

1 [Lease - Van Ness Post Center, LLC - Law Library - 1200 Van Ness Avenue]

2
3 **Resolution finding that 20,000 net rentable square feet is suitable and sufficient for the**
4 **Law Library; authorizing the Director of Property to enter into a lease with Van Ness**
5 **Post Center, LLC, for the Law Library at 1200 Van Ness Avenue; finding that the**
6 **proposed relocation of the Law Library to such space is in conformance with the City’s**
7 **General Plan and the priority policies of Planning Code Section 101.1; and authorizing**
8 **the Director of Property to find alternative comparable space if a lease with Van Ness**
9 **Post Center, LLC, cannot be finalized.**

10

11 WHEREAS, State Law and the City’s Charter require the City to provide the San
12 Francisco Law Library (“Law Library”), a legal entity separate from the City, with suitable and
13 sufficient quarters; and

14 WHEREAS, State law, 1869-70 Cal. Stat. 235 (the “1870 Act”), requires the City to
15 provide the Law Library with “fuel, lights, and stationery and all necessary conveniences and
16 care, rooms convenient and accessible to the Courts, sufficient for the use and
17 accommodation of said law library and those who have occasion for its use.”; and

18 WHEREAS, The 1870 Act further states that: “the Board of Supervisors of the City and
19 County of San Francisco are hereby authorized, empowered and required to appropriate,
20 allow and order paid out of the General Fund such sums as may be necessary” for the above
21 purposes; and

22 WHEREAS, Section 8.103 of the City’s Charter requires the City to “provide suitable
23 and sufficient quarters for the Law Library, fix up and furnish the same and provide for the
24 supply of necessary light, heat, stationery and other conveniences” and to fund the salaries of
25 three positions at the Law Library (the Librarian, Assistant Librarian and Bookbinder); and

1 WHEREAS, Since 1995, the City has provided the Law Library with approximately
2 14,310 square feet of space at 401 Van Ness Avenue, the War Memorial Veterans Building,
3 under a Memorandum of Understanding between the War Memorial Board of Trustees and
4 Director of Property, dated as of October 26, 1994; and

5 WHEREAS, The War Memorial Veterans Building will undergo a significant renovation
6 starting in the summer of 2013, requiring the vacation of the entire building; and

7 WHEREAS, The War Memorial Board of Trustees, authorized to determine the
8 occupancies of the War Memorial Veterans Building, will not provide space to the Law Library
9 after the completion of the renovation; and

10 WHEREAS, Following a lengthy search process, the Director of Property has found
11 suitable and sufficient space for the Law Library at 1200 Van Ness Avenue, owned by Van
12 Ness Post Center, LLC (“Landlord”), convenient and accessible to the Civic Center courts and
13 immediately proximate to transit and garage parking; and

14 WHEREAS, The City has determined that the 20,000 net rentable square feet at 1200
15 Van Ness Avenue is suitable and sufficient for the Law Library, and desires to secure these
16 premises for the Law Library as soon as possible; and

17 WHEREAS, In connection with any such relocation, the City will be required to pay for
18 tenant improvements, presently estimated not to exceed \$1,000,000; and

19 WHEREAS, The Director of Property must negotiate a final lease agreement with
20 Landlord to relocate the Law Library; and

21 WHEREAS, The Planning Department determined that the proposed relocation of the
22 Law Library to 1200 Van Ness Avenue is consistent with the City’s General Plan and the Eight
23 Priority Policies of Planning Code Section 101.1; now, therefore, be it

24 RESOLVED, That the Board of Supervisors finds that the proposed lease premises at
25 1200 Van Ness Avenue, of no greater than 20,000 net rentable square feet, is suitable and

1 sufficient for the Law Library, and is consistent with the City's General Plan and the Eight
2 Priority Policies of Planning Code Section 101.1; and, be it

3 FURTHER RESOLVED, That in accordance with the recommendation of the Director
4 of Property, the Board of Supervisors hereby authorizes the Director of Property to enter into
5 a lease for the Law Library at 1200 Van Ness Avenue on the following terms (the "Lease"): (1)
6 the leased premises shall be up to 20,000 square feet on the ground floor and first floor of the
7 building, (2) for a term of five years, with one five-year option ~~up to 4 five-year options~~ to
8 renew the term at reasonable rates determined by the Director of Property, (3) at an initial
9 year base rental rate not to exceed \$720,000 per year (or approximately \$3.00 per foot), with
10 reasonable base rent increases in future years tied to increases in the Consumer Price Index,
11 (4) the landlord will provide, at the City's cost, tenant improvements for the leased premises
12 suitable for a law library, at an agreed upon cost (provided, the City's payment for tenant
13 improvements and relocation shall not collectively exceed \$1,000,000), (5) City shall pay
14 utilities, common area charges and its reasonable share of operating expenses, and (6) on
15 such other terms and conditions as determined by the Director of Property following
16 consultation with the City Attorney; and, be it

17 FURTHER RESOLVED, Following negotiations for the Lease, the Director of Property
18 is authorized to enter into and take such actions as required to implement the Lease, and the
19 Director of Property shall provide the final Lease to the Clerk of the Board of Supervisors for
20 placement into the legislative file; and, be it

21 FURTHER RESOLVED, That any lease modification that exercises the right of first
22 offer for additional space at 1200 Van Ness Avenue shall require approval by the Board of
23 Supervisors; and, be it

24 FURTHER RESOLVED, In the event that that the negotiations for the Lease of 1200
25 Van Ness Avenue are unsuccessful, the Board of Supervisors also approves and authorizes

1 the Director of Property, on behalf of the City to negotiate and finalize a lease for a
2 comparable space of similar size and rent for the Law Library that does not exceed the
3 amounts specified in this resolution and consistent with the other terms specified in this
4 resolution, and to bring such alternative lease promptly to this Board for review and
5 ~~consideration~~ approval; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
7 Property, in consultation with the City Attorney, to enter into any additions, amendments or
8 other modifications to the Lease that the Director of Property determines are in the best
9 interests of the City, do not materially increase the obligations or liabilities of the City or
10 materially decrease the benefits to the City, and are in compliance with all applicable laws,
11 including the City's Charter.

12

13

14 RECOMMENDED:

15

16

17

Director of Property

18

19

20

21

22

23

24

25