



**EAST BAY REGIONAL PARK DISTRICT
OPERATIONS COMMITTEE
AGENDA STAFF REPORT**

DATE	March 20, 2024
TITLE	Recommendation to Approve Telecommunication Site Agreement with CC Holdings GS V LLC
DIVISION	Operations
FROM	Ruby Tumber, Acting Business Services Manager Lisa Goorjian, AGM of Operations
APPROVED	Sabrina Landreth, General Manager

RECOMMENDATION

The General Manager recommends that the Board Operations Committee approve and recommend to the full Board a Telecommunications Site Agreement with Pinnacle Towers LLC, CC Holdings GS V LLC, Crown Castle International, a Delaware limited liability company CT Corporation for operation of a communications facility located in Mission Peak Regional Preserve for one (1) ten-year period commencing on June 1, 2024 and in District's sole discretion, an extension for one ten-year period ending on May 31, 2044 with revenue of Fifteen Thousand One Hundred Twenty-One and 16/100 Dollars (\$15,121.16) per month and an annual increase based on the Consumer Price Index and five percent (5%) of the Gross Billings paid to Licensee for sublicense of the site.

BACKGROUND

Pinnacle Towers LLC, CC Holdings GS V LLC, Crown Castle International, a Delaware limited liability company CT Corporation ("Crown Castle"), and its predecessors, has been a tenant on Monument Peak in Mission Peak Regional Preserve since 1963. Crown Castle has a current Telecommunications Site Agreement ("Agreement") with the Park District approved by the Board on January 17, 1995. The telecommunications site is a radio/cellular transmission site located on the west facing slope of Monument Peak and has a low visual profile including a 6,500 square feet telecommunications building and a 200-foot antenna tower. The site is enclosed with chain-link fencing. Crown Castle is responsible for the maintenance of the facility along with utilities and fuels reduction within 100 feet of the site.

Access to the site is via Weller Road. The Park District does not warrant the condition or continued availability of access, but Park District agrees to expend reasonable efforts to maintain the access road in order to provide access to the site by Licensee's employees, contractors and agents. The Park District agrees to make reasonable efforts to repair, maintain and keep open the road including restoration of damage due to landslide, washout, subsidence, earthquake and other causes from monies collected for Road Maintenance Fees collected from Crown Castle and other District licensees at Mission Peak.

ANALYSIS

The Park District has 14 communication sites (24 different lease agreements), which includes one site owned by the Park District, one public entity site, and 15 private entity sites. Like this Crown Castle site agreement, most of these sites were pre-existing on the land prior to being acquired by the Park District. The Park District has had a Communication Site Policy since 1982 and the policy was updated in 1994 (Resolution #1994-10-264). The policy recognizes that many of the existing sites provide essential services required for public safety. The policy further directs that there will be "appropriate compensation" based on market rates. As such, staff tracks publicly available information on communication site rents and recalibrates rental rates accordingly at the start of a new lease term.

This site has historically had approximately twenty users, mainly for radio but also for cellular communications with tenants such as Federal Express, Lockheed, and Intel Corp.

FISCAL IMPACT

Crown Castle will pay Fifteen Thousand One Hundred Twenty-One and 16/100 Dollars (\$15,121.16) per month and an annual increase based on the Consumer Price Index and five percent (5%) of the Gross Billings paid to Crown Castle for sublicense of the site. In addition, Crown Castle will pay an annual Road Maintenance Fee of One Thousand dollars (\$1,000.00) during the first term of this agreement. The Fee will increase Five Hundred dollars (\$500.00) beginning the first year of the second term of the agreement

ATTACHMENTS

None.