

CALIFORNIA COASTAL COMMISSION

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



March 27, 2007

T 5c**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, SAN DIEGO DEPUTY DIRECTOR
DEBORAH LEE, 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. 2-06D (Wireless Communication Facilities) for Commission
Meeting of April 10-13, 2007**

SYNOPSIS

The subject LCP implementation plan amendment was submitted on November 3, 2006. It was part of an LCP amendment package from the City of San Diego that contains three other unrelated items and the submittal, as a whole, remains incomplete and unfiled. Therefore, there is technically no date for final Commission action on this matter. Nonetheless, this specific request to update the citywide regulations for wireless communication facilities was separated out and is being analyzed herein.

This amendment request is essentially a resubmittal of a prior request from the City of San Diego on the same topic. In November 2005, the Commission approved the City's ordinance at that time (City of San Diego LCPA #2-05) with two suggested modifications, one addressing the removal of obsolete facilities and site restoration and another acknowledging coastal development permit jurisdiction. Although the suggested revisions were minor and acceptable to City planning staff, the City Attorney's office sought some clarification. Therefore, while the City ultimately accepted the Commission's suggested changes in concept, the exact language was modified and the City's action results in this new amendment request as opposed to a certification review on the previous submittal.

SUMMARY OF AMENDMENT REQUEST

The subject 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 specify the level of review necessary for the placement of such facilities, depending on the sensitivity of the proposed location. 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 permit review requirements. Consistent with the Commission's prior action, the City adopted a new provision requiring the removal of these facilities when they become non-operational or are no longer used, along with site restoration at the sole cost and expense of the owner or permittee. The new provision also provides for the City Manager to take action and then seek necessary financial and legal remedies against the owner or permittee.

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 review required by the proposed regulations and conformity with the certified LCP would be required. Again, consistent with the Commission's prior action, the City adopted a new provision which adds a cross-reference to the coastal development permit processes within this ordinance section.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the ordinance amendment as submitted by the City. 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, as resubmitted here, no adverse impacts to any coastal resources are anticipated to result from the proposed amendments. **The appropriate resolution and motion may be found on Page 5. The findings for approval of the Implementation Plan Amendment as submitted also 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. 2-06D may be obtained from **Deborah Lee**, District Manager, 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 - RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution 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 for the City of San Diego LCP Amendment No. 2-06D (Wireless Communication Facilities) as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted 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 IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego LCP Amendment No. 2-06D as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of 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 or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LCP IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

Due to growing City concerns over the adverse effects of communication support systems on sensitive habitat areas, public parklands, and public views, 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 specify the different levels of review required for the placement of such facilities, depending on the sensitivity of the proposed location. 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 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 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 at least as protective as the currently-certified language. In addition, consistent with the previous direction from the Commission on City of San Diego LCPA #2-05, the City has now incorporated specific measures to address the removal of obsolete facilities and site restoration at the sole cost and expense of the owner or permittee. §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.

The current proposal will not 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 review required by the proposed regulations and conformity with the certified LCP would be required. This review was reinforced by the inclusion of a specific cross-reference to the CDP permitting regulations within the proposed ordinance.

B. FINDINGS FOR APPROVAL AS SUBMITTED

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. The Commission does not review LCP submittals or amendments for compliance with legal requirements other than those specified in the Coastal Act.

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 communication 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 site 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

- 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 specify different levels of review for the placement, number and design of wireless communication facilities, depending on the sensitivity of the proposed location. 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 limited authority to review 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 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. As resubmitted, there is now a specific requirement to remove non-operating or obsolete equipment within the proposed new ordinance. Thus, expiration of the City's permit(s) or a determination by the City Manager that a facility is no longer being used or is non-operational will trigger removal of the identified wireless communication facilities and will further require restoration of the 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 will increase the City's ability to apply the land use plan goals and policies to all future proposed wireless communication facilities, even those that do not require a CDP.

Thus, the Commission finds the proposed Implementation Plan amendment is consistent with the policies of all certified City of San Diego planning documents applicable in the coastal zone. Moreover, 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)

Pursuant to State CEQA Guidelines, the City found that adoption of these ordinances was exempt because the activity is not a project as defined in Section 15378. In addition, 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 LCP amendment will not have any significant adverse effects on the environment and 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.

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(R-2006-716)
NOV 03 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RESOLUTION NUMBER R- 301862

DATE OF FINAL PASSAGE SEP 19 2006

RESOLUTION ACCEPTING CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS FOR CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT NO. 2-05 RE WIRELESS COMMUNICATION FACILITIES, AND AUTHORIZING THE MAYOR TO SUBMIT LOCAL COASTAL PROGRAM AMENDMENT NO. 2-05 TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION.

WHEREAS, on December 9, 1997, the Council of the City of San Diego adopted the Land Development Code of the City of San Diego pursuant to Ordinance No. O-18451; and

WHEREAS, the California Coastal Act (Public Resources Code section 30000 et seq.) requires Coastal Commission certification of zoning ordinances, zoning maps, and in sensitive coastal areas, other implementing actions to implement the approved coastal plan; and

WHEREAS, on August 10, 2004, Chapter 14, Article 1, Division 4, of the San Diego Municipal Code was amended by adding Section 141.0420, entitled "Wireless Communication Facilities," by Ordinance No. O-19308; and

WHEREAS, on May 3, 2005, Chapter 14, Article 1, Division 4, Section 141.0420 of the San Diego Municipal Code was further amended by Ordinance No. O-19369; and

WHEREAS, on November 17, 2005, the California Coastal Commission approved the City's addition of and amendments to Section 141.0420 as an amendment to the City's Local

City of San Diego
LCPA # 2-06D
Exhibit 1 (3 pgs)
Council Reso

(R-2006-716)

Coastal Program (LCP Amendment No. 2-05) and suggested modifications to address the removal of obsolete facilities and Coastal Development Permit requirements; and

WHEREAS, by letter of November 25, 2005, the Coastal Commission advised the City that to obtain certification, the City must acknowledge receipt of the Commission's resolution of certification and any suggested modifications and take any action necessary to satisfy the Commission's terms; and

WHEREAS, the modifications suggested by the Coastal Commission are before the City Council for adoption as an amendment to Section 141.0420 (City Attorney Ordinance No. O-2006-94); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That it acknowledges receipt of the Coastal Commission's certification resolution, including its suggested modifications to Section 141.0420 to address the removal of obsolete facilities and Coastal Development Permit requirements.
2. That adoption of the pending amendment to Section 141.0420 (City Attorney Ordinance No. O-2006-94) will satisfy the terms of the Coastal Commission's certification resolution.

(R-2006-716)

3. That the Mayor or his designee is authorized to submit the ordinance adopted by City Council to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program.

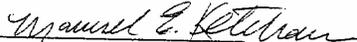
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Carrie L. Gleeson
Chief Deputy City Attorney

CLG:pev
02/14/06
Or.Dept:DSD
R-2006-716
MMS #3006

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 11 2006

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9.19.06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

CLERK'S FILE COPY

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NOV 03 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
(O-2007-27)

50
9/26/06

ORDINANCE NUMBER O- 19545 (NEW SERIES)

DATE OF FINAL PASSAGE September 29, 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 141.0420 PERTAINING TO WIRELESS COMMUNICATION FACILITIES REGULATIONS.

WHEREAS, on August 10, 2004, Chapter 14, Article 1, Division 4, of the San Diego Municipal Code was amended by adding Section 141.0420, entitled "Wireless Communication Facilities," by Ordinance No. O-19308; and

WHEREAS, on May 3, 2005, Chapter 14, Article 1, Division 4, Section 141.0420 of the San Diego Municipal Code was amended by Ordinance No. O-19369; and

WHEREAS, on November 17, 2005, the California Coastal Commission approved the City's addition of and amendments to Section 141.0420 as an amendment to the City's Local Coastal Program (LCP Amendment No. 2-05) and suggested modifications to address the removal of obsolete facilities and Coastal Development Permit requirements; and

WHEREAS, in order for the California Coastal Commission's order certifying LCP Amendment No. 2-05 to become effective, the Executive Director of the California Coastal Commission must determine that implementation of the City's ordinance is consistent with the California Coastal Commission's certification order, including its suggested modifications; and

WHEREAS, the amendments to Section 141.0420 contained in this Ordinance reflect the modifications suggested by the California Coastal Commission; NOW, THEREFORE,

City of San Diego
LCPA # 2-06D (4 pgs)
Exhibit 2
Ordinance section

(O-2007-27)

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is amended by amending Section 141.0420, to read as follows:

§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(d). *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(f) 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) [No change in text.]
- (b) General Rules for Wireless Communication Facilities
(1) through (3) [No change in text.]

(O-2007-27)

(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 by the owner or permittee of such facilities and improvements, and said owner or permittee shall restore the property to its original condition, all at the owner's or permittee's sole cost and expense. In addition, the owner or permittee shall, at its sole cost and expense, remove or replace any *wireless communication facility* if the City Manager determines that the facility or components of the facility are non-operational or no longer used. If the owner or permittee does not remove such facilities and restore the property as required herein, the City may remove the facilities and restore the property at the cost and expense of the owner or permittee, jointly and severally.

(5) Coastal Development Permit. Within the coastal overlay zone, the coastal development permit regulations, beginning with Section 126.0701 of the Land Development Code, shall also apply.

(c) through (i) . [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

(O-2007-27)

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Steven Lastomirsky
Deputy City Attorney

SL:sc
08/28/06
Or.Dept:DSD
O-2007-27
MMS #3006

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San
Diego, at this meeting of ~~SEP 26 2006~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-29-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RECEIVED
NOV 03 2006
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NUMBER O- 19369 (NEW SERIES)

ADOPTED ON MAY 03 2005

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING CHAPTER 14, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 141.0420 PERTAINING TO WIRELESS
COMMUNICATION FACILITIES REGULATIONS.

WHEREAS, on August 10, 2004, Chapter 14, Article 1, Division 4, of the San Diego
Municipal Code was amended by adding Section 141.0420, entitled "Wireless Communication
Facilities," by Ordinance No. O-19308.

WHEREAS, Ordinance No. O-19308 is waiting certification by the California Coastal
Commission; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is
amended by amending Section 141.0420, to read as follows:

§ 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(d).
Wireless communication facilities may also be permitted with a Conditional Use

City of SD LCPA #2-06D
Exhibit 3 (4 pgs)
Ordinance section

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(f) 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) [No change in text.]
 - (2) One single dish *antenna* 24-inches or less in diameter or one remote panel *antenna* 24-inches or less in length and width, except when associated with a *wireless communication facility*.
- (b) [No change in text.]
- (c) Limited Use Regulations
 - (1) *Wireless communication facilities* are permitted as a limited use subject to the following regulations:
 - (A) through (C) [No change in text.]
 - (2) [No change in text.]
- (d) Neighborhood Use Permit Regulations
 - (1) *Wireless communication facilities* on *premises* containing residential or mixed uses in a Commercial or Industrial Zone.
 - (2) *Wireless communication facilities* on *premises* containing a non-residential use within a Residential zone where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary

uses: day care, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.

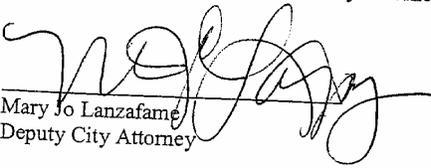
- (3) *Wireless communication facilities* in Agricultural Zones where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-residences. The 100 feet shall be measured from the two closest points.
- (4) *Wireless communication facilities* proposed in dedicated parkland where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.
- (e) [No change in text.]
- (f) Conditional Use Permit Regulations (Process Four)
 - (1) Except as provided in Section 141.0420(d)(4), *wireless communication facilities* proposed in dedicated parkland.
 - (2) Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), *wireless communication facilities* proposed in Residential Zones.
 - (3) [No change in text.]
- (g) through (i) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment, but not sooner than thirty days from the date of adoption by the City Council.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:jab
02/14/2005
Or.Dept:DSD
O-2005-100

KAREN LYNCH-ASHER
(O-2004-123) MS-54
(COR.COPY)
(REV.COPY)

ORDINANCE NUMBER O- 19308 (NEW SERIES)

ADOPTED ON AUG 10 2004

RECEIVED
NOV 03 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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.]

City of SD LCPA #2-06D
Exhibit 4 (19 pgs)
Ordinance Section

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.]

Section 2. That Chapter 12, Article 3, Division 4, of the San Diego Municipal Code is amended by amending Section 123.0402 and Section 123.0406, to read as follows:

§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) *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, temporary public assembly, and entertainment uses. The expiration date shall not exceed 180 days after the effective date for *wireless communication facilities*.

Section 3. That Chapter 12, Article 6, Division 2, of the San Diego Municipal Code is amended by amending Section 126.0203, to read as follows:

§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)

Community gardens through Theater marquees [No change.]

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

(b) [No change.]

Section 4. That Chapter 12, Article 6, Division 3, of the San Diego Municipal Code is amended by amending Section 126.0303, to read as follows:

§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.]

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.]

Section 5. That Chapter 13, Article 1, Division 2, of the San Diego Municipal Code is amended by amending Section 131.0222, to read as follows

§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.]						
<i>Wireless communication facility:</i>						
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>	L	L	-	L	L	
<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.]

Section 6. That Chapter 13, Article 1, Division 3, of the San Diego Municipal Code is amended by amending Section 131.0322, to read as follows:

§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.]					
<i>Wireless communication facility:</i>					
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L		L	
<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.]

Section 7. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is amended by amending Section 131.0422, to read as follows:

§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-																								
	4th »	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	1	2	3	4
Open Space through Residential [No change]																										
Institutional																										
Separately Regulated Institutional Uses																										
Airports through <i>Social Services Institutions</i> [No change.]																										
<i>Wireless communication facility:</i>																										
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L																		L						
<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						
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											
		RM-											
	3 rd »	1-											
	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.]													
<i>Wireless communication facility:</i>													
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>		L											
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>		N											
<i>Wireless communication facility in the public</i>		C											

<i>right-of-way with above-ground equipment</i>	C	C	C	C	C
<i>Wireless communication facility outside the public right-of-way</i>					
Sales through Signs [No change.]					

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

Section 8. That Chapter 13, Article 1, Division 5, of the San Diego Municipal Code is amended by amending Section 131.0522, to read as follows:

§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-		2-		I-		I-		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.]											
<i>Wireless communication facility:</i>											
<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
<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>																			
<i>Wireless communication facility:</i>																			
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

residential use					
<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>	L	L	L	L	L
Retail Sales through Signs [No change.]					

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

Section 9. That Chapter 13, Article 1, Division 6, of the San Diego Municipal Code is amended by amending Section 131.0622, to read as follows:

§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 Social Services Institutions									
<i>Wireless communication facilities:</i>									
<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
<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.]

Section 10. That Chapter 14, Article 1, Division 4, of the San Diego Municipal Code is amended by amending Section 141.0405, to read as follows:

§141.0405 Satellite Antennas

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).

- (a) Exemption. Satellite *antennas* that are 5 feet in diameter or smaller are permitted in all zones and are exempt from the requirements under Sections 141.0405 and 141.0420.
- (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:
 - (1) Satellite *antennas* are not permitted within the *MHPA*.
 - (2) Satellite *antennas* are not permitted on *premises* that have been designated as *historical resources*.
 - (3) Satellite *antennas* shall not exceed 10 feet in diameter.
 - (4) Ground-mounted satellite *antennas* shall not exceed 15 feet in *structure* height.
 - (5) Ground-mounted satellite *antennas* shall not be located in the street yard, front yard, or street side yard of a *premises*.
 - (6) Satellite *antennas* shall not be light-reflective.

- (7) Satellite *antennas* shall not have any *sign copy* on them nor shall they be illuminated.
 - (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*.
- (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:
- (1) Satellite *antennas* are not permitted within the *MHPA*.
 - (2) Satellite *antennas* are not permitted on *premises* that have been designated as *historical resources*.
 - (3) Satellite *antennas* shall not exceed 10 feet in diameter.
 - (4) Satellite *antennas* shall not be light-reflective.
 - (5) Satellite *antennas* shall not have any *sign copy* on them nor shall they be illuminated.
 - (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*.
- (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:

- (1) Satellite *antennas* are not permitted within the *MHPA*.
- (2) Satellite *antennas* are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
- (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*.

Section 11. That Chapter 14, Article 1, Division 4, of the San Diego Municipal Code is amended by adding Section 141.0420, to read as follows:

§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(d).

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(f) 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(d), *wireless communications facilities* in Industrial Zones.

(B) Except as provided in Section 141.0420(d), *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) *Wireless communication facilities* in the *public right-of-way* within or adjacent to City owned property, dedicated in perpetuity, for park or recreation purposes, may be permitted with a Neighborhood Use Permit

(d) Neighborhood Use Permit Regulations

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

(e) Conditional Use Permit Regulations (Process Three)

- (1) *Wireless communication facilities on premises* containing a non-residential use within a Residential Zone.
- (2) *Wireless communication facilities* in Agricultural Zones.
- (3) *Wireless communication facilities*, with above ground equipment, in the *public right-of-way*.

(f) Conditional Use Permit Regulations (Process Four)

- (1) *Wireless communication facilities* proposed in dedicated parkland.
- (2) Except as provided in Section 141.0420(e), *wireless communication facilities* proposed in Residential Zones.
- (3) *Wireless communication facilities* proposed in Open Space Zones.

(g) 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(h). 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.
- (h) *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 (e)(3).
 - (2) 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.
 - (3) 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.
 - (4) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.
- (i) Park Site Installations
- (1) In addition to the design guidelines set forth in Section 141.0420(g), 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.

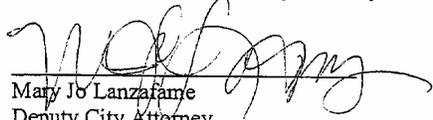
Section 12. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 13. That City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date the applicable provisions of this ordinance become effective.

Section 14. That this ordinance shall take effect and be in force on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment, but no sooner than thirty days from the date of adoption by the City Council.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
05/03/04
06/23/04 COR.COPY
07/28/04 REV.COPY
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