

RESOLUTION NUMBER R- 300185

ADOPTED ON MAR 01 2005

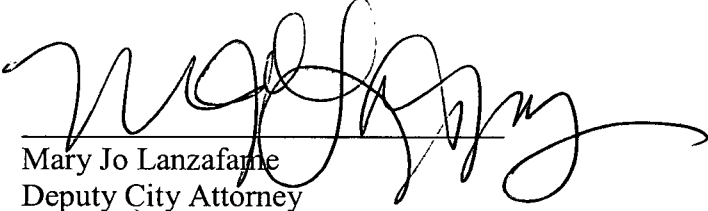
A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING COUNCIL POLICY NO. 600-43
PERTAINING TO WIRELESS COMMUNICATION
FACILITIES.

BE IT RESOLVED, by the Council of the City of San Diego, that Council Policy
No. 600-43 titled "WIRELESS COMMUNICATION FACILITIES" is amended as set forth in
the Council Policy filed in the office of the City Clerk as Document No. RR- 300185.

BE IT FURTHER RESOLVED, that the City Clerk is instructed to add the aforesaid to
the Council Policy Manual.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:jab
02/14/2005
Or.Dept:DSD
R-2005-849

COUNCIL POLICY

SUBJECT: CITY OF SAN DIEGO WIRELESS COMMUNICATION FACILITIES
POLICY
POLICY NO.: 600-43
EFFECTIVE DATE:

BACKGROUND

The City of San Diego has received numerous requests for Wireless Communication Facilities over the past seventeen years both on public and private property. The application process needs more coordination and consistency among City Departments. In light of this, a policy is desirable to establish the criteria by which applications are evaluated, processed, approved and denied.

PURPOSE AND INTENT

The purpose of this policy is to provide comprehensive guidelines for the review and processing of applications for the placement and design of Wireless Communication Facilities in accordance with the City of San Diego land use regulations. These guidelines are intended to prescribe clear, reasonable, and predictable criteria to assess and process applications in a consistent and expeditious manner, while reducing visual and land use impacts associated with Wireless Communication Facilities. The guidelines presented in this policy promote the use of camouflage design techniques and preferred locations to minimize the visual impacts to the surrounding community and preserve land uses within the City of San Diego. At the same time, the guidelines allow for the orderly and efficient development of wireless networks consistent with the rules and regulations promulgated by the Federal Communications Commission [FCC] pursuant to the Telecommunication Act of 1996 [TCA].

APPLICATION OF THIS POLICY

This policy contains the development guidelines that the City applies to all applications for Wireless Communication Facilities within the City of San Diego, including new proposals and amendments to existing Wireless Communication Facilities in all zones, overlays, planned districts and community plans. These guidelines ensure minimal land use impacts on the surrounding community by encouraging preferred locations, providing design guidelines, and monitoring health and safety issues within the limits of the TCA.

For applicants seeking placement of a Wireless Communication Facility on city-owned land, this policy should be used in conjunction with applicable Council Policies and Land Development Code section 141.0420. To the extent Council Policies conflict, this Policy supersedes any existing Council Policy as it relates to Wireless Communication Facilities.

DEFINITIONS

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

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2. **Cellular** means analog, digital signal, personal communications services (PCS) technology, and similar systems which exist now or may be developed in the future and exhibit similar technological characteristics.
3. **City Parks** means land dedicated for park or recreation purposes under Charter section 55; land set aside for park or recreation purposes in accordance with Charter section 55; or land conveyed by grant deed for park or recreation purposes.
4. **Collocation** means the sharing of a single Wireless Communication Facility, site, or location by more than one provider or by the same p provider for more than one wireless technology; also referred to as "site sharing."
5. **Controlling Department** means the City Department primarily responsible for using and managing a specific city owned parcel of land or facility.
6. **Wireless Communication Facility [WCF]** means the apparatus that includes the Antennas, support structures, and associated equipment for personal wireless services and information services.

POLICY**A. General**

The City is the regulatory agency responsible for issuing permits for the development of Wireless Communication Facilities in the City of San Diego. For projects on private property, the City acts only in its regulatory role; for City-owned property, the City has dual roles as property owner and government regulator. The City's Development Services Department [DSD] is responsible for design review, regulatory compliance, zoning administration, and permit processing of applications for Wireless Communication Facilities. For Wireless Communication Facilities proposed on property owned by the City, the City's Real Estate Assets Department [READ] is responsible for the negotiation and administration of sales and leases, including property used and managed by the City's Park and Recreation Department [P&R], Water Department, or other Controlling Departments of the City.

In considering applications to lease City-owned property, it is the policy of the City Council to maintain control over the design and siting process and to generate revenues for park and recreational uses, Water Department uses, and the General Fund.

B. Development Review Process

1. In general, DSD is the lead department responsible for processing applications for Wireless Communication Facilities on non-city owned sites. DSD is the primary point of contact and will also coordinate with the applicant and the public processing of projects through the development review process in an orderly and efficient manner. READ is responsible for processing proposed projects involving city owned land or facilities from application to final City Council lease approval. This includes

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coordinating review by the Controlling Department and shepherding the project through the development review process. As part of the development review process:

- a. All departments involved in the review and approval of a Wireless Communication Facility should be included on the distribution list for the project.
 - b. A copy of any discretionary application for a proposed Wireless Communication Facility in that council district should be sent to the City Council office representing the area within which the subject property is located.
 - c. As part of the initial routing, the recognized community planning group should be provided a copy of all applicable ministerial applications for a proposed Wireless Communication Facility within its community plan area, for information purposes only. The community planning group should also be provided any pending discretionary applications for its community consistent with Council Policy 600-24. The recognized community planning group adjacent to a regional park should also receive a copy of any application for the siting of a Wireless Communication Facility within the regional park where the Park Advisory Body is not the planning group.
 - d. Environmental review in accordance with the California Environmental Quality Act should occur for all Wireless Communication Facility applications qualifying for discretionary review.
 - e. The DSD Project Manager or the Controlling Department's Project Manager should perform a final inspection of all Wireless Communication Facilities prior to receiving final approval clearance from the Building Inspector to ensure conformance with any discretionary permits.
 - f. Each approved application for a Wireless Communication Facility should be entered into a City database to track the location of Wireless Communication Facilities in the City. The information may be displayed on the City's Web site.
2. The Information Technology and Communications [IT&C] Department is responsible for advising the City Manager and the City Council on issues related to technical oversight and evaluation of proposed and developed Wireless Communication Facilities in the City of San Diego, including the following:
- a. Radio frequency [RF] radiation studies, propagation studies, tower loading studies, inter-modulation studies, RF interference studies, and licensing and frequency issues.

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- b. Review of equipment to be used at a proposed Wireless Communication Facility, including transmitters, receivers, antennas, cabling, power sources, etc.
- c. Evaluation of compliance with FCC rules and regulations as it relates to interference with City of San Diego communication facilities for Wireless Communication Facilities.
- d. Review and verify applicant's proposed Wireless Communication Facility for compliance with FCC regulations related to RF emissions;
- e. Coordination of the technical aspects of installation and maintenance activities on City Property.
- f. The applicant shall be charged for all reasonable costs associated with review by IT&C, the Controlling Department and DSD.

C. Processing of Applications for Wireless Communication Facilities on Non-City Property.

DSD is the central processing authority and primary point of contact for all Wireless Communication Facility applications on non-city owned sites. All applications for Wireless Communication Facilities on non-city owned sites should be submitted to DSD for processing and tracking throughout the review process.

D. Processing of Applications for Wireless Communication Facilities on City Property.

All applications for Wireless Communication Facilities on City Property should be submitted to the Real Estate Assets Department to be processed and tracked throughout the entire application process. The Property Agent assigned to the project should forward an advance copy of the application to DSD prior to submittal for development review processing. READ is the primary point of contact and is responsible for negotiating and executing an agreement with the applicant for lease of City-owned property for a Wireless Communication Facility. The Controlling Department for the proposed site is responsible for review of the application to ensure current and future operational compatibility and compliance with design standards.

1. Prior to execution of any lease for a Wireless Communication Facility on City-owned property, READ should obtain the review and approval of the Controlling Department and DSD. In addition, the lease agreement should contain all of the following:
 - a. Provisions addressing maintenance of the Wireless Communication Facility, adequate security, adequate insurance coverage, abandonment or decommissioning of the Wireless Communication Facility.
 - b. A term limiting duration of the agreement to the shortest practical term, with an option to extend the term only by mutual consent.

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- c. Market-rate rent based on a current independent fee appraisal of comparable market rents for similar facilities in Southern California or other comparable market area.
 - d. One-time Site Access Fees should be charged for the installation of wireless facilities on all City-owned property. The amount of these fees should be consistent and regularly updated.
 - e. Reasonable compensation for the use of city utility poles to mount Antennas.
 - f. Where the lease authorizes subleasing, the city should receive 100% of the Site Access Fee and 50% of the lease revenue generated from the site.
 - g. A processing fee adequate to cover the costs of processing and reviewing applications for Wireless Communication Facilities.
 - h. Assurance that the proposed Wireless Communication Facility will not interfere with City operations or public use of City-owned property.
2. Site Access Fees should be deposited into a special fund to be used primarily to benefit the property or adjacent community where the wireless facility is located. The appropriate stakeholder groups may make recommendations for the expenditure of the special fund. The appropriate Controlling Department should work with the stakeholder groups to prioritize these requests.
 3. Rental Revenue. One half of the ongoing rental revenue should be deposited into the general fund and one half deposited into a special fund for the appropriate department. All expenditures will require prior written approval by the City Manager or designee.
 4. Processing of Applications for Wireless Communication Facilities in City Parks. The City may grant authorization on dedicated or designated parkland and open space if it is first determined by the Park and Recreation Department that the requested action would not only meet the criteria of this Policy, but would also be consistent with City Charter Section 55.
 - a. Design. Proposed wireless communication facilities must be disguised such that they do not detract from the recreational or natural character of the parkland or open space. Further, proposed wireless communication facilities must be integrated with existing park facilities, and must not disturb the environmental integrity of the parkland or open space.
 - b. Site Visit. For applications seeking placement of a Wireless Communication Facility in a City Park, READ should, early in the review process, schedule a

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meeting at the proposed site to identify and view the requested location. READ should provide notice of this initial site visit to the following groups:

- a representative from the officially recognized Community Planning Group under Council Policy 600-24 for that area;
 - the Park and Recreation Department's Project Manager;
 - the Park and Recreation Department's Area Manager;
 - the Development Services Department's Project Manager;
 - the Information, Technology and Communications Department; and
 - the Planning Department's Community Planner.
- c. P&R's Project Manager should present the project for review and recommendation to the appropriate Park and Recreation advisory boards and committees.

For any Wireless Communication Facility proposed within an area in a City Park that is covered by an existing lease, the project will also be presented to the existing lessee for review and, where necessary, consent.

For any Wireless Communication Facility proposed within an area in a City Park that contains an existing encroachment managed by another city department, that department should also have the opportunity to review the project as a Controlling Department.

- d. Following action on the proposed project by the required boards and councils, the P&R's Project Manager will notify the applicant, READ, and DSD of the final action by the Director of P&R.
- e. The Director of the Park and Recreation Department may limit the number of Wireless Communication Facilities allowed in any City Park and should not allow any applicant to site more than one Wireless Communication Facility in any City Park. Further, each applicant should be allowed only one equipment enclosure per City Park. Exceptions may be made for Wireless Communication Facilities in large regional parks on a case-by-case basis.
5. All applicants proposing Wireless Communication Facilities on City-owned property including City Parks and public rights-of-way are required to obtain City authorization for use of the property which should also be reviewed by applicable Controlling Departments.

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E. Guidelines for Placement of Wireless Communication Facilities

The following guidelines set forth four locational categories that correspond to the Process levels contained within the Wireless Communication Facilities regulations, Chapter 14, Division 1, Article 4 of the San Diego Municipal Code. These guidelines establish a hierarchy from most preferred location to least preferred location. Applications for sites in either Preference 2, 3 or 4 Locations should include additional information from the applicant substantiating why a Preference 1 Location was not utilized.

1. Preference 1 Locations. This category includes the most preferred locations for siting Wireless Communication Facilities. Applicants are strongly encouraged to site a facility in one of these zones or in the public right-of-way before pursuing a Preference 2 Location. These locations correspond to uses allowed as Limited Uses under the Wireless Communication Facilities regulations.
2. Preference 2 Locations. This category includes areas that may be considered for siting Wireless Communication Facilities as long as the applicant submits adequate information demonstrating that a Preference 1 Location could not be used to meet the technical requirements for the facility thereby supporting a Preference 2 Location. These locations correspond to uses allowed with a Neighborhood Use Permit under the Wireless Communication Facilities regulations. Applicants are encouraged to locate in these areas before pursuing a Preference 3 Location.
3. Preference 3 Locations. This category includes sensitive land uses and are less preferred for siting Wireless Communication Facilities. These locations correspond to uses allowed with a Conditional Use Permit, Process 3, under the Wireless Communication Facilities regulations. The applicant should demonstrate that sites within the Preference 1 and 2 Locations were explored in good faith and found unacceptable.
4. Preference 4 Locations. This category includes highly sensitive land uses and is the least preferred for siting Wireless Communication Facilities. Applicants are discouraged from seeking placement of a Wireless Communication Facility in these areas. These locations correspond to uses allowed with a Conditional Use Permit, Process 4, under the Wireless Communication Facilities regulations. The applicant should demonstrate that sites within the Preference 1, 2, and 3 Locations were explored in good faith and found unacceptable.

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The Development Services Department publishes an Information Bulletin which contains specific information on the submittal requirements for applicants proposing Wireless Communication Facilities. In reviewing and making recommendations on discretionary applications for Wireless Communication Facilities, staff should consider the following factors:

1. The nature of uses on adjacent and nearby premises;
2. Integration of the proposal with the existing building or environment;
3. Surrounding topography;
4. Existing landscaping;
5. Quality and compatibility of design and screening;
6. Impacts on public views and the visual quality of the surrounding area; and
7. Availability of other facilities and buildings for Collocation.

ATTACHMENTS:

1. Federal Communication Commission: A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance

HISTORY

Adopted by Resolution R-288406; 03/04/1997
Amended by Resolution R-29165; 05/24/1999
Amended by Resolution R-299512; 07/27/2004
Amended by Resolution R-_____