

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
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

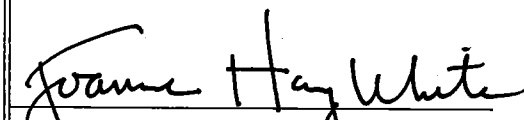
16 RESOLVED, That in accordance with the recommendation of the Fire Chief and
17 Director of Property, the Board of Supervisors hereby approves the Lease and the transaction
18 contemplated thereby in substantially the form of such agreement presented to the Board and
19 authorizes the Director of Property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

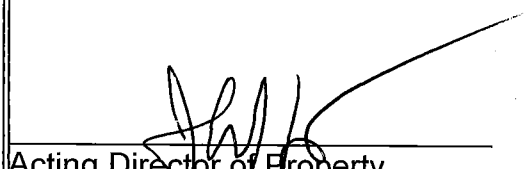
20 FURTHER RESOLVED, That the Board of Supervisors finds that competitive bidding
21 procedures for award of the Lease were impractical or impossible due to Federal law and
22 individual cellular company network needs; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
24 Property to enter into any amendments or modifications to the Lease or Consent that the
25 Director of Property determines, in consultation with the City Attorney, are in the best interest

1 of the City, do not materially increase the obligations or liabilities of the City, are necessary or
2 advisable to effectuate the purposes of the Lease and Consent and are in compliance with all
3 applicable laws, including City's Charter.

4
5 Recommended:

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7
8 
9 Chief 03/22/12
San Francisco Fire Department

10
11
12 
13 Acting Director of Property



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 120069

Date Passed: May 22, 2012

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

May 16, 2012 Budget and Finance Sub-Committee - AMENDED

May 16, 2012 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED


May 22, 2012 Board of Supervisors - ADOPTED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

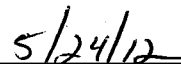
Excused: 1 - Avalos

File No. 120069

I hereby certify that the foregoing
Resolution was ADOPTED on 5/22/2012 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved