

1 [Real Property License - AT&T Mobility National Accounts LLC - Zuckerberg San Francisco
2 General Hospital and Trauma Center, Building 25 - 1001 Potrero Avenue - \$5,000 Per Month
3 Base Rent Exempt]

4 **Resolution authorizing and approving the license of a portion of the equipment room at**
5 **Zuckerberg San Francisco General Hospital and Trauma Center, Building 25, at 1001**
6 **Potrero Avenue with AT&T Mobility National Accounts LLC, a Delaware limited liability**
7 **company, at the monthly base rent of \$5,000 which shall be waived while participating**
8 **in the Distributed Antenna System and providing enhanced cellular services to the City**
9 **staff, UCSF staff, patients and visitors within Building 25, to commence upon approval**
10 **by the Board of Supervisors and Mayor.**

11
12 WHEREAS, The Department of Public Health’s (“DPH”) new Building 25, the
13 Zuckerberg San Francisco General Hospital and Trauma Center (“ZSFGH”), is designed and
14 constructed with materials that block radio and cellular signals from reaching portions of the
15 building including basement surgical areas, stairwells, and inner rooms; and

16 WHEREAS, The ZSFGH requires antennas and boosters within the building to provide
17 sufficient paging and cellular service to staff, patients and visitors to routinely communicate
18 daily and during emergencies; and

19 WHEREAS, To ensure the doctors, staff, patients and visitors at the ZSFGH receive
20 their cellular calls while in Building 25, DPH installed a Distributed Antenna System (“DAS”)
21 and invited numerous cellular companies to join the DAS by installing their own equipment
22 within Building 25 and connecting to the system; and

23 WHEREAS, AT&T will need to install one rack, batteries, and associated fiber cables
24 and connections to connect to the DAS to enhance its cellular coverage within the Building;
25 and

1 WHEREAS, The Real Estate Division on behalf of the DPH has negotiated a license
2 (“License”) substantially the form on file with the Clerk of the Board of Supervisors in File No.
3 171218, which is hereby declared to be a part of this resolution as if set forth fully herein (the
4 “License”) to allow the installation of the rack and other equipment in the equipment room at
5 Building 25; and

6 WHEREAS, The initial term of the License shall be for five years commencing upon
7 approval by the Board of Supervisors and Mayor; and,

8 WHEREAS, AT&T shall thereafter have the option to renew year to year to extend the
9 License at the Base Rent prior to the start of any Option Year Term after adjusting for an
10 annual Base Rent escalation of 3% of the then Base Rent, which extension can be accepted
11 at the discretion of the Director of the DPH and the Director of Property, so long as AT&T
12 participates in the DAS, ZSFGH is in operation, and the City continues to benefit from the
13 License agreement; and

14 WHEREAS, The base monthly rent of \$5,000 is subject to annual adjustments of 3%;
15 and

16 WHEREAS, The City shall pay for janitorial, pest, debris, and utility costs estimated to
17 be \$3,708 per year; and

18 WHEREAS, AT&T shall be exempt from payment of Base Rent and utilities so long as
19 AT&T continues to participate in the DAS, does not change or enhance its use, the City
20 continues to benefit from the License agreement, and the License is not terminated; and

21 WHEREAS, On August 24, 2016, the Environmental Planning Division of the Planning
22 Department determined that the project, the License and use of City Property for installation of
23 communications equipment, would not be subject to the California Environmental Quality Act,
24 Public Resources Code, Sections 21000 et seq. (“CEQA”), pursuant to CEQA Guidelines,
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1 Sections 15301 and 15303, said determination is on file with the Clerk of the Board of
2 Supervisors in File No. 171218 and is incorporated herein by reference; and

3 WHEREAS, On September 8, 2016, the Planning Department, found the project,
4 License and use of the City property to AT&T complies with CEQA and is consistent with the
5 General Plan, and with Planning Code, Section 101.1-(b); a copy of the General Plan Referral
6 is on file with the Clerk of the Board of Supervisors in File No. 171218 and is incorporated
7 herein by reference; and

8 WHEREAS, On December 6, 2016, the Health Commission of the City and County of
9 San Francisco passed Resolution No. 16-13 recommending that the Board of Supervisors
10 approve License agreements for the installation of necessary equipment for paging and
11 cellular services at ZSFGH, Building 25; therefore be it

12 RESOLVED, That in accordance with the recommendation of the Director of the
13 Department of Public Health, the Director of Property and the City Attorney, the Director of
14 Property on behalf of the City, as Landlord, be and is hereby authorized to take all actions
15 necessary to execute the License at ZSFGH, Building 25, for a five year term and year to year
16 extensions subject to the enactment of a resolution by the Board of Supervisors and the
17 Mayor, in their respective sole and absolute discretion, approving and authorizing the same;
18 and, be it

19 FURTHER RESOLVED, The monthly base rent for the initial five year term shall be
20 \$5,000, subject to annual adjustments of 3%, exclusive of utilities, janitorial, and debris
21 services estimated to be \$3,708 per year; and, be it

22 FURTHER RESOLVED, The Board of Supervisors approves the License in
23 substantially the form in the Board's File and authorizes the Director of Property to take all
24 actions, on behalf of City, to enter into any amendments or modifications (including without
25 limitation, the exhibits) to the License that the Director of Property determines, in consultation

1 with the City Attorney, are in the best interests of the City, do not materially increase the
2 obligations or liabilities of the City, and are necessary or advisable to complete the transaction
3 and effectuate the purposes and intent of this resolution and are in compliance with all
4 applicable laws, including City's Charter; and, be it

5 FURTHER RESOLVED, That the License contains language indemnifying and holding
6 harmless the City from, and agreeing to defend the City against, any and all claims, costs and
7 expenses, incurred as a result of Licensee's use of the Premises in connection with its
8 participation in the DAS, in, on, or about the Premises; and, be it

9 FURTHER RESOLVED, That the Competitive Bidding Procedures would be impractical
10 in light of the City's invitation to numerous cellular companies to participate in the DAS at their
11 own expense of equipment and the benefit of the enhanced cellular coverage to the City, its
12 staff, patients and visitors of ZSFGH who use AT&T's cellular services; and, be it

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

16 FURTHER RESOLVED, That the Board of Supervisors finds that the actions
17 contemplated in this Resolution are consistent with the General Plan, and with Planning Code,
18 Section 101.1-(b) for the reasons set forth in the General Plan Referral dated September 8,
19 2015; and, be it

20 FURTHER RESOLVED, That within thirty (30) days of the License agreement being
21 fully executed by all parties, the Director of Property shall provide a copy of the License
22 agreement to the Clerk of the Board to include into the official file.
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1 RECOMMENDED:

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Barbara A. Garcia, MPA, Director
5 Department of Public Health

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7 RECOMMENDED:

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John Updike
11 Director of Property
12 Real Estate Division

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