunications Master Plan.

> *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 COORDINATING WITH FEDERAL AVIATION ADMINISTRATION (FAA) WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.*
>
> *POLICY 3. TO PROTECT THE NATURAL ENVIRONMENT WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.*
>
> *POLICY 5. PROMOTE LAND USE EFFICIENCY WITH THE COLLOCATION OF WIRELESS COMMUNICATION FACILITIES TO EXISTING STRUCTURES.*
>
> *POLICY 6. TO PRESERVE THE SCENIC VIEWSHEDS AND CORRIDORS LISTED IN THE 2013 COMPREHENSIVE PLAN WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.*

FINDINGS

CBJ 49.65.970(d) and (e), Director's Review, states that the director shall review the application for completeness.

1. The director shall review the application for completeness.
2. Incomplete applications shall be rejected and the applicant notified in writing within 30 days of receipt of the initial submission. If rejected, the director's decision shall identify the deficiencies in the application, which, if cured, would make the application complete.
3. Once an application is deemed complete, the director shall schedule it for a hearing before the planning commission, and shall give notice to the applicant and the public in accordance with subsection (e).

CBJ 49.65.970(f), Planning Commission Determination, states that the Planning Commission is authorized to review, analyze, evaluate and make decisions with respect to reviewing special use permits for WCFs.

- The Planning Commission may impose any conditions on a special use permit:
    - Required to ensure compliance with the design criteria specified in section 49.65.930; and
    - That are consistent with the purposes of this article, which may include conditions related to the aesthetic effect of the WCF and compatibility with the surrounding area. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, scenic corridors/viewsheds identified in the Comprehensive Plan of the City and Borough of Juneau and in the historic district; the concentration of WCFs in the proposed area; and whether the height, design, placement or other characteristics of the proposed facility could be modified to have a less intrusive visual impact.
- The Planning Commission may deny an application for any of the following reasons:
    - Conflict with safety and safety-related codes and requirements;
    - Conflict with the purpose of a specific zoning, overlay, or land use designation;
    - Presence of another approved WCF or WCF application within the geographic search area that is available to the applicant;
    - The proposed site is on, or eligible to be on, the National Register of Historic Places;
    - The proposed site is in an area commonly valued by the community as a whole for its natural or scenic properties;
    - For a proposed freestanding tower, the applicant fails to demonstrate that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of the existing tower or structure or otherwise creating a greater visual impact; or that use of such existing facilities is technically infeasible or commercially impracticable; and
    - Conflicts with the provisions of this article.
- The Planning Commission shall deny any application for WCF in the following locations:
    - State or local wildlife refuges;
    - In any area designated as a public park, unless screened so as to minimize visual and noise impacts, and as long as public use will not be disrupted;
    - In any area designated as a scenic corridor/viewshed identified in the Comprehensive Plan of the City and Borough of Juneau; and

- In any area that fully or partially obstructs the view of the Mendenhall Glacier from the waterfront roadway from the North Douglas boat launch facility to False Outer Point.

- The Planning Commission shall condition a permit on a requirement to construct the WCF within a reasonable period of time, which may not exceed 18 months.

Per CBJ 49.65.970(d) and (f), Review of Director's and Commission's Determinations, the Director makes the following findings on the proposed development:

1. ***Is the application for the requested special use permit complete?***

   Yes. The application contains the information necessary to conduct a full review of the proposed wireless communications facility. The proposal consists of a narrative, visual impact assessment, confirmation that the facility will serve a necessary function for the provider's network, and confirmation that emitted electromagnetic radiation will meet FCC requirements. The proposal was preceded by a pre-application meeting, summarized in PAC2019 0035. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.65.900.

2. ***Is the proposed project consistent with safety and safety-related codes and requirements?***

   Yes. The permit does not conflict with safety and safety-related codes and requirements.

3. ***Is the proposed use appropriate according to the Table of Permissible Uses and other specific zoning, overlay, or land use designation?***

   Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 18.500 and CBJ 49.65.950 for the RR / D1 zoning district. The development is not located in an overlay district.

4. ***Is the presence of another approved WCF or WCF application within the geographic search area that is available to the applicant?***

   No. As this is a replacement of an existing WCF, this is not applicable.

5. ***Was Public Notice of the Planning Commission consideration in compliance with CBJ 49.65.970(e)?***

   Yes. Public notice of this project was provided in the July 12, 2019, and July 21, 2019, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 1500 feet of the subject parcel as well as all neighborhood associations. Three public notice signs were posted on July 5, one at the trailhead to the tower site, one at the intersection of Glacier Highway and Fritz Cove Road, and one at the intersection of Glacier Highway and Engineers Cutoff. The signs were posted to be visible from the public right-of-way.

6. ***Is the presence of another approved WCF or WCF application within the geographic search area that is available to the applicant?***

   Yes. The applicant is replacing the existing WCF with an upgraded WCF in the same location.

7. ***Is the proposed site on, or eligible to be on, the National Register of Historic Places?***

   No. The development site does not meet the National Register of Historic Places criteria for evaluation.

8. ***Is the proposed site in an area commonly valued by the community as a whole for its natural or scenic properties?***

   No. The development site is located in a developed industrial area.

9. ***For a proposed freestanding tower, did the applicant demonstrate that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of the existing tower or structure or otherwise creating a greater visual impact; or that use of such existing facilities is technically infeasible or commercially impracticable?***

   Yes. The applicant has demonstrated that the existing structure cannot accommodate the proposed use, and that the tower's appearance will mitigate visual impact while meeting FAA's minimum requirements.

10. ***Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?***

    Yes. The development is in general conformity with Title 49, the 2013 Comprehensive Plan, and the Wireless Telecommunications Master Plan.

11. ***Is the proposed development located on State or local wildlife refuges?***

    No. The proposed development is located on CBJ property in an RR / D1 zoning district.

12. ***Is the proposed development in any area designated as a public park, unless screened so as to minimize visual and noise impacts, and as long as public use will not be disrupted?***

    No. The proposed development is located on CBJ property in an RR / D1 zoning district.

13. ***Is the development in any area designated as a scenic corridor/viewshed identified in the Comprehensive Plan of the City and Borough of Juneau?***

    No. The proposed development is not located any area designated as a scenic corridor or viewshed.

14. Is the development in any area that fully or partially obstructs the view of the Mendenhall Glacier from the waterfront roadway from the North Douglas boat launch facility to False Outer Point?

No. The proposed development would not visually impact views of the Mendenhall Glacier.

The Planning Commission may deny a Special Use Permit according to the process pursuant to 49.65.970(f)(2). The Planning Commission shall deny a Special Use Permit for a project listed in areas of the borough that are indicated in 49.65.970(f)(3). The Commission cannot deny the permit outside of those listed items.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow replacement of an existing communication tower with a 40-foot tall, self-supporting tower and up to 20 feet of antennas and other radio equipment.

The approval is subject to the following conditions:

1. Prior to final certificate of occupancy, signage shall be installed to meet the requirements of CBJ 49.65.930(c).

2. Prior to issuance of a building permit, the applicant shall provide a signed and stamped letter indicating the proposed WCF complies with industry practices of the National Association of Tower Erectors and local building code requirements for loads.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant

PROPERTY LOCATION

Physical Address: Engineers Cutoff.

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): USS 3817 Lot 1

Parcel Number(s): 4B2301010170

☐ This property located in the downtown historic district
☐ This property located in a mapped hazard area, if so, which NA

LANDOWNER/ LESSEE

Property Owner: CBJ Lands & Resources | Contact Person: Greg Chaney

Mailing Address: 155 S. Seward St. | Phone Number(s): 586-0205

E-mail Address: Greg.chaney@juneau.org

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 Greg P. Chaney — Landowner/Lessee Signature — Date: May 29 2019

X _____ — 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"

Applicant: CBJ ENG/JPD/CCFR | Contact Person: Alan Steffert

Mailing Address: 155 S. Seward St. | Phone Number(s): 586-0481

E-mail Address: Alan.Steffert@juneau.org

X _____ — Applicant's Signature — Date of Application: 5-29-2018

---DEPARTMENT USE ONLY BELOW THIS LINE---

Attachment A - Application

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Intake Initials	
TJP	
Case Number	Date Received
AME20190007	5/29/19

Wireless Communication Facility Application

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
WCF20190007		5/29/19
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Replacement tower for existing JDP/CCFR communications at the Pederson Hill communications site

PROPERTY LOCATION

Street Address Engineers Cutoff	**City/Zip** Juneau 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 1 USS 3817	
Assessor's Parcel Number(s) 4B2301010170	

LANDOWNER/ LESSEE

Property Owner's Name City & Borough of Juneau Lands Division	**Contact Person:** Greg Chaney	**Work Phone:** 586-0205
Mailing Address 155 South Seward St	**Home Phone:**	**Fax Number:**
E-mail Address Greg.Chaney@Juneau.org	**Other Contact Phone Number(s):**	

LANDOWNER/ LESSEE CONSENT

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.

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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 CBJ Engineering/JDP/CCFR	**Contact Person:** Alan Steffert	**Work Phone:** 586-0481
Mailing Address 155 South Seward St	**Home Phone:**	**Fax Number:**
E-mail Address alan.steffert@juneau.org	**Other Contact Phone Number(s):**	cell 789-4743

X _____ — Applicant's Signature — Date of Application: 5/29/2019

Mark Proposed WCF Type

Collocation	[ ]	New Tower	[X]
Attached WCF	[ ]	Eligible Facility Request Facility	[ ]

Required Permit

[ ]	BUILDING PERMIT	*Project falls under Table 1 (49.65.950)*
[X]	SPECIAL USE PERMIT	*Project does not fall under Table 1*

Complete WCF Submittal Checklist [X] ***Turn over for checklist***

Lighting **Proposed:** YES [ ] NO [X] **Existing:** YES [ ] NO [X]

STRUCTURE HEIGHT 40 FT

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION AND WILL BE RETURNED TO THE APPLCATION FOR COMPLETION.

REVIEW APPROVALS

Initials	Date
Building	
Engineering	
Planning	

FEES

	Fees	Check No.	Receipt	Date
Application Fee	$ 850 (350 WCF fee + 500 Special Use)			
Adjustment	$ 150 ($50 sign + $100 deposit)			
Total Fee	$ 1000			

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

WIRELESS COMMUNICATION FACILITY CHECKLIST

Juneau Permit Center • 230 S. Franklin Street • (907) 586-0770

This checklist is required to complete an application for a Wireless Communication Facility (WCF) permit. There are two types of WCF permits. See below.

A. WCF qualifies as Eligible Facility Request (**Streamlined Review**)
   a. Submit items 1-12

B. WCF requires Special Use permit
   a. Submit items 2-21

Required Items (please label each item with the corresponding number on plans)

- ☐ 1) ~~Completed Building Permit Application~~
- ☒ 2) Completed WCF Application
- ☒ 3) Completed Development Permit Application
- ☒ 4) Fees (contact the Permit Center at (907) 586-0770 to determine amount)
- ☒ 5) A statement certifying that radio frequency emissions from the antenna array(s), both individually and cumulatively, will comply with FCC standards (considering any other WCF located on or immediately adjacent to the proposed WCF). This statement must be signed by a qualified person and accompanied with a statement of that person's professional qualifications
- ☒ 6) Site address and CBJ Parcel Identification Number (tax ID number)
- ☒ 7) Site size and dimensions
- ☒ 8) Site plan showing all existing and proposed structures, buildings, fences (their height) and landscaping
- ☒ 9) Proposed WCF type and design, lighting, height above grade, material, number of, color, any accessory structures, and number of collocations it can accommodate, if applicable
- ☒ 10) Certification that proposal complies with applicable laws pertaining to service offered
- ☐ 11) The following documents from a licensed Alaska Professional Engineer:
  - ☐ Signed and stamped letter indicating the proposed WCF will be constructed, repaired, modified or restored in compliance with all current applicable technical, safety, and safety–related laws of the CBJ, State of Alaska, and Federal government
  - ☐ Signed and stamped letter indicating the proposed WCF is in compliance with industry practices of the National Association of Tower Erectors

  See attached

- ☐ Letter indicating compliance with FAA regulations in 14 CFR Part 77 (if applicable)
- ☒ 12) Location of any dwelling(s) within distance of tower equal to the height of tower (if applicable), disclosure of any agreements which limit and/or preclude the proposed WCF from being shared with new WCFs

WIRELESS COMMUNICATION FACILITY CHECKLIST

☐ 13) Signed and stamped letter from a licensed Alaska Professional Engineer indicating the foundation and attachments meet EIA/TIA 222 G and local building code structure requirements for loads, including wind, snow, and ice (this shall also address the total number of required accommodated collocations, when applicable)

See attached

☒ 14) A narrative describing compliance with subsections under 49.65.930:

- ☒ Concealed & Non-concealed antenna
- ☒ Security
- ☒ Signage
- ☒ Lighting
- ☒ Design Criteria
- ☒ Setbacks
- ☒ Affects to mapped
- ☒ Viewsheds
- ☒ WCF Master Plan
- ☒ Structural Assessment

☒ 15) Visual Impact Study consisting of:

Zone of Visibility Map

Analysis demonstrating how the proposed WCF will be sited to be of least adverse impact on environment and its character while meeting applicant's network objectives

Illustration showing before and after views of proposed WCF from roadways, parks, public lands, historic districts and any other location where the site is visible to many people

Description of visual impact

Narrative or drawing describing how the base of the tower and accessory structures will be screened from view

☐ 16) For lighted towers:

N.A.

Description of type of light and how it complies with 49.65.930(d) (if required by FAA, the minimum intensity allowed by FAA)

How it will not project directly onto adjacent surrounding property (use of buffers, louvers, etc.)

☒ 17) Narrative indicating that the design height is the minimum necessary for effective functioning of provider's network

☒ 18) Visual impact assessment according to 49.65.970(c)(2)(B)

☒ 19) Balloon Test according to 49.65.970(c)(2)(D)

☐ 20) Propagation study N.A.

RECEIVED
MAY 29 2019
PERMIT CENTER/CDD

Wireless Communication Facility Application
for
JPD/CCFR Tower at Pederson Hill Communications Site

Reference Numbers refer to WCF Checklist

1. Building Permit Application Form: – *Not required for Special Use Permit but will be submitted upon completion of plans*
2. WCF Application Form: – *Attached*
3. Development Permit Application Form: - *Attached*
4. Fees: – *to be paid by draw on CIP fund*
5. Statement certifying that radio frequency emissions from the antenna array(s), both individually and cumulatively, will comply with FCC standards (considering any other WCF located on or immediately adjacent to the proposed WCF). This statement must be signed by a qualified person and accompanied with a statement. – *See attached letter by Erik Gazdig, JPD/CCFR Radio & Electronics Specialist.*
6. Site Address and CBJ Parcel Identification Number (tax ID)
    a. Address: *Engineers Cutoff*
    b. Tax ID: *4B2301010170*
7. Site size and dimensions: – *416.6600 acres, 2500' x 7400' (scaled from parcel viewer)*
8. Site plan: – *see attached*
9. Proposed WCF type and design, lighting, height above grade, material, number of, color, any accessory structures, and number of collocations it can accommodate, if applicable.
    a. WCF type and design: *Self-supporting 6' x 6' square lattice radio communication tower*
    b. Lighting: *to be determined by FAA requirements. Adjacent towers are unlit. CBJ prefers to not light new tower.*
    c. Height above grade: *40 ft*
    d. Material: *Galvanized steel, with concrete foundation*
    e. Number of: *One tower*
    f. Color: *Galvanized – grey*
    g. Any accessory structures: *Yes. A standby emergency generator in a protective structure will be constructed nearby the existing JPD radio shack.*
    h. Number of collocations: *None*
10. Certification that proposal complies with applicable laws pertaining to service offered – *Tower will provide public safety communications to JPD and CCFR. No radio service is provided to general public. – See attached letter by Erik Gazdig, JPD/CCFR Radio & Electronics Specialist.*
11. The following documents from a licensed Alaska Professional Engineer:
    a. Signed and stamped letter indicating the proposed WCF will be constructed, repaired, modified or restored in compliance with all current applicable technical, safety, and safety–related laws of the CBJ, State of Alaska, and Federal government. – *To be supplied after construction (if required). The CBJ's practice is to retain the services of a licensed professional engineering Consultant to provide contract administration and all necessary inspection to certify that the Contractor constructs the work in accordance with the authorized Drawings and Specifications.*

b. Signed and stamped letter indicating the proposed WCF is in compliance with industry practices of the National Association of Tower Erectors. – *The CBJ's drawings and specifications for the proposed WCF will be prepared by a licensed Alaska Professional Engineer.*
c. 11a (there are two number 11s on the checklist). Letter indicating compliance with FAA regulations in 14 CFR Part 77 (if applicable). – *We have applied for FAA approval and are awaiting expected determination of No Hazard to Aerial Navigation, based on previous FAA approval for a taller KTOO tower on same site (but will not now be constructed).*

12. Location of any dwelling(s) within distance of tower equal to the height of tower (if applicable), disclosure of any agreements which limit and/or preclude the proposed WCF from being shared with new WCFs. – *No dwellings within parcel. Nearest residential property is over a quarter mile from tower site. Tower will be for CBJ use only. JPD policy is NO colocation of private equipment on JPD towers due to Homeland Security concerns.*
13. Signed and stamped letter from a licensed Alaska Professional Engineer indicating the foundation and attachments meet EIA/TIA 222 G and local building code structure requirements for loads, including wind, snow, and ice (this shall also address the total number of required accommodated collocations, when applicable). – *Design will be stamped by licensed Alaska Professional Engineer. Specifications for tower and foundation will require compliance with applicable codes. Building permits will be obtained prior to construction.*
14. A narrative describing compliance with subsections under 49.65.930: - *see attached*
15. Visual Impact Study. – *see attached*
16. For lighted towers:
    a. Description of type of light and how it complies with 49.65.930(d) (if required by FAA, the minimum intensity allowed by FAA) – *No lighting anticipated*
    b. How it will not project directly onto adjacent surrounding property (use of buffers, louvers, etc.) – *No lighting anticipated*
17. Narrative indicating that the design height is the minimum necessary for effective functioning of provider's network. - *JPD has estimated that a 40 ft high, by 6 ft square tower will meet the current and future needs while maintaining line of sight required for public safety communications. Current tower capacity is maxed out. Adjacent towers are 40 ft high.*
18. Visual impact assessment according to 49.65.970(c)(2)(B) – *see attached.*
19. Balloon Test according to 49.65.970(c)(2)(D) – *Existing 40 ft high towers on site already demonstrate tower visual impact and there are safety concerns with flying balloons close to existing antennas/towers - Balloon test not required at this site. See attached email from Director Maclean.*
20. Propagation study –*This is not a cell tower. Existing antenna are being relocated to new tower. No propagation study supplied.*

Attachment for WCF
Checklist # 5 and # 10

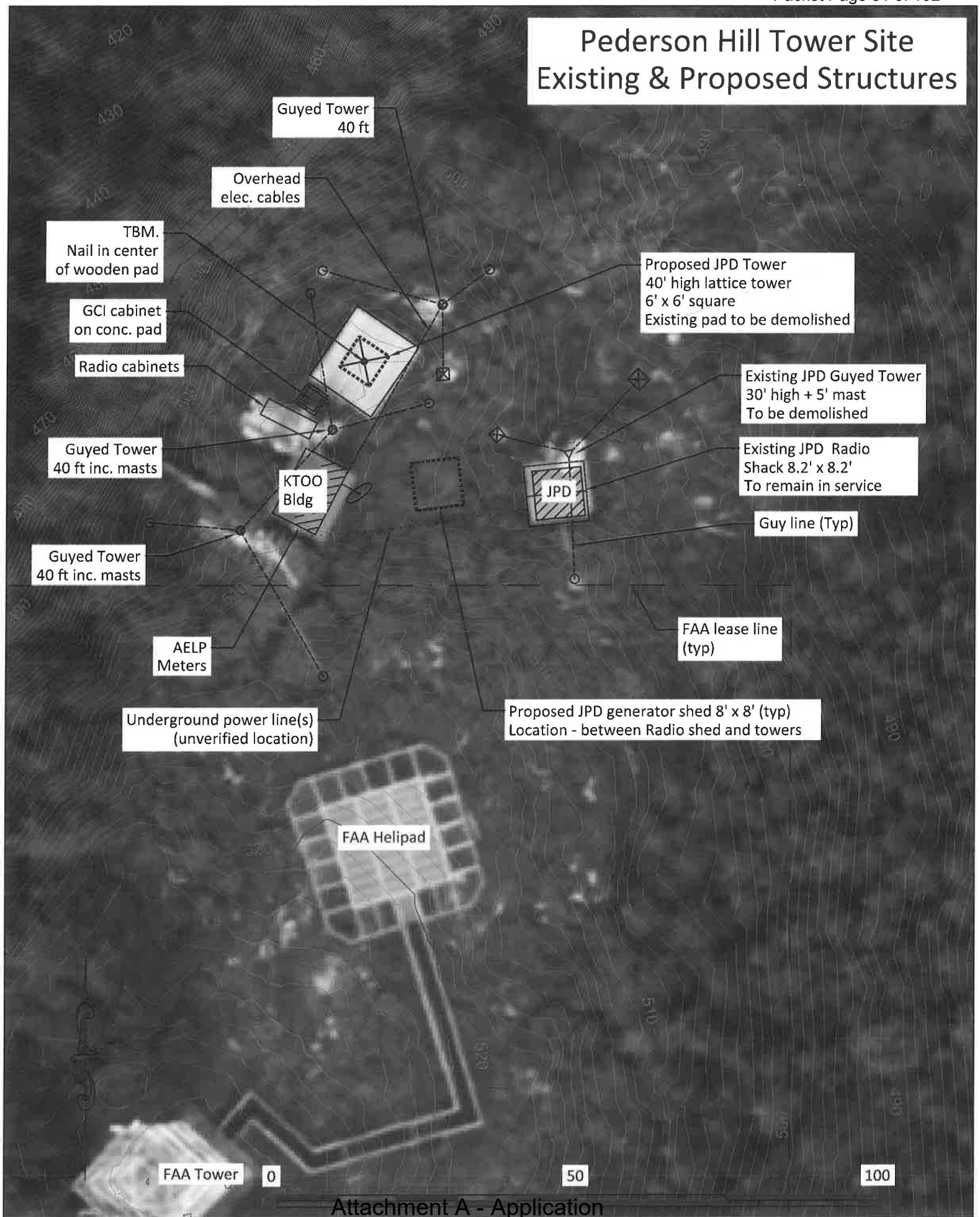
Erik Gazdig
Juneau Police Department
6255 Alaway Avenue
Juneau, AK 99801
5/24/2019

To whom it may concern:

I hereby certify that the radio frequency emissions from the JPD/CCFR's Pederson Hill Communication site antenna array(s), both individually and cumulatively, will comply with FCC standards. The proposed relocation of existing JPD/CCFR antennas on the new tower will comply with applicable laws pertaining to the service offered.

Sincerely,

Erik Gazdig
Juneau Police Department and Capital City Fire/Rescue
Radio/Electronics Specialist
(907) 500-0629
ejgazdig@juneaupolice.com



2013 Aerial Imagery, 1 ft Contours based on 2013 LIDAR, Structure relative locations from field measurements 4-30-2019

14. A narrative describing compliance with subsections under 49.65.930:

49.65.930 – General requirements.

(a) Concealed and Non-concealed antenna.

(1) New tower will be sized to accommodate relocated microwave dishes and radio antenna, currently located on existing tower. Dishes and antenna will be **non-concealed**. They will be located on the new tower in positions that provide line-of-sight connectivity to other JDP/CCFR communication facilities.

(2) Feed lines will be run along cable raceways up the side of the new tower and along structural members of the tower. Cable will be non-concealed, but their appearance will be in character with the existing ambiance of this communication tower site.

(b) Security of WCFs.

(1) It is in JPD/CCFR's best interest to prevent unauthorized access and tampering with their communication facilities. The proposed tower will be designed to prevent unauthorized access to tower and attached antenna. The existing FAA square tower adjacent to site incorporates a locked trapdoor to restrict access. It is anticipated that the new tower will be similarly equipped. Note, all four existing triangular lattice towers on the site are climbable due to the inherent nature of their design.

(2) The existing on-site radio sheds and communication equipment pedestals are locked. The proposed generator shed will also be locked to restrict unauthorized access.

(c) Signage.

The existing JPD radio shack does not have any signage to indicate it is a JPD facility. The tower site is relatively remote with access via helicopter to the on-site helipad (FAA helipad) or via the Blueberry Trail, a 15 minute uphill walk from Engineers Cut-Off.

(d) Lighting.

Lighting of the tower is not intended unless required by the FAA. FAA have been advised of our intention to construct the tower and we have applied for a Notice of No Hazard to Air Navigation. The adjacent (and much higher) FAA tower is lit. The closer and lower existing communication towers at the site are not lit. It is likely the FAA will not require lighting on the new tower given its location and height above ground.

(e) Design criteria.

(1) Proposed tower is below 60 ft in height, thus does not need to be designed to accommodate any minimum number of antenna array under this section.

(2) Underground AELP power is already supplied to site and to individual radio shacks (FAA, KTOO, and JPD). The new generator shack will be wired according to National Electric Code. A cable race way will be constructed between the existing JPD radio shack and the relocated antenna on the new tower.

(3) The new tower will be galvanized grey color which will more often than not match the typical Juneau sky (grey cloud) on this hill top location and blend in with the other galvanized towers. The new generator shack will be painted in subdued earth tones, matching the look of the existing JPD radio shack (brown on brown) or the adjacent KTOO radio shack (brown roof, green walls). Eventually regenerating trees and bushes are expected to grow taller and surround the new structures, providing partial camouflage when viewed from ground level.

(4) Tower will be free standing.

(f) Setbacks.

(1) (2) & (3) The closest property line is over 1,200 ft from the tower site. Setback distance is met for 40 ft high towers constructed using and not using breakpoint design technology, and for the zoning.

(g) The proposed tower and generator shed does not significantly affect the natural area or land designated as natural area park or scenic corridor or viewshed as identified in the CBJ's Comprehensive Plan.

(h) The CBJ's wireless telecommunication master plan does not specifically address public safety communication facilities. However, the proposed JPD tower is not inconsistent with the masterplan.

(i) Visibility.

(A) The antenna on the new tower must have line-of-sight connectivity with other JPD/CCFR communication sites on Saddle Mountain, the airport area, and Lemon Creek valley. The new tower will be located in on a ridge crest in proximity to the existing JPD tower and amongst a cluster of existing towers of similar height. After relocation of existing JPD/CCFR antenna, the old JPD tower will be removed.

(B) The proposed tower will be a 40 ft high free-standing square steel lattice structure. The existing towers on the ridge crest in the immediate vicinity are of similar height and of lattice construction, but are triangular shaped and are guyed. The proposed and existing towers are (and the new one will be) galvanized grey colored. The site is an established tower communication site with five existing towers (including the larger and higher FAA tower 130 ft to the south). The replacement JPD tower will be in harmony with the architectural character, height, scale, color and texture of the site.

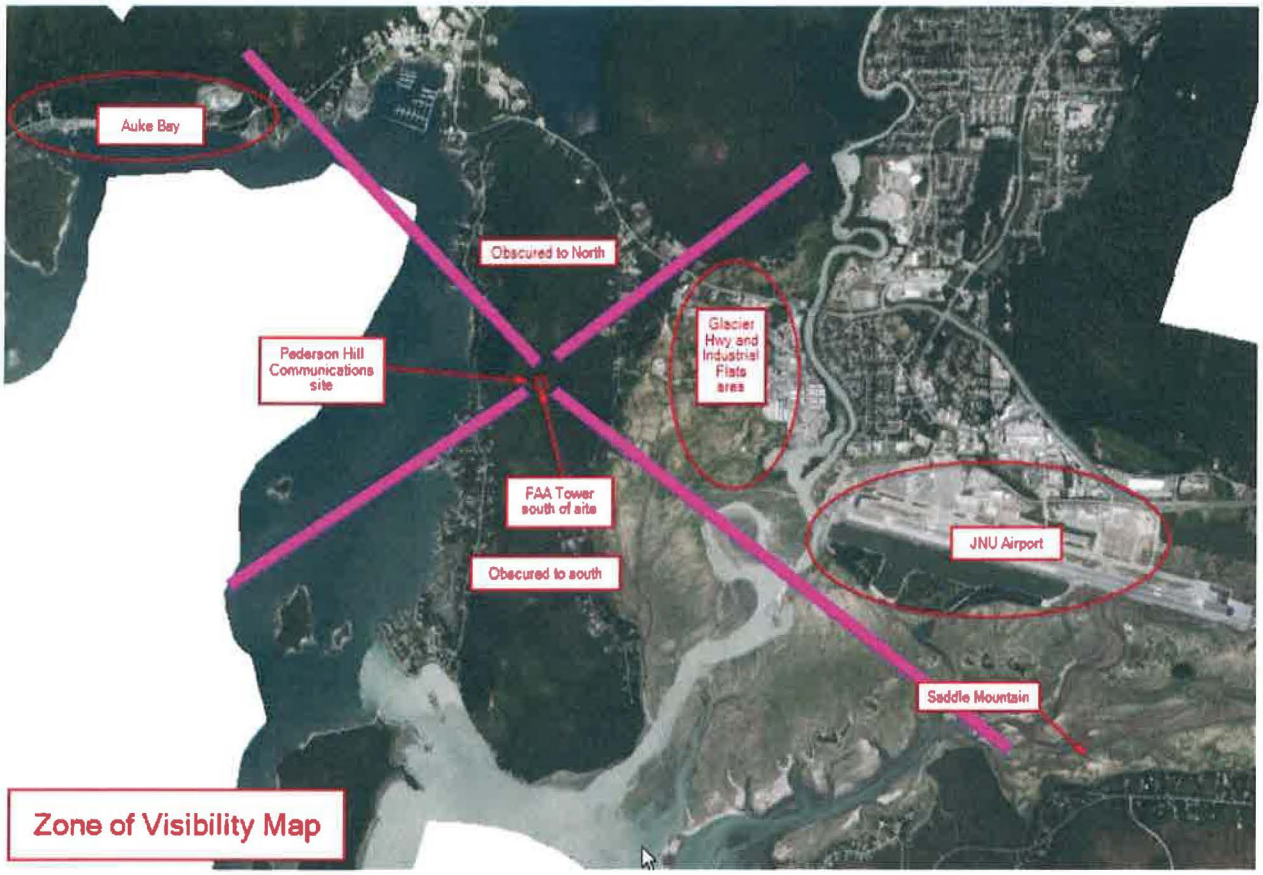
(j) Structural assessment.

The proposed tower will not be within 40 ft (the tower height) of a dwelling, parking lot, playground, or right-of-way.

Wireless Communication Facility Application
for
JPD/CCFR Tower at Pederson Hill Communications Site

15. Visual Impact Study

a) Zone of Visibility. The proposed JPD/CCFR radio communication tower will be located at the existing Pederson Hill Tower site on the spine of Mendenhall Peninsular at 505 ft elevation. The site provides direct line-of-sight communications to the public safety radio site at Saddle Mountain on Douglas Island and to JPD/CCFR communication facilities located near the airport and Lemon Ck valley. Rising terrain and the massive FAA tower immediately south of the tower site blocks visibility from the south (tower site not visible from North Douglas scenic view shed), and terrain and vegetation blocks visibility from the north. The tower site, but not necessarily the towers themselves, is discernable on the skyline, if you know where to look, from the north at Auke Bay in the vicinity of the ferry terminal, and from the south in the vicinity of the airport and from Glacier Hwy and the end of Industrial Blvd in areas where buildings or vegetation do not obstruct the view. The tower is not visible from closer in, e.g. on Fritz Cove road and Engineers Cut Off, due to obscuring terrain and vegetation. The tower site is visible from the air and surrounding high ground...



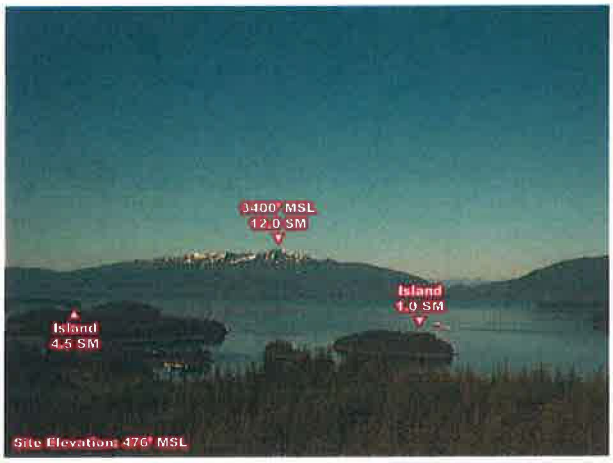
Zone of Visibility Map. Tower site is visible from red circled areas in Auke Bay, Glacier Hwy/Industrial, and Airport. Site is obscured to the south and north and close in to the base of the hill to east and west.

In addition to the Zone of Visibility Map, web cam are mounted on the FAA tower located at a higher elevation and south of the proposed tower, and on a tower at the same elevation and location as the proposed tower. Selected images from the cams are copied below.

View from adjacent and much higher FAA tower, with base elevation 25 ft higher than proposed tower base elevation.

Northeast camera

Southeast camara



Southwest camera

West camera

View from Webcams on existing tower within 20 ft of proposed tower location. Note how vegetation obscures visibility of Auke Bay and airport foreground.

North view

South View

b) Analysis of WCF siting.

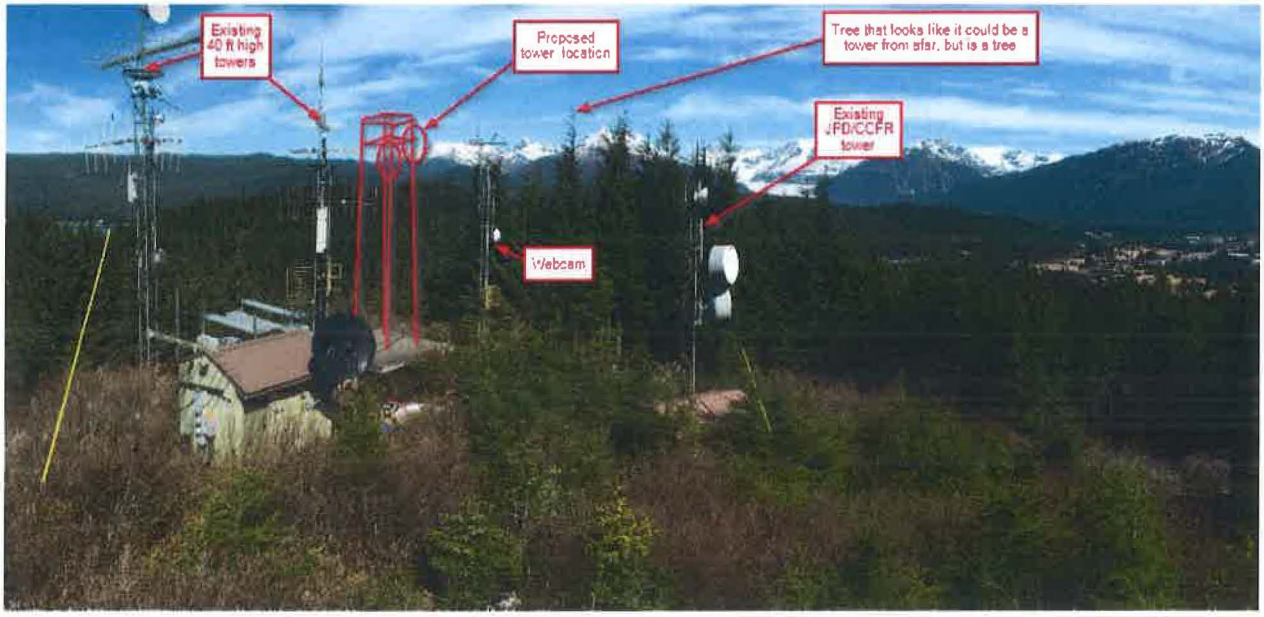
The proposed location of the new radio tower is between existing towers already occupying the ridge top site. The relatively flat location on the ridge crest is presently occupied by a wooden platform, which will be demolished to make room for the new tower. A "flat" site is preferred for constructing the large concrete foundation needed for a free standing radio tower. The location maintains the direct line of site requirement for JPD/CCFR radio communications to Saddle Mountain and other JDP/CCFR radio facilities.

The existing radio towers either side of the new tower site are nominally the same height as the proposed tower (40 ft) so it is doubtful that the distant view of the skyline will noticeably change after the construction of the new tower. The existing towers already blend into to the treed skyline.

The proposed tower will be a self-supporting 6 ft by 6 ft square steel lattice design, unlike the four triangular (18" sides) steel lattice guy-supported towers already on site. The new tower will be of lattice construction and should exhibit a similar "airiness" to the existing towers. "Airiness" will allow the tower to be less visible on the skyline when viewed from afar.

The new tower will be galvanized, as are the existing towers. The grey color of weathered galvanizing will blend into the typical grey skies of Juneau, similar to the way grey painted Air Force planes are camouflaged in the sky.

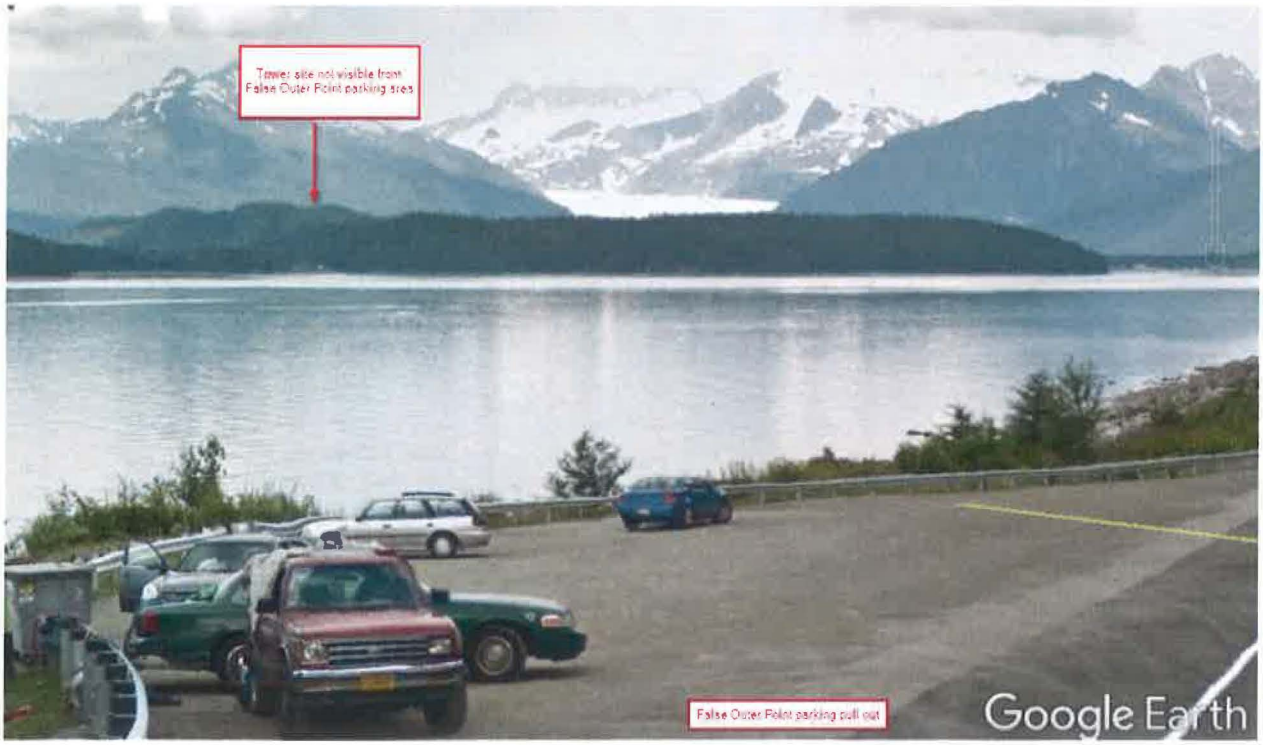
Site photo – existing conditions with proposed tower location graphic



Note: proposed tower will not be red. Tower will be galvanized steel which will weather to a dull grey color and will match color of existing (galvanized steel) towers on site. Proposed emergency generator shed will be smaller than existing radio shed structures and be obscured by vegetation. Likewise, base of tower will be obscured from view by vegetation.

c) Illustration of WCF location from selected view sites on Juneau road system (from Google Street View)

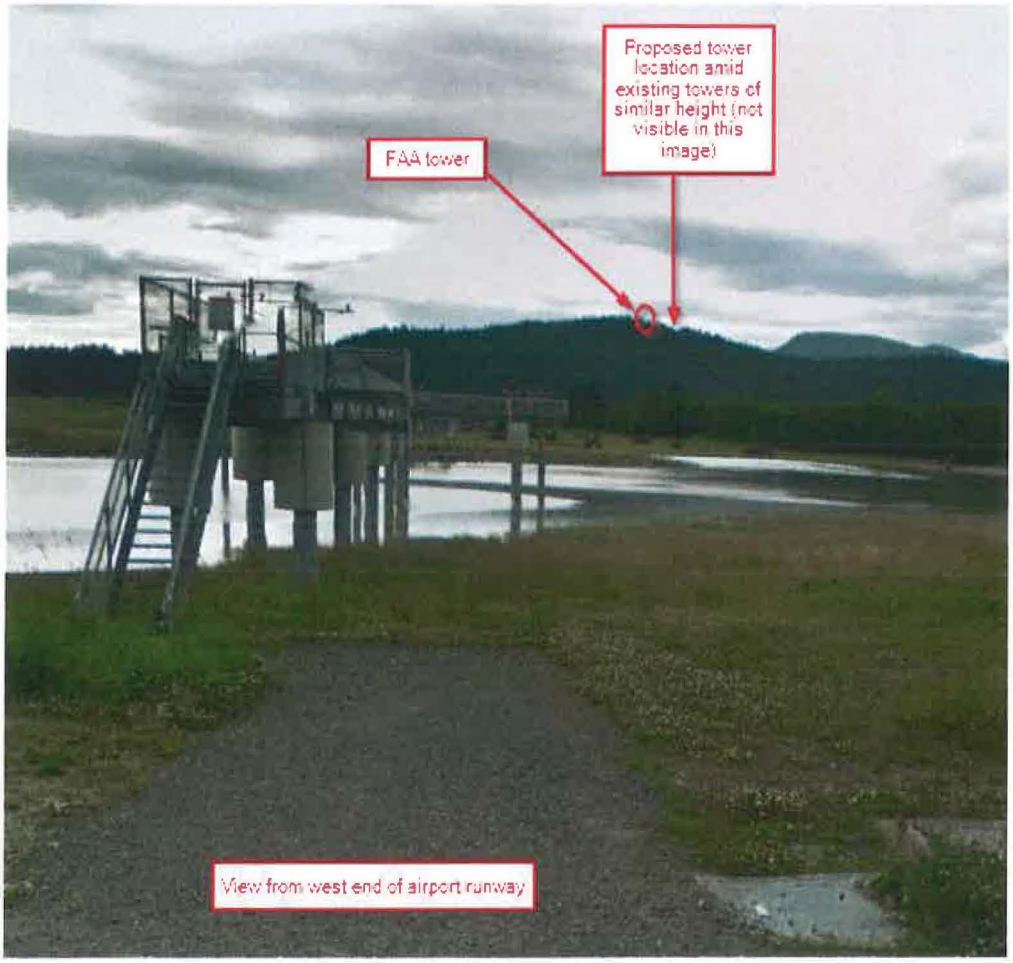
North Douglas boat ramp



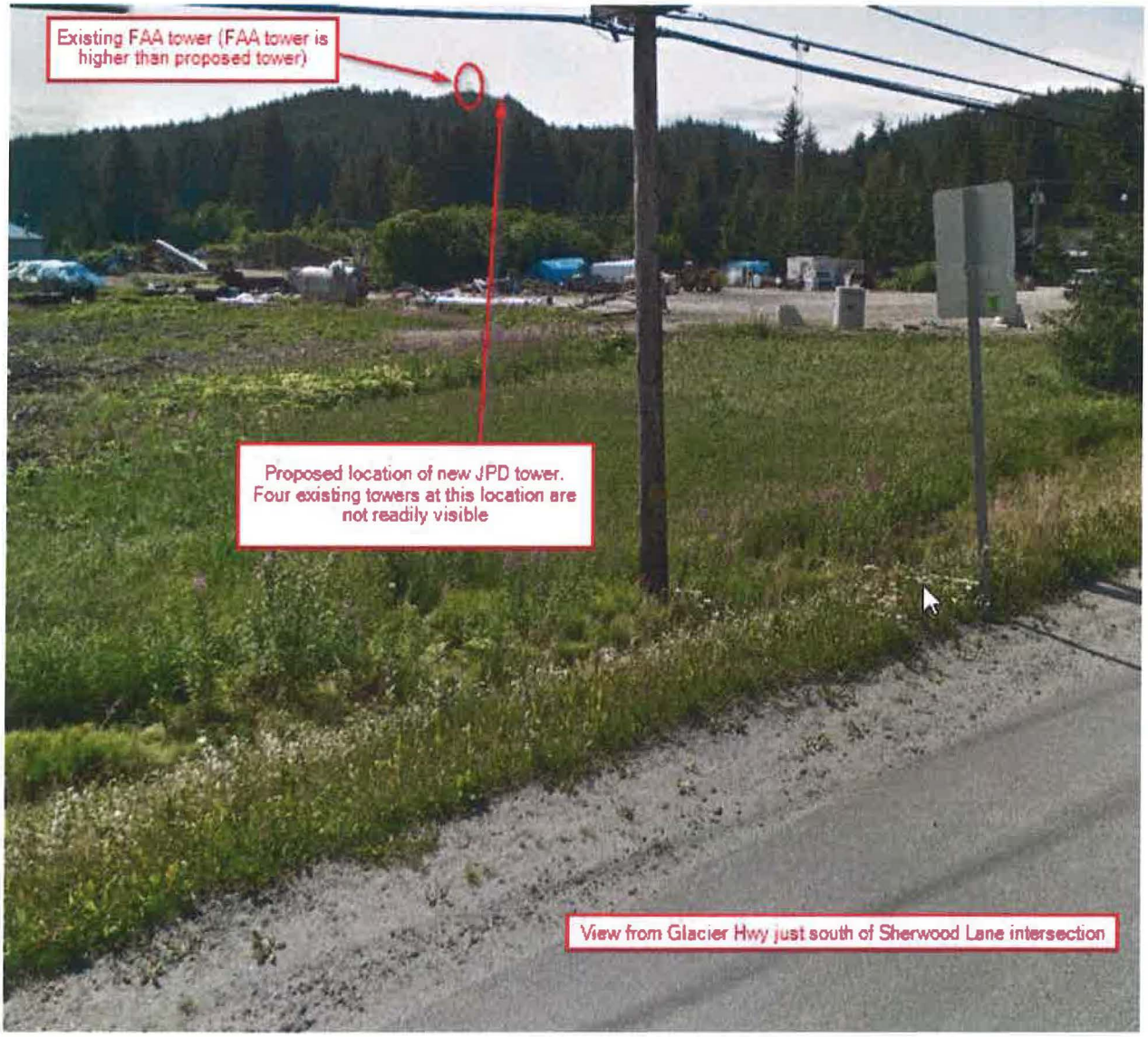
False Outer Point parking area, North Douglas Hwy.

Zoomed image from Auke Bay ferry terminal

Zoomed image from Temsco access road at east end of airport



View across Mendenhall River from west end of JNU runway



View from Glacier hwy, south of Sherwood Lane intersection. Note: this is most likely the "best" place on the road system for the clearest view of the tower site.

Alan Steffert

From: Jill Maclean
Sent: Monday, May 27, 2019 3:33 PM
To: Alan Steffert
Cc: Alexandra Pierce
Subject: RE: Visible impact study question

Hi,

I think we can make the argument that it's a safety concern and that the existing tower replaces the need to use the balloon test.

Thanks,

Jill

From: Alan Steffert <Alan.Steffert@juneau.org>
Sent: Friday, May 24, 2019 4:45 PM
To: Jill Maclean <Jill.Maclean@juneau.org>
Subject: Visible impact study question

Jill, please look at the attached and required visual impact study for the new JPD tower on Pederson Hill tower site, and especially note the images of views from the road system. Please tell me that a balloon study is a complete waste of time in this instance:

1. You can barely see the 4 towers already up there (not counting the big FAA tower which dominates the skyline), and can't make out the 3 ft diameter microwave dishes already mounted on the old tower.
2. The close proximity of the towers either side of my proposed location will make flying a balloon hazardous, with likely hood of the balloon tangling up on a tower or antenna.

Let me know.
Thanks,
Alan

Alan Steffert PE
Project Engineer
City & Borough of Juneau
155 South Seward Street
Juneau, AK 99801
Ph: (907) 586-0481
Mobile: (907) 789-4743
Email: alan.steffert@juneau.org

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

Aeronautical Study No.
2019-AAL-133-OE
Prior Study No.
2017-AAL-186-OE

Issued Date: 06/17/2019

Erik Gazdig
City and Burough of Juneau
6255 Alaway Ave
Juneau, AK 99801

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower Pederson Hill New JPD Tower
Location:	Juneau, AK
Latitude:	58-21-57.46N NAD 83
Longitude:	134-38-04.06W
Heights:	505 feet site elevation (SE)
	60 feet above ground level (AGL)
	565 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (800) 478-3576 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

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

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

See attachment for additional condition(s) or information.

This determination expires on 12/17/2020 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

(b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 17, 2019. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on July 27, 2019 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Policy Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed

structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Robert van Haastert, at (907) 271-5863, or robert.van.haastert@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AAL-133-OE.

Signature Control No: 406926203-408640883 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

AERONAUTICAL STUDY NO. 2019-AAL-133-OE

Abbreviations

AGL - above ground level	MSL - mean sea level	RWY - runway
IFR - instrument flight rules	VFR - visual flight rules	nm - nautical mile

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

1. LOCATION OF PROPOSED CONSTRUCTION

This proposed 60 AGL / 565 MSL antenna would be located approximately 7,602 feet west of the RWY 08 threshold at Juneau International (JNU) Airport, AK. The JNU elevation is 25 MSL. It would be located near the apex of Pederson Hill, one (1) kilometer north northeast of the intersection at Engineer's Cutoff Road and Fritz Cove Road, Juneau.

2. OBSTRUCTION STANDARDS EXCEEDED

The proposed structure is identified as an obstruction under these Part 77 standards:

a. Section 77.19(a) - A height exceeding a horizontal plane 150 feet above the established airport elevation. This antenna would exceed the VFR maneuvering areas for Category A and Category B aircraft (horizontal surface) at JNU by 390 feet;

b. Section 77.19(d) -- the approach surface area designated to protect aircraft during the final approach phase of flight at an airport. This antenna would exceed JNU RWY 08 approach surface area by 397 feet; and

c. Section 77.17(a)(3) -- A structure that causes less than the required obstacle clearance within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area resulting in an increase to an IFR terminal minimum altitude. This proposed antenna will exceed the RWY 26 departure surface in the 40:1 initial climb area (ICA) by 380 feet.

3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: None.

The JNU Airport Master Record can be viewed/downloaded at http://www.gcr1.com/5010web/airport.cfm?Site=JNU. It states there are 239 single-engine, four (4) multi-engine, one (1) jet, and 28 helicopter aircraft based there with 108,885 total operations for the 12 months ending 31 December 2016 (latest information). RWY 08 is designated Right Traffic.

FAA Findings

There are no effects on any existing or proposed arrival, departure, or en route IFR operations or procedures.
There are no effects on any existing or proposed arrival, departure, or en route VFR operations.
There are no effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes.
There are no physical or electromagnetic effects on the operation of air navigation and communications facilities.
There are no effects on any airspace and routes used by the military.
The Juneau Wide Area Multilateration (WAM) System sensors will not be impacted.
The Juneau Airport Wind System (JAWS) sensors will not be impacted.

The JNU VFR Traffic Pattern Airspace is penetrated by 267 feet where the terrain also penetrates the traffic pattern airspace penetrating by 207 feet.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows: None. At 565 MSL, there are no impacts to the current JNU IFR departure climb out gradients as published departure procedures mitigate the impact. At 565 MSL, there are no impacts to the Delta Airlines RNAV (RNP) N RWY 8 arrival procedure and no impacts to the Alaska Airlines RNAV (RNP) M RWY 08 arrival procedure. Structure will require obstruction lighting during night IFR operations.

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

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures follows: None.

4. CIRCULATION AND COMMENTS RECEIVED

This proposal was earlier circularized for public comment at 598 MSL on 9 September 2017 and no comments objecting to the proposal were received. The 598 MSL structure was abandoned and this 565 MSL structure replaced it. No comments objecting to this proposal are anticipated.

This does not affect the public's right to petition for review determinations regarding structures, which exceed the subject obstruction standards.

DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

6. BASIS FOR DECISION

This proposed antenna at the 565 MSL height would exceed the horizontal surface by 390 feet, however, it is on rising terrain that also exceeds the horizontal surface by 330 feet. Structure would exceed the approach surface by 397 feet, however, there are no IFR impacts to any current departure procedure climb gradients and no impacts to any arrival procedures. The Juneau WAM and JAWS sensors will not be impacted. No other VFR issues were identified. The VFR Traffic Pattern airspace is impacted, however, nearby terrain also exceeds the VFR Traffic Pattern Airspace. FAA Order 7400.2, Procedures for Handling Airspace Matters, allows for a traffic pattern airspace penetration exception on a case-by-case basis where the terrain is significantly higher than the airport elevation. There were no letters received objecting to the 2017 proposal and this proposal is lower. The incorporation of obstruction marking and lighting would provide additional conspicuity for IFR and VFR pilots flying in this vicinity and provide the necessary marking and lighting for night IFR procedures.

7. CONDITIONS

This structure shall be marked and lighted as outlined in chapters 4, 8(M-Duals), and 12, of Advisory Circular AC 70/7460-1L. The advisory circular is available online at http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_Change_1_Obstruction_Marking_and_Lighting_10062016.pdf

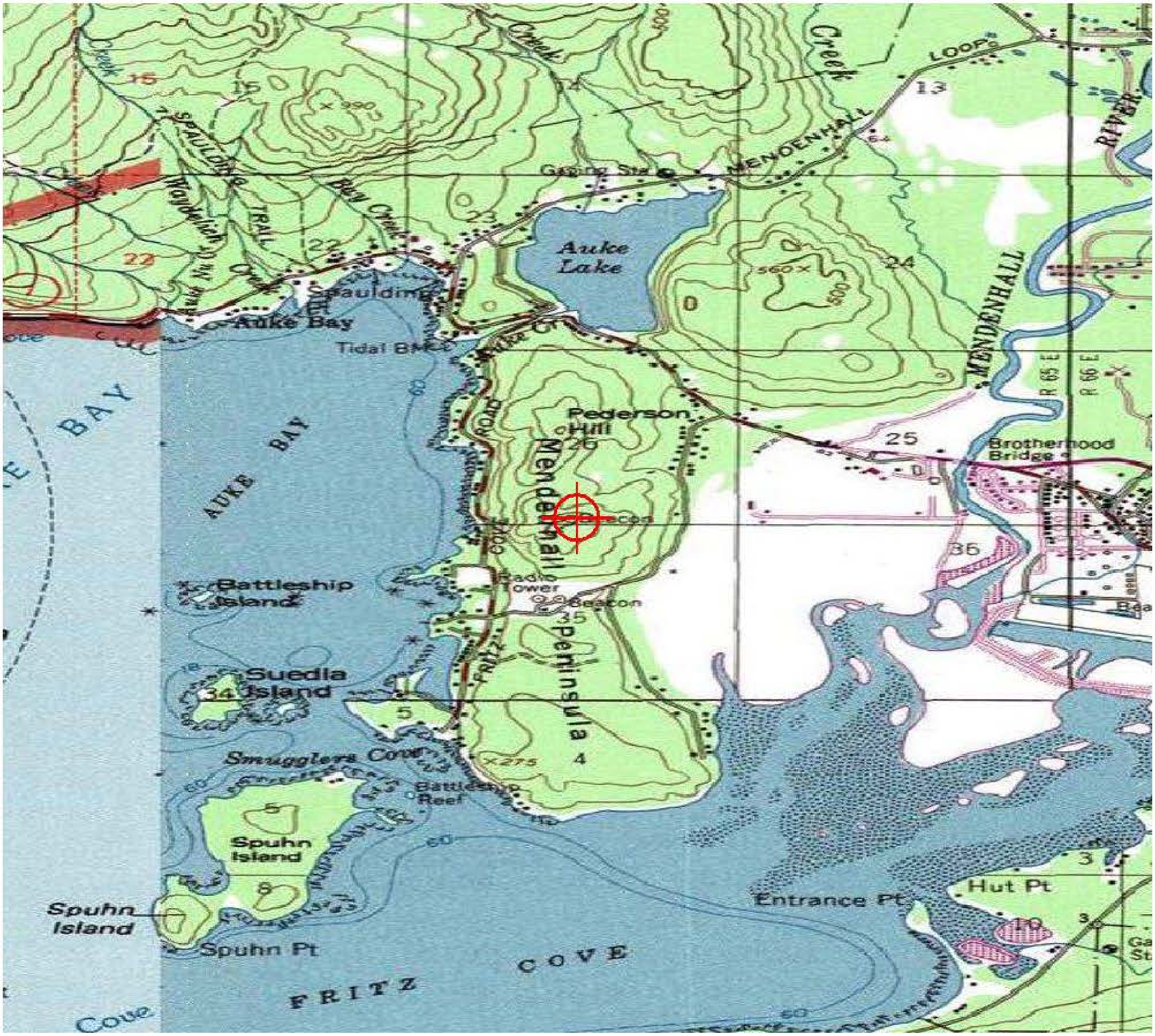
Within five days after the structure reaches its greatest height, proponent is required to file online the Supplemental Notice, FAA form 7460-2, with the actual construction details, at the OE/AAA website (https://oeaaa.faa.gov/oeaaa). This Supplemental Notice will be the source document detailing the site location, site

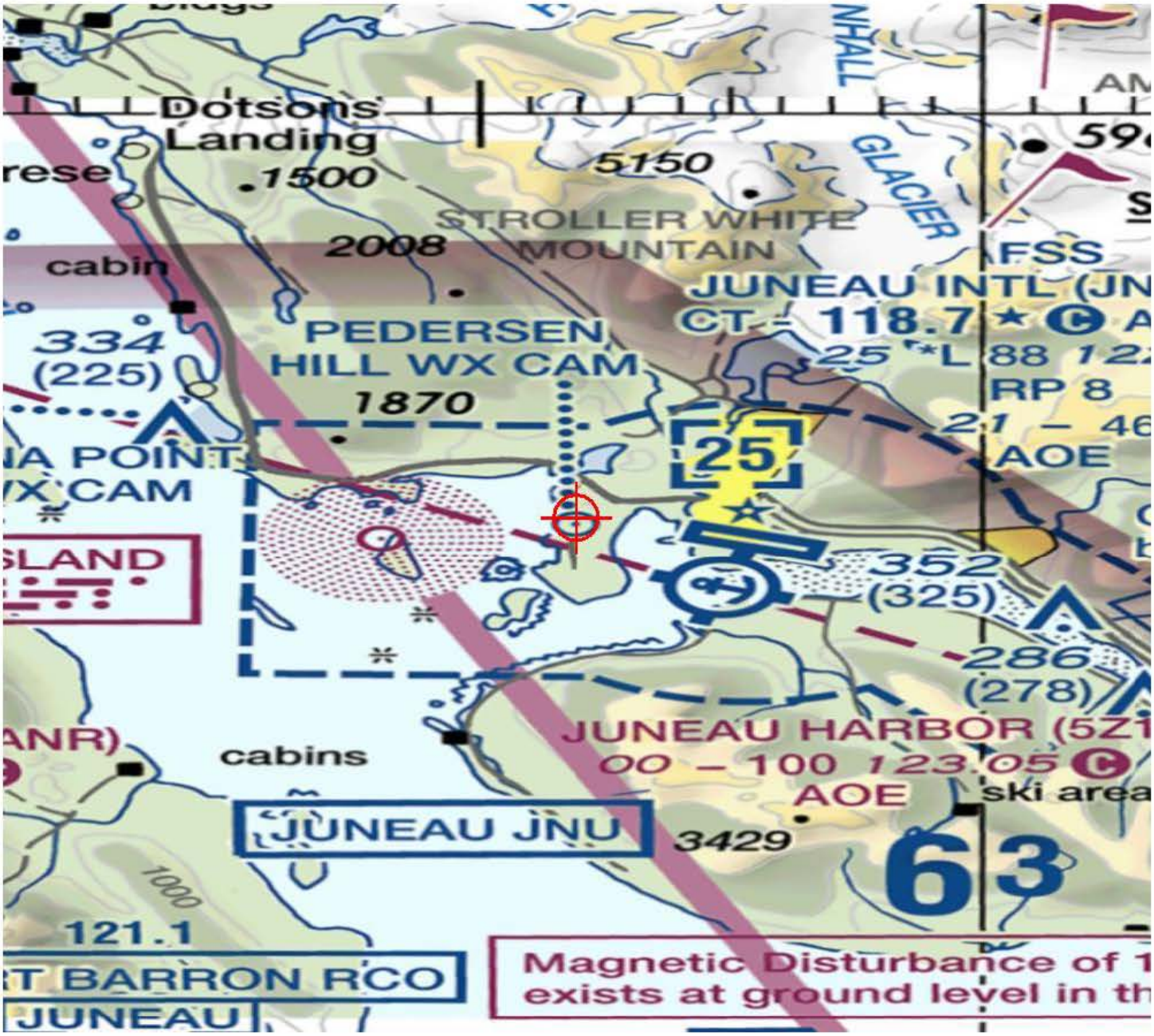
elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

-x-

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
154	157	MHz	150	W
10855	11055	GHz	65	dBm

TOPO Map for ASN 2019-AAL-133-OE

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JUNEAU

From: Frank Rue <frankrue44@gmail.com>
Sent: Thursday, July 11, 2019 11:52 AM
To: Amy Liu <Amy.Liu@juneau.org>

Subject: Re: CDD Follow-Up on WCF20190007

Thanks for the clarification.

On Thu, Jul 11, 2019 at 3:06 PM Amy Liu <Amy.Liu@juneau.org> wrote:

Frank,

I should clarify this point: the FAA determination was for a 60 feet obstruction, which would include a tower and potential antennas, the latter of which are not specified at this time. The tower being proposed is 40 feet, but the height of radio equipment is undetermined. More to follow.

Amy Liu

From: Amy Liu
Sent: Thursday, July 11, 2019 10:33 AM
To: 'Frank Rue' <frankrue44@gmail.com>
Cc: Brooke Daly <brookeydaly@yahoo.com>; Fritz Moser <takufritz@msn.com>; Heather Brandon <or_seastar@yahoo.com>; Jackie Honeywell Walden <jackiehoneywald@hotmail.com>; James King <jameskingak@gmail.com>; Jim and Mary Lou King <kingfarm@ptialaska.net>; Jim Isturis <jim.isturis.jr@gmail.com>; Jon Ahlgren <ahlgren@ptialaska.net>; Justin Parish <justin.parish@gmail.com>; Lois Abel <loisabel@gci.net>; Nancy Mundy <nanmundy@gci.net>; Patty Moser <patty.moser1@gmail.com>; Paul Paramore <ppparamore@gmail.com>; Phil Mundy <proymundy@gmail.com>; Rachel Trapp <racheltrapp1985@gmail.com>; Randy Host <host_randy@yahoo.com>; Sally Rue <sarjesrue@gmail.com>; Sherrie Chrysler <dlanegan@gci.net>; Steve Sorenson <ssoren@gci.net>; Tristan <tristan_r@hotmail.com>
Subject: RE: CDD Follow-Up on WCF20190007

Frank,

Sorry for my late written reply. I had left a voicemail last week but just remember now to follow-up again.

The FAA determination is based on several factors, which are outlined on page 4 in the Determination of No Hazard I sent earlier and have attached again. While the applicant has made clear that the current tower design reaches only 40 feet, he requested the FAA to make a determination for a 60 feet tower in anticipation of potential future height increase. From what I understand, that potential future height increase is very tentative.

An FAA staff person I spoke with said that within five days of the tower being confirmed at its actual height, in this case 40 feet, the applicant may request the FAA to make a new lighting determination. The FAA staff person said that it is possible that a lower tower would warrant a lesser lighting requirement, but that this decision would ultimately be made during a more official and thorough evaluation of the construction again. I believe the applicant plans to request a new lighting determination.

Amy Liu | Planner
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0764

From: Frank Rue <frankrue44@gmail.com>
Sent: Thursday, June 27, 2019 10:03 AM
To: Amy Liu <Amy.Liu@juneau.org>
Cc: Brooke Daly <brookeydaly@yahoo.com>; Fritz Moser <takufritz@msn.com>; Heather Brandon <or_seastar@yahoo.com>; Jackie Honeywell Walden <jackiehoneywald@hotmail.com>; James King <jameskingak@gmail.com>; Jim and Mary Lou King <kingfarm@ptialaska.net>; Jim Isturis <jim.isturis.jr@gmail.com>; Jon Ahlgren <ahlgren@ptialaska.net>; Justin Parish <justin.parish@gmail.com>; Lois Abel <loisabel@gci.net>; Nancy Mundy <nanmundy@gci.net>; Patty Moser <patty.moser1@gmail.com>; Paul Paramore <ppparamore@gmail.com>; Phil Mundy <proymundy@gmail.com>; Rachel Trapp <racheltrapp1985@gmail.com>; Randy Host <host_randy@yahoo.com>; Sally Rue <sarjesrue@gmail.com>; Sherrie Chrysler <dlanegan@gci.net>; Steve Sorenson <ssoren@gci.net>; Tristan <tristan_r@hotmail.com>
Subject: Re: CDD Follow-Up on WCF20190007

Hi Amy, The unlit tower as proposed makes total sense and is not an issue for me. However, the FAA requirement that the tower be lit is a game changer and the project is now a new project that has a much greater chance of impacting the neighbors and should be re-advertised and the public given a chance to see this new proposal.

Will FAA now require ALL of the similar towers on that site be lit with medium intensity lights??? It could look like a Christmas display. It seems like the FAA is not being reasonable here, especially given the fact that there is a nearby FAA tower that is higher and already lit. Perhaps a call to FAA will resolve the issue. Do they really need this tower lit given its low height? Will all the surrounding 40 foot towers need to be lit when their permits are amended or renewed??? Does the adjacent higher FAA tower provide adequate lighting for these lower towers? Are the trees adjacent to this tower high enough that lighting is irrelevant?

Thanks for sending me the information and I hope you can get FAA to reconsider their requirement.

Sincerely, Frank Rue

On Thu, Jun 27, 2019 at 9:03 AM Amy Liu <Amy.Liu@juneau.org> wrote:

> Frank,
>
> Thanks for following up on our public notice for WCF2019-0007. Please see the attached application and let me know if you have any questions.

Regards,

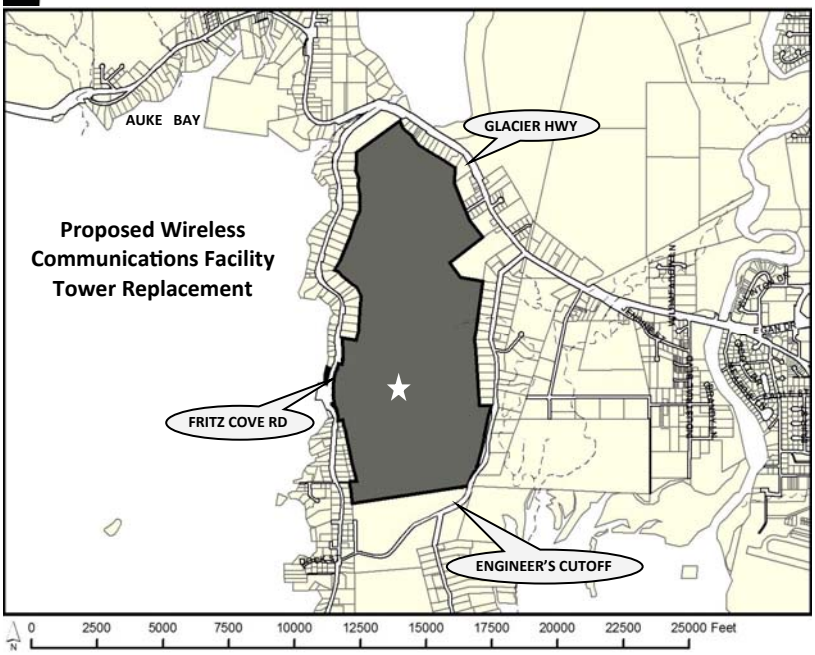
Amy Liu | Planner
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0764

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Wireless Communications Facility Permit** to **replace an existing communication tower** located on **Engineers Cutoff** in a **Rural Reserve/ D1 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, July 15, 2019** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas** Find hearing results, meeting minutes and more here as well.

Now through July 1, 2019	**July 2 through 12 noon, July 19**	**HEARING DATE & TIME 7:00 pm, July 23, 2019**	**July 24**
Comments received during this period will be sent to the Planner, **Amy Liu**, to be included in the staff report.	Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.	You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.	The results of the hearing will be posted online.

Phone: **(907)586-0715** ◆ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: WCF2019 0007
Parcel No.: 4B2301010170
CBJ Parcel Viewer: http://epv.juneau.org

Printed June 18, 2019

WCF2019-0007

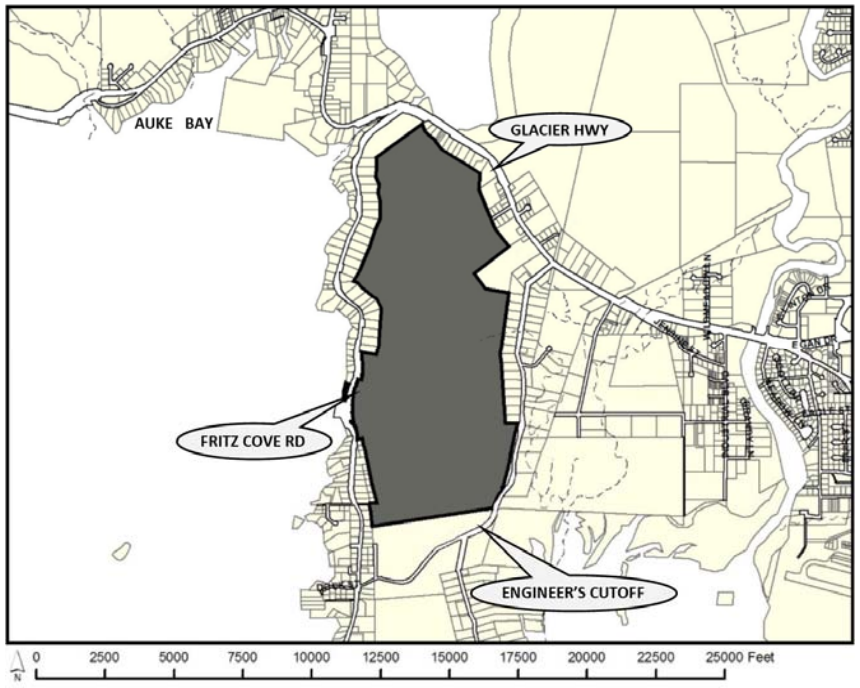
A Wireless Communications Facility Permit to replace an existing communications tower

June 23, 2019

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Project Description

- Replace a 40-foot tall, guyed tower with a 40-foot tall, self-supporting cell tower.
- Antennas and other radio equipment adding no more than 20 feet of height may be installed on the tower.
- Add 8 foot x 8 foot generator shed.
- The existing tower will be completely removed, and the new tower will be located on the same site approximately 50 feet from the existing tower location.
- The existing and proposed tower serves the Juneau Police Department (JPD) and Capital City Fire and Rescue (CCFR).
- The existing tower cannot support necessary additional antennas, and the new tower will be able to support all necessary antennas



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ALASKA'S CAPITAL CITY

Public Comment

Several forms of public notice were given.

- Two postings in Juneau Empire's "Your Municipality" section,
- Three ROW-visible signs,
- Mail to all property owners within 1500 feet of the subject parcel as well as all Juneau neighborhood associations registered with the CBJ Clerk's Office

One resident submitted written comment prior to July 1. He expressed agreement with an unlit tower and disagreement with the FAA lighting requirement.

- This requirement is for **blinking white light during day and twilight and a blinking red light at night**. No marking is required for the proposed tower.

This lighting determination is in part based off a request for a 60-foot obstruction, which would include the 40-foot tower and up to 20 feet of antennas and other radio equipment.

- Staff contacted FAA to clarify whether the 40-foot obstruction would be required to provide the same lighting required for a 60-foot obstruction. FAA stated that within five days after construction of the tower, the applicants may request a new determination if the height is different from the initial proposal. Depending on other factors, a lower height may have a lesser lighting requirement.

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Agency Review

Staff requested review from the CBJ Assessor's Office, CBJ Building Division, CCFR, and the Juneau International Airport (JIA).

- The Assessor's Office and CCFR did not provide comments.
- The Building Division stated that it had no issues with the project.
- JIA noted that **FAA Form 7460** for replacement of the tower and any construction equipment would be required.
    - **The applicant anticipates submitting this form prior to beginning construction as well as during construction.** This is because the FAA Notice of No Hazard to Air Navigation requires the applicant to submit the form to the local FAA office at least 48 hours before starting construction and within five days of the structure reaching its greatest height.

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Project Background

The purpose of Specified Use Provisions Article IX. Wireless Communication Facilities, CBJ 49.65.900, is to establish reasonable regulations for the placement, construction, and modification of WCF consistent with the Telecommunications Act of 1996, applicable law, and to:

(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;

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

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

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

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

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

(h) Respond to the policies embodied in Section 6409(a) of the Spectrum Act (P.L. 112-96).

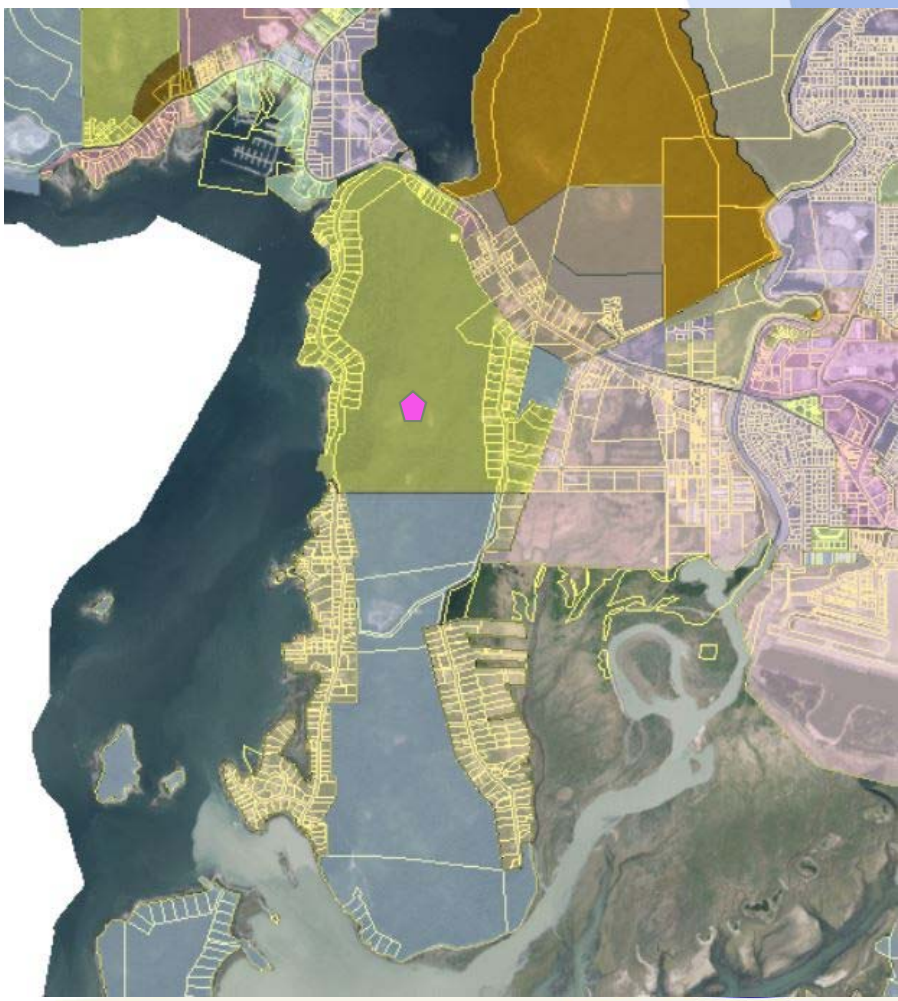
CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Project Background

The project site is a 416.66-acre parcel located in Rural Reserve (RR) and D1 zoning districts. According to TPU, in both districts,

- Towers and antennas 35 feet to 50 feet are allowed outright
- Towers and antenna more than 50 feet are allowed with a conditional use permit/special use permit.
- *Note AA states that that these determinations do not apply to wireless communications facilities

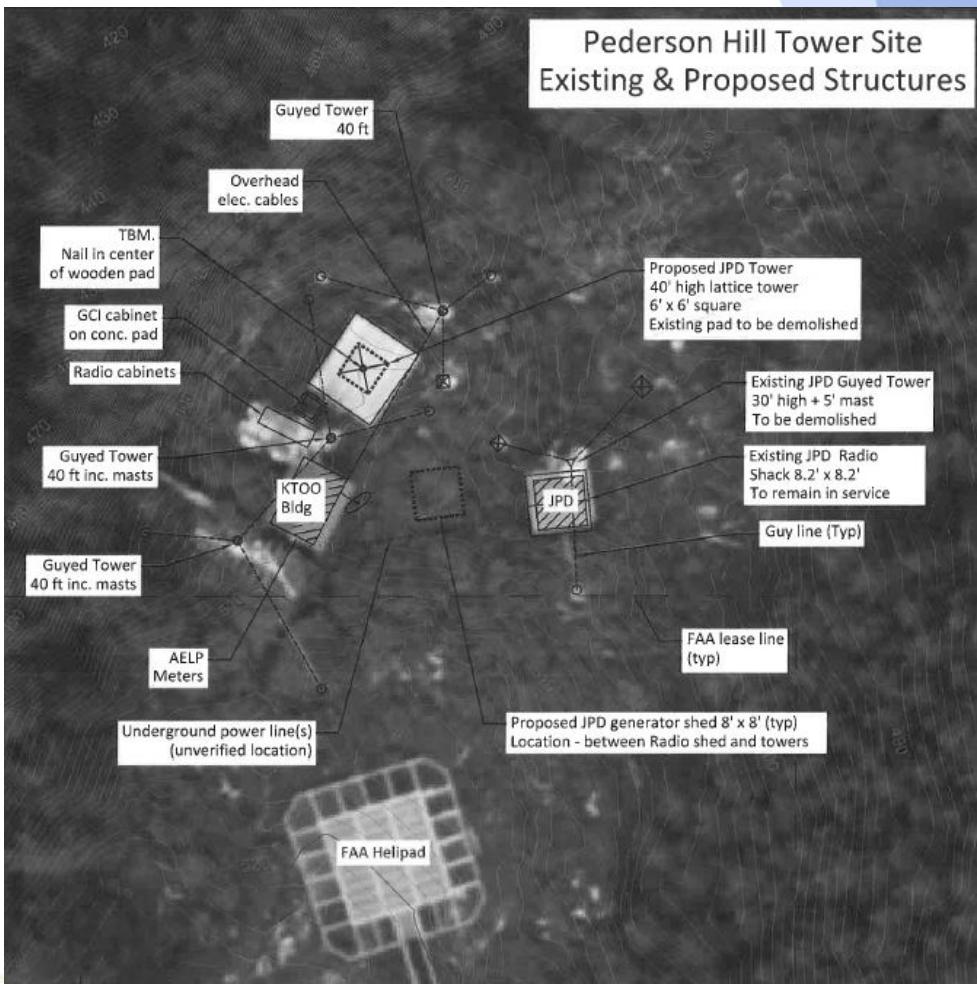
According to 49.65.950, a special use permit shall be required of all lighted WCF or any WCF requiring air navigation lighting



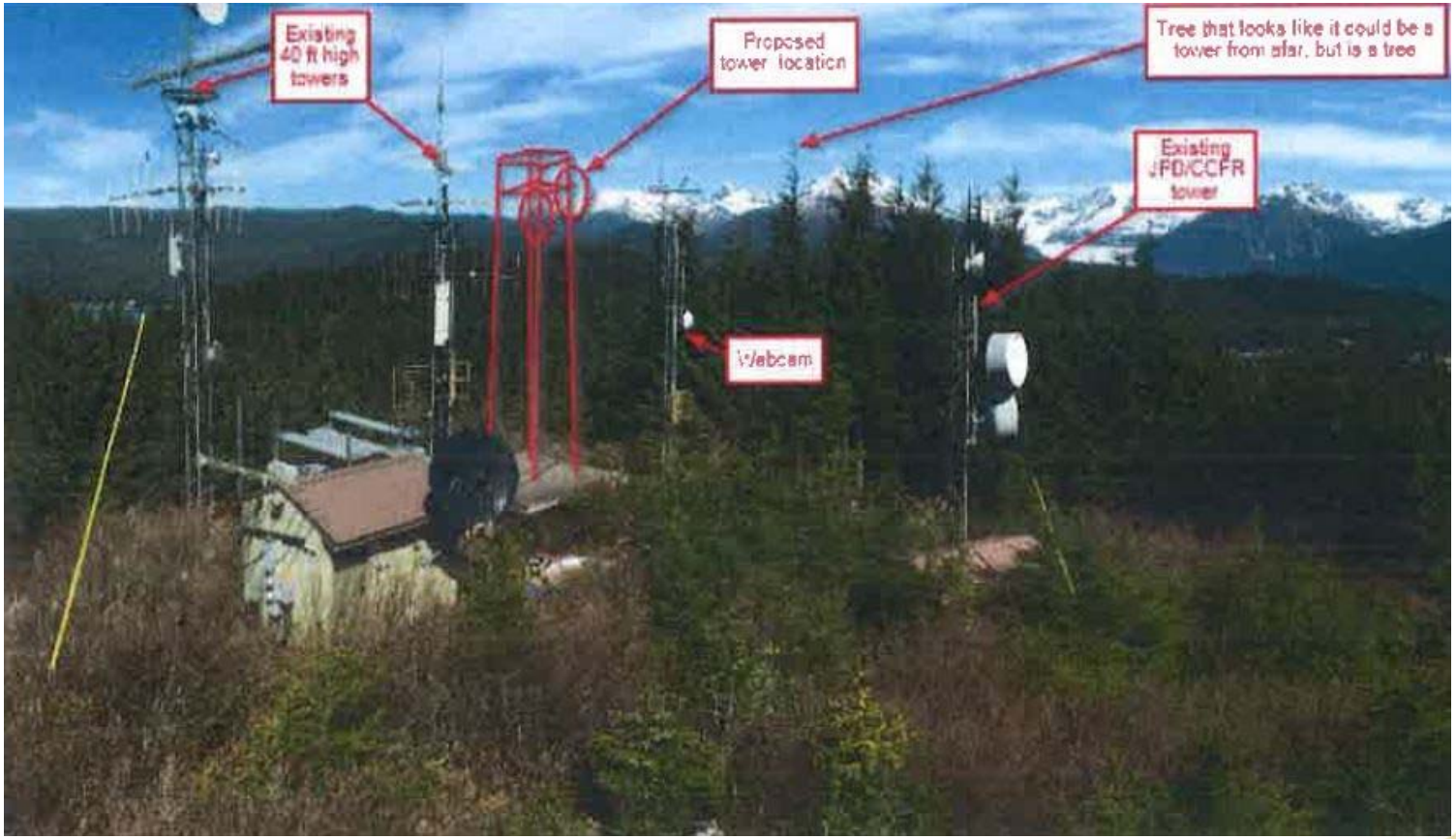
Project Site

The site currently accommodates several structures.

- one 40-foot guyed tower that will be replaced by the proposed tower
- three 40-foot tall, guyed towers
- one approximately 8 foot x 8 foot JPD radio shack
- one approximately 8 foot x 12 foot KTOO shack
- several radio cabinets. All of the existing cabinets and shacks will remain in addition to the proposed generator shed.
- FAA radio shack and approximately 60 foot tall tower with antennas and a red blinking light



Project Design



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Project Design

- **Security: The proposed security is consistent with the requirements of CBJ 49.65.930(b).** The proposed tower's design is not climbable and will have a locked trapdoor. Appurtenant facilities are locked.
- **Lighting: The proposed WCF will be lit.** On June 17, 2019, the applicants received an FAA determination requiring FAA Style E – Medium Intensity Dual Lighting. This is characterized as blinking medium intensity white light during the day and twilight and a blinking red light at night.
- **Setbacks: The tower meets setbacks prescribed in CBJ 49.65.930(f),** which would be equal to the height of the proposed tower, which in this proposal is 60 feet. The tower will be more than 1000 feet from any of the site's lot lines.
- **Structural assessment: CBJ Engineering confirmed that the development meets the requirements of CBJ 49.65.930(j).** The dishes and antenna will be non-concealed.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Project Design

• Signage: The application does not indicate plans to install signage consistent with CBJ 49.65.930(c), which states:

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

Staff recommends as a condition of approval that signage shall be installed prior to a final certificate of occupancy to meet the requirements of CBJ 49.65.930(c).

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Project Design

Visual Impact Assessment:

1. Zone of Visibility Map: The application includes a zone of visibility map that meets the requirements of CBJ 49.65.970(c)(2)(B)(i)
2. Siting for Least Adverse Impact: The development meets the requirements of CBJ 49.65.930(i) and minimizes adverse effects on the surrounding landscape, as it is located at least a quarter mile from residences. The tower consists of a galvanized steel, which appears mottled grey, and lattice that allows the surroundings to show through while matching a characteristically overcast sky
3. Simulated Renderings of Existing, Proposed and Full Buildout of WCF: The photo simulation provided in the application meets the requirements of CBJ 49.65.970(b)(2)(B)(iii)
4. Screening of Base: The development meets the requirements of CBJ 49.65.930(e) and is screened by site-obscuring foliage that is as tall as the appurtenant facilities
5. Balloon Test: The balloon test was not required because the proposed tower is not new. It replaces a currently existing obstruction of similar height.

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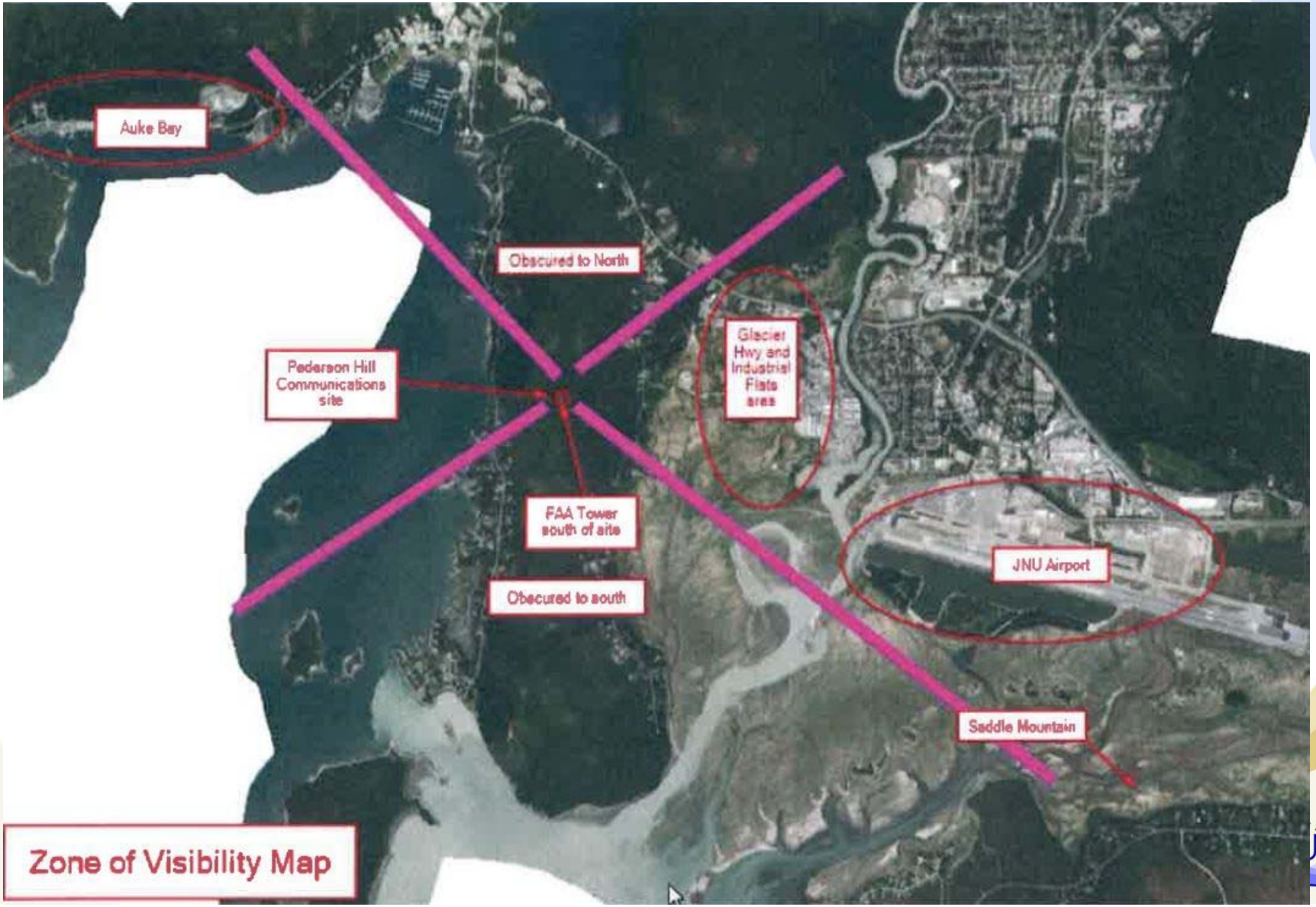


Zone of Visibility Map

AND BOROUGH OF
UNEAU
ALASKA'S CAPITAL CITY

AL1

Project Design

North camera view

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Slide 13

AL1 Amy Liu, 7/15/2019

AL1

Project Design

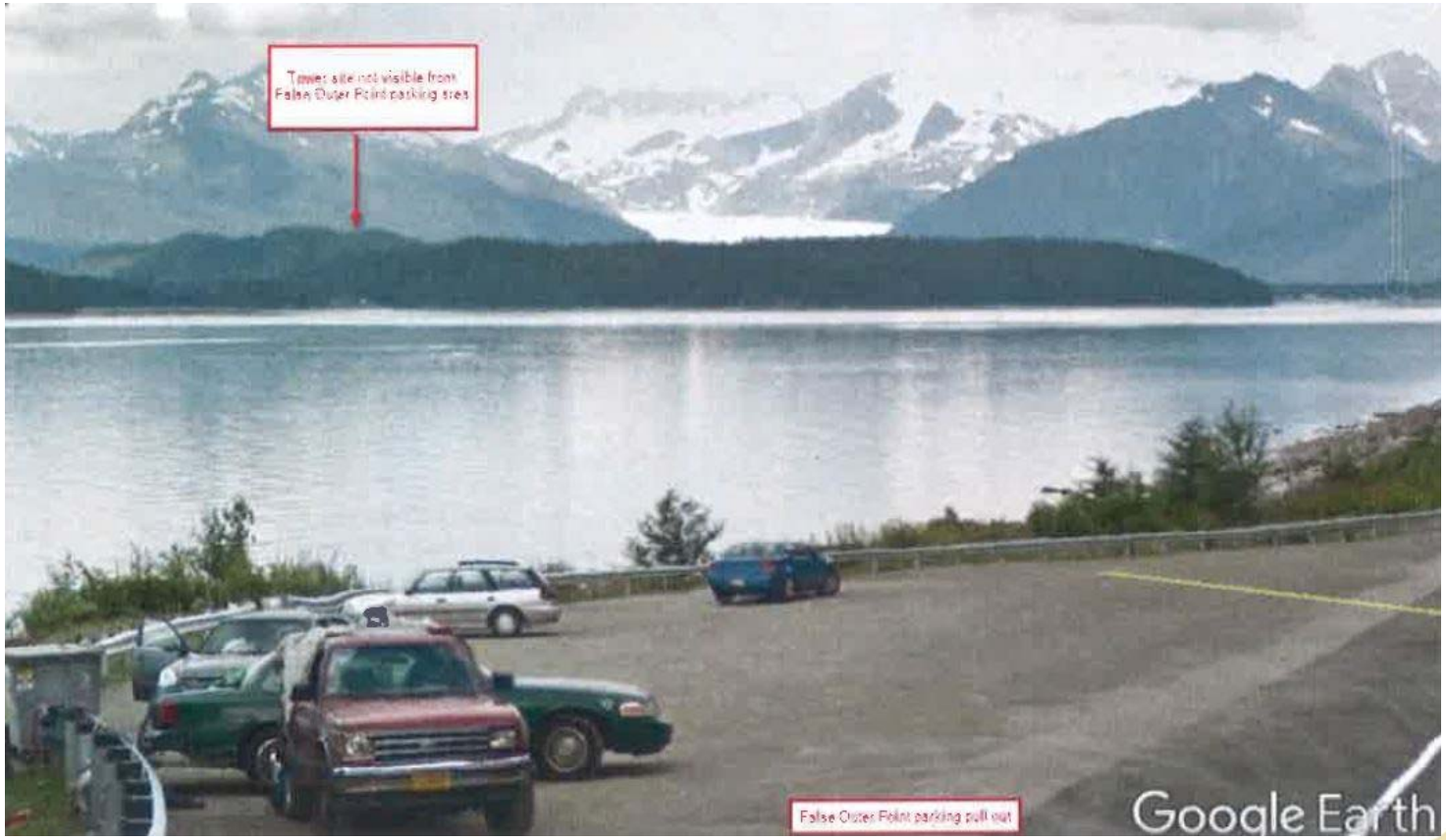
South camera view

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Slide 14

AL1 Amy Liu, 7/15/2019

Project Design



False Outer Point, Douglas view

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Project Design

Auke Bay Ferry Terminal view

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Traffic, Parking, and Circulation

- Staff does not anticipate the proposed use to add traffic to the existing site, excluding the limited traffic during construction and periodic maintenance.
- The site has parking for traffic described above
- The is accessed from Engineer's Cutoff Road

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Neighborhood Harmony

The proposed tower will not generate noise, traffic, or visual impact that is inconsistent with existing towers or neighboring residential uses.

- The site is, at a minimum, separated by a quarter mile of dense vegetation from the nearest dwelling.
- If construction of new and improved towers reach above the tree line, the FAA and the Juneau International Airport will be notified to ensure aviation safety and compliance with aviation regulations.
- The proposal does not affect habitat protected by Title 49.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Conformity With Adopted Plans

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.

- The subject property has a Comprehensive Land Use designation of Urban Low Density Residential (ULDR).
- WCFs are deemed appropriate to the zoning due to their low noise and traffic impact. While the tower is not similarly scaled to single-family residential development, the tower's isolation is anticipated to mitigate conflicts with neighborhood harmony.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Conformity With Adopted Plans

Wireless Telecommunications Master Plan (WMP):

The WMP is a document that guides future development of wireless telecommunication facilities. The project generally complies with the Wireless Telecommunications Master Plan.

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 COORDINATING WITH FEDERAL AVIATION ADMINISTRATION (FAA) WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.

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

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

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

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Findings

1. Is the application for the requested special use permit complete?

Yes. The application contains the information necessary to conduct a full review of the proposed wireless communications facility. The proposal consists of a narrative, visual impact assessment, confirmation that the facility will serve a necessary function for the provider's network, and confirmation that emitted electromagnetic radiation will meet FCC requirements. The proposal was preceded by a pre-application meeting, summarized in PAC2019 0035. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.65.900.

2. Is the proposed project consistent with safety and safety-related codes and requirements?

Yes. The permit does not conflict with safety and safety-related codes and requirements.

3. Is the proposed use appropriate according to the Table of Permissible Uses and other specific zoning, overlay, or land use designation?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 18.500 and CBJ 49.65.950 for the RR / D1 zoning district. The development is not located in an overlay district.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Findings

4. Is the presence of another approved WCF or WCF application within the geographic search area that is available to the applicant?

No. As this is a replacement of an existing WCF, this is not applicable.

5. Was Public Notice of the Planning Commission consideration in compliance with CBJ 49.65.970(e)?

Yes. Public notice of this project was provided in the July 12, 2019, and July 21, 2019, issues of the **Juneau Empire's "Your Municipality" section**, and a **Notice of Public Hearing was mailed to all property owners within 1500 feet** of the subject parcel as well as all neighborhood associations. **Three public notice signs were posted** on July 5, one at the trailhead to the tower site, one at the intersection of Glacier Highway and Fritz Cove Road, and one at the intersection of Glacier Highway and Engineers Cutoff. The signs were posted to be visible from the public right-of-way.

6. Is the presence of another approved WCF or WCF application within the geographic search area that is available to the applicant?

Yes. The applicant is replacing the existing WCF with an upgraded WCF in the same location.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Findings

7. Is the proposed site on, or eligible to be on, the National Register of Historic Places?

No. The development site does not meet the National Register of Historic Places criteria for evaluation.

8. Is the proposed site in an area commonly valued by the community as a whole for its natural or scenic properties?

No. The development site is located in area with a developed communications infrastructure.

9. For a proposed freestanding tower, did the applicant demonstrate that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of the existing tower or structure or otherwise creating a greater visual impact; or that use of such existing facilities is technically infeasible or commercially impracticable?

Yes. The applicant has demonstrated that the existing structure cannot accommodate the proposed use, and that the tower's appearance will mitigate visual impact while meeting FAA's minimum requirements.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Findings

10. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The development is in general conformity with Title 49, the 2013 Comprehensive Plan, and the Wireless Telecommunications Master Plan.

11. Is the proposed development located on State or local wildlife refuges?

No. The proposed development is located on CBJ property in an RR / D1 zoning district.

12. Is the proposed development in any area designated as a public park, unless screened so as to minimize visual and noise impacts, and as long as public use will not be disrupted?

No. The proposed development is located on CBJ property in an RR / D1 zoning district.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Findings

13. Is the development in any area designated as a scenic corridor/viewshed identified in the Comprehensive Plan of the City and Borough of Juneau?

No. The proposed development is not located any area designated as a scenic corridor or viewshed.

14. Is the development in any area that fully or partially obstructs the view of the Mendenhall Glacier from the waterfront roadway from the North Douglas boat launch facility to False Outer Point?

No. The proposed development would not visually impact views of the Mendenhall Glacier.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **approve** the requested Conditional Use Permit. **The permit would allow replacement of an existing communication tower with a 40-foot tall, self-supporting tower and up to 20 feet of antennas and other radio equipment.**

The approval is subject to the following conditions:

1. Prior to final certificate of occupancy, signage shall be installed to meet the requirements of CBJ 49.65.930(c).
2. Prior to issuance of a building permit, the applicant shall provide a signed and stamped letter indicating the proposed WCF complies with industry practices of the National Association of Tower Erectors and local building code requirements for loads.

CITY AND BOROUGH OF JUNEAU
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