

1 [Metro PCS Lease]

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3 **Resolution authorizing and approving a lease of cellular transmitter space at the Pierce**
4 **Street Garage to Metro PCS.**

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6 WHEREAS, The San Francisco board of Supervisors hereby adopts the following
7 findings pursuant to a proposed lease of cellular transmitter space at the Pierce Street Garage
8 at Lombard and Chestnut Streets, Block 490 Lots 9-13 (the "Garage"), owned by the City and
9 County of San Francisco (the "City"), operated by Department of Parking and Traffic; the
10 Director of Property has negotiated a form of agreement (the "Lease") with Metro PCS for the
11 lease of the Premises for a monthly rental of \$3,000.00 for a term of five years, with Metro
12 PCS having the option to extend their lease for a period of five years; and there is an annual
13 rent increase based upon the Consumer Price Index and the rent will be reappraised prior to
14 the exercise of the option; and the Lease also provides that the cost of all tenant
15 improvements to the Premises will be borne by Metro PCS; and Metro PCS will pay all electric
16 utility costs; and

17 WHEREAS, Metro PCS has received a City Planning Commission approval and
18 Parking and Traffic Commission (PTC) approval as well as a building permit to place ten
19 equipment cabinets and six antennae at the Pierce Street Garage; and

20 WHEREAS, A form of the Lease is on file with the Clerk of the Board of Supervisors
21 which is hereby declared to be a part of this resolution as if set forth fully herein; and, now,
22 therefore, be it

23 RESOLVED, That in accordance with the recommendation of the Executive Director of
24 the Department of Parking and the Director of Property, the Mayor, the Clerk of the Board of
25 Supervisors and the Director of Property are hereby authorized to take all actions, on behalf of

1 the City and County of San Francisco, as Landlord, to execute a written lease and other
2 related documents with Metro PCS, as Tenant; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby finds that it is in the
4 best interests of the City to enter into the Lease based upon direct negotiations with Metro
5 PCS without a competitive bid process. Competitive bidding in this situation would be
6 impracticable or impossible. There is sufficient space for a second cell phone company to
7 place a transmitter and antenna on this site; and, be it

8 FURTHER RESOLVED, That the Mayor or his designee is hereby authorized to
9 execute, and the Clerk of the Board of Supervisors is hereby authorized to attest and affix the
10 seal of the City thereon, the Lease on behalf of the City and County of San Francisco on file
11 with the Clerk of the Board of Supervisors; and, be it

12 FURTHER RESOLVED, That the Lease shall be subject to and conditioned upon, the
13 Human Rights Commission's approval of Metro PCS' compliance with City's Non
14 Discrimination and Equal Benefits in Employment Ordinance; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
16 Property to enter into any amendments or modifications to the Lease (including without
17 limitation, the exhibits) that the Director of Property determines, in consultation with the City
18 Attorney, are in the best interests of the City, do not increase the rent or otherwise materially
19 increase the obligations or liabilities of the City, are necessary or advisable to effectuate the
20 purposes of the Lease or this resolution, and are in compliance with all applicable laws,
21 including City's Charter.

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1 RECOMMENDED:

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4 Executive Director
5 Department of Parking and Traffic
6 By Resolution No. 118-02-PTC

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8 Director of Property

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