

RESOLUTION No. 29344

we

Law Department

A RESOLUTION regarding the leasing of City of Seattle real property and/or facilities for wireless communication transmission purposes to licensed commercial mobile services and commercial common carrier wireless exchange access services.

OK

Full Council

Introduced:	APR 15 1996	By:	PODLODOWSKI
Referred:	APR 15 1996	To:	INTRODUCTION & ADOPTION
Referred:		To:	
Reported:	APR 15 1996		
Passed:	APR 15 1996	Signed:	APR 15 1996
Filed:	APR 16 1996	Published:	

OK 5/15/96

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DUCTION & ADOPTION

15 1956

Full Council vote 7-0

RESOLUTION 29344

A RESOLUTION regarding the leasing of City of Seattle real property and/or facilities for wireless communication transmission purposes to licensed commercial mobile services and commercial common carrier wireless exchange access services.

WHEREAS, The Mayor and the Seattle City Council have expressed an interest in expanding the development of advanced telecommunications options within The City of Seattle; and

WHEREAS, The City of Seattle has encouraged increased competition in the provision of telecommunications services; and

WHEREAS, The City of Seattle has recognized the value of a variety of service options to meet telecommunications needs; and

WHEREAS, The City of Seattle has adopted specific regulations related to wireless communications in the Seattle Municipal Code, Chapters 25.57, 25.05, and 25.10; and

WHEREAS, The City of Seattle recognizes that wireless facilities can have land use and aesthetic impacts on neighborhoods if not sited carefully; and

WHEREAS, The City of Seattle retains local zoning authority over the placement, construction and modification of personal wireless services facilities so long as the City's regulations do not have the effect of prohibiting the provision of personal wireless services; and

WHEREAS, The City of Seattle owns real property and facilities that may be appropriate siting locations for wireless facilities with minimal disruptive impacts to Seattle neighborhoods; and

WHEREAS, the leasing of such real property and/or facilities for the purpose of wireless communication facility siting may increase The City's economic return from the public assets in its stewardship;

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR

CONCURREING, THAT:

Section 1. The City of Seattle ("City") should encourage the use of City real property and/or facilities in siting wireless facilities for commercial mobile services and wireless common carrier access exchange services, as defined by Federal law and Federal regulations, when appropriate and when there will be minimal disruptive impacts on neighborhoods.

1 Section 2. The Guidelines for the Siting of Wireless Facilities on City Property, attached hereto
2 as Exhibit "A", are hereby adopted.

3
4 Section 3. Through December, 1997, all decisions to approve or disapprove proposals for siting
5 wireless installations on City facilities shall be reviewed for consistency with the Guidelines by a
6 committee designated by the Director of the Office of Management and Planning, including members of
7 the Asset Management Taskforce, OMP and DAS.

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10 Section 4. City Departments, through a report compiled by the Asset Management Task Force,
11 shall advise the Council of the status of any requests for use of City facilities for wireless facilities, of
12 negotiations for leases, and of any executed leases and permits twice each year. The Asset Management
13 Taskforce shall, by year-end 1997, recommend to the Council whether to continue the decision review
14 process described in Section 3.

15
16 Adopted by the City Council the 15 day of April, 1996, and signed by me in
17 open session in authentication of its adoption this 15 day of April, 1996.

18
19
20 Jan Dragg
President of the City Council

21
22 Filed by me this 18 day of April, 1996.

23
24 Janith E. Pappa
City Clerk

25 THE MAYOR CONCURRING:

26
27 Norman B. Rice
NORMAN B. RICE, MAYOR
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ref: FacSys Ord/Agmt No. 7 (WCT.DOC)

Exhibit "A"

GUIDELINES FOR THE SITING OF WIRELESS FACILITIES ON CITY PROPERTY

I. POLICY

The City of Seattle ("City") encourages the use of City real property and/or facilities for siting wireless communication facilities for commercial mobile services and wireless common carrier access exchange services, as defined by Federal law and Federal regulations. City of Seattle departments with property management responsibility may negotiate with these services to enter into lease agreements with the City; to be approved either by City ordinance or pursuant to SMC 3.18.140 or as otherwise authorized by the City Council by ordinance, to place wireless facilities on the buildings, towers and properties controlled by said departments. Such negotiations shall be in accordance with City policies affecting real property management, reuse and disposition, and the following guidelines:

II. IMPLEMENTATION GUIDELINES

A. Process for Evaluating Proposals for Wireless Communications Facilities

1. To encourage opportunities for co-location of equipment, prior to approval of any such leases or permits with wireless service providers, the City shall publish a notice, or otherwise notify the licensees of such wireless communications services in this area of the City's policy regarding the use of City real property and/or structures for the purpose of siting wireless facilities.
2. Licensed commercial mobile services and commercial common carrier wireless exchange access services shall contact the City department with jurisdiction over the City property and/or facility for preliminary approval.
3. The department with jurisdiction shall evaluate proposals according to the criteria outlined below, and shall determine whether to proceed with lease or permit negotiations. If preliminary approval is given, the department shall state required conditions for such leases or permits to assure minimal interference with departmental operations and shall

clearly state that the lease will require compliance with conditions that are imposed through the land use permit process.¹

4. If preliminary approval is granted by the department with jurisdiction, the proposer may apply for a Master Use Permit from the Department of Construction and Land Use (DCLU). The wireless service takes the risk that a Master Use Permit may not be approved or that a proposed lease may not be approved by the City Council.²

- a. Proposed wireless communications facilities shall comply with the requirements specified in the City's Land Use and Zoning Code (SMC 23.57), SEPA Policies and Procedures (SMC 25.05) and Radiofrequency Radiation Ordinance (SMC 25.10) and shall be consistent with the Comprehensive Plan.

- b. Facilities may require conditional use approval pursuant to SMC 23.57.

5. The department with jurisdiction shall negotiate a lease or permit containing any and all applicable conditions of the department with jurisdiction and shall require compliance with all Master Use Permit conditions.

- a. Through December 1997, a committee appointed by the Director of the Office of Management and Planning shall assure that siting decisions and proposed leases are reviewed for consistency and that the City receives fair market value for the use of its property.

- b. Any lease that has been negotiated by a department shall be approved, if required, by Council, and pursuant to the requirements governing the leasing of property managed by the department with jurisdiction.

- c. Any lease shall not be in force until approved by City Council, if required, and until the lessee obtains all necessary permits to utilize the site.

¹ The department and the mobile or wireless services provider may want to consider negotiating an option or other similar agreement to cover the period of time during which the mobile or wireless service provider is applying for permits.

² In the event the proposed location is in the street right of way, a street use permit is also required, and the lease should require compliance with any conditions of the street use permit.

B. Criteria for Evaluating Proposals

1. Such wireless communications facilities shall not unreasonably interfere with the intended City use of its real property and/or structures, including but not limited to interference with City communication facilities.
2. Such use of City real property and/or structures must not violate any laws or other limitations on the use of the City property nor any limitations on the structure established for the protection of the neighboring community.
3. Any City structure proposed for siting of wireless communications equipment shall have adequate physical capacity for the wireless facility. The lessee may propose and install, at its own expense and only after City approval, structural, mechanical and/or electrical renovations to the City structure, provided that these renovations and any disruption of the City real property and/or facility for the renovations are acceptable to the department managing the City property.

RECEIVED OMP

APR 02 1996



City of Seattle
Department of Administrative Services

Kenneth J. Nakatsu, Director
Norman B. Rice, Mayor

MEMORANDUM

April 2, 1996

TO: Honorable Jan Drago, President
Seattle City Council

VIA: Tom Tierney, OMP Director

FROM: Ken Nakatsu, Director *KN. For*
Department of Administrative Services

SUBJECT: Resolution regarding the leasing of City facilities for wireless communication transmission purposes

We are pleased to forward for Council adoption a Resolution encouraging the use of City facilities in siting wireless facilities for commercial mobile services and wireless common carrier access exchange services.

The City is receiving a number of requests to lease City property for the installation and transmission equipment for cell-based wireless telephone equipment. The City has the opportunity to further its stated goal of increasing competition in telecommunications services and to facilitate siting in minimally disruptive ways. The City can also increase its financial return from some of its facilities.

This Resolution adopts guidelines which will assist City departments in evaluating proposals from wireless telecommunications services for the siting of wireless facilities on City real property by providing a decision-making process and establishing criteria.

Thank you for your time and consideration.

Attachments

KN:HH:cae

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ROUTING SLIP FOR REQUEST FOR LEGISLATIVE ACTION

Originating Department: **Administrative Services**

Council Sponsor:

Date: **April 1, 1996**

Subject: **A RESOLUTION regarding the leasing of City of Seattle real property and/or facilities for wireless communication transmission purposes to licensed commercial mobile services and commercial common carrier wireless exchange access services.**

**Date
Received**

**Date
Forwarded**

OMP:

Law:

Legislation should be rerouted in the order listed.

96A 088334

City of Seattle

COPY RECEIVED

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

SEATTLE CITY ATTORNEY



April 2, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

4/3/96
8mm

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT

Administrative Services

SUBJECT:

A RESOLUTION regarding the leasing of City of Seattle real property and/or facilities for wireless communication transmission purposes to licensed commercial mobile services and commercial common carrier wireless exchange access services.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Monica Power at 684-8076.

Sincerely,

Norman B. Rice
Mayor

by

Norman Power for

Tom Tierney, Director

legis:power63

Enclosure

Office of Management and Planning 300 Municipal Building, Seattle, Washington 98104-1026
(206) 684-8080 • (TDD) 684-8118 • FAX (206) 233-0085

STATE OF WASHINGTON - KING COUNTY

67424
City of Seattle, City Clerk

—S.

No. RESOLUTION T

Affidavit of Publication

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following resolution, passed by the City Council on April 18, 1936, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 226-8244.

RESOLUTION NO. 38344

A RESOLUTION regarding the leasing of City of Seattle real property and facilities for wireless communication transmission purposes to licensed commercial mobile systems and commercial common carrier wireless exchange services.

Publication ordered by JUDITH PIP-
P., City Clerk.

Date of official publication in Daily
Journal of Commerce, Seattle, May 1,
1936. (7165436)

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTR1:29344

was published on

05/01/96

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full

Subscribed and sworn to before me on

05/01/96

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication