

RESOLUTION NUMBER R- 313254

DATE OF FINAL PASSAGE OCT 19 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE ESTABLISHMENT OF A  
GENERAL PLAN MAINTENANCE FEE SMALL WIRELESS  
FACILITIES REFUND PROGRAM.

WHEREAS, the General Plan Maintenance Fee (GPMF) was adopted in 1991 per Resolution No. R-278187 as a long-range planning cost recovery mechanism; and

WHEREAS, the GPMF applies to permit applications for seven permit types: building, combination building, Right-Of-Way (ROW), grading/ROW, ROW construction plan, sign, and substantial conformance review; and

WHEREAS, the revenues collected are used to support expenditures to update planning policy documents such as: City-initiated General Plan amendments, community plan updates, mobility plans, City-initiated specific plans, environmental policies, park plans, and housing initiatives; and

WHEREAS, the current GPMF rate is \$451 per applicable permit application; and

WHEREAS, the Federal Communications Commission's Declaratory Ruling and Third Report and Order, No. FCC 18-133 (2018), limits the fees that the City can impose with respect to Small Wireless Facilities (SWF) deployment. On September 27, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order, No. FCC 18-133; and

WHEREAS, in FCC 18-133, the FCC acknowledged America is in the midst of a transition to the next generation of wireless services, known as 5G, and as such, represents the FCC's ongoing efforts to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure to support these new services; and

WHEREAS, this includes state and local fees and other charges associated with the deployment of wireless infrastructure. Pursuant to FCC 18-133, fees are only permitted to the extent that they represent a reasonable approximation of the local government's objectively reasonable costs associated with the deployment of wireless infrastructure and are non-discriminatory; and

WHEREAS, FCC 18-133 and Government Code section 50030 (GC 50030) restricts the charges that may be imposed on SWF deployment. An SWF (sometimes referred to as a small cell facility) is a cellular network facility capable of delivering high transmission speeds but at lower ranges that support 5G deployment; and

WHEREAS, the Planning Department is proposing a GPMF SWF refund program as a response to FCC's Declaratory Ruling and Third Report and Order to refund certain GPMF charges beyond what is permissible under federal law in relation to SWF fees; NOW, THEREFORE

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

1. That the Mayor or his designee is authorized to exempt the imposition of the General Plan Maintenance Fee on Right-of-Way permits associated with Small Wireless Facilities.
2. That the Mayor or his designee is authorized to establish a General Plan Maintenance Fee 5G refund program and to expend funds from the General Plan Maintenance Fund, Fund No. 200728, for that purpose.
3. That the Mayor or his designee is authorized to process General Plan Maintenance Fee Small Wireless Facility refunds for permit applications that were paid from the date of the

FCC Ruling of September 27, 2018 to the date of Council approval to exempt the application fee for Right-of-Way permit applications.

4. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$734,400 from the General Plan Maintenance Fund No. 200728 above the levels approved in the Fiscal Year 2021 Budget to provide General Plan Maintenance Fee Small Wireless Facility refunds to eligible vendors and permit applicants.

APPROVED: MARA W. ELLIOTT, City Attorney

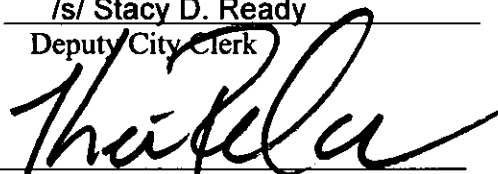
By /s/ Noah J. Brazier  
Noah J. Brazier  
Deputy City Attorney

NJB:als  
08/27/2020  
Or.Dept:Planning  
Doc. No.: 2457982

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 10/13/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Stacy D. Ready  
Deputy City Clerk



KEVIN L. FAULCONER, Mayor

Approved: 10/10/20  
(date)

Vetoed: \_\_\_\_\_  
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 13 2020, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 19 2020.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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 , Deputy

Office of the City Clerk, San Diego, California
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