

**CITY OF SAN DIEGO, CALIFORNIA  
COUNCIL POLICY**

SUBJECT: WIRELESS COMMUNICATION FACILITIES

POLICY NO.:

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. These applications have been processed without the benefit of established specific land use and design criteria in which to evaluate these proposals. In light of this, a policy is desirable to establish the criteria by which applications are evaluated, processed, approved and denied. This policy would be used in conjunction with Council Policy 700-06 when reviewing applications on city-owned land.

PURPOSE:

The purpose of this policy is to establish comprehensive guidelines for the locational placement, design and processing of *Wireless Communication Facilities* in all zones and land uses within the City of San Diego. 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*. This policy will also provide standards necessary for preservation of land uses within the City of San Diego, while allowing for the orderly and efficient progression of wireless networks to develop in accordance with *Federal Communications Commission (FCC)* rules and regulations and the *Telecommunication Act of 1996*.

INTENT:

The intent of this policy is to ensure that *Wireless Communication Facilities* utilize *stealth* design techniques in order to minimize the visual impacts to the surrounding community; to promote sites in the high preference category; and to ensure that projects are consistently reviewed within the parameters of this policy and the law.

DEFINITIONS:

1. **Analog Signal** means a signaling method that uses continuous changes in the amplitude or frequency of a radio transmission to convey information.
2. **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.

3. **Antenna Array** means a set of one or more *Antennas* mounted directly on the support structure, frame or rack.
4. **Antenna Support Structure** means any facility that is used to support *Antennas* in order for *Antennas* to transmit and/or receive radio signals. There are typically three types of *Antenna* support structures used to place *Antennas* at desired heights: 1) *lattice towers*; 2) *monopoles*; and, 3) building attached facilities, which come in two general applications, roof and building mounted.
5. **Applicant/Permittee** means the person, firm or entity applying for the permit on private or public land or the lease of city land for a *Wireless Communication Facilities*.
6. **Bandwidth** means the capacity of a telecom line to carry signals. The necessary bandwidth is the amount of spectrum required to transmit the signal without distortion or loss of information. *FCC* rules require suppression of the signal outside the band to prevent interference.
7. **Caltrans Right-of-Way** means all property owned by the California State Department of Transportation.
8. **Camouflage** means a *Wireless Communication Facility* that is disguised or hidden, either as a part of an existing or proposed structure or placed within an existing or proposed structure . The term stealth is sometimes used to have the same meaning.
9. **Carrier, Provider or Wireless Carrier** means a provider of commercial mobile services or any other radio communications services that the *FCC* has licensed; including providing wireless services to consumers.
10. **Cellular** includes *Analog Signal* and *PCS* technology, as well as similar systems which exist now or may be developed in the future and exhibit similar technological characteristics.
11. **City Property** means land owned in fee title by the City.
12. **Collocation** means the use of a common *Wireless Communication Facility* or common location by two or more *Providers* or use by one *Provider* of a single site for two or more technologies. It is sometimes referred to as “site sharing”.
13. **Controlling Department** means the current designated City department using a specific city-owned parcel of land.
14. **Developed Park Areas** means a portion of a city owned park that contains passive and/or active improvements such as turf, picnic areas, landscaping, multi-purpose fields, play structures, or buildings.
15. **Easement** means an interest with limited reconveyance rights.

16. **Facade Mounted Antenna** means attached to the exterior of a building or other similar support structure.
17. **Fixed** or **Mountain Top Technology** means a high power, lower frequency, lower capacity mobile phone, emergency radio, paging and dispatch services commonly located on mountain or hilltops for long range signal transmission.
18. **Flush Mounted Antenna** means attached to the exterior of a building in such a way that there is no air space between the back of the *Antenna* and the front of the building facade.
19. **Federal Communications Commission or FCC** means the federal agency charged with regulating communication services and use of radio frequencies throughout the United States.
20. **Land Development Code or LDC** means chapters 11-15 (as amended) of the San Diego Municipal Code.
21. **Lattice Tower** means an *Antenna* support structure which accommodates a variety and number of *Antennas* and generally have three or four steel support legs and are used in areas where great height is needed.
22. **Low Power Facility** means a *Wireless Communication Facility* such as a Micro Cell Site, and which are currently located within the *Public Rights-of-Way* and attached to an existing fixture such as a light standard or similar device. Current *Low Power Facilities* have limited signal range and capacity.
23. **MHPA** means multiple habitat planning area as identified by the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan. The *MHPA* includes areas to be preserved as well as those areas where development will be allowed.
24. **Microwave Antenna** means a **Dish Antenna**, which usually produces electromagnetic radiation frequencies from 3 GHz to 300 Ghz and is highly directional when used for radio frequency signal transmission.
25. **Monopole** means an *Antenna* support structure, which consists of a single pole, approximately three-feet in diameter and may support any combination of whip, *panel* or *Dish Antennas*.
26. **Open Space** means city-owned land that is dedicated or proposed for dedication for the purposes of public recreational uses and is sometimes left in a generally natural state. There are four subcategories of open space identified in Chapter 13 of the *Land Development Code*.
27. **Naturalized Park Areas** means a portion of a city owned park that is in a natural or naturalized condition.
28. **Paging System** means a one-way mobile radio system that sends a coded signal to a user's lightweight miniature radio receiver.

29. **Panel Antenna** means an *antenna* with a vertical and horizontal plane that aims signals in or receives signals from specific directions. *Panel Antennas* generally measure four to five feet in height, six to twelve inches in width and six to eight inches in depth.
30. **Personal Communication Services** or **PCS** means any of several types of wireless, voice and/or data communications systems, typically incorporating digital technology. *PCS* is most often used to provide services similar to advance *cellular* mobile or *paging services*.
31. **Privately Owned Open Space** means land that is privately owned and designated as *open space* in a land use plan or planned development for such purposes as preservation of public health and safety, visual quality, sensitive biological resources, steep hillsides, and control of urban form.
32. **Public Rights-of-Way** means all public streets and utility *Easements* owned by the City, but only to the extent of the City's right, title, interest, or authority to grant a permit, license, or franchise to occupy and use such streets and *Easements* for *Wireless Communication Facilities*. In this policy, *Public Right-of-Way* refers to that section of the *Right-of-Way* measured ten (10) feet in from the face of the curb.
33. **Radio frequency** or **RF** means the electromagnetic wave frequency used in radio transmission.
34. **Rental Agreement** or **Lease Agreement** means a legal document containing the mutually agreed upon terms and conditions governing the use of the subject real property.
35. **Right-of-way Permit** means an agreement between a *Wireless Communication Carrier* and the City for placement and maintenance of *Wireless Communication Facilities* in the *public right-of-way* as defined in the San Diego Municipal Code.
36. **TCA** means the *Telecommunications Act of 1996*.
38. **Temporary Facilities** means *Wireless Communication Facilities* that provide service to public events and are limited to a one-time maximum duration of ninety (90) calendar days and are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4 of the *Land Development Code*.
39. **Tower** means a stand alone pole or *lattice structure* that supports Antennas.
40. **Wireless Communication Facility** or **WCF** means the apparatus that includes the *antennas*, support structure and associated equipment.
41. **Wireless Communication Services** or **WTS** means wireless services pursuant to the *TCA* and licensed by the *FCC*, including but not limited to *Cellular*, *PCS*, Enhanced Specialized Mobile Radio (ESMR), Paging, ground based repeaters for satellite radio services, micro-cell antennas and similar systems which exist now or may be developed in the future and exhibit similar technological characteristics.

POLICY:

A. GENERAL

The provisions of this policy shall constitute the guidelines and development requirements for all *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.

It is the policy of the City Council to ensure minimal environmental impacts on the surrounding community by encouragement of preferred locational placement, design guidelines and monitoring of health and safety issues within the limits of the *Telecommunications Act of 1996*.

It shall be the policy of the City Council to consider applications for the leasing of city-owned property to *Wireless Carriers* for the purpose of enabling the City to retain aesthetic and local land use control over the siting process, as well as generate revenues for Park and Recreation, the Water Department and the General Fund.

The City fills dual roles as regulatory agency and property owner or landlord. The Development Services Department is responsible for design review, regulatory compliance, zoning administration, and entitlement processing. The Real Estate Assets Department acts as landlord and is charged with the sales and leasing of city-owned land or facilities which includes Park and Recreation and Water Department property. It is important to recognize these are two separate and distinct roles and categories. The City acts only as regulator with private property projects and in the dual capacity with projects involving city-owned land or facilities.

The Development Services Department shall interface with the *Wireless Carriers*, **recognized community planning groups** and the public in order to process projects through the development review process in an orderly and efficient manner.

Real Estate Assets shall administer the processing of those proposed projects involving city-owned land or facilities from application to final City Council approval. This includes monitoring intra departmental review by the effected controlling department and through the development review process.

B. ADMINISTRATION

*Wireless Communication Facilities* shall conform to all applicable codes, policies and land use plans. For projects on city property, the Controlling Department for the proposed site shall be responsible for their own intra-departmental review for current and future operational compatibility and design standards. The responsibilities for the following departments shall occur concurrently with permit review when possible and are outlined below.

1. Development Services Department - shall be the central processing authority and primary point of contact for all *Wireless Communication Facility applications* on non-city owned sites.

- a. All *Wireless Communication Facilities* applications for non city-owned sites shall be submitted to Development Services and be processed and tracked throughout the review process.
  - b. In January of every calendar year, each *Wireless Carrier* shall submit a comprehensive spread sheet documenting the location of each *Wireless Communication Facility* in its City of San Diego network. The list should include those sites that are approved, but not yet built, as well as, those that are currently operating and those that are not. The first spread sheet shall be submitted within 30 calendar days of adoption of this policy.
  - c. Other departments involved in the review and approval of *Wireless Communication Facilities* will be included on the distribution of the project application.
  - d. The affected City Council Office will be included on the distribution of any discretionary applications received for siting proposals in that council district.
  - e. The recognized community planning group will be provided a copy of all ministerial applications for notification purposes on *Wireless Communication Facilities* proposed within that community and will also review and provide a recommendation on any pending discretionary applications within the community. For sites proposed within regional parks, notification shall be provided to adjacent recognized community planning groups.
  - f. Environmental review shall take place on all *Wireless Communication Facility* applications qualifying for discretionary review.
  - g. The Development Services Project Manager and the controlling department project manager shall perform a final inspection of all *Wireless Communication Facilities* prior to receiving final approval clearance from the Building Inspector.
  - h. Each application for a *Wireless Communication Facility* will be input into a city data base, which will be used for location tracking information and will be displayed on the City's Web site.
2. Real Estate Assets Department - shall be the primary point of contact and responsible entity responsible for executing Lease Agreements with *Wireless Carriers* for *Wireless Communication Facilities* proposed on city owned property or infrastructure.

All applications for *Wireless Communication Facilities* on city-owned sites shall be submitted to the Real Estate Assets Department and be processed and tracked throughout the entire leasing and development process.

Assigned Real Estate Assets Department Property Agents shall copy the Development Services Department upon receipt of an application prior to submittal for processing.

- a. The controlling department and Development Services shall review and approve the *Rental Agreement* prior to referral to final execution.
  - b. *Rental Agreements* shall contain assurances addressing maintenance, security, insurance, abandonment and decommissioning.
  - c. The agreement duration shall be limited to lowest practical term with extension options by mutual consent. In the case of *wireless communication facilities*, the minimum duration is five (5) years with 1-five-year option to extend with mutual consent of both parties.
  - d. Rents will be based on a current independent fee appraisal of market rents of similar facilities in the Southern California or similar market area.
  - e. City will charge processing fees adequate to cover the costs of processing and reviewing applications to rent City property for *Wireless Communication Facilities*.
  - f. *Wireless Communication Facility* rent revenues will be deposited in the appropriate controlling department allocated fund.
  - g. Additional fair and reasonable consideration or compensation in monetary form or as additional facilities, equipment or other in-kind services or enhancements for public use will be utilized when appropriate.
  - h. *Wireless Communication Facilities* located on city-owned property shall require a bond to be posted to cover the cost of removing the facility should the facility be abandoned.
  - i. *Wireless Communication Facilities* proposed on city park land or open space must include an initial site meeting at the proposed site. Notification of the initial site meeting will be provided to the following groups. Representatives from these groups will attend as necessary:
    - Community Planning Group
    - Real Estate Assets Department
    - Park and Recreation Department - Project Manager, Area Manager and Recreation Council Chair
    - Development Services Project Manager
    - Information, Technology and Communications
    - Community Planner
3. Park and Recreation Department - shall be responsible for reviewing siting proposals on city parks and open space to insure the *Wireless Communication*

*Facility* is consistent with existing policies and design guidelines. The Park Planning Project Manager is responsible for taking the project as an action item for recommendation to the following boards and councils:

- a. Community Recreation Council for park or open space where encroachment is proposed;
- b. the appropriate Area Committee, a subcommittee of the Park and Recreation Board or Citizen's Advisory Committee for open space or maintenance assessment district areas where the encroachment is proposed;
- c. Design Review Committee, a subcommittee of the Park and Recreation Board, as appropriate; and
- d. Park and Recreation Board or governing open space Task Force for those areas where they exist.

Some park and open space areas include encroachments by other city departments or leases to community or non-profit organizations. Any *Wireless Communication Facility* proposed within an existing encroachment or lease area will be reviewed by the appropriate park and recreation boards and committees along with the required review process of the third party department or organization.

Following action on the proposed project by the required boards and councils, the Park and Recreation Department project manager will notify the applicant, Real Estate Assets Department, and Development Services of the final action by the Park and Recreation Director.

*Wireless Communication Facilities* must be integrated into the natural or recreational character of the park or open space. The *Wireless Communication Facility* must not disturb the environmental integrity of the site and it must not impact public views or public use of the park. It is imperative that future park improvements would not be precluded by placement of the *Wireless Communication Facility*.

*Wireless Communication Facilities* receiving encroachment authorization for park land or open space may be subject to additional costs, including but not limited to, costs associated with the mitigation of visual or physical impacts to the specific park or open space site, and costs associated with complying with applicable local, state or federal law.

All rent revenue received from *Wireless Communication Facilities* on parks and open space shall be deposited into a special telecommunication fund for use by the Park and Recreation Department as directed by the Park and Recreation Director. Any additional consideration or mitigation collected shall directly benefit the specific property or community being affected by the *Wireless Communication Facility*.



4. Water Department - shall be responsible for reviewing proposals on property controlled by the Water Department.
5. Information Technology and Communications (IT&C) Department - is responsible for **initial site review and annual monitoring as indicated below:**
  - a. Technical oversight and evaluation of ~~proposed~~ *Wireless Communications Facilities* in the City of San Diego which may include:
    - RF Radiation Studies
    - Propagation Studies
    - Tower Loading Studies
    - Inter-Modulation Studies
    - RF Interference Studies
    - Licensing and Frequency Issues
  - b. Review of equipment to be used at ~~proposed~~ *Wireless Communication Facility* i.e. transmitter, receivers, *antennas*, cabling, power source, etc.
  - c. Evaluation of compliance with *FCC* rules and regulations established for *Wireless Communications Facilities*.

- d. Determination that proposed *Wireless Communication Facilities* will not cause harmful interference to existing City of San Diego Public Safety wireless networks.
- e. Coordination of the technical aspects of installation and maintenance activities at City-owned and operated facilities.

### C. LOCATIONAL CRITERIA

The following locational priority categories will be used to determine the process for review and submittal requirements for *Wireless Communication Facilities*. Applications for sites in either the Limited or Provisional Preference categories require further submittal requirements to justify why the High Preference category was not utilized.

1. High Preference Locations - This category includes areas considered to be the highest preference for locating *Wireless Communication Facilities*. Applicants are strongly encouraged to locate in one of these zones or *public right-of-way* before pursuing options in the Limited Preference category. Proposals in this category are generally identified as “Limited Uses” in the *Land Development Code* and are subject to a Process One decision level.
  - a. Caltrans Right-of-Way not adjacent to residential
  - b. *Public Right-of-Way* adjacent to non-residential use
  - c. Industrial zones (non-residential)
  - d. Commercial zones (non-residential)
2. Limited Preference Locations - Proposals in this category require a “Neighborhood Use Permit” as identified in the *Land Development Code* and are subject to a Process Two decision level. This category includes zones that may be considered for siting *Wireless Communication Facilities* as long as evidence is provided justifying why a site in the High Preference category could not meet technical requirements. Applicants are encouraged to locate in these zones before pursuing options in the Provisional Preference category.
  - a. Residential or mixed use in commercial or industrial zone
  - b. ~~Non-residential uses in residential zones~~
  - b. Low power installations in *Public Right-of-Way* adjacent to residential
3. Provisional Preference Locations - Proposals in this category require a “Conditional Use Permit” as identified in the *Land Development Code* and are subject to a Process Three **Extraordinary Appeal To City Council** decision level. This category includes highly sensitive land uses that require further justification and analysis in order to locate here and generally no application for siting *Wireless Communications Facilities* shall be approved in these areas.
  - a. Agricultural and open space zones
  - b. City parks
  - c. City open space

- d. Installations in *Public Right-of-Way* adjacent to residential (non-low power)
- e. Multi dwelling unit residential zones
- f. Single dwelling unit residential zones
- g. **Non-residential uses in residential zones**
- h. On premises containing designated historical resources

The only allowed exception to the siting restriction listed above shall be in situations where the applicant makes a showing that there exists a “significant gap” in the availability of “personal wireless services” within the geographic area where the proposed *Wireless Communication Facility* would provide coverage, or where denial of the proposed *Wireless Communication Facility* application would constitute “unreasonable discrimination” between the applicant and other providers of “personal wireless services,” and where the proposed siting constitutes the “least intrusive method” of satisfying the showing.

For purpose of clarification, “Significant Gap” shall mean a gap of “personal wireless services” that is so large or affects such a large number of remote users that it can fairly be said that the gap is significant. “Personal Wireless Services” shall mean the ability of remote users to access the national telephone network and in this context, the relevant gap, if any, is a gap in the service available to remote users of all service providers, not just the applicant. “Unreasonable Discrimination” shall mean a denial of an application even though the proposed facility would not undermine the legitimate concerns and values of the community (which include, but are not limited to visual, aesthetic, and safety concerns; protection of real property value; compliance with applicable permit, setback, zoning and land use plan requirements; compliance with all other applicable federal, state and local requirements and regulations; and, environmental protection) to a significantly greater extent than other providers of personal wireless services. The cumulative effects of all wireless communication facilities in the area are valid considerations in making such a determination and a denial based upon a significant increase in cumulative effects is not unreasonable. “Least Intrusive Method” shall mean the method that least undermines the legitimate concerns and values of the community in which the applicant seeks to place the proposed *Wireless Communication Facility*. The provider's showing on this issue will have to evidence that a good faith effort has been made to identify and evaluate less sensitive sites, alternative system designs, landscape architecture, existing structures and facilities, etc.

- 4. Prohibited Locations - Within the Coastal Overlay zone, *Wireless Communication Facilities* are restricted from locating on premises within the MHPA and/or containing steep hillsides with sensitive biological resources, or within public view corridors or view sheds identified in applicable land use plans.

## D. DESIGN CRITERIA AND GUIDELINES

### 1. GENERAL

- a. Development Regulations - Deviations from the development regulations of the underlying zone are not encouraged and will trigger a Planned

Development Permit, which may increase the Process level.

- b. Minimal Visual Impact - All *Wireless Communication Facilities* shall utilize all practical means to conceal or minimize the number of facilities and reduce their visual impact. Proposals shall utilize the smallest and most efficient components necessary to provide service. Applicants are strongly encouraged to utilize technology that allows the fewest number of installations to serve the City of San Diego.
- c. Camouflage Design - All *Wireless Communication Facilities* shall be designed to visually and operationally blend into the surrounding environment utilizing creative design techniques to conceal or camouflage facilities. Integration with existing buildings or among other existing uses on a premise shall be accomplished through the use of architecture, landscape architecture and siting solutions in a manner compatible with the local community character.
- d. Screening - Screening material proposed for *Wireless Communication Facilities* located on structures shall blend and complement the architecture or character of the structure. Additions should appear to be integral to the existing structures. Similar colors and textures shall be utilized. Proposed screening that does not comply with the ICBO standards for fire rating must be approved by Building Development Review prior to obtaining building permits.
- e. Equipment - Whenever possible, equipment should be located within the existing building envelope. If new construction is required for a shelter or room, it shall be low-lying and architecturally blend with the existing building(s) or setting, which includes color, texture and landscape. Where residential is the primary use and the equipment is placed in a garage, requiring the relocation of required parking, the space(s) shall not be relocated to the existing street yard unless within an enclosed garage. If equipment is proposed on the roof of an existing structure, the facility shall be set back or located to minimize visibility, especially from the street or public places. The facility shall use the most quiet cooling equipment and “whisper” emergency generating apparatus. For city-owned park and open space, see E. below.
- f. Faux trees - When an artificial tree is proposed, the applicant shall provide sufficient samples, models or other information to demonstrate the quality appearance and durability of the selected model. Faux trees should not be proposed on city-owned parks and open space, vacant lots or on lots where no other similar size and species of tree exists.

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*Wireless Communication Facilities* shall conform to the height restrictions of the underlying zone, **planned district and community plan**. Measuring the height shall be calculated pursuant to *LDC* Section 113.0270.

- g. Landscape - In the event portions of the *Wireless Communication Facility* equipment will be exposed to public view, the facility shall be screened using fencing, architectural elements and landscaping. If additional plantings would further minimize the visual impact of the facility, the applicant shall provide a landscape plan with an emphasis that blends with the existing landscape palette. When trees with a trunk width of four (4) inches or more (measured by caliper, four feet above grade) are proposed to be removed or trimmed for the installation or operation of the facility, replacement trees of a similar size shall be planted to the satisfaction of the City Manager.
- h. Surface Mounted Panel Antennas - *Panel Antennas* should not be mounted any further than 12 inches away from a building facade and should appear as an integral part of the building. Exceptions no greater than eighteen inches will be considered when evidence is provided that demonstrates the system cannot operate without incorporating a tilt greater than 12 inches. When exceptions are permitted, the design of the antennas are required to enhance the design of the existing structure. *Panel Antennas* should fit into the design of an existing facade by not being longer or wider than the portion of the facade upon which it is mounted. Associated mounting brackets and coaxial cable shall not have any outward visible appearance.
- i. Flag poles, light standards and other vertical elements - *Monopoles*, which are distinctly different, will be reviewed on a case by case basis. Vertical elements, designed as flag poles or light standards must replicate the design, diameter and proportion of the vertical element they are intending to imitate. Flag poles must maintain a tapered design.
- j. Collocation - Where collocation or site sharing occurs, subsequent applicants will be required to fully integrate design features, architectural style, landscaping, etc in order to blend with surroundings and complement the entire site.

#### E. PUBLIC PARK LAND AND OPEN SPACE

- 1. Encroachment Authorization - All *Wireless Communication Facilities* proposed on city-owned dedicated or designated park land or open space are required to obtain encroachment authorization and shall comply with the following:
- 2. Design criteria and guidelines for all *Wireless Communication Facilities* on park land and open space:
  - a. The proposed *Wireless Communication Facility* must not be detrimental to the City's property interests.
  - b. The proposed *Wireless Communication Facility* must not change or interfere with the use or purpose of the park land or *open space*.

- c. The proposed *Wireless Communication Facility* must not violate any deed or grant restrictions related to city property, map requirements or other land use regulations.
  - d. *Wireless Communication Facilities* must be designed so as to not detract from the natural or recreational character of the park land or *open space*.
  - e. *Wireless Communication Facilities* are to be integrated and must not disturb the environmental integrity of the site.
  - f. *Wireless Communication Facilities* must not violate City Charter Section 55.
  - g. The number of *Wireless Communication Facilities* allowed within any park or open space will be determined on a case by case basis.
3. Additional design criteria and guidelines for *developed park areas*:
- a. *Antennas* shall be mounted on sports field light poles, security light poles, foul line poles or flag poles. No antennas may be mounted above the light source on any light poles and all antennas on flag poles or foul line poles shall be concealed within the pole.
  - b. Equipment enclosure shall be designed similarly to existing park structures, not to exceed 250 square feet in size and integrated into the existing architecture or surrounding environment through architectural enhancement; and all equipment shall be located inside the structure. ~~Each carrier shall be allowed a maximum of one equipment enclosure per park site. In no event shall any carrier be allowed more than one *Wireless Communication Facility* in any park. Large regional parks will be considered on a case by case basis.~~
  - c. Landscaping shall be used to screen the *Wireless Communication Facility* enclosure which compliments the existing park landscaping.
  - d. No *Wireless Communication Facilities* or equipment shall be placed on existing or proposed turf areas or hinder the future development of the park.
  - e. Equipment enclosures should shall be placed under ground wherever possible.
5. Additional design criteria and guidelines for existing buildings:
- a. Antennas shall be located on the building and shall match and enhance the architecture and shall be screened from public view.
  - b. Equipment enclosure shall be the same as for developed park areas or located on the roof of the existing building, if structurally possible.

6. Additional design criteria and guidelines for *naturalized parks areas*:
  - a. *Antennas* shall be mounted on sports field light poles, security light poles, foul line poles or flag poles. No *antennas* may be mounted above the light source on any light poles and all *antennas* on flag poles or foul line poles shall be concealed within the pole.
  - b. Equipment enclosures shall be designed similarly to match existing park structures, not to exceed 250 square feet in size and integrated into the existing architecture or surrounding environment through architectural enhancement; and all equipment shall be located inside the structure. ~~Each *carrier* shall be allowed a maximum of one equipment enclosure per park site. In no event shall any carrier be allowed more than one *Wireless Communication Facility* in any neighborhood or community park. Large regional parks will be considered on a case by case basis.~~

If equipment enclosures can be located in such a way that it is not visible to park users or surrounding residents, then the equipment enclosure could be chain link fence with a chain link roof. All equipment shall be located inside the enclosure and landscaping shall be provided to screen the facility.
  - c. Landscaping shall be used to screen the *Wireless Communication Facility* enclosure which compliments the existing park landscaping.
  - d. No *Wireless Communication Facility* shall be placed on existing or proposed park areas which will hinder the future development of the park.
  - e. Equipment enclosure should **shall** be placed under ground wherever possible.
7. Additional design criteria and guidelines for *open space areas*:
  - a. Construction and operation of the *Wireless Communication Facility* shall not impact any existing sensitive habitat area.
  - b. Equipment enclosure should **shall** be placed under ground wherever possible.
  - c. Landscaping shall be used to screen the *Wireless Communication Facility* enclosure which compliments the existing park landscaping.

#### F. CITY PUBLIC RIGHT-OF-WAY

The *Public Right-of-Way* serves as a unique solution for locating *Wireless Communication Facilities*. Visually, intersections and to a lesser degree mid-block sections already contain many vertical obtrusions. Proposals in *Public Rights-of-Way* must be designed so as not to detract from or obstruct pedestrian orientation or add extra vertical visual obtrusions. City fee-

owned *Public Right-of-Way* will be evaluated on a case by case basis and will take into consideration the zones of the land adjacent to the right-of-way. Equipment is strongly encouraged to shall be placed underground whenever possible.

*Wireless Communication Facilities* within the *Public Rights-of-Way* shall be limited to the area between the face of curb and the adjacent property line. For the purpose of siting *Wireless Communication Facilities* within dedicated *Public Rights-of-Way* the following definition shall apply to the permitted usable area for the siting of all system components and associated equipment.

1. Noncontiguous Sidewalk:

No equipment or components of a *Wireless Communication Facility* excluding *Antennas* attached to an existing vertical element, shall be located between the face of the curb and the edge of the sidewalk. All associated wireless equipment shall be located between the sidewalk and the adjacent property line. In no case shall any location or placement of any component or associated equipment of a *Wireless Communication Facility* located within the *Public Right-of-Way* obstruct or impede access, travel or the normal use of the *Public Right-of-Way*.

2. Contiguous Sidewalks:

All associated wireless equipment shall be located between the sidewalk and the adjacent property line. In no case shall any location or placement of any component or associated equipment of a *Wireless Communication Facility* located within the *Public Right-of-Way* obstruct or impede access, travel or the normal use of the *Public Right-of-Way*.

3. *Antennas* and associated equipment located in the *Public Right-of-Way* may be placed above ground only if absolutely necessary and the equipment is integrated into the architecture or surrounding environment through architectural enhancement (that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts.

4. Installation of *Wireless Communication Facilities* within the City’s *Public Right-of-Way* must submit the following items for review to obtain an engineering permit:

- a. A construction plan with a D-Sheet drawing prepared by a registered Civil Engineer
- b. Cost estimate for the construction plan
- c. Right of Way Permit agreement for *Wireless Communication Carriers* recognized by the Public Utility Commission in the State of California.
- d. Traffic control plan satisfactory to the City’s Traffic Engineer



## G. APPLICATION AND REVIEW GUIDELINES

### 1. APPLICATION

Information Bulletin #536 contains specific information on the submittal requirements for *Wireless Communication Facilities*.

A Letter of Request, sometimes referred to as a Justification Letter must be submitted with projects in Limited and Provisional Preference Locations that qualify for require a Neighborhood Use Permit or a Conditional Use Permit. Information should shall be provided in the letter pertaining to indicating what High Preference Locations are in the search ring area and what good faith efforts and measures were taken to secure these more preferred locations. It must demonstrate why the effort to secure one of these locations was unsuccessful and provide evidence that the proposed location is essential to meet demands in the geographic service area and the citywide network. In case of Provisional Preference Locations, it must also make a showing that there exists a "significant gap" in the availability of "personal wireless services" within the geographic area where the proposed *Wireless Communication Facility* would provide coverage, or where denial of the proposed *Wireless Communication Facility* would constitute "unreasonable discrimination" between the applicant and other providers of "personal wireless services," and where the proposed siting constitutes the "least intrusive method" of satisfying the showing. Include As a minimum, information pertaining to the site selection process and coverage objectives, a map depicting the target coverage area illustrating the need for coverage in the area and, a map depicting what the coverage is after the installation of the site. Include and the identification of other existing facilities shall be included in the letter.

### 2. REVIEW GUIDELINES

The following factors will be considered when reviewing and making recommendations or decisions on *Wireless Communication Facilities*:

- a. Compliance with the *Land Development Code*, the General Plan, Community Plans, and Council Policies including this policy
- b. The nature of uses on adjacent and nearby premises
- c. Integration of the proposal with the existing building or environment
- d. Surrounding topography
- e. Existing landscaping
- f. Quality and compatibility of design and screening
- g. Impacts on public views and the visual quality of the surrounding area
- h. Availability of other facilities and buildings for collocation

## H. OPERATIONAL GUIDELINES

### 1. WARRANTY

All *Wireless Communication Facilities* shall operate in accordance with the following requirements. A commitment shall be provided in writing prior to applying for building permits agreeing to the following terms:

- a. Compliance with FCC Radio Frequency (RF) Guidelines - ~~Within sixty (60) days of the~~ **Before** commencement of operation of a facility, and with each amendment or Substantial Conformance Review, the provider shall submit either verification that the *Wireless Communication Facility* is categorically excluded from determining compliance with the guidelines per 47 CFR §1.1307(b)(1) or a project implementation report that provides cumulative field measurements of *RF* electromagnetic fields of all antennas installed on the premises. The report should quantify the *RF* emissions and compare the results with currently accepted ANSI/IEEE standards as specified by the *FCC*. The Director of IT&C or his designee shall review this report for consistency with the project's preliminary proposal report submitted with the initial project application and the accepted ANSI/IEEE standards. If, upon review the Director of IT&C or his designee finds that the project does not meet these standards, the permit ~~may~~ **shall** be revoked.
- b. Security Lighting - Lighting shall be minimized and directed to shine on the equipment building only. Motion detectors should be implemented when practical.
- c. Noise - All equipment, including emergency generators and air conditioners should be designed and operated consistent with the City noise ordinance.
- d. Maintenance -
  - i. All facilities, related equipment and landscaping shall be maintained in good working order and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) **(7)** calendar days. Damaged, dead or decaying plant material shall be replaced within thirty (30) **(14)** calendar days.
  - ii. Except in the event of an emergency, routine maintenance and inspection or *Wireless Communication Facilities* located on residentially zoned premises, including all of the system components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- e. Abandonment - *Wireless carriers* shall be responsible for notifying the City when any *Wireless Communication Facility* ceases operating for a period exceeding more than two consecutive years, at which point the Facility shall be considered abandoned. In such an event the provider must either:
  - i. Apply for all permits required at the time of expiration to reactivate the operation or remove all elements of the facility and restore the site to its original condition.
  - ii. In the event that the provider fails to apply for permits or perform the removal and restoration within the two year period, the property owner shall have the facility removed and the property restored to its original condition.

I. PERFORMANCE STANDARDS

1. The proposed *Wireless Communication Facility* must not interfere with City operations or on City owned land, public use of the site.
2. The proposed *Wireless Communication Facility* must not violate any deed restriction, map requirement or other land use regulations or adversely affect the desirability or value of the land.
3. Development and use of the site will conform to all applicable Codes, Ordinances, and jurisdictional land use plans.
4. The proposed *Wireless Communication Facility* must not cause harmful interference to any City of San Diego Public Safety wireless network. If harmful interference results from an *Antenna* site, the *Wireless Carrier* shall immediately discontinue operation of the Wireless Communication Facility upon notice by the City of San Diego.
5. A proposed *Wireless Communication Facility* on City-owned and/or operated property must meet Motorola “Quality Standards for Fixed Network Equipment Installations,” designated Publication R56.
6. The proposed *Wireless Communication Facility* must maintain *RF* Radiation levels within the allowable levels for Uncontrolled/General Population MPE limits as stated in OET Bulletin 65.

J. HEALTH/SAFETY STANDARDS

The *Telecommunications Act of 1996* specifically addresses the issue of safety and provides criteria for state and local governments to use in their evaluation of siting *Wireless Communication Facilities* as follows:

“No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

The *FCC* adopted two limitations on exposure to *RF* emissions. The first limit adopted is the Maximum Permissible Exposure (MPE) for transmitters operating at frequencies from 300 kHz to 100 Ghz, which includes cellular/PCS technologies. These limits are based upon recommendations made by the National Council on Radiation Protection and Measurements (NCRP) in 1986, and with a couple of exceptions, guidelines contained in the 1992 RF safety standard developed by the Institute for Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI).

The second exposure limit adopted by the *FCC* is for Specific Absorption Rate (SAR) which is used for hand-held devices such as cellular/PCS phones. The SAR limits adopted are also the same as those recommended by ANSI, IEEE and NCRP.

Based upon these limits as discussed above, there are two situations of exposure which the *FCC* has identified to evaluate the environmental impact of human exposure to radio frequency (*RF*) radiation. The first type is occupational/controlled limits which normally apply in situations where people are exposed as a consequence of their employment such as technicians and other employees who work at or around *RF* radiating sites. The second type is General population/uncontrolled limits which normally apply in situations where the general public may be exposed or in employment situations where employees are not made aware of the exposure or exercise control over the exposure.

The *FCC* has determined through calculations and technical analysis that due to their low power or height above ground, many *Wireless Communication Facilities* are highly unlikely to cause human exposure near or in excess of the established guidelines. Many *Wireless Carriers* are therefore exempt from routinely having to determine whether they are in compliance with the guidelines. These facilities are considered categorically excluded from the routine environmental processing for *RF* exposure. A *Cellular* facility is categorically excluded if the total effective radiated power (ERP) of all channels operated by the licensee at a site is 1000 watts or less. In addition, a *Cellular* facility is categorically excluded, regardless of its power, if it is not mounted on a building and the lowest point of the *Antenna* is at least 10 meters (about 33 feet) above ground level.

A Broadband *PCS Antenna* array is categorically excluded if the total effective radiated power of all channels operated by the licensee at a site (or all channels in any one direction, in the case of sectorized *Antennas*) is 2000 watts or less. A Broadband *PCS* facility is also categorically excluded if it is not mounted on a building and the lowest point of the *Antenna* is at least 10 meters (about 33 feet) above ground level. The power threshold for categorical exclusion is higher for Broadband *PCS* than for *Cellular* because broadband *PCS* operates at a higher frequency where exposure limits are less restrictive.

The *FCC* is responsible to investigate reports of non-compliance with its *RF* exposure guidelines. If compliance is established, the *FCC* will notify the inquiring party of this determination has been made.

If sufficient proof is not provided to establish compliance with the guideline limits, the *FCC* may test the output levels of individual facilities and evaluate the physical installation. If a site is found to be out of compliance with the *RF* guidelines, the *FCC* will require the licensees at the site to remedy the situation. Such remedies may include an immediate reduction in power, a modification of safety barriers, or a modification of the equipment or its installation. Actions necessary to bring a site into compliance are the shared responsibility of all licensees whose facilities cause exposures in that area that exceed 5% of the applicable MPE limit. Licensees may be subject to sanctions for violating the *FCC's* rules and/or for misrepresentation.

The City of San Diego has implemented a Radiation Safety Program. This training and safety program is designed to establish and maintain a safe and healthful working environment for City employees at all City operations and facilities where *RF* Radiation is present. This program establishes procedures and practices to be taken by City employees performing work related

activities where there is potential exposure to *RF* Radiation.

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