



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

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<b>DATE</b>	May 7, 2024
<b>TITLE</b>	Authorization to Enter Into Telecommunication Site Agreement with CC Holdings GS V LLC at Mission Peak Regional Preserve
<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 of 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 (1) 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 East Bay Regional Park District (Park District) approved by the Board of Directors 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 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 Park District licensees at Mission Peak.

## **ANALYSIS**

The Park District has 14 communication sites (24 different lease agreements) on Park District lands, including one site owned by the Park District, one public entity site, and 15 private entity sites. Like this Crown Castle site, 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.



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 05 -  
MAY 7, 2024**

**AUTHORIZATION TO ENTER INTO TELECOMMUNICATION SITE AGREEMENT  
WITH CC HOLDINGS GS V LLC AT MISSION PEAK REGIONAL PRESERVE**

**WHEREAS**, Pinnacle Towers LLC, CC Holdings GS V LLC (Crown Castle) has been a tenant on Monument Peak in Mission Peak Regional Preserve since 1963, their current Telecommunications Site Agreement with the East Bay Regional Park District (Park District) was approved by the Board on January 17, 1995; and

**WHEREAS**, the District's 1982 Communication Site Policy, updated in 1994, recognizes that many of the existing telecommunication sites on Park District land provide essential services required for public safety; and

**WHEREAS**, the Crown Castle site operates with the parameters of the Park District's Communication Site Policy and Crown Castle wishes to continue the agreement; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby grant authorization of 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 (1) 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 as presented to the Board on May 7, 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 May 7, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

