



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 22-204

Board Meeting Date: 3/22/2022

Special Notice/Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy, County Manager

Subject: Communications Site Lease at Montara Mountain North Peak on Assessor's Parcel Number 093-030-050, in unincorporated San Mateo County; between the the City and County of San Francisco, a municipal corporation, acting by and through its Public Utilities Commission ("SFPUC") as Lessor, and the County of San Mateo, as Lessee

RECOMMENDATION:

Adopt a resolution authorizing:

- A) The President of the Board of Supervisors to execute on behalf of the County of San Mateo the Communications Site Lease with the the City and County of San Francisco, a municipal corporation, acting by and through its Public Utilities Commission, for the County's leasing of approximately 40,000 square feet of City-owned property located on the North Peak of Montara Mountain (Assessor's Parcel Number 093-030-050), in unincorporated San Mateo County; and
- B) The County Manager, or his designee, to execute on behalf of the County of San Mateo the Communications Site Licenses ("License Agreements") in a form similar to Exhibit G-1 of the Communications Site Lease with sublicensee users of the site for terms of up to eight (8) years, and subsequent amendments and extensions as may be required from time to time; and to execute any and all notices, consents, approvals, and documents in connection with such License Agreements.

BACKGROUND:

The City and County of San Francisco ("City"), through the San Francisco Public Utilities Commission (SFPUC), issued a San Francisco Water Department Revocable Permit dated April 23, 1963 ("Permit") to the County of San Mateo, as permittee, to erect and maintain a radio communications antennae facility and appurtenant building on approximately 40,000 square feet of City-owned property located on the North Peak of Montara Mountain in unincorporated San Mateo County. The County eventually erected two communication towers on the site which have become known as the East Tower and the West Tower.

In 2009, the United States of America, acting by and through a duly authorized official of the Department of the Interior, National Park Service ("NPS"), Golden Gate National Recreation Area ("GGNRA") (referred to in the Lease as the "Government") constructed and maintains at Government's cost and expense a new radio communication tower replacing one of the County's prior towers with a new 80-foot antennae tower. This new 80-foot tower is jointly operated by the County and GGNRA and is referred to as the West Tower. The County also operates its own 40-foot tower on the site called the East Tower.

Montara Peak hosts the north county's most important Land Mobile Radio emergency communications site. This site provides radio communications support via the P25 Trunk system for the Sheriff's Office, American Medical Response (Ambulance) service, Parks, and DPW, as well as communications for Pacifica PD, the site also hosts Nation Park Service, California Highway Patrol, and CalFire. This site is also a hub microwave communications that links coastside emergency communications with the bayside portion of the Microwave system. Without this link coastside communications would be severely degraded.

City and County desire to replace the existing Permit issued in 1963 with this Lease (the "Master Lease") to provide more comprehensive terms and conditions to reflect the current use of the site.

There are currently nine (9) sublicensee users of the site, a group comprised of a variety of local and state public agencies.

After execution of the subject Master Lease with the SFPUC by the County, the SFPUC requires the County to replace the existing agreements with the sub-users of the site with new Communications Site License agreements ("License Agreements") with all nine sub-users. The Master Lease requires the County to enter into such License Agreements with all nine sub-users within six (6) months of the date of the execution of the Master Lease.

DISCUSSION:

Real Property Services prepared the Communications Site Lease and related Board Resolution, which provide for the leasing of approximately 40,000 square feet of ground space at Montara Mountain North Peak, upon which the County operates an important communications site.

In order to allow the County to expeditiously execute License Agreements with all nine (9) sub-users of the site within six (6) months of the execution of the Master Lease with the SFPUC, the attached Board Resolution authorizes the County Manager to execute on behalf of the County such License Agreements for a term of up to eight (8) years.

SFPUC does not allow the County to receive rent from the sublicensee users for the following reasons: the rent due from County to the SFPUC will be only \$2,400 annually with 4% annual increases; the County has never paid rent previously to the SFPUC from 1963 to the present day; and all sub-users are public governmental agencies acting for the health and safety of the public.

However, the County is allowed to obtain reimbursement for each sub-user's pro-rata share of the costs the County incurs to maintain the site on behalf of all users.

The Information Services Department (ISD) concurs with this transaction. County Counsel has reviewed the resolution and master lease document as to form.

FISCAL IMPACT:

The County currently receives fees totalling approximately \$4,663.11 per month from three (3) sub-

users of the site in order to offset the costs of operating and maintaining the site. The new Master Lease prohibits the collection of such rent but provides for the County to recoup those operational and maintenance costs through reimbursement from each sub-user for its pro-rata share of such costs.