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9/26/06

(O-2007-27)

ORDINANCE NUMBER O- 19545 (NEW SERIES)

DATE OF FINAL PASSAGE September 29, 2006

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

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

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

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

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

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

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

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

§141.0420 Wireless Communication Facilities

Wireless communication facilities are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in Section 141.0420. *Wireless communication facilities* that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, subject to the regulations in Section 141.0420(d). *Wireless communication facilities* may also be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), except that *wireless communication facilities* in areas described in Section 141.0420(f) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

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

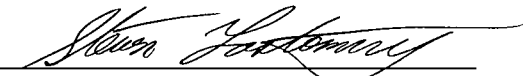
- (4) If the permit(s) for any *wireless communication facility* includes an expiration date, upon expiration of the permit, the facilities and improvements authorized therein shall be removed from the site by the owner or permittee of such facilities and improvements, and said owner or permittee shall restore the property to its original condition, all at the owner's or permittee's sole cost and expense. In addition, the owner or permittee shall, at its sole cost and expense, remove or replace any *wireless communication facility* if the City Manager determines that the facility or components of the facility are non-operational or no longer used. If the owner or permittee does not remove such facilities and restore the property as required herein, the City may remove the facilities and restore the property at the cost and expense of the owner or permittee, jointly and severally.
- (5) Coastal Development Permit. Within the coastal overlay zone, the coastal development permit regulations, beginning with Section 126.0701 of the Land Development Code, shall also apply.

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

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

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

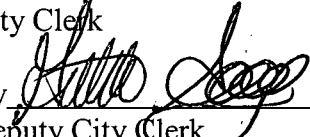
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Steven Lastomirsky
Deputy City Attorney

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

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

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-29-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor