

AMENDED IN COMMITTEE

11/13/13

FILE NO. 131036

RESOLUTION NO. 410-13

1 [Real Property Lease Renewal - AIM TWO - 755 and 759 South Van Ness Avenue -
2 \$2,130,628]

3 **Resolution authorizing the lease renewal of approximately 13,545 square feet of**
4 **space at 755 and 759 South Van Ness Ave., San Francisco, with AIM TWO, as**
5 **Landlord, for use by the Department of Public Health at the monthly cost of**
6 **\$38,738.70 for an initial term of four years and seven months for an approximate total**
7 **of \$2,130,628 to commence following Board approval, including an additional 3,675**
8 **square feet parking area at no further cost.**

9
10 WHEREAS, The Department of Public Health has occupied the 13,545 square foot
11 Premises at 755 and 759 South Van Ness Ave. and adjacent 3,675 square foot parking lot
12 since 2001, and currently operates its Community Behavior Health Services programs at
13 the site; and

14 WHEREAS, The Real Estate Division at the request of the Department of Public
15 Health negotiated the renewal of the lease at 755 + 759 South Van Ness Ave. for an
16 approximate initial 4-year, 7-month term commencing upon the City's Mayor and Board of
17 Supervisors approval of the transaction contemplated by the lease, in their respective sole
18 and absolute discretion, with one additional 4-year option term at 95% of the prevailing
19 market rent subject to enactment of a resolution by the Board of Supervisors and the
20 Mayor, in their respective sole and absolute discretion, approving and authorizing the
21 same, within sixty (60) days after the date such notice of exercise is given; and

22 WHEREAS, The fair market rent for the initial term shall be \$38,738.70 (\$2.86 per
23 square foot) including janitorial services and the adjoining 3,675 square foot parking area at
24 no additional charge subject to annual CPI adjustments of no less than 3% and no more
25 than 5%; now, therefore, be it

1 RESOLVED, That the Board of Supervisors authorizes the Director of Property to
2 take all actions, on behalf of the City, to enter into any amendments or modifications
3 (including without limitation, the exhibits) to the lease on the terms and conditions herein
4 and form approved by the City Attorney that the Director of Property determines, in
5 consultation with the City Attorney are in the best interest of the City, do not increase the
6 rent or otherwise materially increase the obligations or liabilities of the City, are necessary
7 or advisable to effectuate the purposes of the lease or this resolution, and are in
8 compliance with all applicable laws, including City's Charter; and, be it

9 FURTHER RESOLVED, That the initial fair market monthly rent for the approximate
10 initial 4-year, 7-month term shall be \$38,738.70 (\$2.86 per square foot) subject to annual
11 CPI adjustments of no less than 3% and no more than 5%; and, be it

12 FURTHER RESOLVED, That the City agrees to indemnify, defend, and hold
13 harmless Landlord and its agents from and against any and all claims, costs, and
14 expenses, including, without limitation, reasonable attorneys fees, incurred as a result of (a)
15 City's use of the Premises, (b) any default by City in the performance of any of its
16 obligations under the lease, or (c) any negligent acts or omissions of City or its agents, in,
17 on, or about the Premises or the property, provided, however, City shall not be obligated to
18 indemnify Landlord or its agents to the extent any claim arises out of the negligence of
19 willful misconduct of Landlord or its agents; and, be it

20 FURTHER RESOLVED, That any action taken by any City employee or official with
21 respect to the exercise of the lease as set forth herein is hereby ratified and affirmed; and,
22 be it

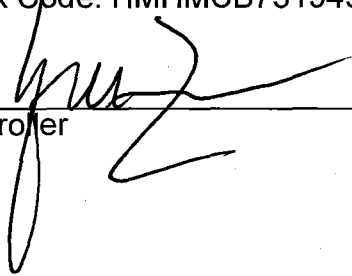
23 FURTHER RESOLVED, That City shall occupy the Premises as described in the
24 lease for an approximate initial 4-year, 7-month term with one additional 4-year option term
25 at 95% of the prevailing market rent, upon approval by the Board of Supervisors and

1 Mayor, in their respective sole and absolute discretion, unless funds for rental payments
2 are not appropriated in any subsequent fiscal year, at which time City may terminate the
3 lease with written notice to Landlord pursuant to Section 3.105 of the Charter of the City
4 and County of San Francisco; and, be it

5 FURTHER RESOLVED, That the Department of Public Health provide a report on
6 the DPH facility plan, including plans to reduce the number of leased sites and consolidate
7 programs and services at City-owned facilities, to the next Board of Supervisors hearing on
8 the City's 10-year Capital Plan; and, be it

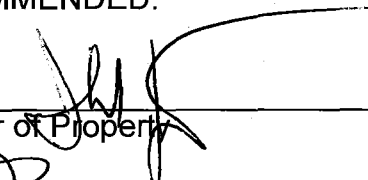
9 FURTHER RESOLVED, That within thirty (30) days of the lease renewal being fully
10 executed by all parties the Director of Property shall provide the final lease renewal to the
11 Clerk of the Board for inclusion into the official file.

\$271,170.90 Available
Index Code: HMHMCB731943

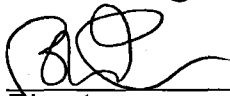


Controller

RECOMMENDED:



Director of Property



Director,
Department of Public Health



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 131036

Date Passed: November 19, 2013

Resolution authorizing the lease renewal of approximately 13,545 square feet of space at 755 and 759 South Van Ness Ave., San Francisco, with AIM TWO, as Landlord, for use by the Department of Public Health at the monthly cost of \$38,738.70 for an initial term of four years and seven months for an approximate total of \$2,130,628 to commence following Board approval, including an additional 3,675 square feet parking area at no further cost.

November 13, 2013 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE


November 13, 2013 Budget and Finance Committee - RECOMMENDED AS AMENDED


November 19, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 131036

I hereby certify that the foregoing Resolution was ADOPTED on 11/19/2013 by the Board of Supervisors of the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board


Mayor

11/27/13
Date Approved