

1 [Lease of Real Property]

2 **Resolution authorizing the exercise of a five year option to extend the Lease of**
3 **approximately 1,800 square feet of space at 3801 3rd Street, suite 205 for the**
4 **Department of Human Services.**
5

6 WHEREAS, The City and Bayview Plaza LLC, executed the four year and two month
7 Lease dated January 28, 1999, authorized by Resolution 284-99 for Premises consisting of
8 1,800 square feet at the building commonly known as 3801 3rd Street, suite 205; and
9

10 WHEREAS, Such Lease expires on June 30, 2003 and contains an option to extend
11 the term for 5 years on the same terms and conditions except that the Base Monthly Rental is
12 to be adjusted to 95% of the market rental; and,

13 WHEREAS, Pursuant to the terms of such option, the Real Estate Division and
14 Bayview Plaza LLC have negotiated such 95% of fair market rental, considering all factors;
15 and,

16 WHEREAS, Such terms for the option are subject to enactment of a resolution by the
17 Board of Supervisors and the Mayor, in their respective sole and absolute direction, approving
18 and authorizing such exercise; now, therefore, be it

19 RESOLVED, That in accordance with the recommendation of the Director of the
20 Department of Human Services and the Director of Property, the Director of Property is
21 hereby authorized to take all actions on behalf of the City and County of San Francisco, as
22 Lessee, to extend the Lease (a copy of the original lease is on file with the Clerk of the Board)
23 with Bayview Plaza LLC Lessor, for the building commonly known as 3801 3rd Street, suite
24 205, San Francisco, California, for the area of approximately 1,800 sq. ft. of building area (the
25

1 "Premises") on the terms and conditions set forth herein, and on a form approved by the City
2 Attorney; and, be it

3 FURTHER RESOLVED, That the Lease extension shall be for a term of 5 years at a
4 monthly rental of \$2,700, (approximately \$18.00 per sq. ft. annually). Landlord is responsible
5 for utilities, janitorial services, building maintenance and repairs, and other operating expense;
6 and, be it

7 FURTHER RESOLVED, That the Lease shall continue to include the lease clause,
8 indemnifying, holding harmless, and defending Lessor and its agents from and against any
9 and all claims, costs and expenses, including without limitation, reasonable attorneys' fees,
10 incurred as a result of any default by the City in the performance of any of its material
11 obligations under the Lease, or any negligent acts or omissions of the City or its agents, in,
12 on, or about the Premises or the property on which the Premises are located, excluding those
13 claims, costs and expenses incurred as a result of the negligence or willful misconduct of the
14 Lessor or its agents; and, be it

15 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
16 with respect to such 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 determines, in consultation with the City
20 Attorney, are in the best interest of the City, do not increase the rent or otherwise materially
21 increase the obligations or liabilities of the City, are necessary or advisable to effectuate the
22 purposes of the Lease renewal or this resolution, and are in compliance with all applicable
23 laws, including the City Charter; and, be it

24 FURTHER RESOLVED, That the City shall occupy the entire Premises for the full term
25 of the Lease unless funds for the Department of Human Services' rental payments are not

1 appropriated in any subsequent fiscal year at which time the City may terminate the Lease
2 with advance notice to Lessor. Said Lease shall be subject to certification as to funds by the
3 Controller, pursuant to Section 6.302 of the City Charter.

4
5 \$32,400 Available
6 Fund: 1G
7 Subfund: AAA
8 Index Code: 45ADOH
9 Character: 021
10 Subobject: 03011

11 _____
12 Controller

13 Subject to the enactment of the Annual Appropriation
14 Ordinance for Fiscal Year 2003/2004.

15 **RECOMMENDED:**

16 _____
17 Department of Human Services

18 _____
19 Director of Property
20 Real Estate Division