

1 [Real Property Lease Renewal - 3801-3<sup>rd</sup> Street, Suite 400 - Bayview Plaza, LLC, - \$38,545  
2 Monthly]

3 **Resolution authorizing retroactively the renewal lease for approximately 14,825**  
4 **square feet of space at 3801-3<sup>rd</sup> Street, Suite 400, San Francisco, with Bayview Plaza,**  
5 **LLC, as Landlord, for use by the Department of Public Health at the monthly cost of**  
6 **\$38,545 for the period of July 1, 2013, through June 30, 2018.**

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8 WHEREAS, The Department of Public Health has occupied the 14,825 square foot  
9 premises at 3801-3<sup>rd</sup> Street, Suite 400, since 1998, and currently operates its Foster Care,  
10 Child Crisis and Crisis Response Team programs at the site; and

11 WHEREAS, The Real Estate Division at the request of the Department of Public  
12 Health negotiated the renewal of the Lease at 3801-3<sup>rd</sup> Street, Suite 400, for a 5-year term  
13 commencing July 1, 2013 upon the expiration of the existing lease on June 30, 2013, with  
14 one additional 4-year option term at 95% of the prevailing market rent, subject to approval  
15 by the Board of Supervisors and Mayor in their sole and absolute discretion; and

16 WHEREAS, The fully serviced, fair market rent for the initial term shall be \$38,545  
17 (\$2.60 per sq. ft.) subject to annual Consumer Price Index adjustments of no less than 2%  
18 and no more than 5%; and

19 WHEREAS, The Landlord at its sole cost shall install new floor covering at an  
20 estimated amount of \$60,000 and City shall be responsible for furniture moving expenses  
21 at an estimated amount of \$25,000; now, therefore, be it

22 RESOLVED, That the Board of Supervisors authorizes the Director of Property to  
23 take all actions, on behalf of the City, to enter into any amendments or modifications  
24 (including without limitation, the exhibits) to the Lease on the terms and conditions herein  
25 and form approved by the City Attorney that the Director of Property determines, in

1 consultation with the City Attorney are in the best interest of the City, do not increase the  
2 rent or otherwise materially increase the obligations or liabilities of the City, are necessary  
3 or advisable to effectuate the purposes of the Lease or this resolution, and are in  
4 compliance with all applicable laws, including City's Charter; and be it

5 FURTHER RESOLVED, That the fully serviced, fair market monthly rent for the  
6 initial five year term shall be \$38,545 (\$2.60 per sq. ft.), subject to annual Consumer Price  
7 Index adjustments of no less than 2% and no more than 5%; and be it

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

16 FURTHER RESOLVED, That any action taken by any City employee or official with  
17 respect to the exercise of the Lease as set forth herein is hereby ratified and affirmed; and,  
18 be it

19 FURTHER RESOLVED, That City shall occupy the Premises as described in the  
20 Lease for a 5-year term commencing on July 1, 2013 with one additional 4-year option term  
21 at 95% of the prevailing market rent, subject to approval by the Board of Supervisors and  
22 Mayor in their sole and absolute discretion unless funds for rental payments are not  
23 appropriated in any subsequent fiscal year, at which time City may terminate the Lease  
24 with written notice to Landlord pursuant to Section 3.105 of the Charter of the City and  
25 County of San Francisco.

1 RECOMMENDED:

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3 \$462,540 Available for FY 2013-2014  
4 Appropriation No. HMHMCB731943

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6 Controller, availability of funds  
7 subject to the enactment of the  
8 FY 2013-2014 annual appropriation ordinance.

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10 Director of Property

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13 Director  
14 Department of Public Health

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