



San Diego Unified Port District

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BPC Policy No. 772

SUBJECT: GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATION FACILITIES

PURPOSE: To provide guidelines for processing and evaluating wireless communication facilities (WCF) on District tidelands.

POLICY STATEMENT: The San Diego Unified Port District (District) is entrusted with managing State tidelands in a manner that is consistent with the San Diego Unified Port District Act of 1962 (Port Act) and the California Coastal Act (Coastal Act). As the lead planning and regulatory agency for certain tidelands around and submerged waters of San Diego Bay, the District is responsible for overseeing public and private investments in a manner that is consistent with the public trust.

The District acknowledges that the public demand for WCF must be balanced with other public interests, including environmental protection, preservation of aesthetic resources, and public use of certain tideland areas for commercial and recreational purposes. Therefore, it is the policy of the District to:

1. Evaluate WCF projects in a holistic and comprehensive manner that maintains the aesthetic quality of the waterfront in accordance with the Public Trust Doctrine, District Act, California Coastal Act and other applicable laws.
2. Process WCF projects in a predictable and systematic way that is transparent, efficient and cost-effective; and
3. Recognize that WCF projects generate revenue for the District and that they provide a sought-after service for a wide variety of people and businesses along the waterfront.

This policy establishes the framework to create administrative procedures, which will include more detailed direction for evaluating and processing WCF projects within the District's jurisdiction. The administrative procedures will be published and maintained by the Executive Director or his/her designee, and may be amended at the Executive Director's or his/her designee's discretion. Any modifications to the administrative procedures must comply with the provisions of this policy, and all applicable regulations and laws.

BACKGROUND: The District is responsible for managing approximately 5,333 acres of tidelands and submerged tidelands along San Diego Bay. The length of the

District's shoreline is roughly 33 miles, which is approximately 61% of the Bay's total shoreline. A broad array of uses can be found in the District jurisdiction including, among others, shipyards, marine terminals, restaurants, docks, piers, hotels, parks, restaurants, shops, hiking trails and open space (or undeveloped) areas. Visitors come to District tidelands from across California and the country, as well as internationally to enjoy the views, parks and other commercial and recreational amenities located along San Diego Bay.

As more and more people are drawn to District tidelands, the public's desire for better wireless service along the waterfront continues to grow. Carriers of wireless communication technology are beginning to respond to this demand by actively pursuing new and/or expanded WCF on District tidelands. As a result, the District finds it necessary to establish a policy that will help guide the placement, location and modification of WCF within its jurisdiction. This policy underscores the need for clear, reasonable, and predictable criteria that will be used to evaluate and process WCF on District tidelands. Administrative procedures that are created as a result of this policy shall provide for the consistent and expeditious evaluation of WCF applications, while providing direction on design standards in a manner that is consistent with the public trust, Port Act, Coastal Act and other applicable laws.

PROCEDURES:

- A. Framework for Administrative Procedures. Any administrative procedures that are created to guide the development of WCF projects must adhere to the requirements outlined earlier in this policy and be consistent with the following Board directives:
- (1) Comply with applicable local, State, and Federal laws and regulations. WCF shall comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) laws, as well as the San Diego Regional Airport Authority Airport Land Use Compatibility Plan (ALUCP), the California Coastal Act, the Port Master Plan, the District Act, the Public Trust Doctrine, local building codes, and all other applicable laws, regulation and policies. Furthermore, no WCF shall interfere with public safety communications.
 - (2) Collocate to the maximum extent feasible. Whenever feasible, WCF design and placement shall collocate with pre-existing and/or future facilities in order to minimize visual impacts and promote efficient use of land.
 - (3) Minimize visual impacts and maintain a high quality aesthetic standard. WCF should be located where they are least visible to the public and where they are least disruptive to the appearance of the primary use on a parcel. WCF shall utilize the smallest, least visibly intrusive antennae,

components, and other necessary equipment so as to minimize the visual impacts. WCF should also use all reasonable means to hide and conceal the WCF through design integration and screening. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture and landscape treatments, and site design solutions.

- (4) Maintain public safety communications. WCF shall not interfere with or compromise the interoperability, safety or security operations of any technology systems utilized by law enforcement and/or other public agencies that operate emergency communication systems within the District's jurisdiction.
- (5) Implement efficient processing procedures. Recognizing that WCF provide a service to tideland users and patrons, and generate revenue for the District, opportunities that would add certainty, lower cost and/or expedite review times should be explored and considered, including processing them in a timely manner that is consistent with the Tenant Project Plan Approval process, outlined in BPC Policy 357.

B. Applicability. This policy applies to all commercial WCF within the District's jurisdiction, whether on District or tenant property. The policy does not apply to (1) commercial WCF outside the District's jurisdiction; (2) amateur radio (also referred to as HAM) antennae, dish and other antennae installed for an individual's private use; or to (3) WCF dedicated to law enforcement and the military.

RESOLUTION NUMBER AND DATE: 2014-567, dated December 9, 2014