

# City unveils strict cell tower rules

## Proposed San Marcos ordinance would limit 'eyesore' antenna farms

By [David Garrick \(/staff/david-garrick/\)](/staff/david-garrick/) 12:29 p.m. Dec. 11, 2013

**SAN MARCOS** — San Marcos has drafted a new city ordinance that would prohibit so-called “cell tower farms” and restrict where antennas can be erected and how they should be shielded from view.

The proposed law, prompted by an outcry from residents who say the towers are eyesores, would be among the strictest in San Diego County.

City officials will gather feedback on the ordinance at a public forum tonight, seven weeks after dozens of residents objected to plans to add a second cell tower on a hillside property that overlooks homes in southern San Marcos.

City Council members approved that proposal Oct. 22, but expressed frustration that their cell tower regulations weren't strict enough — especially regarding the maximum number of towers per property.

Since then, they've been studying cell tower restrictions passed by Carlsbad in 2001 and the county in 2003. Both agencies require cell companies that want to add towers in residential areas to first prove there aren't viable sites in commercial or industrial areas.

San Marcos would include that requirement and also limit cell towers to one per property, regardless of acreage, said city Planning Director Jerry Backoff.

A cell company could erect a second tower on the same site if they can prove there's no other way to solve a coverage gap, but the two towers would have to be at least 1,000 feet apart.

“We've got nothing right now,” San Marcos Mayor Jim Desmond said about the need for an ordinance. “We want to have rules about how they should be shielded and the maximum number of antennas on a property.”

Federal telecommunications law gives cities discretion over the location of cell towers based on aesthetics, but most local municipalities have chosen not to restrict property rights in that way. Fewer San Diego County cities regulate cell towers than in Orange or Los Angeles counties.

Cities might lose such power next year, when federal regulations are expected to be overhauled. Federal law has prohibited cities from basing the location of cell towers on health concerns since 1996.

Cell towers, which are often disguised to look like trees or architectural features, can create an income stream for property owners whose land is in a spot where wireless companies want to boost service. Nearby residents often complain, however, when the towers are erected in conspicuous locations or when several are installed on one property.

Under San Marcos' proposed ordinance, each company would have to submit an annual report showing that any trees or shrubs required by the city to shield the towers are healthy and in place.

The residents that fought the cell tower approved by the council in October said Tuesday they want the new law to be more aggressive. John Signorino said the residents plan to propose additional regulations at tonight's forum, scheduled to begin at 6:30 p.m. at City Hall, 1 Civic Center Drive.

Signorino said one proposal from the residents would be prohibiting cell towers within 800 feet of a home.

Last month, the residents filed a lawsuit seeking to overturn the council's approval of the antenna near their homes. The suit, which has delayed installation of that antenna, claims the city didn't adequately study the environmental impact.

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