



Legislation Text

File #: 2016-0422, **Version:** 1

Date: June 20, 2017

SUBJECT:

VERIZON WIRELESS CO-LOCATION AT EMBARCADERO MARINA PARK SOUTH IN SAN DIEGO:

- A) 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**
- B) 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**
- C) ORDINANCE GRANTING TIDELAND USE AND OCCUPANCY PERMIT (TUOP) FOR TELECOMMUNICATION SITES BETWEEN DISTRICT AND VERIZON WIRELESS (VAW), LLC**

EXECUTIVE SUMMARY:

In 2015, Sprint PCS Assets, LLC (Sprint) constructed a wireless telecommunications facility (existing facility or Project) in Embarcadero Marina Park South (EMPS) in the City of San Diego. Sprint has a Tideland Use and Occupancy Permit (TUOP) with the District to operate the existing facility. Verizon Wireless (VAW), LLC (Verizon), as the project applicant/proponent, is now proposing to "co-locate" (Verizon co-location) on the existing facility. The location of the existing facility and proposed Verizon co-location are shown on Attachment A. The existing facility consists of a 50-foot tall cellular tower that is disguised as a faux eucalyptus tree and an approximately 276-square-foot equipment room. The Verizon co-location would install additional cellular equipment onto the cellular tower and construct an approximately 154-square-foot equipment room abutting the existing Sprint equipment room.

A Final Negative Declaration (Final ND) was prepared pursuant to the California Environmental Quality Act (CEQA) for the Project and was adopted by the Board of Port Commissioners (Board) in October 2014 by Resolution No. 2014-202 (incorporated herein by reference and available on file at the District Clerk's Office, 3165 Pacific Highway, San Diego, CA 92101). An addendum to the Final ND has been prepared to evaluate the minor changes to the Project as proposed by the Verizon co-location. The Addendum also finds that none of the conditions in CEQA Guidelines Sections 15162 and 15163, triggering preparation of a Subsequent or Supplemental ND or Environmental Impact Report, have occurred. The Addendum to the Final ND is appropriate under CEQA Guidelines Section 15164 and incorporates the proposed changes to the Project. Staff recommends the Board adopt the draft Addendum.

Furthermore, pursuant to the District's Coastal Development Permit (CDP) Regulations¹, the Verizon

co-location requires issuance of a non-appealable CDP. Staff has determined that the Verizon co-location is consistent with the certified Port Master Plan and, as conditioned, recommends that a non-appealable CDP be issued.

A TUOP is also proposed to be issued to Verizon for the installation, operation, and maintenance of the proposed Verizon co-location. The term of the TUOP is three years and two months plus two, five-year options, which is coterminous with the Sprint TUOP for the existing facility. 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.²

RECOMMENDATION:

Verizon Wireless Co-location at Embarcadero Marina Park South in San Diego:

- A) 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
- B) 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
- C) Ordinance granting Tideland Use and Occupancy Permit (TUOP) for telecommunication sites between District and Verizon Wireless (VAW), LLC

FISCAL IMPACT:

If approved, the proposed Board action will not result in any fiscal impact during the initial 2 months of the TUOP. The District currently receives monthly rent from Verizon for a temporary cell site location near the proposed permanent location. Verizon will continue to pay rent on the temporary site until the Project is completed. The TUOP will have 3% annual increases beginning October 1, 2017 until September 2020. The TUOP has set fixed annual increases of 3% for the option terms.

This agenda item is subject to BPC Policy No. 106 - Cost Recovery User Fee Policy. Verizon is responsible for all costs associated with entitlements and construction.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A vibrant waterfront destination where residents and visitors converge.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Background

A wireless telecommunications facility in EMPS (Project or existing facility) has been constructed. The existing facility consists of a 50-foot tall monoecalyptus (faux tree) cellular tower and an equipment room located approximately 115 feet from the cellular tower. The existing equipment room is a poured-in-place concrete pad measuring approximately 276 square feet in size (23 feet x 12 feet)

and 10 feet in height, and includes exterior architecture and a standing seam metal roof to match the nearby delicatessen and restroom buildings. The equipment room also includes storage space for the nearby café tenant.

Description of the Verizon Co-Location

Verizon Wireless is proposing to “co-locate” on the existing facility by installing additional cellular equipment onto the existing cellular tree/tower, constructing a new equipment room immediately adjacent to the existing equipment room, installing ancillary equipment and utilities, and operating and maintaining the co-location facility (collectively, Verizon co-location), as shown in Attachment B. The Verizon co-location would not increase the height of the existing faux tree. Work to complete the Verizon co-location would include 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. The Verizon co-location would result in a total of nine antennas, 12 RRUs, and three surge distribution boxes, which would be mostly shielded by the existing faux eucalyptus tree and the existing eucalyptus trees in the area.

The associated equipment room would be located approximately 115 feet from the cellular tower abutting the existing equipment room. One emergency back-up generator would be located within the equipment room and would not be visible from outside. Like the existing facility, the proposed equipment room would be located on a poured-in-place concrete pad measuring approximately 154 square feet in size (approximately 23 feet by 6 feet 8 inches). The structure would be approximately 10 feet tall and would include exterior architectural block and a standing seam metal roof, to match the adjacent existing equipment room. In addition, the equipment room would have a chain-link lid to allow for ventilation of the generator and the equipment cabinets while maintaining security of the facility. The equipment room would require approximately 280 linear feet of utility trenching to connect to the existing cellular tower. The equipment room would be cooled with an air conditioning unit. Operation of the new equipment room would require installation of fiber optic cable onto the site. Installation of the fiber optic cable would involve approximately 140 linear feet of trenching, installation of 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.

Construction is anticipated to begin in late 2017, and have a construction period of up to six weeks.

Coastal Analysis

The Project site is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the Project site is Park/Plaza. The Project conforms to the certified Port Master Plan because it is an accessory use (the installation of a new telecommunications facility on an existing facility), which supports the existing certified land use designation on the site and surrounding the site, and provides a utility service to the Tidelands. The co-location would not change the use of the site nor would it interrupt the existing use of the site. Therefore, the Verizon co-location conforms to the certified PMP. Based on this finding, a CDP may be issued.

The Verizon co-location has been determined to be a “non-appealable” development under the District’s CDP Regulations, because it is not considered an “excluded,” “emergency,” or “appealable” development.

The Project site is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. The Verizon co-location is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein since it will have no impact on public access, public recreation, public facilities, or related issues. A special condition has been incorporated into the CDP to ensure Verizon co-location conforms with the project description described in the “Development” Section of the Draft CDP and the Section 2, Project Description section of the Addendum to the Final ND. A copy of the Draft CDP is provided as Attachment C to this Agenda Sheet.

Proposed TUOP

The proposed Verizon TUOP is 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 a wireless communication facility in EMPS (Attachment D). Verizon will pay \$4,000 per month (\$48,000 annually) with 3% annual increases for the entire term, including the option terms. Verizon will be paying a market level rent as demonstrated in a May 2015 appraisal from Colliers Valuation Services for similar wireless communication facilities on tidelands. The TUOP allows Verizon to co-locate on the existing facility with Sprint. While TUOP agreements are generally less than five years and do not require Board approval, Verizon requested term that matches the existing Sprint TUOP in order to amortize the cost of the equipment installation. Pursuant to BPC Policy No. 355 approval is required for agreements with terms in excess of five years.

General Counsel’s Comments:

The General Counsel’s Office has reviewed the agenda sheet and attachments to it, and as presented to the General Counsel’s Office, approves it as to form and legality.

Environmental Review:

In accordance with CEQA, the State’s implementing guidelines and the District’s CEQA guidelines, the Project was analyzed in the Final ND entitled “Sprint Embarcadero Marina Park South Telecommunications Project” (SCH#2014081004; Clerk Document No. 62449). The Final ND documented, described, disclosed and analyzed environmental impacts of the Project. The Board adopted the Final ND in October 2014 by Resolution No. 2014-202.

An Addendum has been prepared to analyze the Verizon co-location changes to the Project, and to document that none of the conditions in CEQA Guidelines Sections 15162 and 15163, triggering preparation of a subsequent or supplemental CEQA review have occurred. Accordingly, the Addendum to the Final ND is appropriate under CEQA Guidelines Section 15164. The Addendum incorporates an updated project description to describe the minor changes to the Project by the Verizon’s co-location and an analysis of those changes is also included (see Attachment E). The analysis included in the Addendum to the Final ND concludes that the Project with the changes (i.e., Verizon co-location) would result in substantially similar effects to those of the Project without the changes analyzed in the 2014 Final ND. The Addendum to the Final ND also finds that (1) the analysis and conclusions in the Final ND remain current and valid; (2) the Project would not cause new or substantially more severe significant effects than those identified in the Final ND, and no mitigation measures would be required; (3) no change has occurred with respect to circumstances surrounding the Project analyzed in the 2014 Final ND that would cause new or substantially more

severe significant environmental effects than identified in the Final ND; and (4) no new information has become available that shows that the Project would cause significant environmental effects not already analyzed in the 2014 Final ND. As such, pursuant to CEQA Guidelines Section 15164, and based on the information provided in the Addendum to the Final ND, the Final ND and Resolution No. 2014-202, including any findings therein or attached thereto, the analysis for the Project with the proposed changes has been appropriately addressed in the Final ND. Consequently, staff recommends that the Board adopt the Addendum to the Final ND and authorize staff to file a NOD pursuant to CEQA Guidelines Section 15096(i).

Additionally, the proposed Board actions and approvals comply with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

Conclusion

Staff recommends that the Board adopt the Addendum to the Final ND and direct the filing of the Notice of Determination; authorize issuance of a non-appealable CDP; and adopt an ordinance granting the TUOP.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Ashley Wright
Associate Planner, Planning & Green Port

Bill Miller
Assistant Asset Manager, Real Estate

Attachments:

- Attachment A: Project Location Map
- Attachment B: Site Plan
- Attachment C: Draft Coastal Development Permit
- Attachment D: Tideland Use and Occupancy Permit for Telecommunication Site between the District and Verizon Wireless (VAW), LLC
- Attachment E: Addendum to the Final Negative Declaration

¹ District Clerk Document No. 19171

² To review a copy of the Colliers Valuation Services May 2015 Summary Appraisal Report please contact the San

Diego Port District's Real Estate - Portfolio Management Division.