



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: April 2, 2019

Subject

First Amendment to the Verizon Wireless Ground Lease to facilitate improvements necessary to collocate AT&T facilities on the existing cell tower located on the Civic Center Property (10300 Torre Avenue), subject to the terms of any previously issued City planning permits.

Recommended Action

Staff recommends that Council adopt Resolution 19-XXX to authorize the Interim City Manager to execute a First Amendment to the Antenna Ground Lease between the City of Cupertino and GTE Mobilnet of California Limited Partnership d/b/a Verizon Wireless

Description

On July 5, 2017, the City of Cupertino executed a ground lease with AT&T Wireless to collocate facilities on the existing Verizon Wireless owned Civic Center cell tower located at 10300 Torre Avenue, Cupertino. After the ground lease was executed, AT&T Wireless continued to negotiate a colocation lease agreement with Verizon Wireless to place antennae on the Verizon owned tower, while simultaneously applying for the necessary building permits to initiate construction. Building permit application materials were approved by the City in 2018, but negotiations between the two wireless companies continued.

Negotiations between the two wireless providers were completed in March of 2019, and an agreement was executed on March 12, 2019.

Discussion

This First Amendment to the Verizon Wireless Ground Lease modifies sections of the original lease in order to facilitate the physical improvements necessary to install the collocated facilities, as well as to correct a typographical error. The original agreement restricted the height of the tower to 60 feet as well as the elevation of the antennae. The

restrictions were placed in order to limit the height of the tower until such time that a second wireless provider was permitted to collocate at the site.

The typographical error in the original agreement called out the wrong square footage (112.1 SF) for the aerial easement of the tower. The permitted diameter of the tree tower was 20' in the original application materials, resulting in an aerial easement with an approximate area of 314 SF.

The modified physical parameters, including the final 75' height limit, for the tower that are being addressed in this amendment are consistent with the original application design materials that were approved by City Council on October 6, 2015. The original approval was categorically exempt from the California Environmental Quality Act (CEQA) per section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines because the project involved accessory structures of not more than 10,000 square feet in an urbanized area with full utilities. This amendment is likewise exempt from CEQA under that prior approval because it is within the same scope, as well as under CEQA Guidelines section 15301 (Existing Facilities) because it involves negligible or no expansion of existing use.

Construction for the collocation facilities is anticipated to begin in the later part of April, 2019, with completion of the tower and associated improvements estimated for the beginning of September, 2019.

Sustainability Impact

No sustainability impact.

Fiscal Impact

This Amendment to the Ground Lease will facilitate construction of the collocated AT&T antennae which will generate \$3000 per month, with annual increases, in addition to the existing \$3244.80/month rent payment for the Verizon Wireless ground lease. Revenues will be applied to account number 100 82 804 420-445

Prepared by: Chad Mosley, Acting Assistant Director of Public Works/City Engineer

Reviewed by: Roger Lee, Acting Director Public Works

Approved for Submission by: Timm Borden, Interim City Manager

Attachments:

A – First Amendment to Antenna Ground Lease – GTE Mobilnet (dba Verizon Wireless)

- B – Draft Resolution 19-XXX
- C – Photo Simulations of Completed Tower
- D – Original Antenna Ground Lease - GTE Mobilnet (dba Verizon Wireless)
- E – Resolutions and Staff Report for Original Tower Application

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