

RESOLUTION 2014-203

RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, on September 7, 2010, the Board of Port Commissioners (Board) granted a 10-year Tideland Use and Occupancy Permit (TUOP) with two 5-year options to Sprint PCS Assets, LLC (Sprint) for the installation, operation, and maintenance of a wireless communications facility (Project) in Embarcadero Marina Park South (EMPS); and

WHEREAS, the original proposed location of the Project was proposed to be adjacent to the basketball court in EMPS with a cellular tower disguised as a palm tree; however, since that time, Sprint revised the design and location of Project to be more aesthetically pleasing by placing the Project within a grove of existing eucalyptus trees (with heights ranging between 40-60 feet) instead of in an open area near the basketball court, and locating the equipment room adjacent to an existing delicatessen; and

WHEREAS, the Project includes: a) a 50-foot tall mono-eucalyptus (faux tree) cellular tower with a painted and texturized pole to resemble the trunk of a eucalyptus tree; b) three antenna sectors with four antennas and four remote radio heads on each antenna, which would be partially obstructed by the faux eucalyptus tree design and the existing eucalyptus trees in the area; c) demolition of the existing approximately 60-square-foot storage enclosure for the existing delicatessen and construction of a 10-foot tall equipment room placed on a poured-in-place concrete pad measuring approximately 276 square feet in size (23 feet x 12 feet) with an exterior architecture and a standing seam metal roof to match the nearby delicatessen and restroom buildings; d) a storage room for the adjacent delicatessen (3 feet x 12 feet); e) two 6-inch GPS antennas mounted behind the parapet of the structure; f) utility improvements; and g) an amendment to the existing TUOP to amend the premises pursuant to the relocation of the Project, to change the rent structure, update the indemnity and hold harmless, as well as add sustainable leasing language; and

WHEREAS, the Project complies with all District policies and requirements; and

WHEREAS, the District is the trustee of said tidelands where the Project will be constructed; and

WHEREAS, the Project is located within Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan and the use designations within the limits of the Project site are "Park/Plaza"; and

WHEREAS, the Project is consistent with the certified Port Master Plan as it is the installation of a new telecommunications facility, which supports the existing certified land use designation, is an allowed assessor use and will not change the use of the site nor will it interrupt or expand the existing conforming use of the site; and

WHEREAS, the Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and is fully consistent with California Public Resources Code Section 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

WHEREAS, an application has been prepared for a non-appealable Coastal Development Permit to implement the Project; and

WHEREAS, the Board finds that said application and attachments contain correct and accurate statements of fact; and

WHEREAS, the Board has concluded that the Project conforms to the certified Port Master Plan; and

WHEREAS, the Board considered the non-appealable Coastal Development Permit at the October 14, 2014 Board meeting; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Project was analyzed in the Final Negative Declaration (SCH# 2014081004; UPD #ND-2014-70), and pursuant to Resolution No. 2014-202, on October 14, 2014, the Board adopted the Final Negative Declaration and made certain findings as particularly stated in said Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.

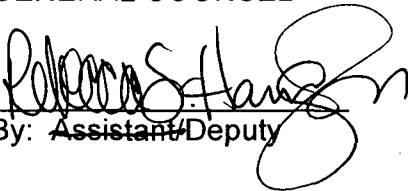
2. The Project, in general, consists of:
 - a. A 50-foot tall monoecalyptus (faux tree) cellular tower with a painted and texturized pole to resemble the trunk of a eucalyptus tree;
 - b. Three antenna sectors with four antennas and four remote radio heads on each antenna, which would be partially obstructed by the faux eucalyptus tree design and the existing eucalyptus trees in the area;
 - c. Demolition of the existing approximately 60-square-foot storage enclosure for the existing delicatessen and construction of a 10-foot tall equipment room placed on a poured-in-place concrete pad measuring approximately 276 square feet in size (23 feet x 12 feet) with an exterior architecture and a standing seam metal roof to match the nearby delicatessen and restroom buildings;
 - d. A storage room for the adjacent delicatessen (3 feet x 12 feet);
 - e. Two 6-inch GPS antennas mounted behind the parapet of the structure;
 - f. Utility improvements; and
 - g. An amendment to the existing TUOP to amend the premises pursuant to the relocation of the Project, to change the rent structure, update the indemnity and hold harmless, as well as sustainable leasing language.

3. The Project is located within Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan and the use designations within the limits of the Project site are "Park/Plaza." The Project is consistent with the Port Master Plan. It proposes the installation of a new telecommunications facility, which supports the existing certified land use designation, is an allowed assessorly use and will not change the use of the site nor will it interrupt or expand the existing conforming use of the site

4. The Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea, and said proposed Project is consistent with Public Resources Code Sections 30604(c) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

5. The Project, which is entitled "Sprint Embarcadero Marina Park South Telecommunications Project" is consistent with and conforms to the certified Port Master Plan, and, accordingly, the Executive Director or his designated representative is hereby authorized and directed to issue a non-appealable Coastal Development Permit for the Project. Said Coastal Development Permit shall require compliance with all the conditions set forth in the Coastal Development Permit.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: ~~Assistant Deputy~~

2014-203

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of October 2014, by the following vote:

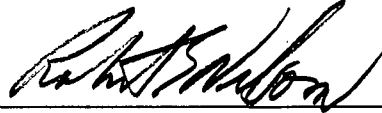
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

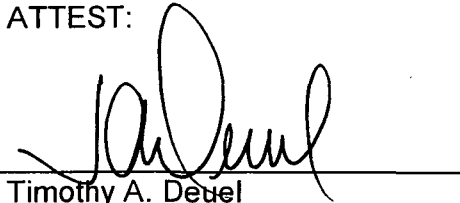
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)