

1 [Real Property Lease - C & E Haas Development Company, LLC - 1 Bayview Park Road-
2 Initial Annual Rental of \$91,800]

3 **Resolution approving a lease between C & E Haas Development Company, LLC, as**
4 **landlord, and the City and County of San Francisco, as tenant, for certain equipment**
5 **at 1 Bayview Park Road (Assessor’s Parcel Block No. 4991, Lot No. 1C), for an**
6 **approximate ten-year term to commence upon lease execution (expected to be about**
7 **April 1, 2017) through March 31, 2027, with three five-year options at an initial annual**
8 **lease rate of \$91,800 with a one-time fee of \$25,000 with annual three percent**
9 **increases, for use as a radio transmission site for the City’s first responders; and**
10 **adopting environmental findings.**

11
12 WHEREAS, The City’s Department of Technology (DT) and Department of Emergency
13 Management (DEM) public safety radio communications system provides voice
14 communications to all first responders and is critical to emergency operations; and

15 WHEREAS, The DT and DEM are currently in the process of replacing the City’s
16 end-of-life 800 MHz Citywide Emergency Radio System (CERS) for the City’s police, fire,
17 and other first responders; and

18 WHEREAS, The CERS replacement project has been identified as a major IT
19 Initiative in the City’s Five-Year Information & Communication Technology Plan for
20 FYs 2016-2020, which was approved by the Board of Supervisors on April 21, 2015; and

21 WHEREAS, The proposed lease is critical to the improvement of emergency radio
22 coverage in the Bayview; and

23 WHEREAS, C & E Haas Development Company, LLC, is willing to lease certain
24 antenna space on the existing tower located at 1 Bayview Park Road, for use as a DT/DEM
25 radio transmission site for a ten-year term with three (3) five-year options to extend the term,

1 at an initial annual base rent of \$91,800, subject to annual increases of three percent (3%) per
2 year, plus a one time fee of \$25,000 on the terms and conditions contained in a lease
3 (“Lease”) on file with the Clerk of the Board of Supervisors; and

4 WHEREAS, The proposed 1 Bayview Park transmission site will provide critical
5 communications for the next twenty five years with (1) an equipment room in the main building
6 consisting of approximately 7 feet by 12 feet; (2) space to install four 800 Mhz radio antennae
7 mounted to a tower at approximately 70 feet and 90 feet; (3) space to install two 24-inch
8 microwave dishes, two YAGI antennae, and two 16-inch GPS antennae on the main building
9 roof; (4) space to install a condensing unit on the northeastern corner of the main building;
10 and (5) space to install all conduits, panels and equipment necessary to connect fiber
11 between the City’s equipment in the main building and the tower and to connect such
12 equipment to the main building’s grounding system (“Premises”); and

13 WHEREAS, By letter dated September 12, 2016, (a copy of which is on file with the
14 Clerk of the Board of Supervisors in File No. 170153), the City’s Planning Department
15 determined that the proposal to lease the Premises for the Bayview Park radio base station is
16 in conformance with the City’s General Plan and is categorical exemption under the California
17 Environmental Quality Act (CEQA) and the Lease and such letter is hereby declared to be a
18 part of this resolution as if set forth fully herein and the proposed approval of the Lease is an
19 Approval Action as defined by the San Francisco Administrative Code, Chapter 31; now,
20 therefore, be it

21 RESOLVED, In accordance with the recommendation of the Director of the
22 Technology and the Director of the Real Estate Division, that the Director of Property is
23 hereby authorized, on behalf of the City, to execute the Lease, a copy of which is on file
24 with the Clerk of the Board of Supervisors in File No. 170153, for a period of approximately
25 ten (10) years on the terms and conditions contain therein with C and E Haas Development

1 Company, LLC, as Landlord; and, be it

2 FURTHER RESOLVED, The Agreement shall commence upon the mutual execution
3 of the Agreement (expected to be about April 1, 2017), and expire on March 31, 2027, and,
4 be it

5 FURTHER RESOLVED, That the Base Rent will be \$7,650 per month which shall
6 increase annually by 3% and City shall pay a one time fee of \$25,000; and, be it

7 FURTHER RESOLVED, That City agrees to indemnify, defend and hold harmless
8 Landlord and its agents from and against any and all claims, costs and expenses,
9 including, without limitation, reasonable attorneys' fees, incurred as a result of (a) City's use
10 of the premises, (b) any default by City in the performance of any of its obligations under
11 this lease, or (c) any negligent acts or omissions of City or its agents, in, on or about the
12 premises or the property; provided, however, City shall not be obligated to indemnify
13 Landlord or its agents to the extent any claim arises out of the active negligence or willful
14 misconduct of Landlord or its agents; and, be it

15 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
16 with respect to the Lease are hereby approved, confirmed and ratified; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
18 Property to enter into any amendments or modifications to the Lease (including without
19 limitation, the exhibits) that the Director of Property, in consultation with the City Attorney, are
20 in the best interest of the City, do not increase the rent or otherwise materially increase the
21 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
22 the Lease or this Resolution, and are in compliance with all applicable laws, including City's
23 Charter; and, be it

24 FURTHER RESOLVED, That the Lease shall be subject to certification as to funds by
25 the City's Controller, pursuant to Section 3.105 of the Charter; and, be it

1 FURTHER RESOLVED, That within thirty (30) days of the Lease being fully executed
2 by all parties the Real Estate Division shall provide the final Lease to the Clerk of the Board
3 for inclusion into the official file.

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Available: \$47,950.00
(Base Rent 4/1/17 to 6/30/17 of \$22,950.00
plus the \$25,000 one time fee)

Fund: 6I TIF
Subfund: AAP
Index Code: 750512

Controller

RECOMMENDED:

Director, Department of Technology

John Updike
Director of Property