

DRAFT

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE XXXX

**ORDINANCE GRANTING TIDELAND USE AND
OCCUPANCY PERMIT (TOUP) FOR
TELECOMMUNICATION SITES BETWEEN
DISTRICT AND VERIZON WIRELESS, LLC**

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, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, pursuant to Port Act Section 21, all grants, franchises, leases, permits, or privileges for more than five years shall be made by ordinance; and

WHEREAS, in 2015, Sprint PCS Assets, LLC (Sprint) constructed a wireless telecommunications facility (existing facility) in Embarcadero Marina Park South (EMPS) in the City of San Diego; and

WHEREAS, Sprint has a Tideland Use and Occupancy Permit (TUOP) with the District to operate the existing facility; and

WHEREAS, Verizon Wireless, LLC (Verizon) is now proposing to “co-locate” (Verizon Co-location Project) on the existing facility, and the Verizon Co-location Project specifically includes (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, a TUOP is proposed to be issued to Verizon for the installation, operation, and maintenance of the proposed Verizon co-location project in EMPS; and

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WHEREAS, the TUOP allows Verizon's Project to co-locate on the existing facility with Sprint; and

WHEREAS, the term of the TUOP is three years and two months plus two, five-year options for a total possible term of 13 years and two months, commencing August 1, 2017, which is coterminous with the Sprint TUOP for the existing facility, for the installation, operation and maintenance of the wireless communication facility; and

WHEREAS, Verizon will pay a market rent of \$4,000 per month with 3% annual increases for the entire term, including option terms, consistent with a May 2015 appraisal by Colliers Valuation Services.

NOW THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That the Tideland Use and Occupancy Permit for telecommunication sites between the San Diego Unified Port District and Verizon Wireless, LLC for three years and two months plus two, five-year options for a total possible term of 13 years and two months commencing August 1, 2017, which is coterminous with the Sprint TUOP for the existing facility, for the installation, operation and maintenance of the wireless communication facility is hereby granted.

Section 2. The Executive Director or her designated representative is hereby authorized to execute the Tidelands Use and Occupancy Permit for Verizon Co-location Project on behalf of the San Diego Unified Port District.

Section 3. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

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: