

1 [Sprint Spectrum, L.P. Transmitter Lease]

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3 **Resolution authorizing and approving a lease of cellular transmitter and antennae**
4 **space at the Health Center Four to Sprint Spectrum, L.P., a Delaware limited**
5 **partnership.**

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7 WHEREAS, The San Francisco Board of Supervisors hereby adopts the following
8 findings regarding a proposed lease of cellular transmitter and antennae space on the roof of
9 Health Center 4, 1490 Mason Street, Block 159, Lot 46 (the "Center"), (the "Premises")
10 owned by the City and County of San Francisco (the "City") and operated by the Department
11 of Public Health; (a) the Director of Property has negotiated a form of agreement (the
12 "Lease") with Sprint Spectrum, L.P., a Delaware limited partnership ("SSLP"), for the lease of
13 the Premises for a monthly rental of \$3,300 for a term of five years, with one option to extend
14 the term for five years; (b) there is an annual rent increase based upon the Consumer Price
15 Index and the rent will be reappraised in the fifth year prior to the exercise of the option; (c)
16 the Lease also provides that the cost of all tenant improvements to the Premises will be
17 borne by SSLP; (d) SSLP will pay all electric utility costs; (e) SSLP has received a City
18 Planning Commission approval and a building permit to place three equipment cabinets and
19 five antennae at the Center; (f) the Director of Planning by action dated March 4, 2004
20 determined that the leasing of the premises is categorically exempt from environmental review
21 and is in conformance with the City's General Plan, and (g) a form of the Lease is on file with
22 the Clerk of the Board of Supervisors; now, therefore, be it

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

1 Francisco, as Landlord, to execute a written lease and other related documents with SSLP, as
2 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 SSLP
5 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, The Mayor or his designee is hereby authorized to execute,
9 and the Clerk of the Board of Supervisors is hereby authorized to attest and affix the seal of
10 the City thereon, the Lease on behalf of the City and County of San Francisco on file with
11 the Clerk of the Board of Supervisors; and, be it

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

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20 RECOMMENDED:

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23 Mitch Katz, M.D., Director of Health

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Steve Legnitto, Director of Property