



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: May 30, 2019

TO: City of San Diego Planning Commission

FROM: Karen Lynch, Development Project Manager

SUBJECT: 12th Update to the Land Development Code and Local Coastal Program for Item 12, Wireless Communication Facilities. Item No. 7.

On May 9, 2019, Item no. 12 (Wireless Communication Facilities – WCF) of the 12th Code Update was continued to allow staff to meet with the wireless industry and community planning group representatives to get feedback on the ordinance and to discuss, in particular, testimony heard at the Planning Commission hearing related to the “visual blight” of small cells. Staff put the industry on notice about the Commissioners’ concern regarding the aesthetics of Wireless Communication Facilities (WCF) in the public right-of-way. After debriefing on the May 9 hearing, staff believes that a limited amount of information regarding aesthetic requirements in addition to the very narrow visual portfolio did not provide a comprehensive picture for consideration of the proposed revisions. To address this, more information on different types and the associated processes are elaborated below. It is important to note that the City of San Diego has been a leading innovator in wireless communications in terms of regulations and policies which have resulted in significant aesthetic improvements over the years.

Small Cell – Wireless Communication Facilities (SC-WCF)

The following information provides an explanation on how the form factor and size of SC-WCFs was developed. The current ordinance (originally adopted in 1999) contains language exempting a single 24-inch antenna in any dimension which was originally included for a local carrier network that is no longer in business (Attachment 1). Later this exemption incentivized carriers and management companies to design single 24-inch antennas for their SC-WCFs within the public right-of-way. The regulations are silent on equipment size, but it was common practice to mount the equipment/radios aerially on the light pole to avoid any ground disturbance which could have prompted the need for additional zoning permits. For the past 10-12 years, the form factor for the antenna and associated equipment was similar for all small cell installations, but the size was dependent on the carrier. In developing the size limitation for the revised ordinance, staff used the existing ordinance antenna size limitation of 24-inches in any dimension, added the dimensions of

an average equipment/radio attachment and then added the dimensions of the 5G antennas including the shroud. This resulted in a maximum size of 15 cubic feet.

Community Planning Group Meeting

Staff invited each community planning group to send one representative to a Wireless Ordinance Update meeting held on May 23, 2019. Fifteen representatives attended the 1 ½ hour meeting where staff summarized the proposed changes to the ordinance, responded to questions from the participants and engaged in a discussion on ways to address the wave of SC-WCFs coming in the near future. The result of the discussion identified specific concerns about undergrounding utility poles, the need for comprehensive planning of these installations (including mapped locations on the City's website) and linking the WCF Guidelines to the ordinance.

The fact that the City is in process of undergrounding utility poles seems to contradict the potential influx of new light poles and proprietary poles into communities. The aesthetic impact and consistency with community character and other light poles in the area was a big concern with most in attendance. Many of the representatives indicated that they would report back to their groups and look into organizing a committee to work with the Planning Department to develop locational and aesthetic criteria for locating these small cells in their communities through the plan amendment process. Regarding ensuring that the WCF Guidelines are linked to the ordinance, staff is proposing to include the Guidelines in the Land Development Manual and a resolution to do this will be presented to City Council with this item.

Industry Meeting

Following the community meeting on May 23, staff met with eight representatives from each carrier/management company. The discussion evolved around the FCC's Third Report and Order and the rights it affords to providers of SC-WCFs. After everyone at the table identified their concerns about the limitations the ordinance places on them, a robust discussion ensued which resulted in agreement that the ordinance likely accommodates their needs as written. Most felt strongly, however, about the need to establish their rights under the [Third Report and Order](#) (Order). It is important to note that the proposed ordinance does include SC-WCF limitations on size for aesthetic reasons. For example, the antennas and equipment combined cannot exceed 15 cubic feet, where the Order allows up to 28 cubic feet. Proposing an installation exceeding 15 cubic feet would not be considered an SC-WCF and would therefore have to be processed as a Neighborhood Use Permit (NUP). The proposed supplemental findings would have to be made in the affirmative in addition to the standard NUP findings. A couple of the industry representatives were surprised to find out that the 15-cubic-foot size limitation was developed based on SC-WCF projects that they had submitted to the City over the past 10-12 years.

At its core, the proposed ordinance restricts the size and design of SC-WCFs that will be decided in accordance with Process One but does not prohibit larger facilities. There is a process for each type of installation. The following is an explanation for each installation type:

Process One – Limited Use:

SC-WCF

1. An existing or replacement city light pole with a working luminaire, where the antennas and equipment do not exceed 15 cubic feet and none of the components extend more than 24

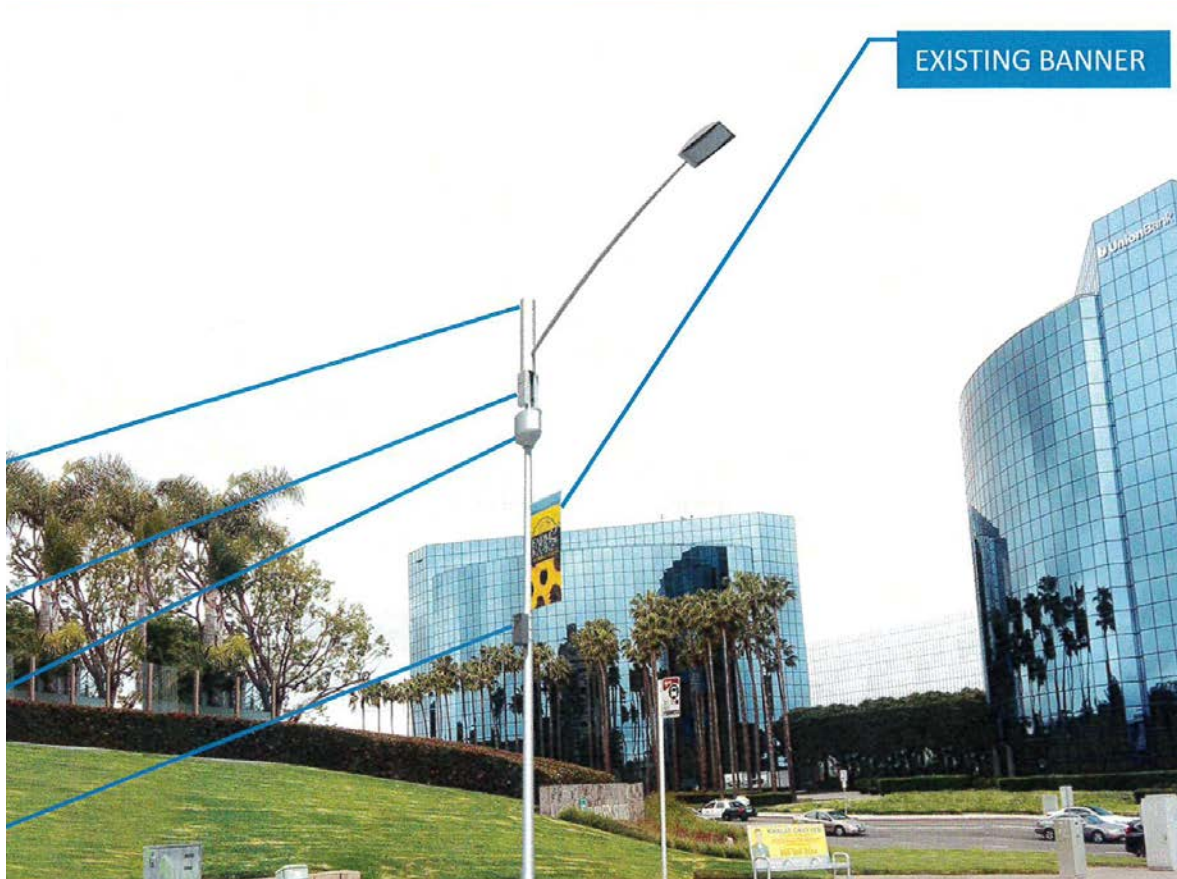
inches from the pole in any direction, unless the antenna is top-mounted, then the antenna and/or shroud may extend up to 48 inches above the highest point of the cobra-arm mounted luminaire.



La Jolla Village Drive

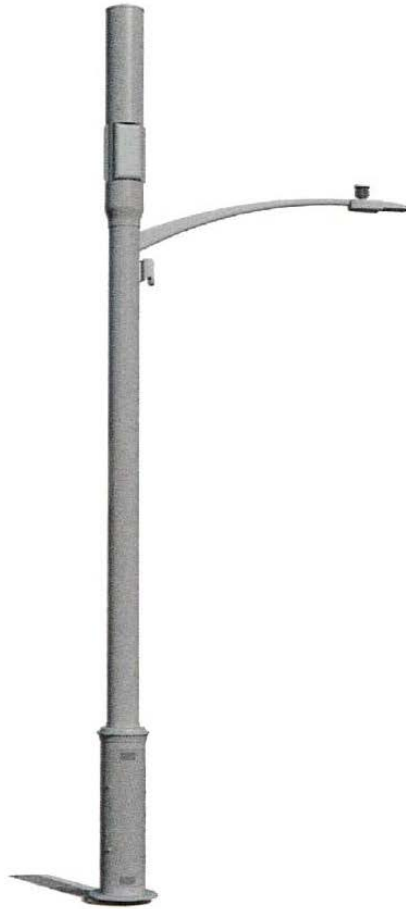


6th Avenue and B Street



Concept 5G Light Pole

2. A new streetlight pole with a working luminaire that does not exceed 18 inches in diameter at any point, within which all the equipment is completely concealed and does not include any visible antennas that exceed 24 inches in any dimension.



Concept Pole – 4G/5G

Process Two – NUP:

Right-of-way installations that do not qualify as SC-WCFs, adjacent to any type of development that do not have any type of ground mounted equipment other than the pole to which the WCF is attached to or concealed within. Supplemental NUP findings are required.



Trias Street and Fort Stockton Drive

Process Three – CUP:

WCF installations with ground mounted equipment other than a pole to which the WCF is attached.



Via Sonoma

Pursuant to the Order, all these processes for WCFs are required to be completed within 60 days for existing poles or 90 days for new poles. Staff alerted the community members that any requests from carriers to be scheduled for a meeting should be honored in order to allow for their input and recommendation. Staff realizes that some WCF projects may not be able to be presented due to timing issues.

Radiofrequency (RF):

Another issue that arose during the May 9 hearing was "RF." As a reminder, Section 704 of the [Telecommunication Act of 1996](#) states among other things:

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

Since RF has long been a topic of concern for the public, staff requires an RF Compliance Report for all submitted WCF projects. It is made available to the public upon request.

Conclusion:

A full presentation with photos will be made at the June 6 hearing. Staff looks forward to the ensuing discussion.



Karen Lynch

Attachment: WCF Guidelines