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Request for Public Review and Comment: Draft Spectrum Act Wireless Communication Facilities Amendment

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To: DSD LDC Team <dsldlc@sandiego.gov>

Mon, Apr 27, 2015 at 3:40 PM

The City of San Diego Development Services Department is requesting early public review and feedback on the proposed Spectrum Act Wireless Communication Facilities (WCF) amendment under Land Development Code Section 141.0420. This ordinance is being proposed to comply with federal law under Title IV, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 [47 U.S.C. 1455], which is also referred to as the "Spectrum Act".

Pursuant to the Spectrum Act, a State or local government may not deny, and shall approve, any eligible wireless facility request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The Federal Communications Commission (FCC) defined what constitutes a substantial change to the physical dimensions of an existing tower or base station in its Report and Order FCC-14-153 ("FCC Wireless Facilities Siting Order"). Under the Spectrum Act, an eligible facility may exceed or deviate from some development regulations, including but not limited to the Coastal Zone 30-foot Height Limit Overlay, zone height limits, zone setback limits, historic preservation, and environmentally sensitive lands through a Process One approval.

Please refer to the following link for information available on the City web page including the draft code language for each amendment in strikeout-underline format:

<http://www.sandiego.gov/development-services/industry/landdevcode/index.shtml#projectsOpen>

Comments should be submitted by email to dsldlc@sandiego.gov by May 22, 2015 and identify "Spectrum Act Wireless Communication Facilities" in the subject line. Additional opportunities for public participation will be available in conjunction with the public hearing process for the ordinance. It is anticipated that the Community Planners Committee, Code Monitoring Team, and Technical Advisory Committee will review and consider the draft at their April or May 2015 meetings, which will be followed by a Planning Commission recommendation hearing in August 2015, and Smart Growth & Land Use Committee review and City Council introduction and adoption hearings to follow in September and October 2015.

Additional information related to Development Services Department's submittal requirements and procedures for wireless communication facilities, including Spectrum Act eligible facilities, can be found in the following documents:

- Information Bulletin 536

<http://www.sandiego.gov/development-services/pdf/industry/infobulletin/ib536.pdf>

- Wireless Communication Facility Supplemental Questionnaire (DS-420)

<http://www.sandiego.gov/development-services/pdf/industry/forms/ds420.pdf>

- City Council Policy 600-43

http://docs.sandiego.gov/councilpolicies/cpd_600-43.pdf

This email was sent to the interested persons list maintained by the Planning Department. If you wish to be removed from the Planning interested persons list, please contact Maria Nieves at mnieves@sandiego.gov.