

#53
10/19/2021

(O-2022-24)

ORDINANCE NUMBER O- 21381 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 29 2021

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0901 RELATING TO LEASES FOR TELECOMMUNICATION FACILITIES USING WIRELESS TECHNOLOGY.

WHEREAS, San Diego Municipal Code section 22.0901(c) currently authorizes the City Manager to lease City-owned property for a wireless communication facility, as defined in San Diego Municipal Code section 113.0103 (Wireless Communication Facilities), for a period of ten years or less without City Council approval; and

WHEREAS, there are telecommunication facilities using wireless technology that do not meet the definition of Wireless Communications Facilities because they are not necessary for providing personal wireless services and information services (Telecommunication Facilities); and

WHEREAS, City staff has determined that leases involving Telecommunication Facilities involve substantially similar considerations, terms, and conditions as leases for Wireless Communication Facilities; and

WHEREAS, due to the similarities between leases for Telecommunication Facilities and Wireless Communication Facilities, City staff is requesting authority for the City Manager to enter into leases of City-owned property for a period of ten years or less for any telecommunications facility using wireless technology, which includes both Wireless Communication Facilities and Telecommunication Facilities; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 9 of the San Diego Municipal Code is amended by amending section 22.0901, to read as follows:

§22.0901 Leases of Real Property

Except as otherwise provided in the Charter, or by ordinance, the Council shall have the power to lease the real property of the City as follows:

- (a) through (b) [No change in text.]
- (c) Nothing contained in this section shall be deemed to apply to any lease for a telecommunications facility using wireless technology for a term of ten years or less. The City Manager, at all times, shall have the power, without advertising, notice, or competitive bidding, and upon such terms as the City Manager may deem proper, to lease any of the real property of the City of San Diego for a telecommunications facility using wireless technology for a term of ten years or less, provided however, that no such lease, so made, shall be renewed without approval of the Council.

Rental agreements may be executed by the City Manager covering month-to-month tenant occupancy of City-owned residential housing or Brown Field Airport Incubator Industries and shall not be subject to the provisions of subparagraphs (a)(1) through (3) of this section, and occupancy of the facilities under such agreements may exceed three years without the approval of the Council.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

MDA:nja
09/16/2021
Or. Dept: READ
Doc. No.: 2762091

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 19 2021.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 10/29/21
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,
DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 22.0901 RELATING TO LEASES FOR
TELECOMMUNICATION FACILITIES USING WIRELESS
TECHNOLOGY.

§22.0901 Leases of Real Property

Except as otherwise provided in the Charter, or by ordinance, the Council shall have the power to lease the real property of the City as follows:

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

(c) Nothing contained in this section shall be deemed to apply to any lease for a ~~wireless communications facility, as defined in section 113.0103,~~ telecommunications facility using wireless technology for a term of ten years or less. The City Manager, at all times, shall have the power, without advertising, notice, or competitive bidding, and upon such terms as ~~the~~ the City Manager may deem proper, to lease any of the real property of the City of San Diego for a ~~wireless communications facility, as defined in section 113.0103,~~ telecommunications facility using wireless technology for a term of ten years or less, provided however, that no such lease, so made, shall be renewed without approval of the Council.

Rental agreements may be executed by the City Manager covering month⁴-to-month tenant occupancy of City-owned residential housing or Brown Field

Airport Incubator Industries and shall not be subject to the provisions of subparagraphs (a)(1) through (3) of this section, and occupancy of the facilities under such agreements may exceed three years without the approval of the Council.

MDA:nja
09/16/2021
Or. Dept: READ
Doc. No.: 2762060

Passed by the Council of The City of San Diego on OCT 19 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 29 2021

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Cornie 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

OCT 05 2021, and on OCT 29 2021

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 *Cornie Patterson*, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21381</u></p>
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