

1 [Real Property Lease - GTE Mobilnet of California Limited Partnership - 1 South Van Ness  
2 Avenue - \$60,000 Annual Base Rent]

3 **Resolution authorizing and approving the lease of telecommunications facilities on the**  
4 **roof at 1 South Van Ness Avenue with GTE Mobilnet of California Limited Partnership,**  
5 **dba Verizon Wireless, for an initial ten year term at an annual base rent of \$60,000 with**  
6 **two five-year options to extend, to commence upon execution after approval by the**  
7 **Board of Supervisors and Mayor, in their respective sole and absolute discretion.**

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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 GTE Mobilnet of California Limited Partnership, dba Verizon  
11 Wireless (Tenant) have negotiated the proposed lease (“Lease”), which provides an initial  
12 Base Rent of \$60,000 per year (\$5,000 per month) with an annual adjustment to the Base  
13 Rent of 4% on each anniversary of the Lease and includes two five-year options to extend the  
14 Lease, and such options shall be subject to future Board approval; and

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

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

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

22 WHEREAS, The City’s Planning Department (the “Planning Department”) determined  
23 that the Project is categorically exempt under the California Environmental Quality Act  
24 (“CEQA”) Guidelines, Section 15301 and found that the Lease is consistent with the General  
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1 Plan, and with the eight priority policies of Planning Code, Section 101.1 for the reasons set  
2 forth in the September 8, 2017, letter from the Planning Department, which is on file with the  
3 Clerk of the Board of Supervisors in File No. 180478, and is incorporated herein by reference;  
4 now, therefore, be it

5 RESOLVED, That the Board hereby finds that the Lease is consistent with CEQA and  
6 is consistent with the General Plan, and with the eight priority policies of Planning Code,  
7 Section 101.1 for the reasons set forth in the September 8, 2017, letter from the Planning  
8 Department; and, be it

9 FURTHER RESOLVED, That in accordance with the recommendation of the Director  
10 of Property, that the Director of Property on behalf of the City, as Landlord, be and is hereby  
11 authorized to take all actions necessary to execute the Lease (a copy of which is on file with  
12 the Clerk of the Board of Supervisors in File No. 180478) at 1 South Van Ness Avenue, at a  
13 Base Rent of \$60,000 per year, for an initial 10 year term and two five-year options to extend;  
14 and, be it

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

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

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 the Director of Property  
7 and other officers of the City with respect to the Lease are hereby approved, confirmed and  
8 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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