

**DRAFT**

**RESOLUTION 20xx-xxx**

**RESOLUTION RESCINDING BOARD RESOLUTION  
2014-227 ADOPTING BOARD OF PORT  
COMMISSIONERS (BPC) POLICY 772 -  
GUIDELINES FOR CONDUCTING PROJECT  
CONSISTENCY REVIEW FOR WIRELESS  
COMMUNICATION FACILITIES**

**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 1, (Port Act); and

**WHEREAS**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 772 to establish a framework for the creation of detailed administrative procedures regarding siting, design, and processing of wireless communication facilities projects on District tidelands; and

**WHEREAS**, Wireless Communication Facilities (WCF) are the equipment and supporting structures used to provide wireless service; and

**WHEREAS**, WCF can take a range of forms, from large scale towers, purpose-built to support numerous facilities, to small scale facilities often incorporated into or attached onto existing structures, such as streetlights; and

**WHEREAS**, regulation of the placement of WCF is principally a local matter; however, although federal and state law expressly recognize local regulatory authority over siting, they do impose some significant procedural and substantive limits on local authority; and

**WHEREAS**, on December 9, 2014, by Resolution No. 2014-227, the BPC adopted BPC Policy No. 772 – Guidelines for Conducting Project Consistency Review for Wireless Communication Facilities (Wireless Guidelines); and

**WHEREAS**, the Wireless Guidelines set out high-level objectives and policies regarding WCF on District tidelands, recognizing the importance of WCF in providing reliable wireless service while also determining that it was essential to maintain the high aesthetic and environmental qualities of tidelands, while ensuring that WCF do not conflict with the other users and uses of the District; and

**WHEREAS**, recent changes in law necessitate adoption of more robust WCF application requirements, procedures, and design standards; and

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**WHEREAS**, in conjunction with this resolution to rescind Resolution No. 2014-227 adopting BPC Policy No. 772, Wireless Guidelines, the BPC will adopt an ordinance to add Article 15 “Wireless Communication Facilities on District Tidelands” to the San Diego Unified Port District Code, which will ensure compliance with applicable law and orderly and proper installation of WCF on tidelands in a manner that minimizes aesthetic and environmental impacts to the maximum extent possible while also reflecting the unique obligations of the Coastal Act and Public Trust Doctrine (including protection of valuable coastal resources and preservation of public access and enjoyment of the tidelands); and

**WHEREAS**, staff recommends that the BPC adopt a resolution rescinding Resolution No. 2014-227 adopting BPC Policy No. 772, Wireless Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District, hereby rescind Resolution No. 2014-227 adopting BPC Policy No. 772, Wireless Guidelines.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12<sup>th</sup> day of April 2022, by the following vote: