



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
July 16, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf, Mayor Arreguin and Councilmembers Bartlett and Harrison

Subject: Referral to City Manager to consider amending the language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines

RECOMMENDATION

Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.

FINANCIAL IMPLICATIONS

Staff time and consultant fee

BACKGROUND

On September 26, 2018, the Federal Communications Commission (FCC) approved a Declaratory Ruling and a Third Report and Order, collectively referred to as the "FCC Order," that reinterprets the federal Telecommunications Act of 1996. The FCC Order implements industry demands to remove barriers and accelerate the deployment of wireless-communication facilities, specifically "small-wireless facilities" (SWFs), also known as 5G. On December 10, 2018, the FCC clarified the effective dates for the FCC Order, stating that the "shot clock" (Federally-mandated local review period) and fee regulations go into effect on January 14, 2019, and the aesthetic regulations go into effect on April 15, 2019.

SWFs would supplement existing towers (i.e. macrocells) and provide increased capacity and data speeds at higher frequencies over smaller areas. SWFs include the smaller scale antennas and associated facilities that make up the fifth generation of wireless technology, known as 5G.

A single SWF could comprise one or more antennas and related equipment, base cabinets and a power source. Some SWFs could have electric meters and/or contain batteries to operate the site in the event of a power outage. Berkeley could soon have more than a thousand SWFs to meet multiple 5G carrier coverage needs.

In July, 2009, the City Council adopted a Wireless Communications Ordinance codified as 23C.17 of the Berkeley Municipal Code (attached). This ordinance governed wireless installations on private property. In addition, on March 16, 2011 the City Manager approved Aesthetic Guidelines for the installation of wireless facilities in the public right of way (PROW) (attached).

Now, more than ten years later, our ordinances and guidelines need to be updated and amended to address the development and roll out of small cell technology.

ENVIRONMENTAL SUSTAINABILITY

Tightened aesthetic guidelines will protect the City's visual environment from unnecessary obstructions in the public right of way.

CONTACT PERSON

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Council District 6

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Attachments:

- 1: City of Berkeley's Aesthetic Guidelines for Public Right of Way (PROW) Permits
- 2: [BMC 23C.17 Wireless Telecommunication Facilities Ordinance](#)
3. BMC 16.10.050



Attachments
Not Received

These attachments have not been received from the submitting office.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

The City of Berkeley, City Council's Web site:
<http://www.cityofberkeley.info/citycouncil/>

