

Wireless Communication Facilities Update

September 17, 2019



WIRELESS COMMUNICATION FACILITIES UPDATE OVERVIEW

PURPOSE:

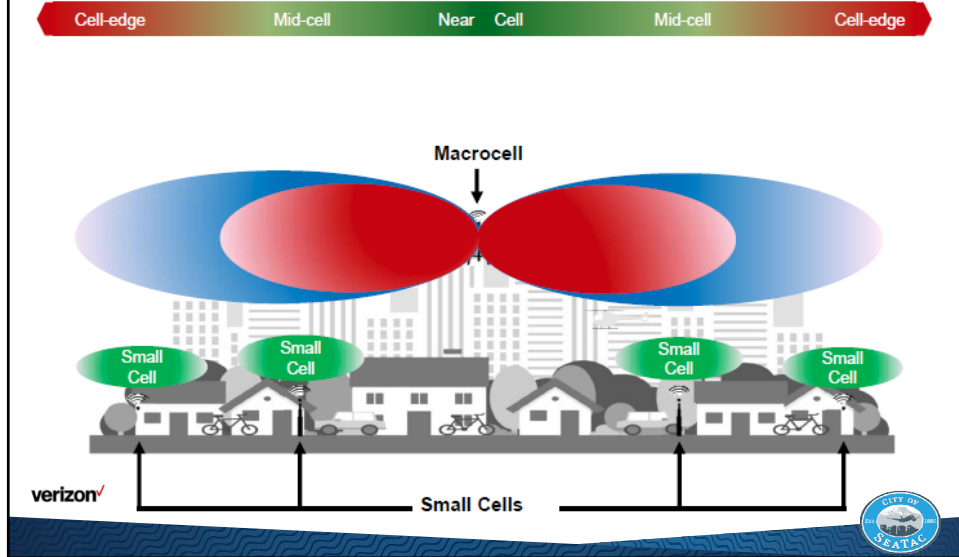
- Consistency with FCC Rulings
- Permanent Regulations for Small Wireless Facilities and Eligible Facilities Requests

WHY IS THIS ISSUE IMPORTANT?

1. Current code created in 2004 to address macro tower siting and design.
2. Federal Law in 2012 for Eligible Facilities Requests and FCC Ruling in 2018 for Small Wireless Facilities (Small Cell).
3. One-Year Interim Regulations adopted in January 2019.
4. Planning Commission recommendation required by end of October 2019.



WIRELESS COMMUNICATION FACILITIES



SMALL WIRELESS FACILITIES (SMALL CELL)

80 ft

30 ft

6 ft

Small Cell

Macro Cell

- 9/26/18: Federal Communication Commission (FCC) issued rules on small wireless facilities, went into effect 1/14/19.
- Three current small wireless franchise agreements with Verizon, Mobilitie, and AT&T.

Compliance with Federal Regulations

This slide depicts a graphical representation of small cells and macro cells. The actual equipment, size and design may vary.

Source: AT&T

CITY OF SEATTLE

SMALL WIRELESS FACILITIES (SMALL CELL)



Source: Verizon

IMPACT OF FCC RULING

- Shortens time to process franchise agreements and right-of-way use permits.
- Limits application fees.
- Only reasonable costs directly related to maintaining the ROW and the small cell facility may be charged.
- Limits design requirements to those that are reasonable and comparable to other ROW users, must be published in advance.

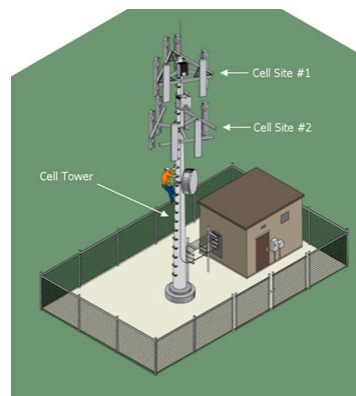


ELIGIBLE FACILITIES REQUESTS

ELIGIBLE FACILITIES REQUEST

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- Collocation of new transmission equipment;
- Removal of transmission equipment; or
- Replacement of transmission equipment.



REVIEW SCHEDULE

DEPARTMENT OF COMMERCE – September 9, 2019

SEPA – DNS issued September 17, 2019

WIRELESS CARRIERS – Draft sent September 9, 2019

PLANNING COMMISSION

- Introduction: September 17, 2019
- Work-Study: October 1, 2019, if desired
- Public Hearing: October 15, 2019
- Recommendation: October 15, 2019 or special meeting October 29, 2019

PLANNING AND ECONOMIC COMMITTEE – October 24, 2019

CITY COUNCIL

- Adoption by December 10, 2019



SUMMARY OF AMENDMENTS

OVERALL APPROACH

- Retain, but amend, Chapter 14.580 Wireless Communication Facilities which currently focuses on Macro Facilities
- Add sections specific to Small Wireless Facilities and Eligible Facilities Requests
- Update definitions and general provisions to allow for three types of facilities, consistent with federal rulings:
 1. Macro Facilities
 2. Small Wireless Facilities
 3. Eligible Facilities Requests



SUMMARY OF AMENDMENTS

MACRO WIRELESS FACILITIES – Section II, pages 13-31

- Term “Wireless Communication Facility (WCF)” changes to “Macro Facility”



SUMMARY OF AMENDMENTS

SMALL WIRELESS FACILITIES – Section III, pages 32-44

- Based on Model Code used by other WA cities.
 - Consistent design and installation standards for ROW and private property.
 - Uniform application requirements for all carriers.
 - Allows City to meet federal permit timeframes.
 - Consistent with existing franchise agreements.
- Can be located on private property or public right-of-way.
- Creates a Small Wireless Facilities permit which combines zoning and right of way permitting processes.
- Requires Franchise Agreement if within right-of-way.
- Requires Lease Agreement if located on City-owned pole.



SUMMARY OF AMENDMENTS

SMALL WIRELESS FACILITIES – Section III, pages 32-44

- Design standards for siting small wireless facilities on:
 - Non-wooden poles
 - Wooden poles
 - Existing Buildings
 - Strands
- Preference for placement of existing structures or replacing structures compared to new poles where none exist.
- Preference for concealing antenna, conduit, power, and equipment enclosures.
- Attachment to existing poles allows for some increase in height and limits maximum horizontal distance from pole.
- Prohibits small wireless facilities on private property with residential uses.



SMALL WIRELESS FACILITIES



EXAMPLES

- A. Wooden Power Pole
- B. Light Standard
- C. Strand Mount
- D. Stand-alone Pole

Source: Verizon



SUMMARY OF AMENDMENTS

ELIGIBLE FACILITIES REQUESTS – Section IV, pages 45-47

- Stand-alone section to address “eligible facilities requests” authorized by Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455, the “Spectrum Act.”
- Requires local governments approval of modifications/upgrades to existing facilities when the request is not a substantial change.
- Specific definitions, permitting, and regulations for those modifications that qualify as an “Eligible Facilities Request”
- City currently uses submittal checklist to identify and process such requests, but code has not been updated.
- Planning Commission reviewed proposed code at one meeting in January 2017, but no other review occurred.



SUMMARY OF AMENDMENTS

GENERAL PROVISIONS – Section I, pages 2-12

- Generalize Purpose Statement and replace Authority and Application sections to recognize all wireless communication facility types
- Update Exemptions and Definitions for consistency with rulings and integrate interim ordinance definitions
- Add General Provisions section for overall regulations.



SUMMARY OF AMENDMENTS

REFERENCE CORRECTIONS – Pages 48-49

- “WCF” to “Macro Facilities” terminology change in Variance and Conditional Use Permit procedures
- Removal of “Communication Facility” from Use Charts as term is no longer used.



NEXT STEPS

QUESTIONS?

OCTOBER 1, 2019 WORK-STUDY SESSION?

**RECOMMENDATION OCTOBER 15, 2019 OR
SPECIAL OCTOBER 29, 2019 MEETING?**



Next Steps

COUNCIL ACTION REQUESTED

- Approve Ordinance on June 11, 2019 or place on June 25, 2019 Consent Agenda

Note: the documents can be amended by Council through a motion before action

PLANNING COMMISSION RECOMMENDATION: Approve

STAFF RECOMMENDATION: Approve

REVIEWS TO DATE:

- PLANNING COMMISSION: 01/15/19, 02/19/19, 03/05/19, 04/02/19
- PED: 02/07/19, 04/18/19

