

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

November 2, 2005

RECORD PACKET COPY

Thu 6e**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT No. 2-05 (Wireless Communication Facilities) for Commission
Meeting of November 16-18, 2005****SYNOPSIS**

The subject LCP implementation plan amendment was submitted and filed as complete on July 15, 2005. A one-year time extension was granted on September 16, 2005. As such, the last date for Commission action on this item is September 13, 2006. This item was initially part of LCP Amendment No. 1-05 (Definition of Applicant/Oyster Shell), which was processed and approved as a de minimis LCP amendment at the August Coastal Commission hearing. Thus, the subject matter was renumbered as LCP Amendment No. 2-05, and is the sole item addressed under that number.

SUMMARY OF AMENDMENT REQUEST

The proposed amendment request makes a number of changes in the permitting process for wireless communication facilities proposed throughout the City of San Diego. These changes will raise the level of discretionary review required for the placement of such facilities, or, in cases where no discretionary review is now required, will establish such a requirement. Local permitting will take the form of a Limited Use Permit, Neighborhood Use Permit or Conditional Use Permit, depending on the specific location and use of the property proposed for such facilities. To facilitate these proposed amendments, the City has added a new definition for *wireless communication facilities* and added this term to the existing Use Regulation Tables. In addition, the City has created a new ordinance §141.0420. Some language that formerly appeared in §141.0405 is being relocated to the new section, and additional language is being added to address the new discretionary permit requirements.

Nothing in the proposed changes specifically addresses or modifies the Coastal Development Permit (CDP) requirement for these types of facilities. Coastal Development Permits are addressed through the Coastal Development Permit Regulations, which is a separate portion of the City's Land Development Code. The

CDP regulations apply to all properties within the coastal zone, and nothing in the current proposal would change the application of the CDP regulations to wireless communication or related facilities. When a CDP is also required, it will be processed concurrently with the other discretionary review required by the proposed regulations and conformity with the certified LCP would be required.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the ordinance amendment as submitted by the City, and approval with a suggested modification requiring the removal of obsolete facilities. The intent of the proposed regulations is to increase local oversight on the design, location and proliferation of wireless communication facilities. The proposed revisions will thus increase the protection of coastal resources such as public views and sensitive habitats, and, with the suggested modification, no adverse impacts to any coastal resources are anticipated to result from the proposed amendments. The appropriate resolutions and motions begin on page 4. The suggested modifications begin on page 5. The findings for denial of the Implementation Plan Amendment as submitted and approval of the plan, if modified, begin on page 5.

BACKGROUND

The City's first Implementation Program (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The City has been reviewing this plan on a quarterly basis, and has made a number of adjustments to facilitate implementation; most of these required Commission review and certification through the LCP amendment process. Additional adjustments will continue to be made in the future. The City's IP includes Chapters 11 through 14 (identified as the Land Development Code or LDC) of the municipal code.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. 2-05 may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC has been in effect within the City's coastal zone since January 1, 2000.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment No. 2-05 for the City of San Diego, as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment No. 2-05 submitted for the City of San Diego, and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plans. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

- II. MOTION II:** *I move that the Commission certify the Implementation Program Amendment No. 2-05 for the City of San Diego, if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment No. 2-05 for the City of San Diego, if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carryout the certified Land Use Plans.

Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added from the language as originally submitted.

1. Section 141.0420(b)(4) shall be added as follows:

(4) If the permit(s) for any wireless communication facility includes an expiration date, upon expiration of the permit, the facilities and improvements authorized therein shall be removed from the site and the property shall be restored to its original condition. In addition, any wireless communication facility shall be removed or replaced if it is determined that the facility or components of the facility are non-operating and/or obsolete.

PART IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT NO. 2-05, AS SUBMITTED, AND FOR APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED

A. AMENDMENT DESCRIPTION

Due to growing City concerns over the types, placement and proliferation of wireless communication support systems, the proposed amendment request makes a number of changes in the permitting process for new wireless communication facilities throughout the City of San Diego. These changes will raise the level of discretionary review required for the placement of such facilities, or, in cases where no discretionary review is now required, will establish such a requirement. Local discretionary permitting will take the form of a Limited Use Permit, Neighborhood Use Permit or Conditional Use Permit, depending on the specific location and use of the property proposed for such facilities.

To facilitate these proposed amendments, the City has added a new definition for *wireless communication facilities* and has also added this term to the existing Use Regulation Tables within the Land Development Code. These tables are organized by zones, and give a detailed list of all allowed uses in each zone, and the permit process through which the use may be allowed. In addition, the City has created a new ordinance §141.0420 just to address these specific devices. Some language that formerly appeared in §141.0405 is being relocated to the new section, and additional language is being added to address the

new discretionary permit requirements. Any permitted facilities will need to address co-locating with other facilities, camouflaging the facilities, avoiding biologically sensitive areas, etc. In all cases, the language being proposed is more stringent than the currently-certified language. §141.0405 will continue to address other communication facilities, such as satellite antennas.

Nothing in the proposed changes specifically addresses or modifies the Coastal Development Permit (CDP) requirement for these types of facilities. Coastal Development Permits are addressed through the Coastal Development Permit Regulations, which is a separate portion of the City's Land Development Code located within Chapter 12, beginning with §126.0701. These regulations apply to all properties within the coastal zone, and identify the types of development that require a CDP. In general, any freestanding wireless communication facility would require a CDP, whereas many facilities attached to existing structures would not.

Nothing in the current proposal would change the application of the CDP regulations to wireless communication or related facilities. When a CDP is also required, it will be processed concurrently with the other discretionary review required by the proposed regulations and conformity with the certified LCP would be required.

B. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL WITH A SUGGESTED MODIFICATION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance. The specific ordinance addressing wireless communication facilities is part of Chapter 14, Article 1, Division 1, General Rules for Separately Regulated Uses. The purpose and intent of this article is to provide regulations for specific uses that may be desirable and appropriate in a particular zone if limitations or conditions are placed on the development of those uses to minimize detrimental effects to neighboring properties or incompatibility with the permitted uses of the base zone.

b) Major Provisions of the Ordinance. The ordinance identifies when these regulations will apply and the required level of discretionary review. It also identifies the applicable regulations, use by use, and establishes enforcement procedures if violations of these regulations occur. §141.0420 then provides the detail and specificity needed to apply these general regulations to wireless communications facilities. It includes a list of exempted facilities, application requirements, maintenance regulations and annual monitoring/reporting requirements. It establishes the level of review based on the underlying zone, such that wireless communications facilities may be approved as limited uses in industrial and commercial zones and through a Neighborhood Use Permit in residential, mixed use, and agricultural zones and public rights-of-way. In dedicated parkland and open space and in some residential zones, a Conditional Use Permit is required. The section establishes design requirements to minimize visual impacts and the

loss of existing vegetation and includes specific regulations for public right-of-way and park sites installations.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

1. Applicable Land Use Plan Policies. Each community plan or LCP Land Use Plan contains policies that protect public views, scenic resources, public access, recreation and sensitive coastal resources including, but not limited to, beaches, bluffs, slopes, hillsides, parklands, open space and environmentally sensitive lands in that community. The Commission's review of the proposed changes to the Land Development Code must assure that development is approved only when consistent with the certified LCP. Listed below are typical policies contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego which generally protect the above-described resources, including policies addressing preservation of community character, removal of landscaping in public rights-of-way and park areas, and blockage of public views to the ocean, parks, resource areas, etc.

Carmel Valley Neighborhood 10 Precise Plan (LCP Land Use Plan)

- Create a development that responds to the physical and visual features of the Precise Plan area. (pg 50)
- Preserve key environmental features. (pg 50)
- Maximize opportunities for views. (pg 50)

Torrey Pines Community Plan (LCP Land Use Plan)

- Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas. (pg. 29)
- Construction or improvements of roadways adjacent to biologically sensitive areas or open space shall be designed to avoid impacts, especially in wetlands and wetland buffer areas. Protection of sensitive habitats through buffers, realignments and reduced development areas shall also be considered. (pg 29)
- All Torrey Pine trees on public property should be preserved and protected. (pg 30)
- New commercial development within predominantly residential neighborhoods shall be designed to minimize or eliminate traffic, noise, parking and visual impacts to residents. Bulk and scale of new commercial development shall be low scale and of similar height to buildings and homes in the existing area. (pg 119)

- New residential, commercial, and industrial development shall provide landscape buffers to screen views of the buildings from designated scenic roadways. (pg 119)

La Jolla LCP Land Use Plan

- Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G (Coastal Access Subarea maps). Public views to the ocean along public streets are identified in Appendix G. Design and site proposed development that may affect an existing or potential public view to be protected, as identified in Figure 9 or in Appendix G, in such a manner as to preserve, enhance or restore the designated view opportunities. (pg. 56)
- Plant and maintain landscaping or vegetation so that it does not obstruct public views of coastal resources from identified public vantage points as identified in Figure 9. (pg. 57)
- In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:
 - 1) Bulk and scale – with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space; (pg. 90)

Mission Beach Precise Plan and Local Coastal Program Addendum

- Under the Local Coastal Program, the following specific concept for future implementation technique development is set out in regard to community landscaping:
- Views to and along the shoreline from Public areas shall be protected from blockage by development and or vegetation.

Peninsula Community Plan and Local Coastal Program Addendum

- Preserve and enhance significant views of the bay and ocean. (pg. 108)

Ocean Beach Precise Plan

- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible. (pg. 83)
- That street trees be located so as not to block views upon maturity and to complement the surrounding area.

2. Adequacy of Ordinance. The City has proposed the subject LCP amendment to increase its discretionary authority in the placement, number and design of wireless communications facilities. As such, the proposed wireless communication facilities regulations will assure greater compatibility of these facilities with the goals and policies of the various certified land use plans, and will allow the City to more adequately carry out those policies. In the past, the City had no discretionary review over many of these facilities, particularly if they were exempt from CDP requirements. Since the City encourages collocation of facilities and use of existing structures where possible, there are many instances where a CDP might not be required. The proposed ordinance will establish a discretionary review process and standards for all wireless communication facilities independent of the CDP requirement.

§141.0420(d) addresses protection of visual resources by requiring that all proposed equipment, including poles, antennas, etc. to be the smallest possible size needed to provide the needed service capacity. It also requires that the facilities be designed to blend into the existing neighborhood, or existing structure where the new facility is to be attached to an existing building, by painting, architectural design, screening vegetation, etc., and, in park sites, requires the equipment enclosures to be underground.

The proposed ordinance does not address the protection of biological resources directly, but provisions in the certified underlying base zones and Environmentally Sensitive Lands (ESL) Regulations already prevent placement of such facilities within wetlands, floodways and steep slopes with sensitive vegetation. An example of this is §131.0222 in the Open Space Zones where the Use Regulations Table includes a footnote stating "Within the Coastal Overlay Zone, no structures are permitted within a floodway," and in §131.0250(a)(3), where a similar footnote states "Within the Coastal Overlay Zone, only uses identified in Section 143.0130(d) and (e) shall be permitted within wetlands subject to the provisions of Section 143.0141(a) and (b)." The referenced sections are found within the ESL regulations.

Also in §141.0420(b)(3), the newly proposed language requires submittal of documentation prior to January 31 of every calendar year from each wireless provider, identifying the location and operating status of every wireless communication facility in its City of San Diego network. This includes identification of non-operating facilities, but there is no specific requirement to remove non-operating or obsolete equipment within the proposed new ordinance. Suggested Modification #1 does require such removal, if there is a specific expiration date for the approved facility, or it is non-operating or obsolete. Thus, expiration of the City's permit(s) will trigger removal of all existing wireless communications facilities authorized by those permits and will further require restoration of the site. The Commission finds this modification is needed to assure that inoperative and obsolete equipment does not become a permanent fixture on a site.

The cited land use plan policies are only examples of the kinds of policies present in every certified planning document, but they are sufficient to provide insight into the goals and desires of each community and, thus, the City as a whole. There is nothing in the

proposed new language that in any way contradicts the specific cited policies, or the wider range of policies these citations represent. The regulations will encourage collocation of such facilities, as well as improve the design and screening of the devices. In this way, the proposed regulation changes, as modified herein, will increase the City's ability to apply the land use plan goals and policies to all future proposed wireless communications facilities, even those that do not require a CDP.

Thus, the Commission finds the proposed Implementation Plan amendments, with the suggested modification, are consistent with the policies of all certified City of San Diego planning documents applicable in the coastal zone. Moreover, although the ordinances had previously been certified without the proposed specificity, the Commission finds that the new language will provide greater conformance with Land Use Plan policies that protect sensitive coastal resources. In addition, such requirements are consistent with Commission action on permits for such facilities in areas of Commission jurisdiction.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the proposed amendments are being approved with a suggested modification addressing removal of obsolete devices. With the suggested modification, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

RECEIVED

JUN 30 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

(O-2004-123)
(COR.COPY)
(REV.COPY)

ORDINANCE NUMBER O-19308 (NEW SERIES)

ADOPTED ON AUGUST 10, 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 3, DIVISION 4, BY AMENDING SECTIONS 123.0402 AND 123.0406; ARTICLE 6, DIVISION 2, BY AMENDING SECTION 126.0203; ARTICLE 6, DIVISION 3, BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, DIVISION 2, BY AMENDING SECTION 131.0222; DIVISION 3, BY AMENDING SECTION 131.0322; DIVISION 4, BY AMENDING SECTION 131.0422; DIVISION 5, BY AMENDING SECTION 131.0522; DIVISION 6, BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, BY AMENDING SECTION 141.0405; AND BY ADDING SECTION 141.0420 TITLED "WIRELESS COMMUNICATION FACILITIES," ALL PERTAINING TO WIRELESS COMMUNICATION FACILITIES REGULATIONS.

Section 1. That Chapter 11, Article 3, Division 1, of the San Diego Municipal Code is amended by amending Section 113.0103, to read as follows:

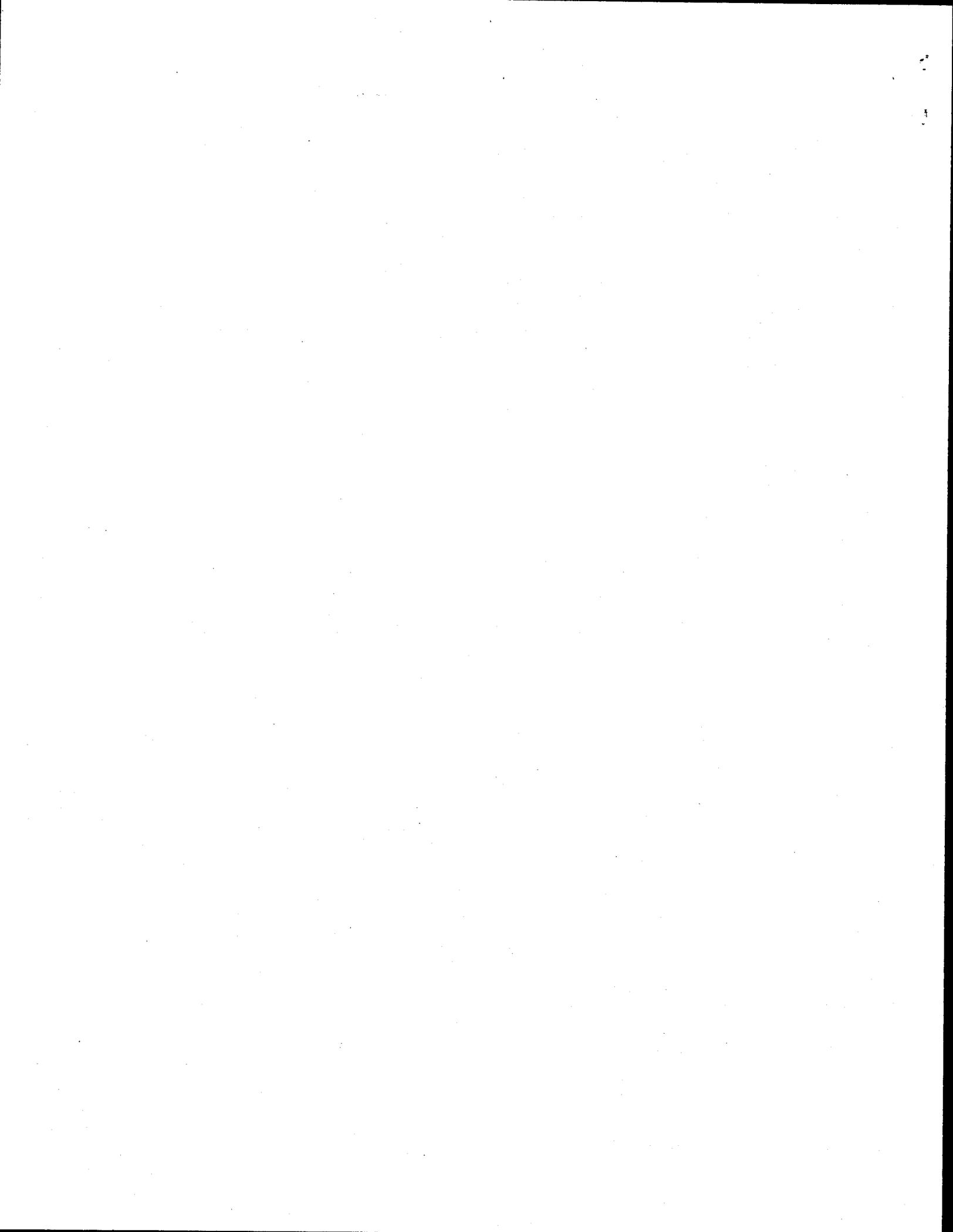
§113.0103 Definitions

Abutting property through *Amended map* [No change.]

Antenna means a device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an omnidirectional (whip), directional (panel), dish, or GPS *antenna*. It does not include the support structure.

Appealable area through *Moderate income* [No Change.]

EXHIBIT NO. 1
APPLICATION NO.
SD LCPA #2-05
Front Page of Adopted ordinance
 California Coastal Commission



STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

(O-2004-123)

ORDINANCE NUMBER O-_____ (NEW SERIES)

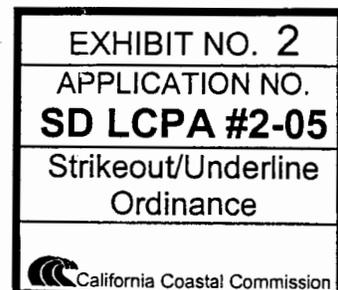
ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 3, DIVISION 4, BY AMENDING SECTIONS 123.0402 AND 123.0406; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2, BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 6, DIVISION, 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 131.0522; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, BY AMENDING SECTION 141.0405; AND BY ADDING SECTION 141.0420 TITLED WIRELESS COMMUNICATION FACILITIES ALL RELATING TO WIRELESS COMMUNICATION FACILITIES REGULATIONS.

§113.0103 Definitions

Abutting property through Amended map [No change.]

Antenna means a device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an omnidirectional (whip), directional (panel), dish, or GPS antenna. It does not include the support structure.



Appealable area through Moderate income [No Change.]

Monopole means a support structure, which consists of a single pole supporting a panel, omni or dish antenna.

Motel through Wetlands [No change.]

Wireless communication facility means the antennas, support structures, and other equipment or apparatus necessary for providing personal wireless services and information services.

Yard [No change.]

§123.0402 When a Temporary Use Permit Is Required

A Temporary Use Permit is required for the following uses:

(a) and (b) [No change.]

(c) — ~~Temporary telecommunication facilities intended to provide service to citywide public events.~~ *Wireless communication facilities* under the following conditions:

- (1) Where the *wireless communication facility* provides service to a citywide public event.
- (2) Except on premises containing a residential use, where an emergency arises that is not the result of any act of the *wireless communication facility* provider and is otherwise determined by the City Manager, in his sole discretion, to be an emergency.

§123.0406 Expiration of a Temporary Use Permit

The City Manager shall set an expiration date for each Temporary Use Permit. The expiration date shall not be later than thirty calendar days after the effective date for retail sales related to seasonal activities, ~~and temporary public assembly, and entertainment uses. The expiration date shall not be later than 90 calendar days after the effective date for temporary telecommunication facilities.~~ The expiration date shall not exceed 180 days after the effective date for *wireless communication facilities*.

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulations Tables in Chapter 13.

Bed and breakfast establishments (under circumstances described in Section 141.0603)

~~Communication antennas (under circumstances described in Section 141.0405)~~

Community gardens through Theater marquees [No change.]

Wireless communication facilities (under certain circumstances described in Section 141.0420)

- (b) [No change.]

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Tables in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Commercial stables [No change.]

~~Communication antennas (under circumstances described in Section 141.0405)~~

Companion units through Veterinary clinics and hospitals [No change.]

Wireless communication facilities (under circumstances described in Section 141.0420)

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums through Transitional housing for 13 or more persons [No change.]

Wireless communication facilities (under circumstances described in Section 141.0420)

Wrecking and dismantling of motor vehicles [No change.]

(c) Conditional Use Permits Decided by Process Five [No change.]

§131.0222 Use Regulations Table for Open Space Zones

Legend for Table 131-02B
[No change.]

Table 131-02B
Use Regulations Table of Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd »	1-	2-	1-	1-	1-
	4th »	1	1	1	1	2
Open Space through Residential [No change.]						
Institutional						
Separately Regulated Institutional Uses Airports through <i>Social Services Institutions</i> [No change.]						
Communication Antennas: <i>Wireless communication facility:</i>						
Minor Telecommunications Facility-<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L	L	-	L	L
Major Telecommunication Facility-<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>		N	N	N	N	N
<i>Wireless communication facility in the public right-of-way with above-ground equipment</i>		C	C	C	C	C
<i>Wireless communication facility outside the public right-of-way</i>		C	C	C	C	C
Retail Sales through Signs [No change.]						

Footnotes for Table 131-02B [No change.]

§131.0322 Use Regulations Table for Agricultural Zones

Legend for Table 131-03B
[No change.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
Open Space through Residential [No change]					
Institutional					
Separately Regulated Institutional Uses					
Airports through <i>Social Services Institutions</i> [No change.]					
Communication-Antennas: <i>Wireless communication facility:</i>					
Minor-Telecommunication Facility <i>Wireless communication facility in the public-right-of-way with subterranean equipment adjacent to a non-residential use</i>		L		L	
Major-Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>		N		N	
<i>Wireless communication facility in the public right-of-way with above-ground equipment</i>		C		C	
<i>Wireless communication facility outside the public right-of-way</i>		C		C	
Retail Sales through Signs [No change.]					

Footnotes for Table 131-03B [No change.]

§131.0422 Use Regulations Table for Residential Zones

Legend for Table 131-04B
[No change.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																					
	1st & 2nd »	RE-	RS-											RX-		RT-								
		3rd »	1-	1-											1-	1-								
	4th »		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Open Space through Residential [No change]																								
Institutional																								
Separately Regulated Institutional Uses																								
Airports through <i>Social Services Institutions</i> [No change.]																								
Communication Antennas <i>Wireless communication facility:</i>																								
<u>Minor Telecommunication Facility</u> <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>																								
		L	L											L	L									
<u>Major Telecommunication Facility</u> <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>																								
		N	N											N	N									
<u>Wireless communication facility in the public right-of-way with above-ground equipment</u>																								
		C	C											C	C									
<u>Wireless communication facility outside the public right-of-way</u>																								
		C	C											C	C									
Sales through Signs [No change.]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones											
	1 st & 2 nd »		RM-											
		3 rd »	1-	2-	3-	4-	5-							
	4 th »		1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential [No change]														
Institutional														
Separately Regulated Institutional Uses														
Airports through <i>Social Services Institutions</i> [No change.]														
Communication Antennas: <i>Wireless communication facility:</i>														
<u>Minor Telecommunication Facility</u> <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>														
		L	L	L	L	L								
<u>Major Telecommunication Facility</u> <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>														
		N	N	N	N	N								
<u>Wireless communication facility in the public right-of-way with above-ground equipment</u>														
		C	C	C	C	C								
<u>Wireless communication facility outside the public right-of-way</u>														
		C	C	C	C	C								
Sales through Signs [No change.]														

Footnotes for Table 131-04B [No change.]

§131.0522 Use Regulations Table of Commercial Zones

Legend for Table 131-05B
[No change.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1 st & 2 nd >	CN ⁽¹⁾ - CR- CO- CV- CP-									
	3 rd >	1-		1-		1-		1-		1-	
	4 th >	1	2	3	1	1	1	2	1	2	1
Open Space through Residential [No change]											
Institutional											
Separately Regulated Institutional Uses											
Airports through <i>Social Services Institutions</i> [No change.]											
Communication Antennas: <i>Wireless communication facility</i> :											
Minor Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L	L	L	L	L	L	L	L	L	L
Major Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>		N	N	N	N	N	N	N	N	N	N
<i>Wireless communication facility in the public right-of-way with above-ground equipment</i>		C	C	C	C	C	C	C	C	C	C
<i>Wireless communication facility outside the public right-of-way</i>		L	L	L	L	L	L	L	L	L	L
Retail Sales through Signs [No change.]											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1 st & 2 nd >	CC-																	
	3 rd >	1-			2-			3-			4-			5-					
	4 th >	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Open Space through Residential [No change]																			
Institutional																			
Separately Regulated Institutional Uses																			
Airports through <i>Social Services Institutions</i>																			
Communication Antennas: <i>Wireless communication facility</i> :																			
Minor Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Major Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<i>Wireless communication facility in the public right-of-way with above-ground equipment</i>		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<i>Wireless communication facility outside the public right-of-way</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Retail Sales through Signs [No change.]																			

Footnotes to Table 131-05B [No change.]

§131.0622 Use Regulations Table for Industrial Zones

Legend for Table 131-06B
[No change.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator Zones								
	1st & 2nd »		IP-		IL-		IH-		IS-
	3rd »	1-	2-	1-	2-	3-	1-	2-	1-
	4th »	1	1	1	1	1	1	1	1
Open Space through Residential [No change]									
Institutional									
Separately Regulated Institutional Uses									
Airports through <i>Social Services Institutions</i>									
Communication Antennas: <i>Wireless communication facilities:</i>									
Minor Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>	L	L	L	L	L	L	L	L	L
Major Telecommunication Facility <i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>	N	N	N	N	N	N	N	N	N
<i>Wireless communication facility in the public right-of-way with above-ground equipment</i>	C	C	C	C	C	C	C	C	C
<i>Wireless communication facility outside the public right-of-way</i>	L	L	L	L	L	L	L	L	L
Retail Sales through Signs [No change].									

Footnotes for Table 131-06B [No change.]

~~(B) — Antennas and associated equipment located in the *public right of way* adjacent to non-residentially zoned *premises* are subject to review and approval by the City Manager.~~

~~(C) — All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).~~

~~(D) — A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.~~

~~(4) — Antennas and associated equipment located in the *public right of way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.~~

~~(e) — Temporary facilities that provide services to public events and are limited to a one time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.~~

~~(d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city owned dedicated or designated parkland or open space areas shall comply with the following:~~

~~(1) The City Manager shall determine that the proposed facility would not be detrimental to the City's property interest; would not preclude other appropriate uses; would not change or interfere with the use or purpose of the parkland or open space; and would not violate any deed restrictions related to City property, map requirements or other land use regulations.~~

~~(2) The proposed facility shall be integrated with existing park facilities or open space; shall not disturb the environmental integrity of the parkland or open space; and shall be disguised such that it does not detract from the recreational or natural character of the parkland or open space.~~

~~(3) The proposed facility shall be consistent with The City of San Diego Progress Guide and General Plan.~~

~~(e) Minor Telecommunication Facilities~~

~~Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:~~

~~(1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.~~

~~(2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:~~

~~(A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.~~

~~(B) Panel shaped antennas that are flush mounted to an existing building *façade* on at least one edge, extend a maximum of 18 inches from the *building façade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.~~

- ~~(C) Whip antennas if the number of antennas that are visible from the *public right of way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.~~
- ~~(3) Minor telecommunication facilities are not permitted in the following locations:~~
- ~~(A) On *premises* that are developed with residential uses in residential zones;~~
- ~~(B) On vacant *premises* zoned for residential development;~~
- ~~(C) On *premises* that have been designated as *historical resources*;~~
- ~~(D) On *premises* that have been designated or mapped as containing sensitive resources;~~
- ~~(E) On *premises* within the *MHPA*; or~~
- ~~(F) On *premises* that are leased for billboard use.~~
- ~~(4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.~~
- ~~(5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.~~

~~(f) Major Telecommunication Facilities Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities on dedicated or designated parkland and open space may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:~~

~~(1) Major telecommunication facilities are not permitted in the following locations:~~

~~(A) On premises containing designated historical resources;~~

~~(B) Within view sheds of designated and recommended State Scenic Highways and City Scenic Routes; or~~

~~(C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and accessory use structures.~~

~~(D) Within the Coastal Overlay Zone, on premises within the MHPA and/or containing steep hillsides with sensitive biological resources, or within public view corridors or view sheds identified in applicable land use plans.~~

~~(2)~~ Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.

~~(3)~~ Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

~~(g)~~ Satellite *antennas* are permitted as a limited use subject to Section 141.0405(b), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(c), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(d).

~~(1)~~(a) Exemption. Satellite *antennas* that are 5 feet in diameter or smaller are permitted in all zones and are exempt from the requirement under Section 141.0420.

~~(2)~~(b) Limited Use Regulations. Satellite *antennas* that exceed 5 feet in diameter are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

~~(A)~~(1) Satellite *antennas* are not permitted within the *MHPA*.

~~(B)~~(2) Satellite *antennas* are not permitted on *premises* that have been designated as *historical resources*.

~~(C)~~(3) Satellite *antennas* shall not exceed 10 feet in diameter.

- ~~(D)~~(4) Ground-mounted satellite *antennas* shall not exceed 15 feet in *structure* height.
- ~~(E)~~(5) Ground-mounted satellite *antennas* shall not be located in the street yard, front yard, or street side yard of a *premises*.
- ~~(F)~~(6) Satellite *antennas* shall not be light-reflective.
- ~~(G)~~(7) Satellite *antennas* shall not have any *sign copy* on them nor shall they be illuminated.
- ~~(H)~~(8) Ground-, roof-, and pole-mounted satellite *antennas* shall be screened by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the *antenna* height is visible from the grade level of adjacent *premises* and adjacent *public rights-of-way*.
- ~~(3)~~(c) Neighborhood Use Permit Regulations. Proposed satellite *antennas* that do not comply with Section 141.0405(b) may be permitted with a Neighborhood Use Permit subject to the following regulations:
- ~~(A)~~(1) Satellite *antennas* are not permitted within the *MHPA*.
- ~~(B)~~(2) Satellite *antennas* are not permitted on *premises* that have been designated as *historical resources*.
- ~~(C)~~(3) Satellite *antennas* shall not exceed 10 feet in diameter.
- ~~(D)~~(4) Satellite *antennas* shall not be light-reflective.

~~(E)~~(5) Satellite *antennas* shall not have any *sign copy* on them nor shall they be illuminated.

~~(F)~~(6) The visual impacts of the *antenna* to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the *antenna* on the *premises* and the use of landscape or other *screening*.

(4)(d) Conditional Use Permit Regulations. Except for satellite *antennas* which are *accessory uses* in industrial zones, satellite *antennas* that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations:

(A)(1) Satellite *antennas* are not permitted within the *MHPA*.

~~(B)~~(2) Satellite *antennas* are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.

~~(C)~~(3) The visual impacts of the *antenna* to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the *antenna* on the *premises* and the use of landscaping or other *screening*.

§141.0420 Wireless Communication Facilities

Wireless communication facilities are permitted as a limited use in accordance with Process One in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in Section 141.0420. Wireless communication facilities that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, subject to the regulations in Section 141.0420(c)(2). Wireless communication facilities may also be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), except that wireless communication facilities in areas described in Section 141.0420(c)(4) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) The following uses are exempt from the provisions of Section 141.0420:
- (1) Amateur (HAM) radio facilities.
 - (2) Single dish antennas 24-inches or less in diameter or remote panel antennas 24-inches or less in length and width, except when associated with another wireless communication facility.

(b) General Rules for Wireless Communication Facilities

- (1) Every application for a permit shall include documentation, satisfactory to the City Manager:
 - (A) That the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies, and
 - (B) Describing the location type, capacity, field strength or power density and calculated geographic service of the *wireless communication facility*.
- (2) *Wireless communication facilities* shall be maintained in a graffiti-free condition.
- (3) Prior to January 31 of every calendar year, each *wireless communication facility* provider shall submit documentation, satisfactory to the City Manager, identifying the location of each *wireless communication facility* in its City of San Diego network. The documentation shall include *wireless communication facilities* that are approved, but not yet built, *wireless communication facilities* that are currently operating and locations containing non-operating *wireless communication facilities*.

(c) Limited Use Regulations

(1) Wireless communication facilities as a limited use are permitted subject to the following regulations:

(A) Except as provided in Section 141.0420(c)(2), wireless communications facilities in Industrial Zones.

(B) Except as provided in Section 141.0420(c)(2), wireless communications facilities in Commercial Zones.

(C) Collocation of wireless communication facilities to existing monopoles that do not increase the area occupied by the antennas by more than 100 percent of the originally approved wireless communication facilities and do not increase the area occupied by an outdoor equipment enclosure more than 150 square feet beyond the originally approved wireless communication facilities.

(2) Neighborhood Use Permit (Process Two)

Wireless communication facilities on premises containing residential or mixed uses in a Commercial or Industrial Zone.

(3) Conditional Use Permit (Process Three)

(A) Wireless communication facilities on premises containing a non-residential use within a Residential Zone.

(B) Wireless communication facilities in Agricultural Zones.

(C) Wireless communication facilities, with above ground equipment, in the public right-of-way.

(4) Conditional Use Permit (Process Four)

(A) Wireless communication facilities proposed in dedicated parkland.

(B) Except as provided in Section 141.0420(c)(3), wireless communication facilities proposed in Residential Zones.

(C) Wireless communication facilities proposed in Open Space Zones.

(d) Design Requirements

The following regulations apply to all wireless communication facilities:

(1) Wireless communication facilities shall utilize the smallest, least visually intrusive antennas, components and other necessary equipment.

(2) The applicant shall use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.

- (3) The wireless communication facility's equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet.
- (4) Overhead wires connecting the antennas to the equipment are not permitted.
- (5) Equipment located on the roof of an existing structure shall be set back or located to minimize visibility, especially from the public right-of-way or public places.
- (6) Faux landscaping may be used on premises where natural vegetation similar in size and species exist or where landscaping similar in size and species is proposed as part of the development. The applicant shall provide sufficient samples, models or other means to demonstrate the quality, appearance, and durability of the faux vegetation.
- (7) If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the installation or operation of the wireless communication facility, then replacement trees of a similar size shall be planted to the satisfaction of the City Manager.

- (8) Panel antennas shall be mounted no more than 12 inches away from a building façade and shall appear as an integral part of the building except as set forth in Section 141.0420(d)(8). Panel antennas may be mounted up to 18 inches away from a building façade when the applicant provides evidence demonstrating that the wireless communication facility cannot operate without incorporating a tilt greater than 12 inches. Each panel antenna shall fit into the design of an existing façade and shall be no longer nor wider than the portion of the façade upon which it is mounted. The antennas shall not interrupt the architectural lines of the façade. Associated mounting brackets and coaxial cable shall be concealed from view. Any pipes or similar apparatus used to attach panel antennas to a building façade shall not extend beyond the length or width of the panel antenna. No exposed mounting apparatus shall remain on a building façade without the associated antennas.
- (9) Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter and proportion of the vertical element they are intending to imitate. Flagpoles shall maintain a tapered design.

(e) Public Right-of-Way Installations

Wireless communication facilities may be installed in the public right-of-way in the area between the face of the curb and the adjacent property line.

Wireless communication facilities located in the public right-of-way are subject to Chapter 6, Article 2, and the following regulations:

- (1) All equipment associated with wireless communication facilities shall be undergrounded, except for small service connection boxes or as permitted in Section 141.0420 (d)(1).
- (2) No equipment or components of a wireless communication facility, excluding antennas attached to an existing vertical element, shall be located between the face of the curb and the edge of the sidewalk.
- (3) Panel antennas shall be vertically mounted to the pole in compliance with any applicable separation requirements and shall not exceed 6 inches in distance from the pole.
- (4) No more than four panel antennas or two omni-directional antennas shall be mounted on any utility pole by any one wireless communication facilities provider.
- (5) Antennas shall be painted to match the color of the surface of the pole on which they are attached.

(f) Park Site Installations

- (1) In addition to the design guidelines set forth in Section 141.0420(e), the following design requirements apply to wireless communication facilities in city parks.

- (A) Where practicable, antennas shall be mounted on sports field light poles, security light poles, or inside foul line poles or flagpoles. Antennas shall not be mounted above the light source on any light poles. All antennas on flagpoles or foul line poles shall be concealed within the pole.
- (B) Equipment enclosures shall be placed underground.
- (C) No above ground equipment enclosure for a wireless telecommunication facility shall be placed on city owned property, dedicated in perpetuity by ordinance, for park or recreation purposes, except where the wireless communication facility use would not violate City of San Diego Charter section 55.

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