

ORDINANCE NUMBER O- 21117 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 09 2019

#582
8/6/19

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; 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; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0420; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308 ALL RELATING TO THE PERMITTING OF WIRELESS COMMUNICATIONS FACILITIES.

WHEREAS, on February 22, 2012, the United States Congress adopted section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act), now codified at 47 U.S.C. §1455, requiring local governments to approve certain eligible facilities requests for modifications to existing towers and base stations that do not substantially change the physical dimensions of the tower or base station; and

WHEREAS, it is necessary to amend San Diego Municipal Code section 141.0420 to comply with the Spectrum Act; and

WHEREAS, on January 8, 2015, the Federal Communications Commission (FCC) published its Final Rule on Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, 80 Fed. Reg. 1248-1259 (Jan. 8, 2015) (codified at 47 C.F.R.

§ 1.6100), which sets forth rules implementing the Spectrum Act; and

WHEREAS, on April 8, 2015, the FCC's rules interpreting and implementing the Spectrum Act became effective; and

WHEREAS, on January 1, 2016, Assembly Bill 57 enacting California Government Code section 65964.1 became effective, providing that certain applications for wireless telecommunications facilities shall be deemed approved if specific criteria are met, when a local government fails to take action on the application within the time required by statute; and

WHEREAS, it is necessary to add certain requirements to the Municipal Code that have generally been included as standard conditions of a permit to ensure that a wireless communication facility that exists as a result of an application that was deemed approved under state or federal law complies with those requirements; and

WHEREAS, on October 15, 2018, the FCC published its Declaratory Ruling and Third Report and Order In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, 83 Fed. Reg. 51,867 – 51,886 (codified at 47 C.F.R. §§ 1.6001 – 1.6003) (Declaratory Ruling and Report and Order) establishing new reasonable time periods within which the City must process certain applications, and interpreting existing federal law as it relates to the City's ability to regulate aesthetic requirements and impose undergrounding requirements in the public rights-of-way, among other things; and

WHEREAS, it is necessary to modify the Municipal Code to address the types of installations affected by the Declaratory Ruling and Report and Order, to allow certain installations to be reviewed at a lower process level, and to add additional objective aesthetic requirements; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending section 126.0205, to read as follows:

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) Findings for all Neighborhood Use Permits

- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
- (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) Supplemental Findings --*Wireless Communication Facilities*

A Neighborhood Use Permit required in accordance with Section 141.0420(b)(3) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* required in Section 126.0205(a):

- (1) The proposed *wireless communication facility* does not interfere with the free and unobstructed use of the *public right-of-way*;
- (2) The proposed *wireless communication facility* will not adversely affect the aesthetic character of the community; and

- (3) The proposed *wireless communication facility* will not interfere with the City's ability to use the *public right-of-way*.

Section 2. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending section 126.0402, to read as follows:

§126.0402 When a Neighborhood Development Permit Is Required

- (a) through (l) [No change in text.]
- (m) A Neighborhood Development Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(e)(3), or that includes equipment enclosures not placed underground as described in Section 141.0420(g)(2).
- (n) A Neighborhood Development Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).
- (o) through (p) [No change in text.]

Section 3. 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

The uses allowed in the open space zones are shown in Table 131-02B.

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

Table 131-02B
Use Regulations Table for 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⁾ -	
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]					
<i>Wireless Communication Facilities</i>		See Section 141.0420					
Retail Sales through Signs, Separately Regulated Signs Uses: Theater Marquees [No change in text.]		[No change in text.]					

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

Section 4. 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

The uses allowed in the agricultural zones are shown in Table 131-03B.

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

Table 131-03B
Use Regulations Table for 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 Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]			
<i>Wireless Communication Facilities</i>		See Section 141.0420			
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

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

Section 5. 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

The uses allowed in the residential zones are shown in the Table 131-04B.

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

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	4	5	
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]			[No change in text.]																								
Wireless Communication Facilities			See Section 141.0420																								
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]			[No change in text.]																								

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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]											
<i>Wireless Communication Facilities</i>		See Section 141.0420											
Retail Sales through Signs, Separately													

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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

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

Section 6. 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 for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

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

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																	
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-		1-				
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																	
Wireless Communication Facilities		See Section 141.0420																	
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																	

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 >>	CC-																									
	3rd >>	1-			2-			3-			4-			5-													
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																									
Wireless Communication Facilities		See Section 141.0420																									
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																									

Footnotes for Table 131-05B [No change in text.]

Section 7. 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

The uses allowed in the industrial zones are shown in the Table 131-06B.

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

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>> 3rd >> 4th >>	IP-			IL-			IH-		IS-	IBT-
		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
		1	1	1	1	1	1	1	1	1	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]									
Wireless Communication Facilities		See Section 141.0420									
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

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

Section 8. 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 shall comply with the approval process set forth in Section 141.0420(a) through (c) as applicable to the *development*. All *wireless communication facilities* are subject to the general regulations in Section 141.0420(d), the general design requirements in Section 141.0420(e) and the *Wireless Communication Facilities* Guidelines in the Land Development Manual. Section 141.0420 does not apply to amateur (HAM) radio communication facilities.

(a) Limited Use Regulations

Wireless communication facilities are permitted as a limited use decided in accordance with Process One as follows:

- (1) In commercial and industrial zones on a *premises* that does not contain residential *development*;
- (2) For collocation of *wireless communication facilities* in any zone on existing monopoles that does not increase the area occupied by the *antennas* by more than 100 percent of the originally approved *wireless communication facilities* and does not increase the area occupied by an outdoor equipment enclosure more than 150 square feet beyond the originally approved *wireless communication facilities*;

- (3) In the *public right-of-way* provided that the *wireless communication facility* is a small cell *wireless communication facility* as defined in Section 141.0420(a)(3)(A) below.
- (A) A small cell *wireless communication facility* is a *wireless communication facility* on or concealed within a streetlight pole with a cobra arm mounted working luminaire that meets the following requirements:
- (i) The *wireless communication facility* is attached to an existing, replacement, or new streetlight pole that is standard for the proposed location and complies with the applicable guidelines in the Land Development Manual; the *antennas* and associated equipment do not exceed a total of 15 cubic feet, and no part of the *wireless communication facility* extends more than 24 inches from the streetlight pole in any direction; except that if the *antenna* is top-mounted, the *antenna* or any material concealing the *antenna* may extend vertically up to 48 inches above the highest point of the cobra arm.
- (ii) The *wireless communication facility* includes a new streetlight pole, within which all of the associated equipment is completely concealed, that is consistent with the streetlight poles located within

the same block, or if there are no streetlight poles in the same block, the blocks adjacent to the proposed location; that complies with the applicable guidelines in the Land Development Manual; that has a diameter does not exceed 18 inches at any point; and that does not include any visible *antennas* that exceed 24 inches in any dimension.

(B) A *wireless communication facility* that includes any ground-mounted equipment other than the pole to which the equipment is attached or is concealed within is not a small cell *wireless communication facility*.

(4) An *eligible facilities request*, the approval of which is required by 47 U.S.C. § 1455 (2018), as may be amended, is permitted as a limited use in any zone, notwithstanding any other provision of the San Diego Municipal Code, subject to the following:

(A) For the purposes of Section 141.0420(a)(4), italicized terms have the same meaning as in 47 C.F.R. § 1.6100(b) (2019), as may be amended.

(B) Failure to assert in writing at the time an application is filed that the application is an *eligible facilities request* shall result in the application being processed pursuant to the regulations that would otherwise be applicable in the absence of 47 U.S.C. § 1455 (2018).

- (C) An application for modification of an *eligible support structure* that involves the installation of more than four additional equipment cabinets shall not be considered a *substantial change* to the physical dimensions of the *eligible support structure*, provided that all of the equipment cabinets are completely concealed within the *eligible support structure*, and there is no change to the physical dimensions of the *eligible support structure* itself.

(b) Neighborhood Use Permit Regulations

Wireless communication facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

- (1) In commercial or industrial zones on a *premises* containing residential or mixed-use *development*;
- (2) With *antennas* located at least 100 feet from the *property line* of a *premises* with a *dwelling unit*, child care center, or *school* with children enrolled in any grade kindergarten through grade 8 where located:
 - (A) in an agricultural zone;
 - (B) on dedicated parkland subject to San Diego Charter section 55, except in an open space zone; or
 - (C) in a residential zone on a *premises* that does not contain residential *development*;

- (3) In the *public right-of-way* when the *wireless communication facilities* are not small cell *wireless communication facilities*, provided that the *wireless communication facility* does not include any ground-mounted equipment other than a pole to which the *wireless communication facility* is attached or is concealed within.

(c) Conditional Use Permit Regulations

Wireless communication facilities may be permitted with a Conditional Use Permit as follows:

- (1) Decided in accordance with Process Three, where the *development* meets the following locational criteria:
- (A) *Wireless communication facilities* with *antennas* located less than 100 feet from the *property line* of a *premises* with a *dwelling unit*, child care center, or *school* with children enrolled in any grade kindergarten through grade 8 where located:
- (i) in a residential zone on a *premises* that does not contain residential *development*; or
- (ii) in an agricultural zone.
- (B) In the *public right-of-way* with ground-mounted equipment other than a pole to which the *wireless communication facilities* are attached.
- (2) Decided in accordance with Process Four, where the *development* meets the following locational criteria:

- (A) On dedicated parkland subject to San Diego Charter section 55 in any zone, except on *public right-of-way* within dedicated parkland, with *antennas* located less than 100 feet from the *property line* of a *premises* with a *dwelling unit*, child care center, or *school* with children enrolled in any grade kindergarten through grade 8.
 - (B) In a residential zone on a *premises* that contains residential *development*.
 - (C) In an open space zone.
- (d) General Regulations for *Wireless Communication Facilities*
- (1) Every application shall include documentation satisfactory to the City Manager, as follows:
 - (A) Demonstrating 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.
 - (B) Identifying the location type, capacity, field strength or power density, and calculated geographic service of the *wireless communication facility*.
 - (2) Within the Coastal Overlay Zone, the Coastal Development Permit regulations in Chapter 12, Article 6, Division 7, shall also apply.

- (3) *Wireless communication facilities* located within or adjacent to the City's Multi-Habitat Planning Areas shall comply with the Multiple Species Conservation Program Subarea Plan's Land Use Adjacency Guidelines.
- (4) *Wireless communication facilities* located in a designated *historical district* or in a *historical district* identified in a historical resources survey prepared by the City, or on a *premises* with a *historical resource* on it, must comply with the Historical Resource Regulations and the U.S. Secretary of Interior Standards and Guidelines.
- (5) At least 60 days prior to an *applicant* asserting that an application for a *wireless communication facility* is deemed approved pursuant to California Government Code section 65964.1, the *applicant* shall provide public notice as follows:
 - (A) The notice shall be mailed to all persons described in Section 112.0302(b) and to the City Manager.
 - (B) The notice shall be posted in the manner prescribed by Section 112.0304.
 - (C) The notice shall include all of the information as prescribed in Section 112.0301(a)(1)(A) through (D), and the following:
 - (i) The name, address, and telephone number of the *applicant*; and

- (ii) The following statement: “This application may be deemed approved, with no public hearing, no earlier than 60 days after this notice has been mailed and posted as required.”
- (6) The *applicant* shall obtain all necessary *construction permits* to comply with applicable building, fire, mechanical, and plumbing codes, and state and federal disability access laws.
- (7) The permittee shall provide documentation to verify that a *wireless communication facility* is operating in compliance 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 within 30 calendar days of receipt of a written request for such documentation from the City Manager.
- (8) The *wireless communication facilities* shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The permittee or owner shall repair or replace any damaged equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (9) The permittee or owner shall remove the *wireless communication facilities* from the *premises* and restore the *premises* to the condition preceding the construction and installation of the

wireless communication facility, at the owner's or permittee's sole cost and expense, if any of the following circumstances exists:

- (A) The permit authorizing the *wireless communication facility* is expired and a new permit has not been obtained.
 - (B) If no permit was granted, it has been ten years from the date that the *wireless communication facility* was authorized by federal or state law and no new permit or legal authorization has been obtained.
 - (C) The City Manager determines that the *wireless communication facility* or components of the *wireless communication facility* are non-operational or no longer used.
- (10) Prior to January 31 of every 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 organized by community plan area. The documentation shall include *wireless communication facilities* that are approved, but not yet built, *wireless communication facilities* that are currently operating, and non-operating *wireless communication facilities*.

(e) 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 and installation on existing *structures*. Integration with existing *structures* or among other existing uses shall be accomplished through the use of architecture, landscape, and siting solutions.
- (3) Equipment associated with *wireless communication facilities* shall be located within an existing *building envelope*, whenever possible. If an equipment enclosure is necessary, it shall be of a height minimally necessary to conceal the equipment, with an area not to exceed 250 square feet, unless a Neighborhood Development Permit is granted in accordance with Section 126.0402.
- (4) Overhead wires 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 exists or 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) *Antennas* shall comply with the following design requirements:
 - (A) Each *antenna*, including any concealment measures, shall appear as an integral part of the *structure*, except for *public right-of-way* site installations as set forth in Section 141.0420(f).
 - (B) No portion of an *antenna*, including any concealment measures, shall be more than 12 inches away from the *structure*, unless the *applicant* provides evidence demonstrating to the satisfaction of the City Manager that the *wireless communication facilities* cannot operate without exceeding 12 inches, in which case no portion of the *antenna* shall be more than 18 inches away from the *structure*.
 - (C) Each *antenna*, including any concealment measures, shall fit into the design of the *structure*, shall be no longer or wider than the portion of the *structure* upon which it is

mounted, and shall not interrupt the architectural lines of the *structure*.

- (D) Associated mounting brackets and coaxial cable shall be concealed from view.
- (E) Any pipes or similar apparatus used to attach *antennas*, including any concealment measures, to the *structure* shall not extend beyond the length or width of the *antenna*.
- (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.
- (10) Use of or replacement of any *building facade* or mechanical screen with fiberglass reinforced panels or similar industry standard material for purposes of concealing *antennas* shall not result in any noticeable lines or edges in the transition to the original *structure*. All screening material shall be painted and textured to match the original *structure*.
- (11) All equipment, including transformers, emergency generators, and air conditioners, shall be designed and operated consistent with the Noise Ordinance in Chapter 5, Article 9.5 of the Municipal Code. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

(f) *Public Right-of-Way Installations*

Wireless communication facilities may be installed in the *public right-of-way* in the *parkway*. *Wireless communication facilities* located in the *public right-of-way* are subject to all other applicable requirements of the Municipal Code and the following additional design requirements:

- (1) *Antennas* associated with *wireless communication facilities*, other than those allowed pursuant to Section 141.0420(a)(3), 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.
- (2) 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.
- (3) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.

(g) *Park Site Installations*

The following additional design requirements apply to *wireless communication facilities* in parks within the City of San Diego:

- (1) 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.

- (2) If the proposed *wireless communication facility* would be located on dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Parks and Recreation Department Director determines that an above-ground equipment enclosure would not violate Charter section 55, and a Neighborhood Development Permit is granted in accordance with Section 126.0402.

Section 9. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 151.0103, to read as follows:

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (10) [No change in text.]
- (11) *Wireless communications facilities* regulations contained in Land Development Code section 141.0420.

Section 10. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C
[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/ Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories [No change in text.]		[No change in text.]									
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Solar Energy Systems [No change in text.]		[No change in text.]									
<i>Wireless Communication Facilities</i>		See Section 141.0420									
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

Section 11. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0308, to read as follows:

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay														
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Institutional, Separately Regulated Institutional Uses, Assembly Uses, including Places of Religious Assembly [No change in text.]	[No change in text.]														
Satellite <i>Antennas</i>	[No change in text.]														
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through <i>Social Service Institutions</i> [No change in text.]	[No change in text.]														
<i>Wireless Communication Facilities</i>	See Section 141.0420														
Retail Sales through Other Use Requirements, Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]														

Footnotes for Table 156-0308-A [No change in text.]

Section 12. That Ordinances O-2020-2, O-2020-3, and O-2020-5 will be considered by the City Council in the near future which amend San Diego Municipal Code sections 126.0402, 131.0222, 131.0322, 131.0422, 131.0522, 131.0622, 151.0103, and 156.0308, also amended by this Ordinance, therefore, the City Clerk, with the written approval and concurrence of the City Attorney is authorized to reconcile the numbering of sections and placement of text

within these sections upon the final passage of the Ordinances, without further action by City Council, pursuant to San Diego Charter section 275.

Section 13. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station, MCAS Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force as of the date of the finding of consistency, provided that and not until at least 30 days have passed from the date of final passage, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal

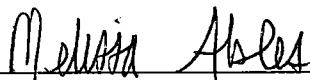
Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 14. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Melissa D. Ables
Deputy City Attorney

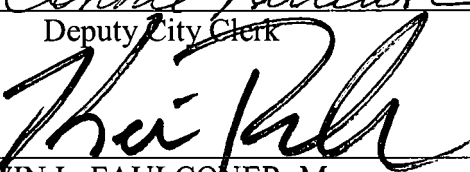
MDA:dkr:nja
09/12/16
04/25/19
07/11/19 Cor. Copy
Or. Dept: Development Services Department
Doc. No.: 2043923_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG. 06 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/9/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; 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; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0420; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308 ALL RELATING TO THE PERMITTING OF WIRELESS COMMUNICATIONS FACILITIES.

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) Findings for all Neighborhood Use Permits

- (a1)** The proposed *development* will not adversely affect the applicable *land use plan*;

- (b2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (e3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) Supplemental Findings -- *Wireless Communication Facilities*

A Neighborhood Use Permit required in accordance with Section 141.0420(b)(3) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* required in Section 126.0205(a):

- (1) The proposed *wireless communication facility* does not interfere with the free and unobstructed use of the *public right-of-way*;
- (2) The proposed *wireless communication facility* will not adversely affect the aesthetic character of the community; and
- (3) The proposed *wireless communication facility* will not interfere with the City's ability to use the *public right-of-way*.

§126.0402 When a Neighborhood Development Permit Is Required

- (a) through (l) [No change in text.]
- (m) A Neighborhood Development ~~*Permit*~~ Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(g)(3) 141.0420(e)(3), or that ~~contains~~ includes equipment enclosures not placed underground as described in Section 141.0420(~~i~~)(2)(g)(2).

- (n) A Neighborhood Development ~~Permit~~ Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).

(o) through (p) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

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

Table 131-02B
Use Regulations Table for 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 ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]				
Wireless Communication Facility Facilities:		See Section 141.0420				
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L	L	-	L	L
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N	N	N	N	N
Wireless communication facility in the public right-of-way with above ground equipment		€	€	€	€	€
Wireless communication facility outside the public right-of-way		€	€	€	€	€
Retail Sales through Signs, Separately Regulated Signs Uses: Theater Marquees [No change in text.]		[No change in text.]				

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

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

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

Table 131-03B
Use Regulations Table for 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 Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]			
<i>Wireless Communication Facility Facilities:</i>		<u>See Section 141.0420</u>			
<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>		€		€	
<i>Wireless communication facility outside the public right of way</i>		€		€	
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

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

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

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

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	4	5
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																							
Wireless Communication Facility Facilities:-		See Section 141.0420																							
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L		L														L		L					
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N		N														N		N					
Wireless communication facility in the public right-of-way with above ground equipment		E		E														E		E					
Wireless communication facility outside the public right-of-way		E		E														E		E					
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																							

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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]											
<i>Wireless Communication Facility Facilities:</i>		<u>See Section 141.0420</u>											
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L			L			L			L		L
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N			N			N			N		N
Wireless communication facility in the public right-of-way with above ground equipment		E			E			E			E		E
Wireless communication facility outside the public right-of-way		E			E			E			E		E
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

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

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

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																	
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-	1-					
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																	
<i>Wireless Communication Facility Facilities:-</i>		See Section 141.0420																	
<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	
<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	
<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	
<i>Wireless communication facility outside the public right-of-way</i>		L						L	L	L	L	L	L	L	L	L	L	L	
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																	

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 >>	CC-																																			
	3rd >>	1-			2-			3-			4-			5-																							
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6				
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]																																			
Wireless Communication Facility Facilities:		See Section 141.0420																																			
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L			L			L			L			L																							
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N			N			N			N			N			N																				
Wireless communication facility in the public right-of-way with above ground equipment		C			C			C			C			C			C																				
Wireless communication facility outside the public right-of-way		L			L			L			L			L			L																				
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																			

Footnotes for Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in the Table 131-06B.

Legend for Table 131-06B

[No change in text.]

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>> 3rd >> 4th >>	IP-			IL-			IH-		IS-	IBT-
		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
		1	1	1	1	1	1	1	1	1	1
Open Space through Institutional, Separately Regulated Institutional Uses, Solar Energy Systems [No change in text.]		[No change in text.]									
Wireless Communication Facility Facilities:		See Section 141.0420									
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L	L	L	L	L	L	L	L	L	L
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N	N	N	N	N	N	N	N	N	N
Wireless communication facility in the public right-of-way with above ground equipment		E	E	E	E	E	E	E	E	E	E
Wireless communication facility outside the public right-of-way		L	L	L	L	L	L	L	L	L	L
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

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

§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 shall comply with the approval process set forth in Section 141.0420(a) through (c) as applicable to the development. All ~~Wireless~~ 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, are subject to the general

regulations in Section 141.0420(d), the general design requirements in Section 141.0420(e), and the *Wireless Communication Facilities* Guidelines in the Land Development Manual. Section 141.0420 does not apply to amateur (HAM) radio communication facilities. *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) ~~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) ~~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*.
- (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 of such facilities and improvements, and said owner 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.~~

(ea) Limited Use Regulations

- (1) *Wireless communication facilities* are permitted as a limited use subject to the following regulations decided in accordance with Process One as follows:

(A) Except as provided in Section 141.0420(d), *wireless communication facilities* in Industrial Zones.

(B) Except as provided in Section 141.0420(d), *wireless communication facilities* in Commercial Zones.

- (1) In commercial and industrial zones on a premises that does not contain residential development;

- (2) For Collocationcollocation of *wireless communication facilities* to in any zone on existing monopoles that does not increase the area occupied by the *antennas* by more than 100 percent of the originally approved *wireless communication facilities* and does not increase the area occupied by an outdoor equipment enclosure

more than 150 square feet beyond the originally approved *wireless communication facilities*;

- (23) ~~*Wireless communication facilities in*~~ 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 provided that the *wireless communication facility* is a small cell *wireless communication facility* as defined in Section 141.0420(a)(3)(A) below.

- (A) A small cell *wireless communication facility* is a *wireless communication facility* on or concealed within a streetlight pole with a cobra arm mounted working luminaire that meets the following requirements:

- (i) The *wireless communication facility* is attached to an existing, replacement, or new streetlight pole that is standard for the proposed location and complies with the applicable guidelines in the Land Development Manual; the *antennas* and associated equipment do not exceed a total of 15 cubic feet, and no part of the *wireless communication facility* extends more than 24 inches from the streetlight pole in any direction; except that if the *antenna* is top-mounted, the *antenna* or any material

concealing the antenna may extend vertically up to
48 inches above the highest point of the cobra arm.

- (ii) The wireless communication facility includes a new
streetlight pole, within which all of the associated
equipment is completely concealed, that is
consistent with the streetlight poles located within
the same block, or if there are no streetlight poles in
the same block, the blocks adjacent to the proposed
location; that complies with the applicable
guidelines in the Land Development Manual; that
has a diameter that does not exceed 18 inches at any
point; and that does not include any visible
antennas that exceed 24 inches in any dimension.

- (B) A wireless communication facility that includes any
ground-mounted equipment other than the pole to which
the equipment is attached or is concealed within is not a
small cell wireless communication facility.

- (4) An eligible facilities request, the approval of which is required by
47 U.S.C. § 1455 (2018), as may be amended, is permitted as a
limited use in any zone, notwithstanding any other provision of the
San Diego Municipal Code, subject to the following:

- (A) For the purposes of Section 141.0420(a)(4), italicized terms have the same meaning as in 47 C.F.R. § 1.6100(b) (2019), as may be amended.
- (B) Failure to assert in writing at the time an application is filed that the application is an *eligible facilities request* shall result in the application being processed pursuant to the regulations that would otherwise be applicable in the absence of 47 U.S.C. § 1455 (2018).
- (C) An application for modification of an *eligible support structure* that involves the installation of more than four additional equipment cabinets shall not be considered a *substantial change* to the physical dimensions of the *eligible support structure*, provided that all of the equipment cabinets are completely concealed within the *eligible support structure*, and there is no change to the physical dimensions of the *eligible support structure* itself.

(db) Neighborhood Use Permit Regulations

Wireless communication facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

- (1) ~~*Wireless communication facilities*~~ In commercial or industrial zones on a ~~premises~~ *premises* containing residential or mixed-uses in a ~~Commercial or Industrial Zone~~ *development*.

- (2) ~~Wireless communication facilities on premises containing a non-~~
~~residential use within a Residential zone where the~~ With antennas
~~associated with the wireless communication facility are located~~
~~more than at least 100 feet from the property line~~ 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~~ a premises with a dwelling
unit, child care center, or school with children enrolled in any
grade kindergarten through grade 8 where located:
- (A) in an agricultural zone;
- (B) on dedicated parkland subject to San Diego Charter section
55, except in an open space zone; or
- (C) in a residential zone on a premises that does not contain
residential development;
- (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-unit residences. The 100 feet shall be measured from the two~~
~~closest points. In the~~ public right-of-way when the wireless
communication facilities are not small cell wireless communication
facilities, provided that the wireless communication facility does
not include any ground-mounted equipment other than a pole to

which the *wireless communication facility* is attached or is
concealed within.

- (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.

(ec) Conditional Use Permit Regulations (~~Process Three~~)

Wireless communication facilities may be permitted with a Conditional Use Permit as follows:

- (1) ~~*Wireless communication facilities on premises*~~ containing a non-residential use within a Residential Zone. Decided in accordance with Process Three, where the *development* meets the following locational criteria:

(A) *Wireless communication facilities* with *antennas* located less than 100 feet from the *property line* of a *premises* with a *dwelling unit*, child care center, or *school* with children enrolled in any grade kindergarten through grade 8 where located:

- (i) in a residential zone on a *premises* that does not contain residential *development*; or
(ii) in an agricultural zone.

- (B) In the public right-of-way with ground-mounted equipment other than a pole to which the wireless communication facilities are attached.
- (2) ~~Wireless communication facilities in Agricultural Zones.~~ Decided in accordance with Process Four, where the development meets the following locational criteria:
- (3) ~~Wireless communication facilities, with above ground equipment, in the public right-of way.~~
- (f) ~~Conditional Use Permit Regulations (Process Four)~~
- (1A) ~~Except as provided in Section 141.0420(d)(4), wireless communication facilities proposed in~~ On dedicated parkland subject to San Diego Charter section 55 in any zone, except on public right-of-way within dedicated parkland, with antennas located less than 100 feet from the property line of a premises with a dwelling unit, child care center, or school with children enrolled in any grade kindergarten through grade 8.
- (2B) ~~Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), wireless communication facilities proposed in Residential Zones~~ In a residential zone on a premises that contains residential development.
- (3C) ~~Wireless communication facilities proposed in Open Space Zones~~ In an open space zone.

(d) General Regulations for *Wireless Communication Facilities*

- (1) Every application shall include documentation satisfactory to the City Manager, as follows:
 - (A) Demonstrating 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.
 - (B) Identifying the location type, capacity, field strength or power density, and calculated geographic service of the *wireless communication facility*.
- (2) Within the Coastal Overlay Zone, the Coastal Development Permit regulations in Chapter 12, Article 6, Division 7, shall also apply.
- (3) *Wireless communication facilities* located within or adjacent to the City's Multi-Habitat Planning Areas shall comply with the Multiple Species Conservation Program Subarea Plan's Land Use Adjacency Guidelines.
- (4) *Wireless communication facilities* located in a designated *historical district* or in a *historical district* identified in a *historical resources survey* prepared by the City, or on a *premises* with a *historical resource* on it, must comply with the Historical Resource

Regulations and the U.S. Secretary of Interior Standards and
Guidelines.

(5) At least 60 days prior to an applicant asserting that an application for a wireless communication facility is deemed approved pursuant to California Government Code section 65964.1, the applicant shall provide public notice as follows:

(A) The notice shall be mailed to all persons described in Section 112.0302(b) and to the City Manager.

(B) The notice shall be posted in the manner prescribed by Section 112.0304.

(C) The notice shall include all of the information as prescribed in Section 112.0301(a)(1)(A) through (D), and the following:

(i) The name, address, and telephone number of the applicant; and

(ii) The following statement: "This application may be deemed approved, with no public hearing, no earlier than 60 days after this notice has been mailed and posted as required."

(6) The applicant shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, and plumbing codes, and state and federal disability access laws.

- (7) The permittee shall provide documentation to verify that a *wireless communication facility* is operating in compliance 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 within 30 calendar days of a receipt of a written request for such documentation from the City Manager.
- (8) The *wireless communication facilities* shall be maintained in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The permittee or owner shall repair or replace damaged equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (9) The permittee or owner shall remove the *wireless communication facilities* from the *premises* and restore the *premises* to the condition preceding the construction and installation of the *wireless communication facility*, at the owner's or permittee's sole cost and expense, if any of the following circumstances exists:
- (A) The permit authorizing the *wireless communication facility* is expired and a new permit has not been obtained.
- (B) If no permit was granted, it has been ten years from the date that the *wireless communication facility* was authorized by federal or state law and no new permit or legal authorization has been obtained.

(C) The City Manager determines that the *wireless communication facility* or components of the *wireless communication facility* are non-operational or no longer used.

(10) Prior to January 31 of every 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 organized by community plan area. The documentation shall include *wireless communication facilities* that are approved, but not yet built, *wireless communication facilities* that are currently operating, and *non-operating wireless communication facilities*.

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

- (3) ~~The Equipment associated with wireless communication facility's facilities equipment~~ shall be located within an existing building envelope ~~envelope~~ building envelope, whenever possible. If a ~~an~~ new equipment enclosure is necessary, it shall be of a height minimally necessary to ~~accommodate~~ conceal the equipment, with an area not to exceed 250 square feet, unless a ~~Process Two~~ Neighborhood Development Permit is granted in accordance with Section 126.0402.
- (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 exists 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 ~~instillation~~ 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~~Antennas shall be mounted no more than 12 inches away from a ~~building façade~~ and shall comply with the following design requirements: 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~~.

- (A) Each antenna, including any concealment measures, shall appear as an integral part of the structure, except for public right-of-way site installations as set forth in Section 141.0420(f);

- (B) No portion of an *antenna*, including any concealment measures, shall be more than 12 inches away from the *structure*, unless the *applicant* provides evidence demonstrating to the satisfaction of the City Manager that the *wireless communication facilities* cannot operate without exceeding 12 inches, in which case no portion of the *antenna* shall be more than 18 inches away from the *structure*.
- (C) Each *antenna*, including any concealment measures, shall fit into the design of the *structure*, shall be no longer or wider than the portion of the *structure* upon which it is mounted, and shall not interrupt the architectural lines of the *structure*.
- (D) Associated mounting brackets and coaxial cable shall be concealed from view.
- (E) Any pipes or similar apparatus used to attach *antennas*, including any concealment measures, to the *structure* shall not extend beyond the length or width of the *antenna*.
- (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.

- (10) Use of or replacement of any *building facade* or mechanical screen with fiberglass reinforced panels or similar industry standard material for purposes of concealing *antennas* shall not result in any noticeable lines or edges in the transition to the original *structure*. All screening material shall be painted and textured to match the original *structure*.
- (11) All equipment, including transformers, emergency generators, and air conditioners, shall be designed and operated consistent with the Noise Ordinance in Chapter 5, Article 9.5 of the Municipal Code. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

(hf) *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~~ *parkway*. *Wireless communication facilities* located in the *public right-of-way* are subject to ~~Chapter 6, Article 2, all other applicable requirements~~ of the Municipal Code and the following ~~regulations~~ additional design requirements:

- (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).~~

- (21) ~~Panel antennas~~ Antennas associated with wireless communication facilities, other than those allowed pursuant to Section 141.0420(a)(3), 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.
- (32) 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.
- (43) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.

(ig) Park Site Installations

~~In addition to the design guidelines set forth in Section 141.0420(g), the~~
The following additional design requirements apply to *wireless communication facilities* in ~~city~~ parks within the City of San Diego:

- (1) 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.
- (2) If the proposed *wireless communication facility* would be located on ~~city-owned property that has been formally dedicated in perpetuity by ordinance for park, recreation, or cemetery purposes,~~ dedicated parkland subject to San Diego Charter section 55,

equipment enclosures shall be placed underground unless the ~~Park~~
Parks and Recreation Department Director determines that an
above-ground equipment enclosure would not violate Charter
section 55, and a ~~Process Two~~ Neighborhood Development Permit
is granted in accordance with Section 126.0402.

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (10) [No change in text.]
- (11) Wireless communications facilities regulations contained in Land
Development Code section 141.0420.

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/ Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾ (12)	6	7	8	
Open Space through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories [No change in text.]		[No change in text.]									
Communication Antennas:											
Minor Telecommunication Facility		L		L			L				
Major Telecommunication Facility		E		E			E				

Use Categories/ Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1- ⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Solar Energy Systems [No change in text.]		[No change in text.]									
<u>Wireless Communication Facilities</u>		<u>See Section 141.0420</u>									
Retail Sales through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Institutional, Separately Regulated Institutional Uses, Assembly Uses, including Places of Religious Assembly [No change in text.]	[No change in text.]														
Communication Antennas															
Minor Telecommunication Facility	L	L	L	L	L	L	N	L	L	L	L	E	L	\$141.0420	
Major Telecommunication Facility	E	E	E	E	E	E	E	E	E	E	L	E	E	\$141.0420	
Satellite Antennas Antennas	[No change in text.]														
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through <i>Social Service Institutions</i> [No change in text.]	[No change in text.]														
<u>Wireless Communication Facilities</u>	<u>See Section 141.0420</u>														
Retail Sales through Other Use Requirements, Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]														

Footnotes for Table 156-0308-A [No change in text.]

MDA:dkr:nja

09/12/16

04/25/19

07/11/19 Cor. Copy

Or. Dept: Development Services Department

Doc. No.: 2043963_2

Passed by the Council of The City of San Diego on AUG 06 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 09 2019.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 23 2019, and on AUG 09 2019.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21117