

1 [Lease of Real Property]

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

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

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

18 FURTHER RESOLVED, That the lease expansion shall commence upon substantial  
19 completion of tenant improvements (expected to be about November 1, 2001). Upon  
20 commencement, the monthly rent paid under the lease dated May 12, 2000 and approved by  
21 Resolution 376-00 shall be increased by \$6,495.50. The City shall pay for the amount of  
22 tenant improvements which exceeds \$13,000 up to a limit of \$20,000 for the construction of  
23 tenant improvements. The City shall pay other typical tenant costs including any operating  
24 expense increases, based on increases in the Building Owners Management Association  
25 (BOMA) Exchange Report; and, be it

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

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

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

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

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

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\$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

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Controller

**RECOMMENDED:**

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Director  
Department of the Environment

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Director of Property  
Real Estate Division