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**DATE:** May 9, 2017

**TO:** Planning Commission

**FROM:** Jill Maclean, AICP Senior Planner *Jill Maclean*  
Community Development Department

**FILE NO.:** AME2017 0007

**PROPOSAL:** Text amendment to revise Title 49 regarding Wireless Communication Facilities (WCF) 49.65.930 General Requirements (f) Setbacks.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

### **DISCUSSION**

Upon review of the WCF section of code (49.65.900), it was noted that the example cited in 49.65.930 General Requirements (f) Setbacks, is incorrect as it is inconsistent with the text. It is recommended that the example is struck from the text.

### **49.65.930 General Requirements (f) Setbacks**

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

- (1) If the tower is not constructed using breakpoint design technology, the minimum setback distance from the nearest property line shall be equal to the height of the proposed tower.
- (2) If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure or the minimum yard setback requirements, whichever is greater. ~~For example, on a 100-foot tall freestanding tower with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the tower to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district. Certification by a professional engineer registered in the State of Alaska of the breakpoint design and the design's fall radius must be provided with the application.~~

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

**FINDINGS**

Based upon the above analysis, staff finds that the proposed text amendment is consistent with Title 49. Additionally, this change would not create any internal inconsistencies within any plans or Codes.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward the following draft text amendments to the Assembly with a recommendation for approval:

1. Deleting the example provided in 49.65.930 General Requirements (f) Setbacks (2).