

1 [Real Property Sublease - 1440 Harrison Street Development Group, LLC - 1440 Harrison
2 Street]

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4 **Resolution authorizing the exercise of a five year option to extend the Sublease of**
5 **the 52,200 square foot building at 1440 Harrison Street for the Human Services**
6 **Agency, retroactively to July 1, 2012.**

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8 WHEREAS, The City and 1440 Harrison Street Development Group, LLC , executed
9 the seven year Sublease dated 9/1/2005, authorized by Resolution 599-05 for the
10 Premises at 1440 Harrison Street comprising 52,200 square; and

11 WHEREAS, The Premises are used for general offices for the Human Services
12 Agency's Cal-Win and other public programs; and

13 WHEREAS, Such Sublease is due to expire on June 30, 2012, and contains an
14 option to extend the term for five years on the same terms and conditions except that the
15 Base Monthly Rent is to be adjusted to \$101,268, being the fair market rent for the
16 Premises; and

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

20 RESOLVED, That in accordance with the recommendation of the Director of the
21 Human Services Agency and the Acting Director of Property, the Acting Director of
22 Property is hereby authorized to take all actions in behalf of the City and County of San
23 Francisco, as Sublessee, to extend the Sublease for the building commonly known as 1440
24 Harrison Street, a copy of which is included in Board of Supervisors File No. 120585 on the
25 terms and conditions set forth, and on a form approved by the City Attorney; and be it

1 FURTHER RESOLVED, That the Sublease extension shall be for a term of five
2 years at a base monthly rent of \$101,268, or \$1.94 per square foot, in addition to utility and
3 janitorial services, with an effective date of July 1, 2012; and be it

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

12 FURTHER RESOLVED, That any action taken by the Acting Director of Property
13 and other relevant officers of the City with respect to the exercise of the option under the
14 Sublease as set forth herein is hereby ratified and affirmed; and be it

15 FURTHER RESOLVED, That the Acting Director of Property be authorized to enter
16 into any additions, amendments or other modifications to the Sublease agreement
17 (including without limitation, the exhibits) that the Acting Director of Property determines, in
18 consultation with the Director of the Human Services Agency and the City Attorney, are in
19 the best interests of the City, do not materially increase the obligations or liabilities of the
20 City, and are necessary or advisable to complete the transaction contemplated in the
21 Sublease and effectuate the purpose and intent of this resolution, such determination to be
22 conclusively evidenced by the execution and delivery by the Acting Director of Property of
23 any amendments thereto; and be it

24 FURTHER RESOLVED, That said Sublease shall be subject to certification of funds
25 by the Controller pursuant to Section 6.302 of the Charter.

1 RECOMMENDED:

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Human Services Agency

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John Updike
Acting Director of Property

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\$1,215,216 Available
Appropriation No. 45ADOH/03011

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Controller, subject to the enactment
of the FY 2012-2013 annual
Appropriation ordinance

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