

1 [Lease of City Property - Friends and Foundation of the San Francisco Public Library - Portion
2 of the Main Public Library - Initial Annual Base Rent of \$15,555.84 - Subject to Rent
3 Abatement With Supplemental Funding]

4 **Resolution authorizing and approving the lease of 387 square feet of space at the Main**
5 **Library located at 100 Larkin Street, with The Friends and Foundation of the San**
6 **Francisco Public Library, a non-profit 501(c)(3), for an initial five-year term at an annual**
7 **base rent of \$15,555.84 (or the monthly amount of \$1,296.32), with annual CPI increases**
8 **to base rent and three additional option five-year extension options, effective upon**
9 **approval of this Resolution; and to authorize the Director of Property to enter into**
10 **amendments or modifications to the Lease that do not materially increase the**
11 **obligations or liabilities to the City and are necessary to effectuate the purposes of the**
12 **Lease or this Resolution.**

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14 WHEREAS, The City and County of San Francisco (“City”) owns the Main Public
15 Library located at 100 Larkin Street in San Francisco; and

16 WHEREAS, The Friends and Foundation of the San Francisco Public Library
17 (“FSFPL”) is a non-profit 501(C)(3) corporation devoted to: (i) strengthening, supporting and
18 advocating for a premier public library system in San Francisco; (ii) championing free public
19 access to information, resources and opportunities for all people; (iii) assisting in the
20 development of the San Francisco Public Library, which is a city department currently
21 consisting of the Main Library and 27 branch libraries (the “Library”), bridging the funding gap
22 between what the city provides and the cost of additional programs, resources and services
23 so that the Library may continue to develop into one of the truly fine public libraries in the
24 Nation, meet national library standards as set forth by the American Library Association, and
25 fulfill its literary and educational purpose; (iv) encouraging gifts of rare, expensive and other

1 goods, properties and materials which the Library would not otherwise be able to secure; and
2 (iv) promoting the public use of the Library and appreciation of its value as a cultural and
3 educational asset to the community and encouraging related activities which will enhance the
4 Library's position in the community; and

5 WHEREAS, FSFPL provides supplemental funding to the Library, to enhance Library
6 services, programs, materials and capital projects, such as the renovation and rebuilding of 24
7 neighborhood branch libraries; and

8 WHEREAS, Since 2002, FSFPL has occupied approximately 387 square feet of the
9 ground floor of the Main Library for operation of a bookstore; and

10 WHEREAS, On December 16, 2002, the Board of Supervisors approved a five-year
11 "Bookstore Lease", with three five-year options to renew, with FSFPL for the bookstore by
12 adopting Resolution No. 847-02; and

13 WHEREAS, FFPL have been on holdover pursuant to Section 27.13 of the Lease since
14 December 2022; and

15 WHEREAS, The City, through its Real Estate Division, with consultation from the City
16 Librarian and the Office of the City Attorney, and FSFPL have negotiated the proposed lease
17 ("Lease"), which provides a base rent of \$15,555.84 per year (\$1,296.32 per month), plus an
18 annual increase based upon the Consumer Price Index; a copy of the Lease is on file with the
19 Clerk of the Board in File No. 240436; and

20 WHEREAS, The initial term of the Lease shall be for five years, commencing upon
21 approval by the Board of Supervisors and Mayor; and

22 WHEREAS, Under the proposed Lease, the City grants FSFPL three options to extend
23 the initial term by an additional five years; and

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1 WHEREAS, The price per square foot did not require an appraisal under the
2 Administrative Code, Chapter 23, and the Director of Property determined that the proposed
3 rent was at or below fair market value; and

4 WHEREAS, The Base Rent is subject to abatement to \$1 per year in the event FSFPL
5 donates, in the previous fiscal year, an amount in excess of \$90,000.00 to the San Francisco
6 Public Library; now, therefore, be it

7 RESOLVED, In accordance with the recommendation of the Director of Property, City
8 Librarian, and the City Attorney, the Director of Property on behalf of the City, as Landlord, is
9 hereby authorized to take all actions necessary to execute the Lease at for the bookstore at
10 the Main Library located at 100 Larkin Street, in San Francisco, at a base rent of \$15,555.84
11 per year, with an annual base rent escalation based upon the CPI, for an initial five-year term,
12 plus three five-year options to extend; and, be it

13 FURTHER RESOLVED, The Board of Supervisors approves the Lease in substantially
14 the form in the Board's File and authorizes the Director of Property to take all actions, on
15 behalf of the City to enter into any additions, amendments or other modifications (including
16 without limitation, the exhibits) to the Lease that the Director of Property determines, in
17 consultation with the City Attorney, are in the best interests of the City, do not materially
18 increase the obligations or liabilities of the City, and are necessary or advisable to complete
19 the transaction and effectuate the purpose and intent of this resolution and are in compliance
20 with all applicable laws, including City's Charter; and, be it

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

1 the Premises or the property on which the Premises are located, except those claims, costs
2 and expenses incurred exclusively as a result of active gross negligence or willful misconduct
3 of the City or its agents; and, be it

4 FURTHER RESOVED, Because FSFPL has been operating the bookstore onsite for
5 over two decades and assists the Main Library and its branches financially, offering a range of
6 programs, book sales and other advocacy, educational and community sponsorship, it would
7 be impractical to competitively bid the use of the space to anyone other than FSFPL and
8 approving this Lease with FSFPL is determined to be necessary and promote a public benefit;
9 and, be it

10 FURTHER RESOLVED, That any action taken by the Director of Property and other
11 officers of the City with respect to the Lease are hereby approved, confirmed and ratified; and,
12 be it

13 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully
14 executed by all parties, the Director of Real Estate shall provide the agreement to the Clerk of
15 the Board for inclusion into the official file.

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1 RECOMMENDED:

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3 _____ /s/

4 Michael Lambert
5 City Librarian

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8 RECOMMENDED:

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10 _____ /s/

11 Andrico Q. Penick
12 Director of Real Estate

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