

# WCF2019-0007

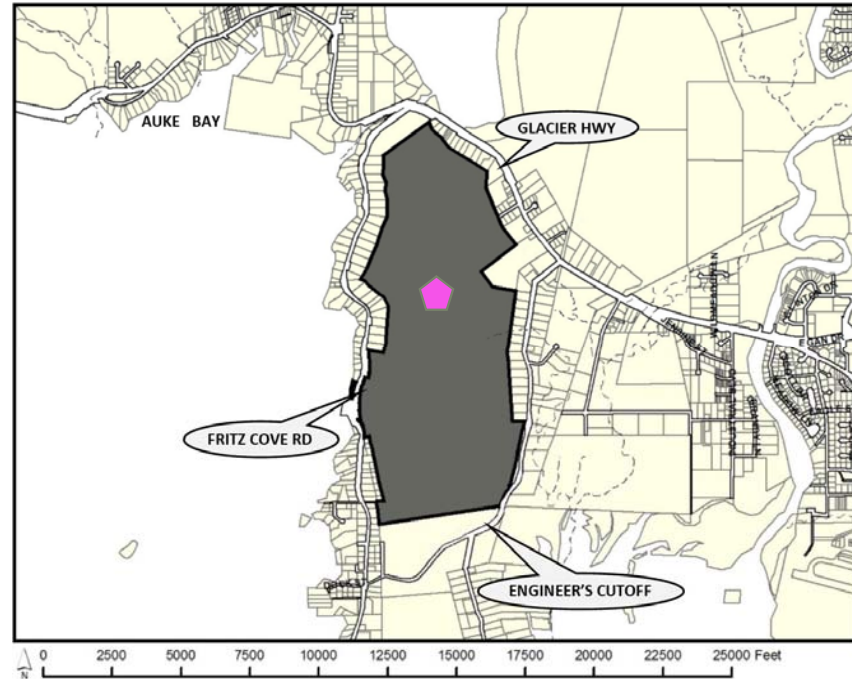
A Wireless Communications Facility Permit to replace an existing  
communications tower

June 23, 2019



# 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



# 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.

# 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.

# 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:

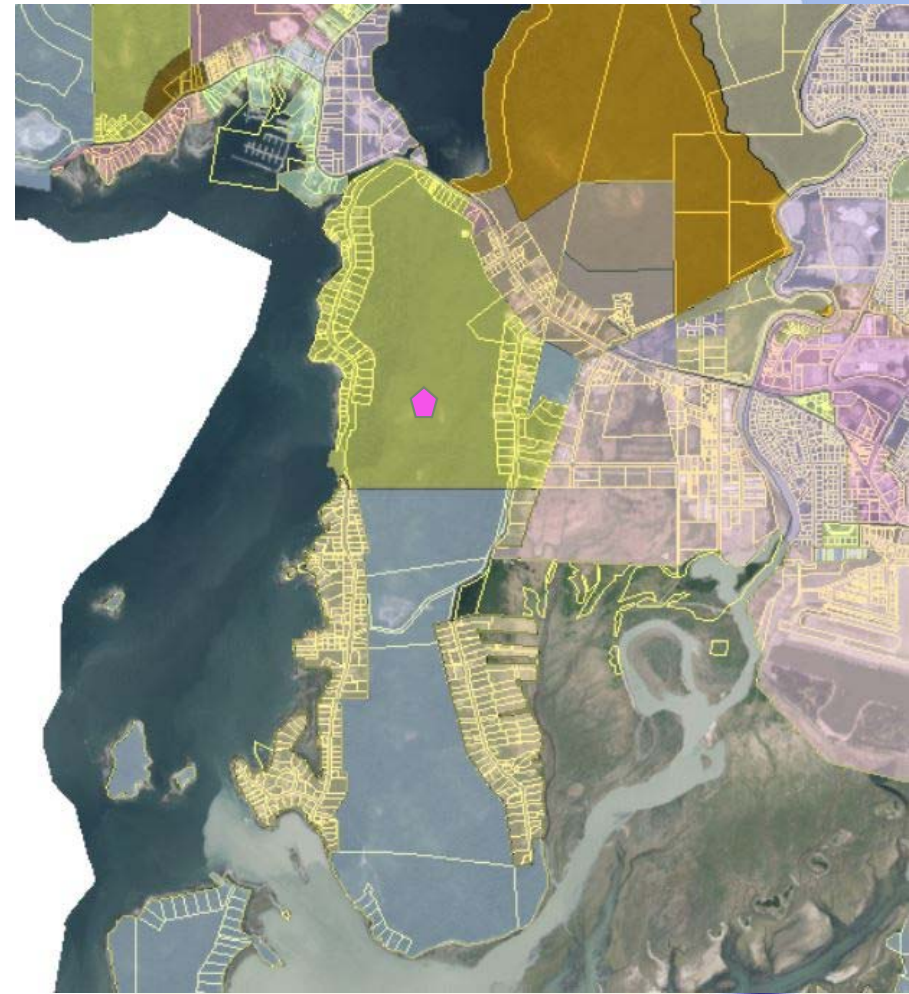
- (a) **Promote the health, safety, and general welfare** of the public and the City and Borough;
- (b) **Minimize the impacts** of WCFs by establishing standards for siting, design and screening and by requiring consistency with the City and Borough's wireless telecommunications master plan;
- (c) **Encourage 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).

# 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**

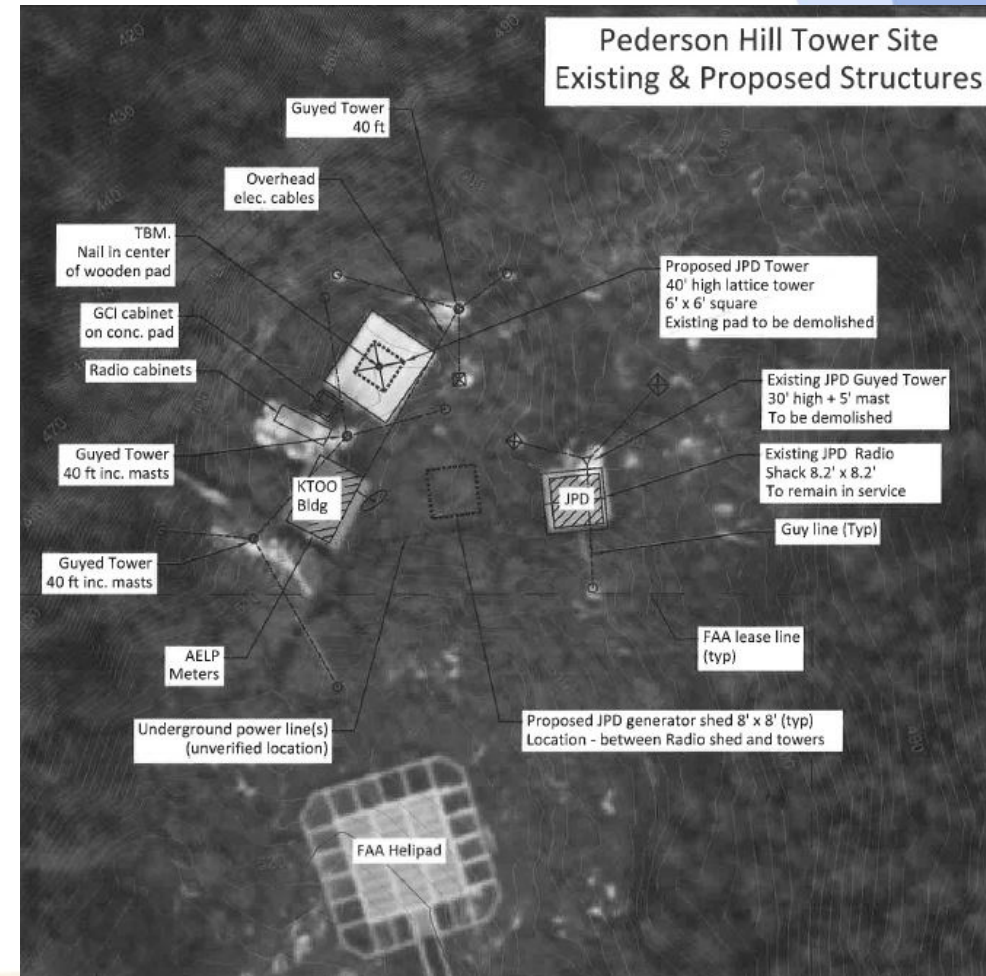




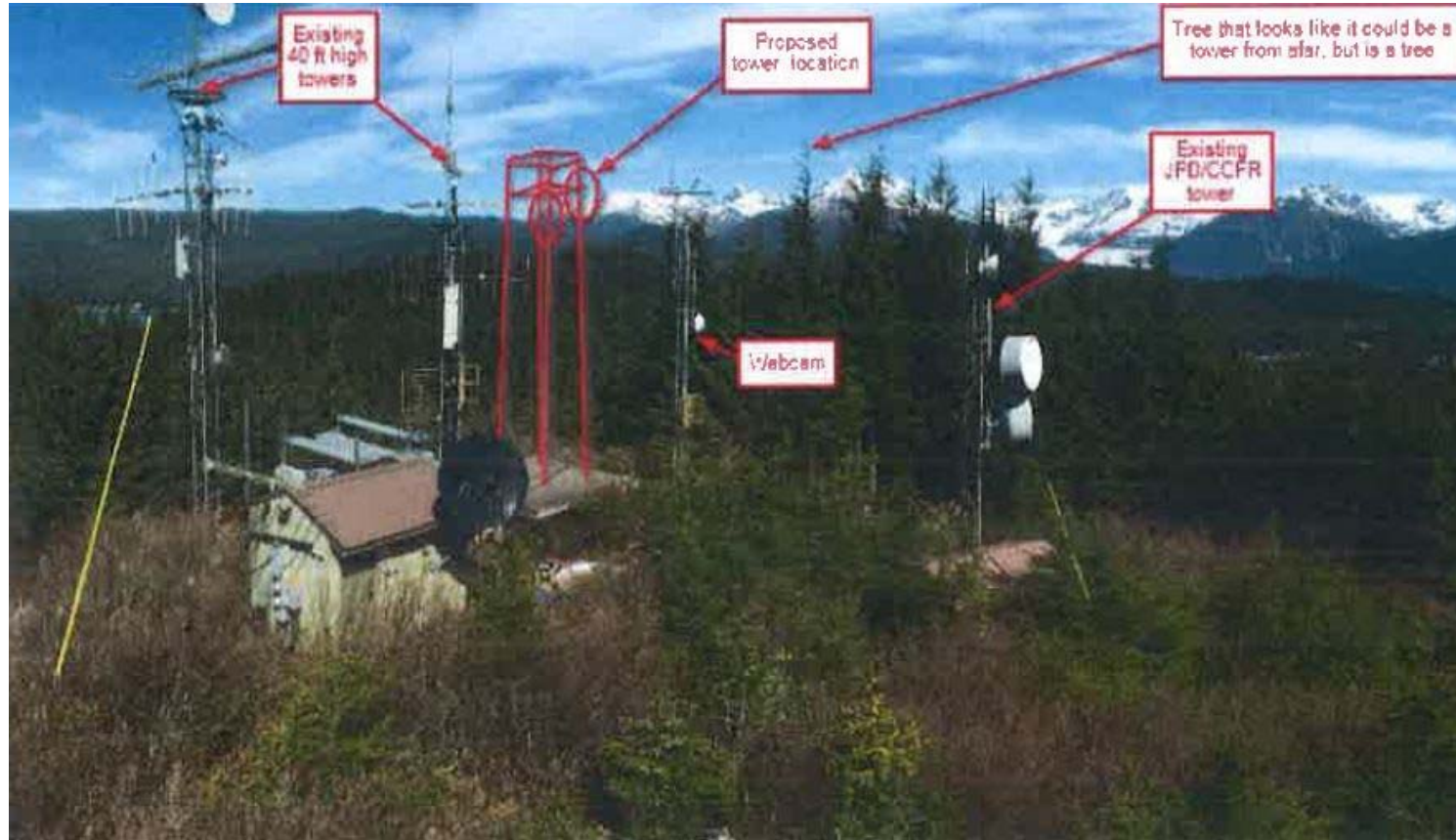
# Project Site

## 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





# 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.

# Project Design

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

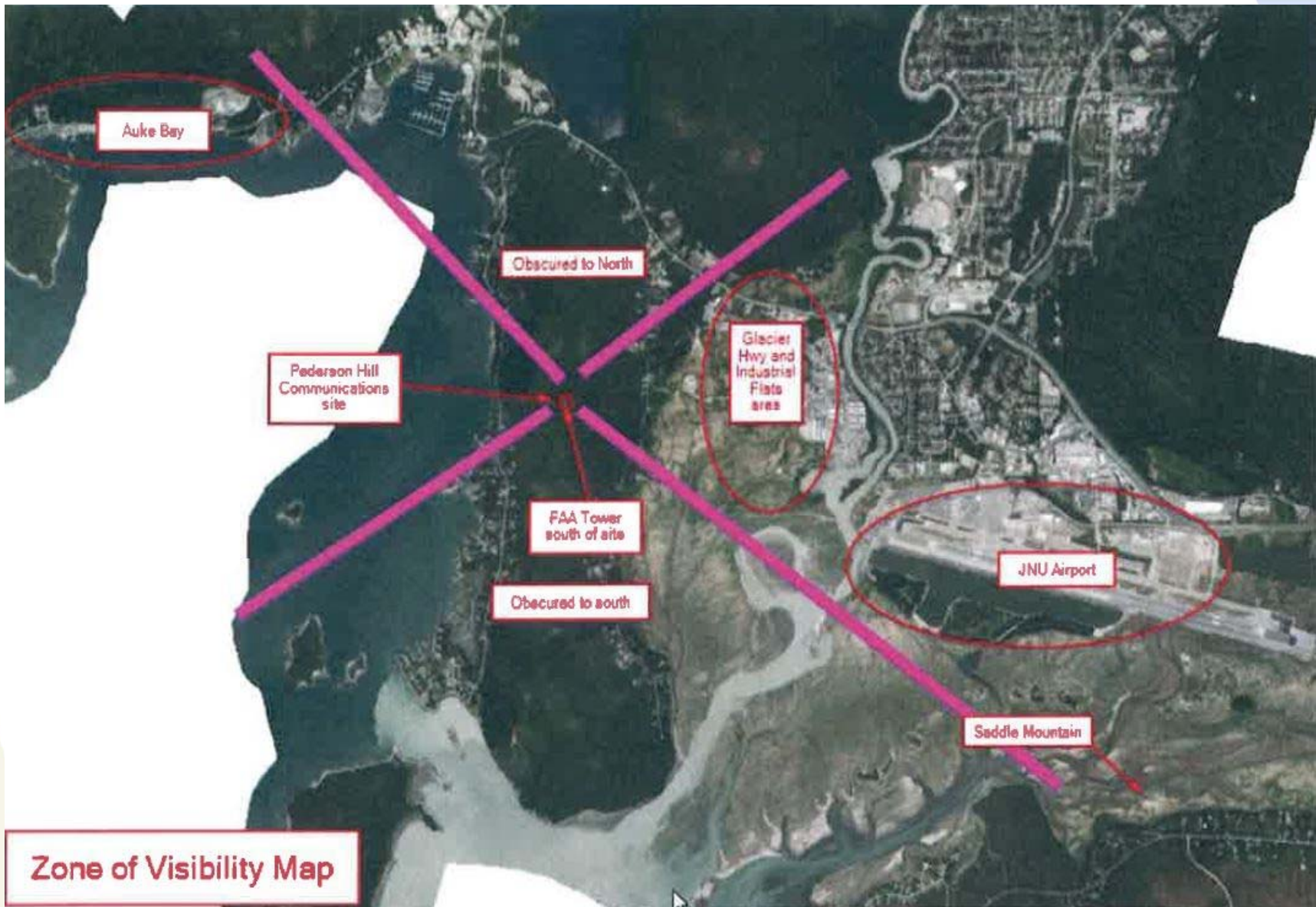
*WCFs shall contain a sign no larger than four square feet with text in a sufficient font size to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the 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).**

# 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.





# Project Design



North camera view



## Slide 13

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**AL1**

Amy Liu, 7/15/2019

# Project Design



South camera view

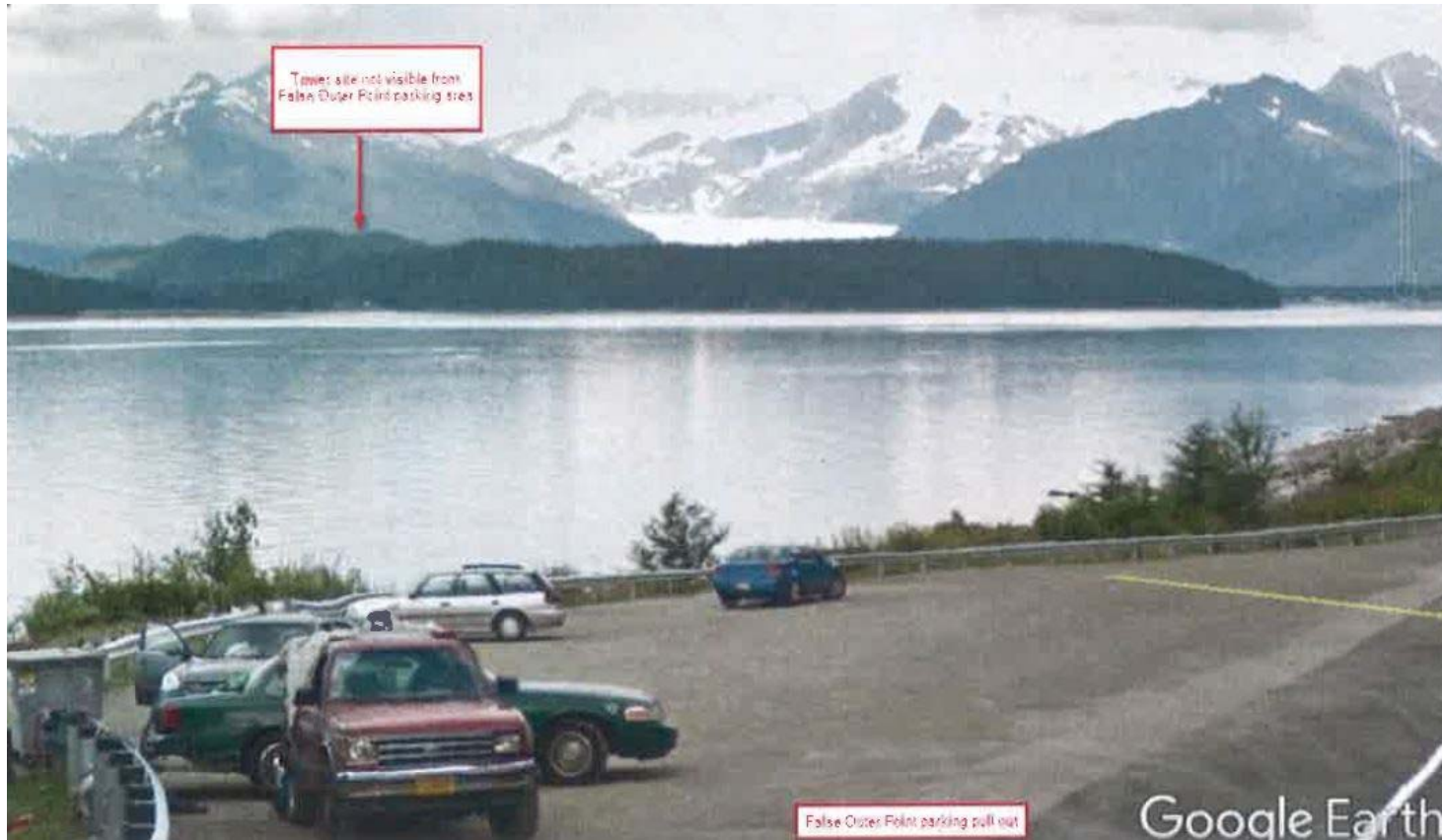
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**AL1**

Amy Liu, 7/15/2019

# Project Design



False Outer Point, Douglas view

# Project Design



Auke Bay Ferry Terminal view



# 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

# 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.

# 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.

# 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.*

# 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.



# 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.



# 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.

# 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.

# 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.

# 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.