

## RESOLUTION 2017-080

### RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE VERIZON WIRELESS CO- LOCATION PROJECT AT EMBARCADERO MARINA PARK SOUTH IN SAN DIEGO

**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 (existing facility); and

**WHEREAS**, Verizon Wireless (VAW), LLC (Verizon) proposes 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**, construction is anticipated to begin in late 2017, and have a construction period of up to six weeks; and

**WHEREAS**, the Verizon co-location complies with all District policies and requirements; and

**WHEREAS**, the District is the trustee of said tidelands where the Verizon co-location will be constructed, operated and maintained; and

**WHEREAS**, the Verizon co-location 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 co-location site are "Park/Plaza"; and

**WHEREAS**, the Verizon co-location conforms to the certified Port Master Plan because it is an accessory use (the installation of a new telecommunications facility), which supports the existing certified land use designations and provides a utility service to the Tidelands, and does not change the use of the site nor would it interrupt the existing use of the site; and

**WHEREAS**, the Verizon co-location 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 the Coastal Act public access and recreation policies referenced therein since the Verizon co-location will have no impact on public access, public recreation, public facilities, or related issues; and

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

**WHEREAS**, the Board of Port Commissioners (BPC) finds that said application and attachments contain correct and accurate statements of fact; and

**WHEREAS**, the BPC has concluded that the Verizon co-location conforms to the certified Port Master Plan; and

**WHEREAS**, the BPC considered the non-appealable Coastal Development Permit at the June 20, 2017 BPC meeting; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Verizon co-location was analyzed in the Addendum to the Final Negative Declaration (SCH# 2014081004), and pursuant to Resolution 2017-079, on June 20, 2017, the BPC adopted the Addendum to 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 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. In general, the Verizon co-location facility consists of installation/construction, operation and maintenance of:

- a. 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, all on an existing cellar tower;
- b. A new equipment room located on a poured-in-place concrete pad measuring approximately 154 feet in size (approximately 23 feet by 6 feet 8 inches) and 10 feet in height composed of an exterior architectural block and a standing seam metal room with a chain-

link lid to match the adjacent equipment room (located approximately 115 feet away);

- c. An emergency back-up generator located within the equipment room that would not be visible from outside;
- d. Approximately 280 linear feet of utility trenching to connect the proposed equipment room to the existing cellular tower;
- e. Fiber optic cable that requires approximately 140 linear feet of trenching, six pullbox-vaults, directional (underground) drilling between the pullbox-vaults, removal and replacement of an approximately 25-square-foot sidewalk panel, underground placement of PVC conduit, and placement of fiber optic cable within the conduit; and

3. A TUOP to Verizon Wireless, LLC for a term of three years and two months with two, five year options for a total possible term of 13 years and two months commencing August 1, 2017 for the installation, operation and maintenance of the co-location facility in Embarcadero Marina Park South is also required.

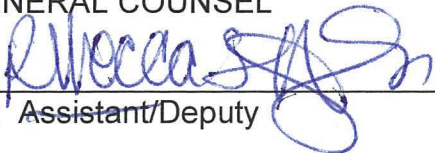
4. The Verizon co-location is located within Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan and the use designations within the limits of the co-location site are "Park/Plaza." The BPC finds that the Verizon co-location conforms to and is consistent with the certified Port Master Plan because it is an accessory use (the installation of a new telecommunications facility), which supports the existing certified land use designations and provides a utility service to the Tidelands, and does not change the use of the site nor would it interrupt the existing use of the site.

5. The proposed Verizon co-location is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. Pursuant to California Public Resources Code Section 30106, the Verizon co-location facility constitutes "development" because, among other things, it includes the placement or erection of structures. In accordance with the District's CDP Regulations, the Verizon co-location is "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The BPC further finds that the proposed Verizon co-location facility is consistent with California Public Resources Code Sections 30715.5, 30718, 30604(c) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

6. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or her designated representative is hereby authorized and directed to issue a Non-Appealable CDP for the "Verizon

Wireless Co-location Project.” Said Non-Appealable CDP shall require compliance with all the conditions set forth in the Non-Appealable CDP; provided, however, as a condition of this approval, 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, related to the District’s approval of this Non-Appealable CDP. Said indemnity and hold harmless condition is independent of any agreements by and between Verizon Wireless (VAW), LLC and the District.

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 20<sup>th</sup> day of June 2017, by the following vote:

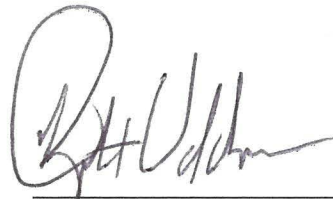
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

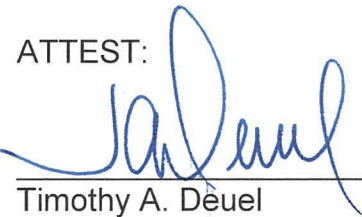
EXCUSED: Zucchet

ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:  
  
Timothy A. Deuel  
District Clerk

(Seal)