

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 14-0173

WHEREAS, The San Francisco Public Utilities Commission (SFPUC), pursuant to San Francisco Charter Section 4.112, has the “exclusive charge of the construction, management, supervision, maintenance, extension, expansion, operation, use and control of all water, clean water and energy supplies and utilities of the City and County of San Francisco (City) as well as the real, personal and financial assets, that are under the Commission’s jurisdiction or assigned to the Commission under Section 4.132,” as provided in San Francisco Charter Section 8B121; and

WHEREAS, Under San Francisco Administrative Code Section 25.6, the SFPUC has the authority to determine the intensity of illumination, number and spacing of lighting facilities, and other details necessary to secure satisfactory street lighting; and

WHEREAS, The SFPUC currently owns approximately 16,800 street light poles in San Francisco; and

WHEREAS, On April 24, 2012, by Resolution No. 12-0066, this Commission adopted the San Francisco Street Light Pole Use Policy; and

WHEREAS, Resolution No. 12-0066 affirmed that street lighting is the single most important use of SFPUC-owned street light poles; and

WHEREAS, Resolution No. 12-0066 created a consistent framework for reviewing and approving alternate pole street light pole uses by city agencies, neighborhood associations and community business districts; and

WHEREAS, Private interests for profit seek access to the SFPUC street light poles for installation of Distributed Antenna Systems (DAS); and

WHEREAS, It is in the best interests of the SFPUC Power Enterprise to implement a street light pole licensing program (Street Light License Program) that maximizes the revenue-generating potential of street light pole assets while protecting street light infrastructure; and

WHEREAS, The SFPUC has undertaken development of the proposed Form of Master License for Outdoor DAS Pole Installation (Master License); and

WHEREAS, Adoption of this Resolution does not constitute a “project” under California Environmental Quality Act Guidelines Section 15378 because there would be no physical change in the environment. Before licenses are issued by the SFPUC for individual facilities, the Planning Department will conduct environmental review for issuance of a Department of Public Works permit for the same facilities. Therefore additional environmental review is not needed and the licenses will not be issued until the Planning Department issues the CEQA documents for each facility; and

WHEREAS, The Master License includes a mechanism for issuing individual street light pole licenses, each designating the street light pole location and describing related communications antennas and equipment (each, a Pole License) to address requests in a consistent manner; and

WHEREAS, The SFPUC has a duly appointed General Manager and pursuant to San Francisco Charter Section 4.126, the General Manager is responsible for the administration and management of the department; and

WHEREAS, The SFPUC Real Estate Services Division (RES) among other things, manages real property under the SFPUC's jurisdiction having income-producing potential; and

WHEREAS, On March 13, 2012 by Resolution No. 12-0043, this Commission approved the Real Estate Services Guidelines (2012 Guidelines) which serve as a high-level manual that focuses on critical policy objectives governing the use of certain SFPUC lands; and

WHEREAS, Resolution No. 12-0043 contemplated that the SFPUC Real Estate Director would ask this Commission to amend the 2012 Guidelines from time to time; and

WHEREAS, On March 12, 2013 by Resolution No. 13-0041, this Commission approved revised Real Estate Services Guidelines (2013 Guidelines); and

WHEREAS, Since 2013, SFPUC policy and procedures have changed to the extent that the 2013 Guidelines no longer reflect current commercially standard rental valuation methods or SFPUC operations, obligations and practices; and

WHEREAS, The Street Light License Program constitutes a change in SFPUC policy; and

WHEREAS, RES desires to amend the 2013 Real Estate Guidelines to approve a delegation of authority to the General Manager or his designee to execute Master Licenses, each for a term of 12 years, using the approved form of Master License; and

WHEREAS, RES desires to amend the 2013 Real Estate Guidelines to approve a delegation of authority to the General Manager or his designee to execute Pole Licenses, using the approved form of Pole License, each for a term that is co-terminus with the Master License; now, therefore, be it

RESOLVED, That this Commission hereby approves the terms and conditions of the SFPUC Power Enterprise revenue-generating program to license existing SFPUC street light poles for Outdoor Distributed Antenna System (DAS) carrier use, including the Master License and Pole License forms and authorizes the SFPUC General Manager or his designee, to (1) execute Master Licenses between the City, as master licensor and as yet to be determined telecommunications carriers, as master licensees, following approval of each Master License to specific telecommunications carriers by the Board of Supervisors and Mayor; and (2) execute Pole Licenses, as amendments to a Master License, each for a term that is co-terminus with the Master License; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to enter into any other amendments or modifications to a Master License and Pole Licenses that the General Manager determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City or materially diminish the benefits to the City, are necessary or advisable to effectuate the purposes and intent of the Master License or Pole License or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of October 28, 2014.



Secretary, Public Utilities Commission