

CITY COUNCIL REGULAR SESSION

Ordinance amending Chapter 6.02 of the Bellevue City Code (BCC); adopting a new Chapter 6.08 BCC; and establishing an effective date.

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EXECUTIVE SUMMARY

Following Council direction on January 7, amendments to the Telecommunication title of the BCC have been updated to respond to feedback received from wireless carriers. The Ordinance needed to amend Chapter 6.02 and add a new Chapter 6.08 of Telecommunications Title of the BCC is presented tonight for final action.

RECOMMENDATION

Move to adopt Ordinance No. 6454
If approved, effective date: 02/25/2019

BACKGROUND/ANALYSIS

On January 7, staff provided Council with a presentation and related agenda materials in response to the FCC Order dealing with the deployment of small cell technology. An interdepartmental team of staff have been collaborating on a response to the FCC Order, and the work of that team was presented to Council on January 7. The staff proposed response has two prongs. The first requires amendments to the Telecommunications title (Title 6) of the BCC. The second requires approval of a Master License Agreement (MLA) template. This memorandum focuses on adoption of amendments proposed to the Telecommunications title of the BCC. The MLA template is addressed tonight under a separate agenda item.

On January 7, carrier company AT&T also requested a change to the Ordinance amending the Telecommunication title that would allow additional flexibility to make minor deviations from the technical requirements contained in the new design standards of Chapter 6.08 BCC. In coordination with carriers, minor changes were made to proposed new Chapter 6.08 BCC that was previously presented to Council on January 7. Final changes have been endorsed by AT&T and the other carriers to provide the additional flexibility they requested while ensuring that the design standards could be administered as a ministerial approval to meet shot clocks prescribed by the FCC Order.

Council directed staff to return on January 22 for final action to adopt an Ordinance amending Chapter 6.02 BCC and adding a new Chapter 6.08 BCC. Attachment A includes an updated version of the new Chapter 6.08 BCC with changes made to the January 7 version shown in red-line and strike draft font. The Ordinance before Council for final action this evening contains amendments to Chapter 6.02

previously provided to Council on January 7 together with the updated version of the new Chapter 6.08 BCC.

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue's existing policy and code is based on initial wireless technology needed to support larger equipment needs. In 2016, Council directed staff to update the code and processes to better match the evolution of wireless communication technology, and the desire to support high functioning and reliable wireless service for residents and businesses consistent with the Bellevue Smart City Strategy. Council also acknowledged the need to balance wireless facilities and their benefits with proliferation and aesthetic concerns, especially in Bellevue neighborhoods.

In September 2018, the FCC's Order placed limitations on local authority to regulate size and location of small wireless facilities (SWF) equipment. Specifically, the Ordinance would amend the Telecommunications title of the BCC to provide the regulations necessary to permit SWF within the framework of the FCC Order including timeframes and design standards. This approach also streamlines the application process and provides the City the ability to require providers to notify the public of pending installations of SWF.

Fiscal Impact

No fiscal impact is expected as a result of Ordinance adoption. Administration of the Telecommunications Title will be met with current Development Services staffing levels through the permitting functions of the City.

OPTIONS

1. Adopt the Ordinance amending Chapter 6.02 of the Bellevue City Code (BCC); adopting a new Chapter 6.08 BCC; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Chapter 6.08. Co-Location of Small Wireless Facilities in the Rights of Way (red line version) Proposed Ordinance No. 6454

AVAILABLE IN COUNCIL LIBRARY

N/A