

1 [Lease of Real Property by T-Mobile West Corporation at 720 Moscow Street, in the City and
2 County of San Francisco]

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.**

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

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

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

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

23 WHEREAS, Under Motion No. 16547 unanimously approved by the San Francisco
24 Planning Commission (Planning Commission) at their meeting of March 20, 2003 adopted the
25 Conditional Use Application No. 2002.0877CR, a copy of which is on file with the Clerk of the

1 Board of Supervisors in File No. 120069, which authorized Tenant's use of Premises, subject
2 to certain conditions, and are incorporated herein by reference; and,

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

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

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

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

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

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

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
23 Property to enter into any amendments or modifications to the Lease or Consent that the
24 Director of Property determines, in consultation with the City Attorney, are in the best interest
25 of the City, do not materially increase the obligations or liabilities of the City, are necessary or

1 advisable to effectuate the purposes of the Lease and Consent and are in compliance with all
2 applicable laws, including City's Charter.

3
4 Recommended:

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6 _____
7 Chief
8 San Francisco Fire Department

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10 _____
11 Acting Director of Property