

## RESOLUTION 2017-079

### RESOLUTION ADOPTING AN ADDENDUM TO THE FINAL NEGATIVE DECLARATION FOR THE “SPRINT EMBARCADERO MARINA PARK SOUTH TELECOMMUNICATIONS PROJECT” AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION

**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**, an existing cellular facility consisting of a 50-foot tall cellular tower that is disguised as a faux eucalyptus tree and an approximately 276-square-foot equipment room is located in Embarcadero Marina Park South (EMPS) (collectively, existing facility or Project); and

**WHEREAS**, Verizon Wireless (VAW), LLC (Verizon) proposes minor changes to the Project to co-locate at the existing facility and specifically proposes (1) installation of three additional antenna sectors, each with three antennas for a total of nine antennas, four remote radio units (RRU's) per sector for a total of twelve RRU's, one surge distribution box on each antenna sector for a total of three boxes, and two Verizon E/911 GPS antennas on the existing cellular tower, (2) construction of an approximately 154-square-foot equipment room abutting the existing equipment room, (3) installation ancillary equipment and utilities, and (4) operate and maintain the Verizon facilities, (collectively, Verizon co-location); and

**WHEREAS**, the Verizon co-location requires a non-appealable Coastal Development Permit and a Tideland Use and Occupancy Permit (TUOP) from the District for its implementation; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines) and the District's CEQA Guidelines, a Final Negative Declaration (Final ND) entitled “Sprint Embarcadero Marina Park South Telecommunications Project” (SCH#2014081004; Clerk Document No. 62449) was prepared for the Project and was adopted by the Board of Port Commissioners (BPC) in October 2014 by Resolution No. 2014-202; and

**WHEREAS**, the Final ND documented, described, disclosed and analyzed that there was no substantial evidence that the Project would have a significant effect on the environment; and

**WHEREAS**, the District has analyzed the proposed changes to the Project

by the Verizon co-location as required by CEQA and, pursuant to CEQA Guidelines section 15164, has prepared an Addendum to the Final ND (Addendum) because some minor changes or additions are necessary and none of the conditions described in CEQA Guidelines section 15162 and 15163 calling for preparation of a subsequent or a supplemental CEQA review have occurred; and

**WHEREAS**, all materials with regard to the Project and the Verizon co-location were made available to the BPC for its review and consideration of the Project including, but not limited to, the following:

1. The Final Negative Declaration;
2. The Addendum to the Final Negative Declaration;
2. The Staff Report and Agenda Sheet;
3. All documents and records submitted by the District and all interested parties; and

**WHEREAS**, having reviewed and considered all the materials made available to the BPC, including, but not limited to, the Addendum to the Final ND, the Final ND, the staff reports and all the evidence in the record with respect to the Project, the BPC took the actions hereinafter set forth.

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

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The BPC finds and determines that the applicable provisions of CEQA, the CEQA Guidelines and the District Guidelines have been duly observed in the considerations of this matter and all of the previous proceedings related thereto.
3. The BPC finds and determines, on the basis of the whole record before the BPC, that:
  - a. Some minor changes or additions to the Final ND are necessary, but there is no substantial evidence that a new significant environmental effect or a substantial increase in the severity of a previously identified effect have occurred because of substantial changes to the Project or with respect to the circumstances under which the Project is undertaken;

- b. There is no substantial evidence that new information exists that shows that: (i) the Project with the changes will have one or more significant effects that were not discussed in the Final ND; (ii) significant effects previously analyzed will be substantially more severe; (iii) mitigation measures or alternatives previously found infeasible are now feasible and would substantially reduce one or more significant effect of the Project with the changes, but the applicant declines to adopt the mitigation measures or alternatives; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the Final ND would substantially lessen one or more significant effects, but the applicant declines to adopt the mitigation measures or alternatives;
- c. The Addendum to the Final ND is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and the District Guidelines for implementation thereof;
- d. No Mitigation Measures are required to lessen significant environmental effects of the Project with the changes and no additional mitigation measures or alternatives are required;
- e. The Addendum was presented to the BPC and the BPC has fully reviewed and considered the information in the Addendum and the Final ND prior to approving the proposed non-appealable CDP and TUOP; and
- f. The Addendum and the Final ND reflect the District's independent judgment and analysis.

4. Pursuant to CEQA Guidelines Section 15164, and based on the information provided in the Addendum to the Final ND, the analysis for the "Verizon Wireless Co-location Project" at Embarcadero Marina Park South in San Diego has been appropriately addressed in the Final ND and the BPC hereby adopts the Addendum to the ND.

5. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Clerk of the BPC shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), the location and custodian of the documents and other materials which constitute the record on which this Resolution is based is the Office of the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

7. As a condition of this approval/adoption, Verizon Wireless (VAW), LLC shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings, and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District (collectively, Claims), related to this approval/adoption and any and all other Claims brought pursuant to the California Environmental Quality Act.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
By: ~~Assistant/Deputy~~

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 20th day of June 2017, by the following vote:

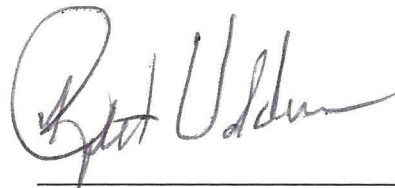
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: Zucchet

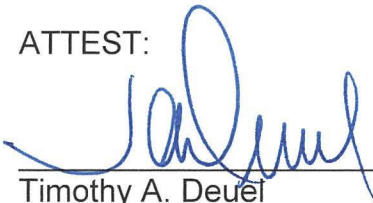
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:

  
Timothy A. Deuel  
District Clerk

(Seal)