

1 [Real Property License - 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 license 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 license 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 ("License"); and

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

8           WHEREAS, Entering into this License does not constitute a project under the California  
9 Environmental Quality Act ("CEQA") Guidelines Section 15378 because activities authorized  
10 by the License 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 License, subject to approval by the Board of Supervisors,  
13 and authorized the General Manager to submit the License 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 License, in substantially the form of such  
20 license on file with the Clerk of the Board of Supervisors in File No. 17057, which is hereby  
21 declared 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 License by more than

1 20%, 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 License that do not materially decrease the benefits to the SFPUC or the City, do not  
11 materially increase the obligations or liabilities of the SFPUC or the City, and do not authorize  
12 the 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 License 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 License 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 License; 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.

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City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 170757

Date Passed: July 25, 2017

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

July 20, 2017 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 20, 2017 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 25, 2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170757

I hereby certify that the foregoing Resolution was ADOPTED on 7/25/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor

Date Approved