




**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	July 16, 2024
<b>TITLE</b>	Authorization to Enter Into Amendment and Restatement of Lease Between Park District and SpectraSite Communications, LLC for Telecommunications Tower
<b>DIVISION</b>	Operations
<b>FROM</b>	Tiffany Margulici, Business Services Manager Lisa Goorjian, Assistant General Manager of Operations
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors grant authorization to enter into an amendment and restatement of the lease between East Bay Regional Park District and Spectrasite Communications, LLC, to extend the term of the lease for the purposes of decommissioning their communications facility located in Carquinez Strait Regional Shoreline and removing all related equipment. The extension (“Renewal Term”) will be for one six-month period commencing on August 18, 2024, with the possibility of a second six-month extension (“New Renewal Term”) ending on August 17, 2025, dependent upon the completion of the removal of the facility. The Rent shall continue in full force and effect through the Renewal Term(s).

**BACKGROUND**

The Park District has communication sites in 8 parks (24 lease agreements) on Park District lands, including one site owned by the Park District. 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 No. 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. Furthermore, the policy encourages sites that are not meeting communication and public safety needs to be decommissioned to restore the natural resources and aesthetic values of the surrounding location.

Spectrasite Communications, LLC (“Tenant”), and its predecessors, have had a telecommunications tower at 1001 Arabian Heights Road in the City of Martinez since September 1993. At the time of the original lease, the tower was located on private property. The Park District acquired the property on March 4, 2003, which included the telecommunications tower Resolution No. 2002-4-89. The Tenant has renewed the lease twice since 1993: first in September 1994 and then again in December 2000. The current term will end on August 17, 2024. The site has two compound equipment areas, one with a 71-foot monopole antenna support structure with a 500 square feet foundation and an equipment building of approximately 2,000 square feet.

Spectrasite LLC informed the Park District in late 2023 that they currently had no sub-leases or income being generated from the site. In Spring 2024, Spectrasite LLC provided notice to the Park District that they did not wish to renew the lease and planned to decommission the site.

This amendment will also formally document the Park District's assumption of the original lease, which occurred at the time the property was purchased.

### **ANALYSIS**

This site has historically had low usage and the Park District does not use the site for its own communications. There is already a telecommunications site in this park, operated by Contra Costa County and utilized by the Park District. The Tenant opted to remove the facility rather than continuing to pay rent for this site.

All approvals for the appropriate permits for site removal from Contra Costa County have now been secured by the Tenant. Spectrasite LLC is requesting an extension of the term of the Lease in order to proceed with the work necessary to remove all equipment. Granting the time extension is in the best interest of the public since it will facilitate the Tenant completing the decommissioning of the site in a methodical and orderly manner.

### **FISCAL IMPACT**

The \$2,058.07 Monthly Rent shall continue in full force and effect through the Renewal Term(s).

### **ATTACHMENTS**

None



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION {{item.sequential\_number}}  
JULY 16, 2024**

**AUTHORIZATION TO ENTER INTO AMENDMENT AND RESTATEMENT OF  
LEASE BETWEEN PARK DISTRICT AND SPECTRASITE COMMUNICATIONS,  
LLC FOR TELECOMMUNICATIONS TOWER**

**WHEREAS**, Spectrasite Communications, LLC (“Tenant”), and its predecessors, has been a tenant on Carquinez Strait Regional Shoreline since September 1993; and

**WHEREAS**, the Park District acquired this facility and the surrounding parcel on March 4, 2003 Resolution No. 2002-4-89 and wishes to formally document the Park District’s assumption of the original lease; and

**WHEREAS**, the District’s 1982 Communication Site Policy, updated in 1994, encourages the decommissioning of telecommunication sites if not serving a public safety or Park District communication function;

**WHEREAS**, the Tenant has decided to not renew the lease and plans to decommission the site; and

**WHEREAS**, the Tenant requires a lease extension to allow time to remove the equipment and utilities from the site; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby grant authorization to Enter Into an Amendment and Restatement of the Lease Between East Bay Regional Park District And Spectrasite Communications, LLC for the Telecommunications Tower Lease to extend the term of the lease for one six-month period commencing on August 18, 2024 (“Renewal Term”) with the possibility of a second six-month extension ending on August 17, 2025 (“New Renewal Term”), dependent upon the completion of the removal of the facility with the continuation of monthly rent of \$2,058.07 through the Renewal Term(s) as presented to the Board on July 16, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted July 16, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: