

1 [Real Property Lease - American Towers LLC - Communications Services Facilities on San
2 Bruno Mountain in Daly City - \$22,800 Total Annual Initial Year Base Rent]

3 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
4 **Commission to enter into a communications site lease with American Towers LLC, as**
5 **Landlord, for installation and maintenance of new microwave communications**
6 **antennas, radio communications, and other general telecommunications facilities**
7 **located at 300 Radio Road, in Daly City, San Mateo County, for an initial term of seven**
8 **years with three additional renewal periods of five years, each at an initial rent of**
9 **approximately \$22,800 with four percent annual rent increases.**

10
11 WHEREAS, American Towers LLC owns certain real property and facilities designated
12 as Tower 3, located at Tower Facility, 300 Radio Road, in Daly City, California (“Premises”);
13 the Premises include a number of other communications facilities licensed to other parties by
14 American Towers LLC; and

15 WHEREAS, The San Francisco Public Utilities Commission (“SFPUC”) wishes to
16 connect its in-City Microwave Network to facilities on the San Francisco Peninsula and to
17 complete a path for communications to Hetch Hetchy Water and Power facilities in Moccasin,
18 California, including critical facilities in between these locations; and

19 WHEREAS, The expanded Microwave Network will enhance the coverage and
20 reliability of the SFPUC’s data and voice communications, including Supervisory Control and
21 Data Acquisition (SCADA) and security, and provide a redundant path to mission-critical
22 SFPUC water supply and power facilities; and

23 WHEREAS, The Premises, located on San Bruno Mountain in Daly City, are uniquely
24 situated as a Microwave Repeater site between the SFPUC’s existing sites at 525 Golden
25 Gate Avenue in San Francisco and the Harry Tracy Water Treatment Plant in San Bruno; and

1 WHEREAS, The SFPUC desires to enter into a lease to install, maintain, and operate
2 SFPUC microwave communications antennas, radio communication, and other general
3 telecommunications equipment (“Permitted Use”) on the Premises for a term of seven years
4 with three additional renewal periods of five years each, at an initial annual rent of \$22,800
5 with four percent annual increases (“Lease”); and

6 WHEREAS, American Towers LLC desires to enter into the Lease, allowing the
7 SFPUC to use the Premises for the Permitted Use; and

8 WHEREAS, Entering into this Lease does not constitute a project under the California
9 Environmental Quality Act (“CEQA”) Guidelines Section 15378 because activities authorized
10 by the Lease will not result in a direct or indirect physical change in the environment; and

11 WHEREAS, On June 13, 2017, the SFPUC, by its Resolution No. 17-0144, authorized
12 the General Manager to execute the Lease, subject to approval by the Board of Supervisors,
13 and authorized the General Manager to submit the Lease for consideration by the Board of
14 Supervisors under Charter, Section 9.118; and

15 WHEREAS, Charter, Section 9.118(c) requires the Board of Supervisors approval of
16 leases having a term of 10 or more years or anticipated revenues of one million dollars or
17 more; now, therefore, be it

18 RESOLVED, That the Board of Supervisors hereby approves and authorizes the
19 General Manager of the SFPUC to execute the Lease, in substantially the form of such lease
20 on file with the Clerk of the Board of Supervisors in File No. 170757, which is hereby declared
21 to be a part of this Resolution as if set forth fully herein; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
23 Manager of the SFPUC to enter into any future amendments to add additional facilities or
24 expand the Premises to include additional SFPUC communications antennas and equipment,
25 provided that such amendments do not increase the rent under the Lease by more than 20%,

1 and that the General Manager, in consultation with the SFPUC and the City Attorney,
2 determines are in the best interests of the SFPUC and the City; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
4 Manager of the SFPUC to enter into any of the renewal terms, with such renewals at the then
5 current rental rate increased by 4%, then increased 4% each year thereafter, and that the
6 General Manager, in consultation with the SFPUC and the City Attorney, determines are in
7 the best interests of the SFPUC and the City; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
9 Manager of the SFPUC to enter into additional amendments or other modifications to the
10 Lease that do not materially decrease the benefits to the SFPUC or the City, do not materially
11 increase the obligations or liabilities of the SFPUC or the City, and do not authorize the
12 performance of any activities without pursuing all required regulatory and environmental
13 review and approvals, and are necessary or advisable to complete the transactions which the
14 Lease contemplates and effectuates the purpose and intent of this resolution, such
15 determination to be conclusively evidenced by the execution and delivery of any such
16 additions, amendments, or other modifications; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors authorizes and urges the
18 SFPUC General Manager and any other appropriate officers, agents or employees of the City
19 to take any and all steps (including, but not limited to, the execution and delivery of any and all
20 certificates, agreements, notices, consents and other instruments or documents), as they or
21 any of them deems necessary or appropriate, in consultation with the City Attorney, in order to
22 consummate the transaction under the Lease in accordance with this resolution, or to
23 otherwise effectuate the purpose and intent of this resolution, such determination to be
24 conclusively evidenced by the execution and delivery by any such person or persons of any
25 such documents; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors approves, confirms and ratifies
2 all prior actions taken by the officials, employees and agents of the City with respect to the
3 Lease; and, be it

4 FURTHER RESOLVED, That within thirty (30) days of the contract being fully executed
5 by all parties, the SFPUC shall provide the final contract to the Clerk of the Board for inclusion
6 into the official file.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25