



**DATE:** April 13, 2021

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Approve Site License Agreement and Construction at Shoreline Amphitheatre**

### **RECOMMENDATION**

1. Authorize the City Manager to consent to and approve the Site License Agreement between Live Nation and Boingo Wireless, including future minor amendments to the Site License Agreement.
2. Approve the request of Live Nation, Lessee, at 1 Amphitheatre Parkway, to construct and install a Distributed Antenna System.

### **BACKGROUND**

The City of Mountain View is the owner of 1 Amphitheatre Parkway. There is an executed lease agreement between the City of Mountain View, Mountain View Shoreline Regional Park Community, and Live Nation for Live Nation to use the site as a concert venue. The lease was effective on May 10, 2006 and has an expiration date of December 31, 2020 with two five-year options to renew. In 2020, Live Nation exercised the first five-year renewal option with an expiration date of December 31, 2025.

The lease agreement requires prior City consent for Live Nation to enter into a sublicense to allow another entity to use or occupy any portion of the site. In addition, the lease requires City Council approval as the property owner for new construction to add facilities or expand existing facilities on the site prior to Live Nation receiving Community Development Department Planning and Building permits.

Live Nation has submitted a Development Review Permit application to the Community Development Department for new construction at the site. The new construction consists of:

- Installation of a Distributed Antenna System (DAS) with 32 antennas and associated remotes throughout the facility to provide wireless coverage. Twenty (20) antennas

are designated for the fixed and lawn seating areas, and 12 antennas are for the concession and parking lot areas;

- Construction of a 14'x60' equipment shelter and foundation to be situated at the north end of the venue and behind an existing restroom building; and
- Excavation and trenching to install underground conduit for fiber and power cable paths.

### **ANALYSIS**

Although preapproval from the City is required for Site License Agreements (SLAs), Live Nation and Boingo Wireless entered into a SLA in July 2019 to construct a DAS without City approval. Staff has worked with Live Nation and Boingo Wireless to prepare amendments to the current SLA to require the City be provided notice of actions that relate to the City's interest as property owner and include the City as an additional insured and indemnified party. Staff is recommending that Council authorize the City Manager to consent to and approve the revised SLA and any future minor amendments, which could include modifications to the SLA term, the insurance requirements, or the City's form of notice and consent.

The DAS has not yet been constructed and, as required under the lease terms, the City Council is being asked to approve the scope of the improvements, acting as the property owner. Staff reviewed the proposed improvements and has determined that the proposed improvements are consistent with the terms of the lease. Moreover, the DAS will improve the concert venue by providing attendees, venue staff, and first responders seamless voice and data coverage throughout the venue and parking lot areas. The existing carrier networks at the venue are incapable of handling user demands during capacity crowd events.

The proposed new construction is consistent with zoning and planning standards. With Council's approval of the construction scope, staff will proceed with the permitting process.

### **FISCAL IMPACT**

Live Nation will pay for the design and construction of the improvements. The City will not have any financial obligations for the new improvements.

**ALTERNATIVES**

1. Do not approve the construction and do not authorize the City Manager to consent to and approve of the SLA between Live Nation and Boingo Wireless.
2. Provide other direction.

**PUBLIC NOTICING** – Agenda posting.

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cc: CSD, RPPA, AP – Horan