

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

September 24, 2024

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Revenue License Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for a Cellular Communications Site at Onyx Peak in Big Bear City

RECOMMENDATION(S)

1. Find that approval of a License Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for a cellular communications site is an exempt project under the California Environmental Quality Act Guidelines Section 15303 - New Construction or Conversion of Small Structures (Class 3) and Section 15061(b)(3) common sense exemption.
2. Find that, pursuant to California Government Code Section 25526.6, a five-year license agreement, with three five-year options to extend the term of the license, with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, commencing on the full execution of the license, for use of approximately 3,432 square feet of San Bernardino County-owned land located at Onyx Peak with an address of 3407 State Highway 38 in Big Bear City for the construction and operation of a cellular communications site is in the public interest and that the license agreement will not substantially conflict or interfere with San Bernardino County's use of the property.
3. Approve a five-year revenue License **Agreement No. 24-897**, with three five-year options to extend the term of the license, with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, commencing on the full execution of the license, for the use of approximately 3,432 square feet of San Bernardino County-owned land located at Onyx Peak, with an address of 3407 State Highway 38 in Big Bear City, for the construction and operation of a cellular communications site, for total revenue in the amount of \$180,436.
4. Direct the Real Estate Services Department to file the Notice of Exemption in accordance with the California Environmental Quality Act.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total revenue of this five-year License Agreement (License) is \$180,436. Revenue will be deposited into the Real Estate Services Department (RES D) Rents budget (7810001000). Annual License revenues are as follows:

Year

Annual Revenue

**Revenue License Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for a Cellular Communications Site at Onyx Peak in Big Bear City
September 24, 2024**

<u>Year</u>	<u>Annual Revenue</u>
*September 24, 2024 - September 23, 2025	\$ 33,648
September 24, 2025 - September 23, 2026	\$ 34,826
September 24, 2026 - September 23, 2027	\$ 36,045
September 24, 2027 - September 23, 2028	\$ 37,306
September 24, 2028 - September 23, 2029	\$ 38,611
Total Revenue	\$180,436

*Projected commencement date upon full execution of the license agreement

BACKGROUND INFORMATION

In January 2019, New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (New Cingular) proposed to construct and operate a new cellular communications lattice tower on land owned by San Bernardino County (County) to interconnect the new lattice tower on County-owned land with New Cingular's existing towers at neighboring sites. The proposed tower would increase cellular service in the mountain regions of Big Bear and surrounding communities. In the five years since the new tower on County-owned land was proposed, New Cingular has recently acquired permit approval from the United States Department of Agriculture Forest Service (USFS) to use and maintain USFS roads that lead to the County-owned land at Onyx Peak. Approval of this License will allow New Cingular to move forward with the planning and development of the proposed cellular communications facility on County-owned land, pending all additional regulatory and licensing requirements to construct the proposed facility.

This License with New Cingular is for a period of five years, commencing on the full execution, with three five-year options to extend the term for the premises consisting of approximately 3,432 square feet of unincorporated land and located at Onyx Peak with an address of 3407 State Highway 38 in Big Bear City for the construction, maintenance and operation of a cellular communications site. The communication site is in the public interest to increase cellular service for community residents in the Big Bear mountain area and will not substantially conflict or interfere with County's use of the property. The improvements to the land will consist of 120-foot lattice work antenna tower with a total of 12 panel antennas, 36 remote radio units, one microwave antenna, one GPS antenna, four equipment racks, 36 solar panels, two generators, a 1,000-gallon propane tank mounted on a concrete slab, and other associated equipment as well as a six foot tall chain link perimeter fence.

The use of the County-owned land pursuant to the License was reviewed pursuant to the California Environmental Quality Act and determined to be categorically exempt under Section 15303 - New Construction or Conversion of Small Structures (Class 3) and Section 15061(b)(3) common sense exemption.

Summary of License Terms

Licensee: New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company

Location: 3407 State Highway 38 in Big Bear City, known as Onyx Peak

Size: 3,432 square feet total area of unimproved land

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September 24, 2024**

Term:	Five years commencing upon full execution
Options:	Three five-year options to extend the term
Revenue:	Annual: \$33,648 *Mid-range for comparable facilities in the Big Bear City area per the competitive set analysis on file with RESD
Annual Increases:	3.5%
Improvement Costs:	Provided by Licensee
Maintenance:	Provided by Licensee
Utilities:	Provided by Licensee
Insurance:	The Certificate of Liability Insurance, as required by the License, is on file with RESD
Holdover:	Upon the end of the term, if permitted by Licensor, the Licensee shall continue on a month-to-month term upon the same terms and conditions that existed at the time of expiration except that the license fee shall be increased to 150% of the rent due at the time of expiration.
Right to Terminate:	Licensee may terminate on 180 days' notice if it cannot secure, loses, or forfeits any permits or licenses necessary for the cellular communications facility; County has the right to terminate upon Licensee's default

PROCUREMENT

Pursuant to California Government Code Section 25526.6, the Board of Supervisors (Board) may grant licenses for use of any County-owned property to a public utility corporation in the manner and upon the terms and conditions as the Board determines, upon a finding by the Board that the licenses are in the public interest and that the license will not substantially conflict or interfere with the County's use of the property.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, 387-5455) on September 4, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on August 26, 2024; Finance (Garrett Baker, Administrative Analyst, 387-3077) on September 6, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 9, 2024.

(BR: 531-2674)

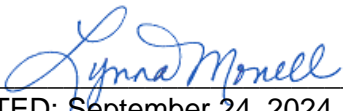
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at Onyx Peak in Big Bear City
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 24, 2024



cc: RES - Thompson w/agree
 Contractor - c/o RES w/agree
 File - w/agree
MBA 09/25/2024