

1 [Sharing Agreement Amendment - Department of Veterans Affairs Medical Center, 4150
2 Clement Street - Emergency Communications Site - \$54,856.26 Annual Base Rent]

3 **Resolution authorizing and approving an Amendment to an existing Sharing**
4 **Agreement for emergency radio telecommunications and associated equipment with**
5 **the Department of Veterans Affairs Medical Center at 4150 Clement Street, for the**
6 **Department of Emergency Management and the Department of Technology,**
7 **commencing upon approval by the Board of Supervisors and Mayor at an annual base**
8 **rent of \$54,856.26 in the initial year with 3% annual rent increases, with no change to**
9 **the term length; adopting findings under the California Environmental Quality Act,**
10 **Public Resources Code, Section 21000 et seq.; and finding the proposed transaction is**
11 **in conformance with the General Plan, and the eight priority policies of Planning Code,**
12 **Section 101.1.**

13
14 WHEREAS, The Citywide Emergency Radio System (CERS) serves the City's police,
15 fire, and other first responders; and

16 WHEREAS, In 1997, the San Francisco Board of Supervisors approved Resolution
17 No. 804-97 authorizing the City and County of San Francisco ("City") to enter into an
18 agreement to replace its existing radio system with a new 800 MHz Radio System to benefit
19 the City's Police, Fire, Public Health, Sheriff, Parking and Traffic, Water and Recreation and
20 Park Departments; and

21 WHEREAS, The Veterans Administration facility at 4150 Clement Street ("VA Site")
22 with communications equipment located on the Water Tower was one of the City's original six
23 locations essential to radio coverage; and

24 WHEREAS, On August 25, 1997, the Board adopted Resolution No. 805-97, finding
25 that use of 4150 Clement Street for the emergency telecommunications equipment is

1 consistent with the City’s General Plan and with Planning Code Section 101.1-(b); a copy of
2 the General Plan Referral is on file with the Clerk of the Board of Supervisors in File
3 No. 172-97-53 and is incorporated herein by reference; and

4 WHEREAS, On August 12, 2016, the San Francisco Planning Department found that
5 the CERS replacement project through a contract with Motorola was Categorically Exempt
6 from further environmental review; a copy of the finding is on file with the Clerk of the Board of
7 Supervisors and is incorporated herein by reference; and

8 WHEREAS, Resolution 580-03, in 2003, the City entered into a Sharing Agreement
9 with the Department of Veterans Affairs Medical Center, San Francisco (“VA”) for radio
10 telecommunications equipment on the Water Tank at the VA site; and

11 WHEREAS, The current Sharing Agreement term expires on March 31, 2018, and is
12 subject to the VA’s rights to terminate the agreement; and

13 WHEREAS, The City has one remaining five year option (through March 31, 2023) to
14 renew the term at a base rent of the then Fair Market Rent as determined by the VA in their
15 sole opinion; and

16 WHEREAS, The Board of Supervisors and Mayor approved Resolution No. 452-16 on
17 October 28, 2016, authorizing the Department of Emergency Management (“DEM”) and the
18 Department of Technology (“DT”) to enter into a Purchase and Installation Agreement, and a
19 Maintenance and Support Agreement for a new Citywide 800MHz Radio System with
20 Motorola, Inc., to enhance the reliability and performance of the emergency radio network;
21 and

22 WHEREAS, The new 800MHz Radio System Project will use most of the current radio
23 sites across the City including the VA site to ensure and achieve optimal radio coverage for
24 public safety agencies within the City’s boundaries; and

25

1 WHEREAS, The Veterans Administration intends to ultimately demolish the existing
2 Water Tower Premises as part of the construction of its Long Range Development Plan
3 requiring relocation of the City’s equipment; and

4 WHEREAS, The VA and City have identified an appropriate replacement location
5 within the Premises at 4150 Clement St. for the City’s new 800MHz Radio System Project
6 which will ensure and achieve optimal radio coverage; and

7 WHEREAS, The Real Estate Division on behalf of DEM and DT has negotiated an
8 amendment (“Amendment”) to the existing Sharing Agreement which provides for new
9 Premises at Building 200 at 4150 Clement Street at a slightly higher monthly rent than the
10 existing base rent; and

11 WHEREAS, Pursuant to Administrative Code, Section 23, on May 15, 2017, a Fair
12 Market Rent appraisal by MAI appraisers Mateo Advisors found the proposed monthly base
13 rent to be approximately 45% less than the Fair Market Rent; and

14 WHEREAS, 4150 Clement Street is an essential site for the operation of emergency
15 communications equipment serving the Northwest sector of the City; and

16 WHEREAS, The proposed Amendment is subject to enactment of a resolution by the
17 Board of Supervisors and the Mayor, in their respective sole and absolute discretion,
18 approving and authorizing such new Premises and terms; now, therefore, be it

19 RESOLVED, That in accordance with the recommendation of the Executive Director of
20 the Department of Emergency Management, the Interim Director of the Department of
21 Technology, and the Director of Property, the Director of Property on behalf of the City, as
22 Sharing Partner, is hereby authorized to take all actions necessary to execute the Amendment
23 to Sharing Agreement at 4150 Clement Street in substantially the form on file with the Clerk of
24 the Board of Supervisors in File No. 170822, which is hereby declared to be a part of this
25 resolution; and, be it

1 FURTHER RESOLVED, The monthly base rent shall be \$4,537.40 increased to
2 \$4,673.22 beginning April 1, 2018, with annual rent adjustments of three (3%) percent
3 thereafter; and, be it

4 FURTHER RESOLVED, As the Director of Property has determined, in consultation
5 with the Director of the Department of Technology and the City Attorney, that an extended
6 term through March 31, 2023, is in the best interest of the City and are in compliance with all
7 applicable laws, including the City Charter, the Board of Supervisors authorizes the Director of
8 Property to exercise the option to extend the term; and, be it

9 FURTHER RESOLVED, The Board of Supervisors authorizes the Director of Property
10 to take all actions, on behalf of City, to enter into any amendments or modifications (including
11 without limitation, the exhibits) to the Amendment that the Director of Property determines, in
12 consultation with the City Attorney, are in the best interests of the City, do not materially
13 increase the obligations or liabilities of the City, and are necessary or advisable to complete
14 the transaction and effectuate the purposes and intent of this resolution and are in compliance
15 with all applicable laws, including City's Charter; and, be it

16 FURTHER RESOLVED, That any action heretofore taken by any City employee or
17 official with respect to the exercise of the Lease as set forth herein is hereby approved,
18 confirmed and ratified; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors finds that the actions
20 contemplated in this Resolution are consistent with the City's General Plan and with Planning
21 Code Section 101.1-(b) for the reasons set forth in the General Plan Referral dated August
22 25, 1997 and Categorically Exempt under California Environmental Quality Act guidelines for
23 the same reasons as the August 12, 2016, finding of the Planning Department; and, be it

24 FURTHER RESOLVED, City shall occupy said premises for the entire lease term
25 unless funds for rental payments are not appropriated in any subsequent fiscal year, at

1 which time City may terminate this lease with written notice to Landlord, pursuant to
2 Charter, Section 3.105, of the City and County of San Francisco; and, be it

3 FURTHER RESOLVED, That within thirty (30) days of the Amendment being fully
4 executed by all parties, the Director of Property shall provide a copy of the agreement to the
5 Clerk of the Board to include into the official file.

6 ///

7 ///

8 Signatures on the following page

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

\$54,856.26 available
(9 months at \$4,537.40 and 3 months at
\$4,673.22)
Index Code: 750512
Subobject: 03000

Controller
Subject to the enactment of the 2017/2018
Annual Appropriation Ordinance

RECOMMENDED:

Anne Kronenberg, Executive Director
Department of Emergency Management

Nina D'Amato
Acting Director
Department of Technology

John Updike
Director of Property
Real Estate Division