SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet 2

Meeting Date: May 19, 2020

Item Number: #1

Item Description: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

Submitted by: Councilmember Wengraf

Suggested revisions to Ordinance and Administrative Guidelines
Proposed amendments to Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

ORDINANCE

16.10.020 Purpose

Pg. 7 of 84/1
Add following sentence to the end: Additionally, it is the policy of the City to ensure that Video and Telecommunication Systems and related facilities are designed to interfere as little as possible with the character of our residential neighborhoods.

16.10.150 Appeals

Pg. 23 of 84/17 (A)
Remove final period and add the following: so long as such considerations are prohibited by federal law.

Pg. 23 of 84/17 (B)
Change 10 days to 10 business days

Pg. 23 of 84/17 (C)
Change 10 days to 10 calendar days

16.10.200 Adoption of Administrative Regulations or Guidelines

Pg. 26 of 84/20 (B)
Add: “or any other law restricting local authority over the PROW” to the first sentence, so it will read: “In the event that the FCC Report and Order, or any other law restricting local authority over the PROW is invalidated...”

ADMINISTRATIVE GUIDELINES

Section 4. Application and Review Procedures

Pg. 58 of 84/8 (11) Acoustic Analysis
Deleted the last sentence: “In lieu of an acoustic analysis, the applicant may submit evidence...equipment will not, both individually and cumulatively, exceed the applicable noise limits.”
(12. b) Community meeting
Remove “but does not require” from the first sentence, so it reads: The City strongly encourages applicants to schedule, notice, arrange, and attend a pre-submittal community meeting with all interested members of the public.

(12. e) Peer and Independent Consultant Review
Replace “in” with “at” in the first sentence, so it reads: …the Director may, at their discretion...

(12. G) Public Information
Need to specify the location on the City’s website.

Section 5. Decisions
(12. b) Criteria for Approval
Add item after (2) to read: (3) the applicant must demonstrate evidence of need with verification of coverage gap.

Section 6. Conditions of Approval
(23) Safety Hazard Protocols
Add this sentence to the start of the paragraph: After submittal by the applicant, the Director shall submit the application packet to the Fire Department. The Fire Chief (or their designee) shall review the application for compliance with objective health and safety standards related to fire hazards.

Section 7. Location Standards
(10) Location Preferences
Insert new item after (10) to read: (11) any location within all City of Berkeley High Hazard Fire Zones.

(11) Location Preferences
Move the former (11) item down to (12) to accommodate the change above.

Section 8. Design Standards
Add the following under the heading: Provider shall use the smallest and least visible antennas, equipment cabinets, and other facilities to accomplish the operator’s coverage and service objectives.