

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

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

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

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

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

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

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

22 FURTHER RESOLVED, That the Sublease extension shall be for a term of five years at a base
23 monthly rent of \$101,268, or \$1.94 per square foot, in addition to utility and janitorial services; and be it

24 FURTHER RESOLVED, That the Sublease shall continue to include the clause indemnifying, holding
25 harmless, and defending Sublessor and its agents from and against any and all claims, costs and expenses,

1 including without limitation, reasonable attorney fees incurred as a result of any default by the City in the
2 performance of any of its material obligations under the Sublease, or any negligent acts or omissions of the
3 City, or its agents, in, on or about the Premises or the property on which the Premises are located, excluding
4 those claims, costs and expenses incurred as a result of the negligence or willful misconduct of the Sublessor
5 or its agents; and be it

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

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

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

19 RECOMMENDED:

20 _____
21 Human Services Agency

22 _____
23 John Updike
24 Acting Director of Property

25 \$1,215,216 Available
Appropriation No. 45ADOH/03011

