

1 [Lease of Real Property]

2

3 **Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite**  
4 **400, for continued use by the Department of Public Health, Employee Assistance**  
5 **Program.**

6 BE IT RESOLVED, That in accordance with the recommendation of the Director of the  
7 Department of Public Health and the Director of Property, the Director of Property, on behalf  
8 of the City and County of San Francisco, as Tenant, is hereby authorized to execute a written  
9 lease substantially in the form on file with the Clerk of the Board of Supervisors with Mercy  
10 Commercial California, and Mercy Housing, Inc. (together, "Landlord"), which hold a master  
11 lease on the building commonly known as 1360 Mission Street, Suite 400, San Francisco,  
12 California, which comprises an area of approximately 2,911 square feet (the "Premises") on  
13 the terms and conditions set forth herein; and, be it

14 FURTHER RESOLVED, That the Lease shall commence upon the exchange of a  
15 mutually executed agreement (expected to be about September 1, 2003) and terminate  
16 December 31, 2005. The monthly base rent shall be \$4,124.00 flat for the entire Lease term;  
17 and, be it

18 FURTHER RESOLVED, That the Landlord shall continue to pay for utilities, janitorial  
19 services, and building maintenance and repairs; and, be it

20 FURTHER RESOLVED, That the Lease contains an option to extend the term for three  
21 years at a negotiated current market rent, other terms and conditions to remain unchanged;  
22 and, be it

23 FURTHER RESOLVED, That the Lease shall include the lease clause, indemnifying,  
24 holding harmless, and defending Lessor and its agents from and against any and all claims,  
25 costs and expenses, including without limitation, reasonable attorneys' fees, incurred as a

1 result of any default by the City in the performance of any of its material obligations under the  
2 Lease, or any negligent acts or omissions of the City or its agents, in, on, or about the  
3 Premises or the property on which the Premises are located, excluding those claims, costs  
4 and expenses incurred as a result of the negligence or willful misconduct of the Lessor or its  
5 agents; and, be it

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

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
9 Property to enter into any amendments or modifications to the Leases (including without  
10 limitation, the exhibits) that the Director of Property determines, in consultation with the City  
11 Attorney, are in the best interest of the City, do not increase the rent or otherwise materially  
12 increase the obligations or liabilities of the City, are necessary or advisable to effectuate the  
13 purposes of the Leases or this resolution, and are in compliance with all applicable laws,  
14 including City's Charter; and, be it

15 FURTHER RESOLVED, That the City shall occupy the entire Premises for the full  
16 term of the Lease unless funds for the Department of Public Health rental payments are not  
17 appropriated in any subsequent fiscal year at which time the City may terminate the Lease  
18 with advance notice to Lessor. Said Lease shall be subject to certification as to funds by  
19 the Controller, pursuant to Section 3.105 of the City Charter.

20 Fund: 1G  
21 Subfund: AAA  
22 Index Code: HCHSEEAPPGGF  
23 Character: 21  
24 Subobject: 03000  
25 \$37,116.00 Available

---

Controller

1 **RECOMMENDED:**

2

3 Department of Public Health

4

5 Director of Property  
6 Real Estate Division

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25