

1 [Lease of City Owned Real Property]

2

3 **Resolution authorizing the lease of 387 sq. ft. of space at the Main Library to the**
4 **Friends and Foundation of the San Francisco Public Library for the operation of a**
5 **bookstore.**

6

7 WHEREAS, The Friends and Foundation of the San Francisco Public Library (the
8 "Friends and Foundation") is a non-profit 501(c)(3) corporation devoted to: (i) assisting in the
9 development of the San Francisco Public Library, which is a City department currently
10 consisting of the Main Library and 26 branch libraries (the "Library"), whereby the Library may
11 continue to develop into one of the truly fine public libraries in the Nation, meet national library
12 standards as set forth by the American Library Association, and fulfill its literary and
13 educational purpose; (ii) consulting with, procuring the aid and cooperation of, and making
14 recommendations and suggestions to the Library Commission, Board of Supervisors, the
15 Mayor, and other boards, commissions and authorities having jurisdiction over Library matters
16 for the continued betterment of the Library; (iii) encouraging gifts of rare, expensive, and other
17 goods, properties and materials which the Library would not otherwise be able to secure; and
18 (iv) promoting the public use of the Library and appreciation of its value as a cultural and
19 educational asset to the community and encouraging related activities which will enhance the
20 Library's position in the community; and

21 WHEREAS, The Friends and Foundation provides supplemental funding to the
22 Library, to enhance Library services, programs, materials and capital projects, which funding
23 is not intended to replace funding the City traditionally provides to the Library. The Friends
24 and Foundation is willing to continue to provide such supplemental funding in an amount in
25 excess of \$300,000 per calendar year; and

1 WHEREAS, The Friends and Foundation occupies approximately 387 square feet for
2 operation of a bookstore and approximately 2,686 square feet in the Building as administrative
3 offices for fundraising and community programs benefiting the Library; and

4 WHEREAS, On November 6, 2002, the Library Commission unanimously approved a
5 Library Resolution (5-02) recommending that the Board of Supervisors approve leases with
6 the Friends and Foundation of the San Francisco Public Library on the terms contain herein;
7 now, therefore, be it

8 RESOLVED, That in accordance with the recommendation of the Library
9 Commission of the City and County of San Francisco, the City Librarian and the Director of
10 Property, the Director of Property is hereby authorized to take all actions, on behalf of the
11 City and County of San Francisco, as Landlord, to execute a written lease (copy of which is
12 on file with the Clerk of the Board) and other related documents with the Friends and
13 Foundation of the San Francisco Public Library, a 501(c)3 non-profit as tenant for non
14 demised ground floor space at the Grove Street entrance to the building commonly known
15 as the Main Library at 100 Larkin Street, San Francisco, California, which comprises an
16 area of approximately 387 square feet on the terms and conditions herein and on a form
17 approved by the City Attorney; and, be it

18 FURTHER RESOLVED, That the lease shall commence upon City's delivery of
19 mutually executed and authorized lease (expected to be about January 1, 2003) and
20 terminate November 30, 2007, subject to Tenant's right to extend the lease for three (3)
21 additional periods of five (5) years each at a CPI adjusted rent upon 180 days advance
22 written notice and City's right to terminate at any time with 180 days advance written notice.
23 The monthly rent shall be \$774.00 subject to the abatement of rent to \$1 per year in the
24 event Tenant donates, in the previous fiscal year, an amount in excess of \$300,000 to the
25 San Francisco Public Library; and, be it

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

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

20 RECOMMENDED:

21

22 _____
City Librarian

23

24 _____
Director of Property
25 Real Estate Division

(Real Estate)

BOARD OF SUPERVISORS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25