

960 Canterbury Place, Suite 300
Escondido, California 92025-3870
Telephone (760) 743-1201
Facsimile (760) 743-9926
Email lfap@lfap.com
Web: www.lfap.com

OF COUNSEL
GARTH O. REID
DAVID P. HUBBARD
PARKS & OBERHANSLEY
SPECIAL COUNSEL
JOHN W. WITT

EXECUTIVE SUMMARY

Opposition to the Proposed Draft Amateur Radio Communication Amendments of 11/13/08

- Amateur radio operators provide, free of charge, much needed primary and backup communications support for local, national and international critical services including hospital, ambulance, fire, military, maritime, public safety and disaster preparedness and relief.
- The City of San Diego is proposing new legislation which would require a Site Development Permit (Process 3) for amateur radio antenna towers over 30 feet in height.
- The City's approximately 3,700 federally licensed amateur radio operators (and over 8,800 operators within the County) would be harmed by the new legislation's unduly onerous, expensive and time-consuming requirements.
- Federal and State legislation prescribe *reasonable accommodation, facilitation and encouragement*, and the establishment of the *minimum practicable regulation* of amateur radio antenna towers by local governments.
- The City is preempted from approving the proposed legislation because it fails to meet each of the above-mentioned standards.
- For the City's own interests, and those of its constituents, the proposed legislation must be revised in order to accommodate amateur radio operators' needs – the environmental conditions in San Diego dictate a need for amateur radio antennas to reach 82 feet, on average, for a reasonable probability of quality communications.
- Proceeding with the currently proposed legislation may result in otherwise unnecessary and costly litigation.

The San Diego DX Club presents this executive summary for ease of reading. It is not intended to supplant the full comment letter, dated January 1, 2009, submitted to Deputy City Attorney Jana Garmo.