

1 [Real Property Lease - T-Mobile West LLC - 1 South Van Ness Avenue - \$60,000 Per Year
2 Base Rent]

3 **Resolution authorizing and approving the lease of telecommunications facilities on the**
4 **roof at 1 South Van Ness Avenue with T-Mobile West LLC, a California limited liability**
5 **company, for an initial ten-year term at a base rent of \$60,000 with an annual**
6 **adjustment to the base rent of 3% per year, to commence upon execution after**
7 **approval by the Board of Supervisors and Mayor, with two five-year options to extend.**

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9 WHEREAS, The City, through its Real Estate Division and with consultation from the
10 Office of the City Attorney, and Tenant have negotiated the proposed lease (“Lease”), which
11 provides an initial Base Rent of \$60,000 per year (\$5,000 per month) with an annual
12 adjustment to the Base Rent of 3% on each anniversary of the Lease and includes two five-
13 year options to extend the Lease; and

14 WHEREAS, Tenant warrants that it has acquired all licenses, permits, and other
15 approvals required for the operation of the Tenant’s telecommunications facilities; and

16 WHEREAS, Individual cellular company network needs typically make competitive
17 bidding impractical, but approval of this Lease shall not preclude another cellular carrier from
18 installing facilities atop the same property in the future; and

19 WHEREAS, The Tenant shall be responsible for all utilities and services for the use of
20 the telecommunications site within the Premises; and

21 WHEREAS, The City’s Planning Department (the “Planning Department”) determined
22 that the Project is categorically exempt under the California Environmental Quality Act
23 (“CEQA”) Guidelines, Sections 15301 and found that the Lease is consistent with the General
24 Plan, and with the eight priority policies of Planning Code, Section 101.1 for the reasons set
25 forth in the May 23, 2017, letter from the Planning Department, which is on file with the Clerk

1 of the Board of Supervisors in File No. 170646, and is incorporated herein by reference; now,
2 therefore, be it

3 RESOLVED, That the Board hereby finds that the Lease is consistent with CEQA and
4 is consistent with the General Plan, and with the eight priority policies of Planning Code,
5 Section 101.1 for the reasons set forth in the May 23, 2017, letter from the Planning
6 Department; and, be it

7 FURTHER RESOLVED, That in accordance with the recommendation of the Director
8 of Property, that the Director of Property on behalf of the City, as Landlord, be and is hereby
9 authorized to take all actions necessary to execute the Lease (a copy of which is on file with
10 the Clerk of the Board of Supervisors in File No. 170646) at 1 South Van Ness Avenue, in San
11 Francisco, California, at a Base Rent of \$60,000 per year, for an initial 10 year-term, with an
12 annual adjustment to the base rent of 3% per year and two five-year options to extend; and,
13 be it

14 FURTHER RESOLVED, That the Director of Property shall be authorized to enter into
15 any additions, amendments, or other modifications to the Lease that the Director of Property
16 determines, in consultation with the City Attorney, are in the best interests of the City, do not
17 materially increase the obligations or liabilities of the City, and are necessary or advisable to
18 complete the transaction and effectuate the purpose and intent of this resolution; and, be it

19 FURTHER RESOLVED, That the Lease contains language indemnifying and holding
20 harmless the Landlord, from and agreeing to defend the Landlord against any and all claims,
21 costs and expenses, including without limitation, reasonable attorney's fees, incurred as a
22 result of City's use of the Premises, any default by the City in the performance of any of its
23 obligations under the Lease or any acts or omissions of city or its agents, in, on or about the
24 Premises or the Property on which the Premises are located, including those claims costs and
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1 expenses incurred as a result of negligence or willful misconduct of Landlord or its agents;
2 and, be it

3 FURTHER RESOLVED, That the Board of Supervisors finds that competitive bidding
4 procedures for award of the Lease were impractical or impossible due to Federal law and
5 individual cellular company network needs; and, be it

6 FURTHER RESOLVED, That any action heretofore taken by any City employee or the
7 Director of Property and other officers of the City with respect to the Lease are hereby
8 approved, confirmed and ratified; and, be it

9 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully
10 executed by all parties, the Director of Real Estate shall provide the agreement to the Clerk of
11 the Board for inclusion into the official file.

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14 RECOMMENDED:

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17 John Updike
18 Director of Real Estate

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