

ORDINANCE NUMBER O- 19308 (NEW SERIES)

ADOPTED ON AUG 10 2004

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

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

**§113.0103 Definitions**

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

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

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

*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 <sup>(1)</sup> -		OF <sup>(12)</sup> -
	3rd »	1-	2-	1-	1-	1-	
	4th »	1	1	1	1	2	1
<b>Open Space through Residential</b> [No change]							
<b>Institutional</b>							
<b>Separately Regulated Institutional Uses</b>							
<b>Airports through Social Services Institutions</b> [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		
<b>Retail Sales through Signs</b> [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
<b>Open Space through Residential</b> [No change]					
<b>Institutional</b>					
<b>Separately Regulated Institutional Uses</b>					
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	
<b>Retail Sales through Signs</b> [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-	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
<b>Open Space through Residential</b> [No change]																							
<b>Institutional</b>																							
<b>Separately Regulated Institutional Uses</b>																							
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>																							
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>																							
<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>																							
<b>Sales through Signs</b> [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 <sup>st</sup> & 2 <sup>nd</sup> »	RM-												
		3 <sup>rd</sup> »	1-	2-	3-	4-	5-							
	4 <sup>th</sup> »	1	2	3	4	5	6	7	8	9	10	11	12	
<b>Open Space through Residential</b> [No change]														
<b>Institutional</b>														
<b>Separately Regulated Institutional Uses</b>														
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>														
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>														
<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>														

<i>right-of-way</i> with above-ground equipment					
<i>Wireless communication facility</i> outside the <i>public right-of-way</i>	C	C	C	C	C
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 <sup>st</sup> & 2 <sup>nd</sup> >	CN <sup>(1)</sup> -		CR-		CO-		CV-		CP-	
	3 <sup>rd</sup> >	1-		1-		2-		1-		1-	
	4 <sup>th</sup> >	1	2	3	1	1	1	2	1	2	1
<b>Open Space through Residential</b> [No change]											
<b>Institutional</b>											
<b>Separately Regulated Institutional Uses</b>											
Airports through <i>Social Services Institutions</i> [No change.]											
<i>Wireless communication facility</i> :											
<i>Wireless communication facility</i> in the <i>public right-of-way</i> with subterranean equipment adjacent to a non-residential use		L		L	L	L	L	L	L	L	L
<i>Wireless communication facility</i> in the <i>public right-of-way</i> with subterranean equipment adjacent to a residential use		N		N	N	N	N	N	N	N	N
<i>Wireless communication facility</i> in the <i>public right-of-way</i> with above-ground equipment		C		C	C	C	C	C	C	C	C
<i>Wireless communication facility</i> outside the <i>public right-of-way</i>		L		L	L	L	L	L	L	L	L
<b>Retail Sales through Signs</b> [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 <sup>st</sup> & 2 <sup>nd</sup> >	CC-																
	3 <sup>rd</sup> >	1-			2-			3-			4-			5-				
	4 <sup>th</sup> >	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
<b>Open Space through Residential</b> [No change]																		
<b>Institutional</b>																		
<b>Separately Regulated Institutional Uses</b>																		
Airports through <i>Social Services Institutions</i>																		
<i>Wireless communication facility</i> :																		
<i>Wireless communication facility</i> in the <i>public right-of-way</i> with subterranean equipment adjacent to a non-		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
<b>Retail Sales through Signs [No change.]</b>					

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
<b>Open Space through Residential [No change]</b>									
<b>Institutional</b>									
<b>Separately Regulated Institutional Uses</b>									
Airports through <i>Social Services Institutions</i>									
<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
<b>Retail Sales through Signs [No change].</b>									

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.

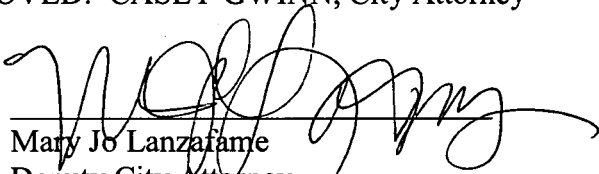
Section 12. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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  
Or.Dept:DSD  
O-2004-123