

1 [Renewal Lease - California State University - 1600 Holloway Avenue - Thornton Hall -
2 \$91,800 Annual Base Rent]

3 **Resolution authorizing and approving a renewal of a telecommunication lease of space**
4 **for existing emergency radio telecommunications tower and associated equipment**
5 **with the California State University, acting by and through the San Francisco State**
6 **University, a State of California political subdivision, as landlord, for the Department of**
7 **Emergency Management and the Department of Technology, at 1600 Holloway Avenue,**
8 **Thornton Hall, at a yearly initial base rent of \$91,800, with annual adjustments of three**
9 **percent for a term of 20 years to commence on October 1, 2021, or upon approval by**
10 **the Board of Supervisors and Mayor; adopting findings under the California**
11 **Environmental Quality Act; and finding the proposed Lease is in conformance with the**
12 **General Plan, and the eight priorities of Planning Code, Section 101.1.**

13
14 WHEREAS, In 1997, the San Francisco Board of Supervisors approved Resolution No.
15 804-97 authorizing the City and County of San Francisco (“City”) to enter into an agreement to
16 replace its existing radio system with a new 800 MHz Radio System to benefit the City’s
17 Police, Fire, Public Health, Sheriff, Parking and Traffic, Water and Recreation and Park
18 Departments; and

19 WHEREAS, The City’s original study identified six locations for towers essential to
20 optimal radio coverage, including an area commonly known as Thornton Hall, at 1600
21 Holloway Avenue at San Francisco State University (“SF State”); and

22 WHEREAS, In 1998, the City entered into a twenty-year Lease Agreement with SF
23 State and installed several whip antennas, dishes, a global positioning system antenna and
24 an emergency generator, along with associated cables as part of its 800 MHz Radio System
25 Project at the SF State site; and

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

7 WHEREAS, The new 800MHz Radio System Project will use most of the current radio
8 sites including the SF State site to ensure and achieve optimal radio coverage for public
9 safety agencies within the City’s boundaries; and

10 WHEREAS, The Real Estate Division on behalf of DEM and DT, in consultation with
11 the Office of the City Attorney, has negotiated a lease (“Lease”) agreement substantially the
12 form on file with the Clerk of the Board of Supervisors in File No. 210829, which is hereby
13 declared to be a part of this Resolution as if set forth fully herein (the “Lease”) to allow the
14 continued use of the existing space, and upgrade the antennas and telecommunication
15 equipment at SF State and the replacement of the antennas with new microwave dishes; and

16 WHEREAS, The term of the Lease shall be for twenty-years commencing on October
17 1, 2021, or upon approval by the Board of Supervisors and Mayor; and

18 WHEREAS, The base monthly rent of \$7,650 is subject to annual adjustments of three
19 (3%) percent and the Director of Property determines the rent to be at or below fair market
20 rental value; and

21 WHEREAS, The City shall pay for utility costs estimated to be \$10,200 per year
22 (\$850.00 per month); and

23 WHEREAS, On September 22, 2016, the Environmental Planning Division of the San
24 Francisco Planning Department determined that the Project and continued use of the property
25 for communications equipment, would not be subject to the California Environmental Quality

1 Act, Public Resources Code, Section 21000 et seq. (“CEQA”), pursuant to CEQA Guidelines,
2 Sections 15301 and 15303; said determination is on file with the Clerk of the Board of
3 Supervisors in File No. 160967 and is incorporated herein by reference; and

4 WHEREAS, The Planning Department in a letter dated June 1, 2021, (“General Plan
5 Referral”) found the Lease is consistent with the General Plan, and with Planning Code,
6 Section 101.1-(b); a copy of the General Plan Referral is on file with the Clerk of the Board of
7 Supervisors in File No. 210829 and is incorporated herein by reference; now, therefore, be it

8 RESOLVED, That in accordance with the recommendation of the Executive Director of
9 the Department of Emergency Management, the Director of the Department of Technology,
10 and the Director of Property, after consultation with the City Attorney, the Director of Property
11 on behalf of the City, as Tenant, be and is hereby authorized to take all actions necessary to
12 execute the Lease at San Francisco State University, for a twenty year term; and, be it

13 FURTHER RESOLVED, The monthly base rent for the initial twenty year term shall be
14 \$7,650, subject to annual adjustments of three (3%) percent, exclusive of utilities estimated to
15 be \$10,200 per year; and, be it

16 FURTHER RESOLVED, The Board of Supervisors approves the Lease in substantially
17 the form in the Board’s File and authorizes the Director of Property to take all actions, on
18 behalf of City, to enter into any amendments or modifications (including without limitation, the
19 exhibits) to the Lease that the Director of Property determines, in consultation with the City
20 Attorney, are in the best interests of the City, do not materially increase the obligations or
21 liabilities of the City, and are necessary or advisable to complete the transaction and
22 effectuate the purposes and intent of this resolution and are in compliance with all applicable
23 laws, including City’s Charter; and, be it

24 FURTHER RESOLVED, That the Lease contains language indemnifying and holding
25 harmless the Landlord from, and agreeing to defend the Landlord against, any and all claims,

1 costs and expenses, including, without limitation, reasonable attorney's fees, incurred as a
2 result of City's use of the Premises (Lease area and driveway), any default by the City in the
3 performance of any of its obligations under the Lease or any acts or omissions of City or its
4 agents, in, on, or about the Premises or the property on which the Premises are located,
5 including those claims, costs and expenses incurred as a result of negligence or willful
6 misconduct of Landlord or its agents; and, be it

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

10 FURTHER RESOLVED, That the Board of Supervisors adopts the Planning
11 Department's September 22, 2016, determination under CEQA and finds that actions
12 contemplated are consistent with the General Plan, and with Planning Code, Section 101.1-
13 (b) for the reasons set forth in the General Plan Referral; and, be it

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

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\$68,850 available
(Base Rent for October 1, 2021 – June 30, 2022)

Fund ID: 28070
Department ID: 207933
PS Project ID: 10024777
Authority ID: 17582
Account ID: 530000
Activity ID: 0001

/s/
Michelle Allersma, Budget and Analysis
Division Director on behalf of
Ben Rosenfield, Controller

Funding for Fiscal Year 2021/2022 is subject to the
enactment of the Annual Appropriation Ordinance for Fiscal
Year 2021/2022

RECOMMENDED:

/s/
Andrico Q. Penick
Director of Property
Real Estate Division

RECOMMENDED:

/s/
Linda Gerull
Chief Information Office
Director - Department of Technology

RECOMMENDED:

/s/
Mary Ellen Carroll
Executive Director
Department of Emergency Management