

# **Additional Materials**

## **Regular Planning Commission Meeting**

Assembly Chambers, 7:00pm  
Meeting Date: July 23, 2019 & August 13, 2019

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### **1. WCF2019 0007 - 7/23/19 PC Meeting**

- a. Public comment from Margo Waring, received 7/8/19 - for 7/23/19 PC Meeting
- b. Planner response to Ms. Waring, sent 7/17/19 - for 7/23/19 PC Meeting
- c. Public comment from Gene Randall, received 7/17/19 - for 7/23/19 PC Meeting
- d. Public comment from Mary Irvine, received 7/19/19 - for 7/23/19 PC Meeting
- e. Public comment from SueAnn Randall, received 7/23/19 - for 7/23/19 PC Meeting

### **2. WCF2019 0007 - 8/13/19 PC Meeting**

- a. Public comment from John Hyde, received 7/30/19 - for 8/13/19 PC Meeting
- b. Public comment from Chris J. Ruschmann, received 8/7/19 - for 8/13/19 PC Meeting
- c. FAA Determination of No Hazard to Air Navigation, received 8/8/19 - for 8/13/19 PC Meeting
- d. Public comment from Margo Waring, received 8/9/19 - for 8/13/19 PC Meeting
- e. Public comment from Chris J. Ruschmann, received 8/9/19 - for 8/13/19 PC Meeting
- f. Memo to the Planning Commission Chair from the CBJ Law Department

### **3. USE2019 0018**

- a. Memo to the Planning Commission from Amy Liu, Planner

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I ask that you require the application be withdrawn and redone in view of the FAA's sudden requirement that lighting be provided on this proposed tower.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 states 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 Douglas 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 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

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**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, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0764



For 7/23/19 PC Meeting

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

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

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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

**From:** John Hyde <wildthings@gci.net>  
**Sent:** Tuesday, July 30, 2019 3:01 PM  
**To:** PC\_Comments  
**Subject:** WCF comments

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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hello,

we would like to comment on the WCF project but with so little information provided at present there is very little to comment upon.

We would like to know answers to the following questions (as would everyone else we've spoken with).

Answers to the following are the only means to make substantive comments.

1. what will the construction consist of?
2. will it entail additional construction at the present site?
3. If so how much and what will the size and extent of the footprint?
4. how much will the city spend to complete the project?
5. how much of the costs will Juneau's citizens pay and where will it come from?
6. will hikers still have public access to the top of the hill?
7. will any of the local cell service carriers have access to the WCF\_ such as GCI, ATT, ACS, Verizon, etc.?
8. if so, what and how much will they contribute to the construction and maintenance of the WCF?
9. presently there are communications networks installed for CBJ, JPD, FAA, etc...how will these be improved by the construction of the proposed WCF?
10. If approved when will the project commence and be completed?

Hopefully the planning commission will do a much better job than they did with the "road" to the Affordable Housing project adjacent to Brotherhood meadows....which is already so far over budget that it will take over 20 years for the city to recoup the expenses from the potential property taxes.

Thank you,  
john

**From:** Chris J. Ruschmann <chris@scsalaska.net>  
**Sent:** Wednesday, August 07, 2019 8:26 AM  
**To:** PC\_Comments  
**Subject:** WCF2019 0007

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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I have several issues with this WCF proposal. Here are some of my thoughts.

1. The public safety requirements for this tower are nullified by MIS putting equipment on the tower that serves internet to the city offices. Therefore, the tower should be opened up for colocation.
2. I worked on the same grant for the city of Hoonah which specified that funds cannot be used for anything but communication for public safety. Servicing city offices using the funding is prohibited by the language in the grant.
3. The city is going against its own ordinance and guidelines to allow tower buildouts without the ability to collocate. In this case, they are specifically allowing only the city to collocate and no one else on the premise of security. This is a false pretense as the MIS connections are no more secure than other forms of communications that would benefit from collocation on this tower.
4. The site can be improved for substantially less money by cutting down some trees in the view shed. Given the current growth rate of the trees, this will need to be done in the next 5 years regardless of any new tower construction.
5. A new tower does not need to be erected to put a generator on site. The existing tower is just fine and can have a generator installed as is.
6. The pad that would be removed is the only easily accessible sling loading pad for getting gear up by helicopter. If it is taken out, then it should be replaced with a new one.

The point here is simple; this is an unnecessary tower in an already crowded area. Just doing some maintenance of trees on the site will allow for a better communication facility for everyone on the hill. Building a new tower and discriminating against other operators should not be allowed. I have been advocating for a better tower for that area that would allow better access for all operators, now we have the chance to do that and the City wants to waiver on there own recommendations.

Regards,  
Chris Ruschmann  
SnowCloud Services LLC.  
Cell: 907-209-1059  
Office: 907-789-7701



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

Aeronautical Study No.  
2019-AAL-174-OE  
Prior Study No.  
2019-AAL-133-OE

Issued Date: 08/05/2019

Erik Gazdig  
City and Borough 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/CCFR Tower
Location:	Juneau, AK
Latitude:	58-21-57.46N NAD 83
Longitude:	134-38-04.06W
Heights:	505 feet site elevation (SE) 40 feet above ground level (AGL) 545 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:

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.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 02/05/2021 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 September 04, 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](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on September 14, 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](mailto:robert.van.haastert@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AAL-174-OE.

**Signature Control No: 412329438-413519223**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Frequency Data

Map(s)

cc: FCC



**AERONAUTICAL STUDY NO. 2019-AAL-174-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 40 AGL / 545 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.

This proposal was studied previously under 2019-AAL-133-OE at 565 AGL.

**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 370 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 377 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).

**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 247 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 545 MSL, there are no impacts to the current JNU IFR departure climb out gradients as published departure procedures mitigate the impact. At 545 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 545 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 545 MSL height would exceed the horizontal surface by 370 feet, however, it is on rising terrain that also exceeds the horizontal surface by 310 feet. Structure would exceed the approach surface by 377 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.

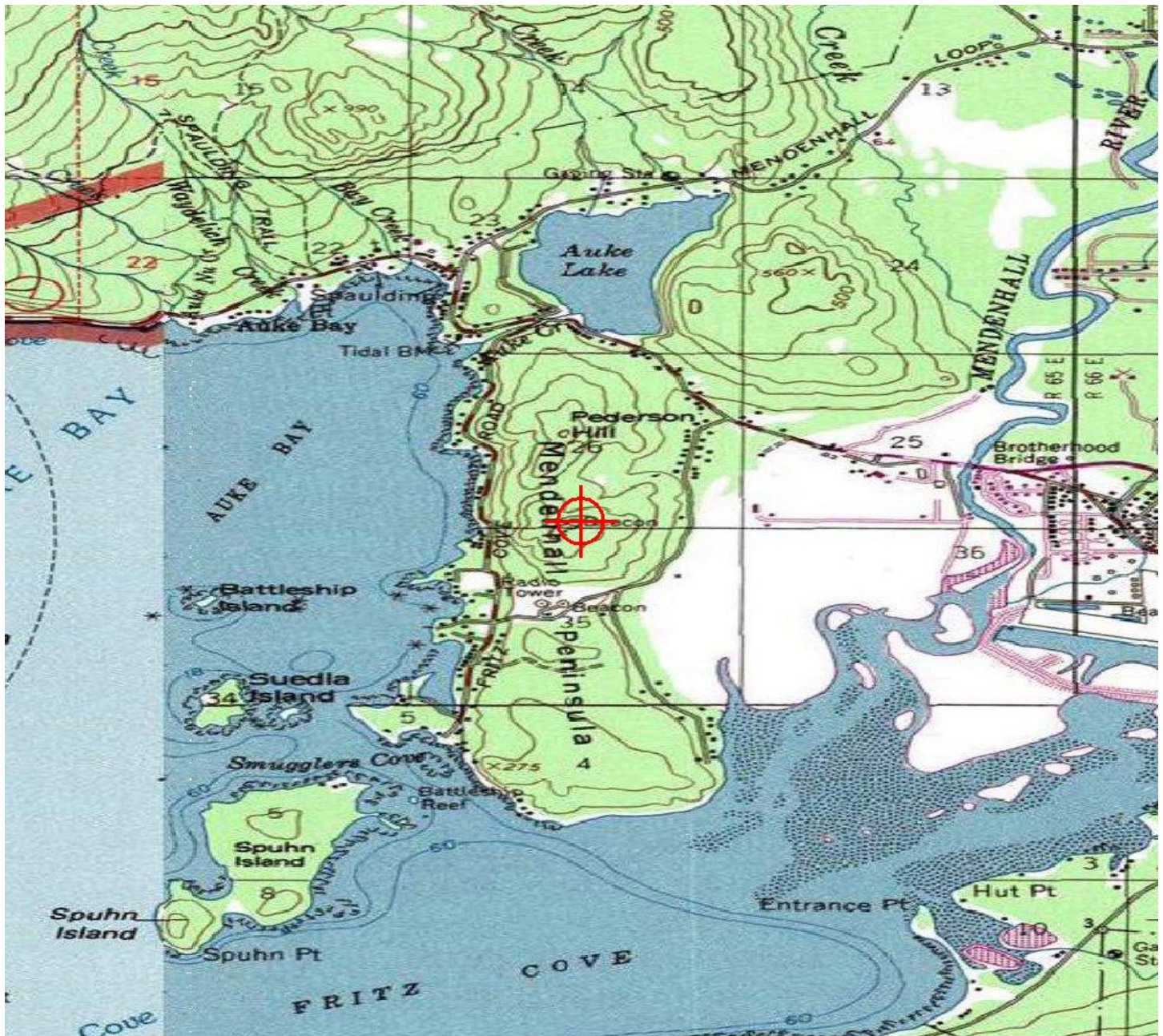
#### 7. CONDITIONS

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-

# Frequency Data for ASN 2019-AAL-174-OE

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
154	157	MHz	150	W
10855	11055	GHz	65	dBm



**From:** Margo Waring <margowaring@gmail.com>  
**Sent:** Friday, August 09, 2019 7:54 AM  
**To:** PC\_Comments  
**Subject:** Pedersen Hill Tower 0007

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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Dear Planning Commission members,

Thank you for listening to the concerns of residents regarding the proposed new cell tower on Pedersen Hill to serve our public safety agencies.

The approach of asking the FAA whether a 40 foot tower would require a light was quickly processed and answered that a 40 foot tower would not require lighting.

Since the specification in the original design was “up to 60 feet” and the CBJ engineer noted that the additional 20 feet was speculative about a possible future need, I urge you to accept the project as a 40 foot unlit tower.

Let me share a consideration with you about current processes. The specification of notifying residents within 15000 feet needs modification when 24 hour lighting is involved. Those close, as in this case, may not be affected as much as those further away. Similarly, the maps provided to commissioners of impacted areas and visibility of tower may have been adequate for the unlit tower, but visibility changes drastically when lighting is required. I suggest that current processes be amended to reflect the difference between lighted and unlighted cell towers.

Again, thank you for your efforts on this project, for listening to public concerns and being creative in finding solutions.

Margo Waring  
11380 N. Douglas Hwy  
Juneau, AK 99801



**From:** Chris J. Ruschmann <chris@scsalaska.net>  
**Sent:** Friday, August 09, 2019 11:32 AM  
**To:** PC\_Comments  
**Cc:** Snow Cloud Support  
**Subject:** Pederson hill site pictures

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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## MEMORANDUM

DATE: August 13, 2019  
TO: Ben Haight, Planning Commission Chair  
CC: Jill Maclean, CDD Director  
FROM: Jane S. Mores, CBJ Law *JSM*  
SUBJECT: WCF2019 0007, "A WCF permit to replace an existing communications tower"

---

The Planning Commission has asked for a legal opinion as to the proper characterization of the referenced WCF permit application, for purposes of review under CBJ 49.65.

Conclusion: CBJ 49.65 regulates all WCF towers through the use of two categories for towers: "existing towers" and "proposed towers." Because the tower to be constructed will completely replace a tower, that will then be removed, it cannot, by definition, be a modification of an existing tower. The WCF2019 0007 permit application is for a proposed tower.

The following is a brief overview & analysis of the provisions of 49.65 most relevant to the issue.

### ARTICLE IX WIRELESS COMMUNICATION FACILITIES -- CBJ 49.65.

1. The ***purpose*** of Article IX is to regulate the "placement, construction and modification" of WCFs consistent with federal law, etc . . .
2. The Article ***applies*** to "the development activities including **installation, construction, or modification of all WCFs** including, but not limited to, ***existing*** towers, ***proposed*** towers and collocated facilities on existing structures.
3. Types of WCF Permits: Administrative Permit (Director-Table 1) v Special Use Permit (PC)

SUP is required if WCF 2019 0007 is to be a lighted WCF

SUP is required, even if WCF 2019 0007 is not to be lit, because

- a. It's not an Eligible Facility Request (ie., a request to modify a tower/WCF that's been previously reviewed & approved per this Article)
  - b. It's in D-1 and not a concealed tower
4. 2 Categories for WCF towers: *existing* towers & *proposed* towers; there is no category or reference to "replacement" towers
  5. Per basic rules of statutory construction & reasonableness, the complete construction of a new tower in a slightly different location may *replace* an existing tower, but **it cannot be a 'modification' of an existing tower**, because the existing tower disappears.

6. (Even if it *could* be a modification to an existing tower, per 49.65.910, any proposed modification to an existing WCF, including collocation, must comply with the article.)
7. **WCF2019 0007 requests a permit for a PROPOSED tower.**
8. “WCF Site” is defined in CBJ 49.80.120 to include “the current boundaries of the leased or owned property surrounding the tower and any other access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structures and to other transmission equipment already deployed on the ground.”
9. Because the location for the proposed tower is on the same “WCF site” and in close proximity to the existing tower, it does not appear that a location preference analysis under 49.65.920 is necessary or required.



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

**DATE:** August 14, 2019  
**TO:** Planning Commission  
**FROM:** Amy Liu, Planner  
**FILE NO.:** USE2019 0018  
**SUBJECT:** Conditions of approval

Two revisions should be made for the conditions of approval for USE2019 0018.

- In condition #1, remove "Staff recommends as a condition of approval that"
- Add condition #5, which is referenced in the staff report analysis

After revisions are made, conditions will read as follows:

1. Security cameras must capture a 360-degree view of the outside and inside premises. Prior to temporary certificate of occupancy, the applicant must submit a security plan, showing camera and alarm placement that meets this requirement.
2. CBJ-approved signage shall be posted for the van-accessible parking space prior to final certificate of occupancy.
3. Striping for all required parking spaces be provided prior to final certificate of occupancy.
4. Debris must be removed from vegetative cover areas prior to final certificate of occupancy.
5. A complete copy of the applicant's approved state license application must be submitted to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the Conditional Use Permit application, the commission shall review the development for consistency with this title.