

1 [Lease of Real Property - T-Mobile West Corporation - 720 Moscow Street]

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3 **Resolution authorizing the lease by T-Mobile West Corporation of approximately 160**
4 **rentable square feet of ground space located at 720 Moscow Street for the San**
5 **Francisco Fire Department.**

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7 WHEREAS, The Real Estate Division has negotiated a lease for 160 rentable square
8 feet within San Francisco Fire Department Station 43, located at 720 Moscow Street (the
9 "Premises"); and,

10 WHEREAS, T-Mobile West Corporation as tenant ("Tenant"), and Tenant's
11 predecessors-in-interest have operated a Communications Site at the Premises since 2003
12 without paying rent for such use of the Premises. Tenant and Landlord agree that all Landlord
13 claims for rent and use of Landlord utilities for such pre-Commencement Date activities at the
14 Premises by Tenant and Tenant's predecessors-in-interest shall be satisfied in full by Tenant's
15 delivery of a one-time, non-refundable payment of Three Hundred and Three Thousand
16 Seven Hundred and Sixty Two and 27/100 Dollars (\$303,762.27) ("Accrued Rent") to City
17 prior to the Commencement Date; and,

18 WHEREAS, The Accrued Rent shall be increased by an amount equal to One Hundred
19 and Twenty Five and 84/100 Dollars (\$125.84) multiplied by the number of days between
20 February 1, 2012 and the actual Commencement Date; and,

21 WHEREAS, The Conditional Use Application was determined by the San Francisco
22 Planning Department to be categorically exempt from the environmental review process,
23 pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; and,

24 WHEREAS, Under Motion No. 16547 unanimously approved by the San Francisco
25 Planning Commission (Planning Commission) at their meeting of March 20, 2003 adopted the

1 Conditional Use Application No. 2002.0877CR, a copy of which is on file with the Clerk of the
2 Board of Supervisors in File No. 120069 which authorized Tenant's use of Premises, subject
3 to certain conditions, and are incorporated herein by reference; and,

4 WHEREAS, In accordance with the recommendation of the Fire Chief and the Director
5 of Property, the Director of Property is hereby authorized to take all actions, on behalf of the
6 City and County of San Francisco ("City"), as landlord, to execute a lease (the "Lease") with
7 Tenant, for the Premises, a copy of which is on file with the Clerk of the Board of Supervisors
8 in File No. 120069 and are incorporated herein by reference; and,

9 WHEREAS, The term of the Lease shall be five years with an estimated
10 commencement date of May 1, 2012 (the "Commencement Date"); and,

11 WHEREAS, The monthly base rent of the Lease shall be Three Thousand Five
12 Hundred Dollars (\$3,500) per month and such rent shall be adjusted annually using the
13 Consumer Price Index; and,

14 WHEREAS, The Lease shall provide three extension options of five years each, now
15 therefore, be it

16 RESOLVED, That in accordance with the recommendation of the Fire Chief and
17 Director of Property, the Board of Supervisors hereby approves the Lease and the transaction
18 contemplated thereby in substantially the form of such agreement presented to the Board and
19 authorizes the Director of Property to execute the Lease; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
21 Property to enter into any amendments or modifications to the Lease or Consent that the
22 Director of Property determines, in consultation with the City Attorney, are in the best interest
23 of the City, do not materially increase the obligations or liabilities of the City, are necessary or
24 advisable to effectuate the purposes of the Lease and Consent and are in compliance with all
25 applicable laws, including City's Charter.

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Recommended:

Chief
San Francisco Fire Department

Acting Director of Property