

AS AMENDED IN COMMITTEE – 9/26/01
RESOLUTION NO.

FILE NO. 011579

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[Lease of Real Property]

Resolution authorizing the expansion of leased space at 11 Grove Street for the Department of the Environment and accepting donations of materials and services.

WHEREAS, The Department of Environment currently leases space in 11 Grove Street and needs additional space to accommodate the addition of new staff. The Landlord is willing to lease additional space adjacent to the Department's current leased office space which would accommodate the Department's needs; now, therefore, be it

RESOLVED, That in accordance with the recommendation of the Director of the Department of the Environment and the Director of Property, the Director of Property is hereby authorized to take all actions, on behalf of the City and County of San Francisco, as tenant, to execute a written lease amendment (copy of which is on file with the Clerk of the Board) and other related documents with the Yully Company, LLC, as Landlord, for first floor space in the building commonly known as 11 Grove Street, San Francisco, California, which comprises an office area of approximately 2,362 square feet on the terms and conditions herein and on a form approved by the City Attorney; and, be it

FURTHER RESOLVED, That the lease expansion shall commence upon substantial completion of tenant improvements (expected to be about November 1, 2001). Upon commencement, the monthly rent paid under the lease dated May 12, 2000 and approved by Resolution 376-00 shall be increased by \$6,495.50. ~~The City shall pay for the amount of tenant improvements which exceeds \$13,000 up to a limit of \$20,000 for the construction of tenant improvements.~~ The Landlord shall pay for \$13,000 in tenant improvements and the City shall pay up to but not exceeding \$31,240 in tenant improvements for total tenant

1 improvements up to but not exceeding \$44,240. The City shall pay other typical tenant costs
2 including any operating expense increases, based on increases in the Building Owners
3 Management Association (BOMA) Exchange Report; and, be it

4 FURTHER RESOLVED, That the additional area shall be subject to the existing lease
5 clause, indemnifying and holding harmless the Landlord, from and agreeing to defend the
6 Landlord against any and all claims, costs and expenses, including, without limitation,
7 reasonable attorney's fees, incurred as a result of City's use of the expanded premises, any
8 default by the City in the performance of any of its obligations under the lease, or any acts or
9 omissions of City or its agents, in, on or about the expanded premises or the property on
10 which the premises are located, excluding those claims, costs and expenses incurred as a
11 result of the active negligence or willful misconduct of Landlordu or its agents; and, be it

12 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
13 with respect to such lease amendment are hereby approved, confirmed and ratified; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
15 Property to enter into any amendments or modifications to the Lease (including without
16 limitation, the exhibits) that the Director of Property determines, in consultation with the City
17 Attorney, are in the best interest of the City, do not increase the rent or the term of the
18 agreement, or otherwise materially increase the obligations or liabilities of the City, are
19 necessary or advisable to effectuate the purposes of the Lease or this resolution, and are in
20 compliance with all applicable laws, including City's Charter; and, be it

21 FURTHER RESOLVED, That the City shall occupy the entire Premises for the full term
22 of the lease unless funds for Department of the Environment rental payments are not
23 appropriated in any subsequent fiscal year at which time City may terminate the lease with
24 ninety (90) days advance written notice to Landlord. Said Lease shall be subject to
25 certification as to funds by the Controller, pursuant to Section 6.302 of the Charter; and, be it

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FURTHER RESOLVED, That the Department of the Environment shall accept all desired donations of materials and services from various vendors for use in the construction of the Tenant Improvements or in the display of environmentally friendly products.

\$71,964.00 Available
Appropriation No.
Fund: 1GAGFACP ENVIRONMENT
PBE 004

Index: 220007
Sub-object: RENT 03000
Amount: \$40,236

Index: 220008
Sub-object: Expend Resolution
Amount: Balance

Controller

RECOMMENDED:

Director
Department of the Environment

Director of Property
Real Estate Division