

1 [Lease of Real Property at 1360 Mission St., Suite 401]

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3 **Resolution authorizing the Director of Property to exercise an Extension Option for a**  
4 **three-year term for the lease of real property located at 1360 Misison Street, Suite**  
5 **401, for the Department of Public Health retroactively to January 1, 2008.**

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7 WHEREAS, The City, on behalf of the Department of Public Health, entered into a  
8 lease for an initial 5-year term with Mercy Commercial California and Mercy Housing, Inc.,  
9 as Landlord, for the premises comprising 6,300 square feet located 1360 Mission Street,  
10 Suite 401, which expired 12/31/07; and

11 WHEREAS, An additional 5-year option term was included in the lease agreement  
12 subject to enactment of a resolution by the Board of Supervisors and Mayor, and

13 WHEREAS, The Real Estate Division at the request of the Department of Public  
14 Health negotiated the reduction of the 5-year option term to three years at the fully serviced  
15 fair market rent rates of \$12,285 for the 2008 calendar year retroactive to 1/1/08, \$12,776  
16 for the 2009 calendar year and \$13,287 for the 2010 calendar year; now, therefore, be it

17 **RESOLVED**, That in accordance with the recommendation of the Director, of the  
18 Department of Public Health and the Director of Property, that the Director of Property is  
19 hereby authorized to take all actions, on behalf of the City and County of San Francisco, as  
20 Tenant, to exercise the Extension Option for a 3-year term commencing 1/1/08 and  
21 terminating 12/31/10 and other related documents with the Landlord for the premises at  
22 1360 Mission Street, San Francisco, Suite 401, on the terms and conditions herein, and, be  
23 it

24 **FURTHER RESOLVED**, That the fully serviced monthly rent for the 3-year option  
25 term shall be \$12,285 (or \$1.95 per square foot) for calendar year 2008 retroactive to

1 January 1, 2008, \$12,776 (or \$2.03 per square foot) for calendar year 2009, and \$13,287  
2 (or \$2.11 per square foot) for calendar year 2010; and, be it

3 FURTHER RESOLVED, That City agrees to indemnify, defend and hold harmless  
4 Landlord and its agents from and against any and all claims, costs and expenses,  
5 including, without limitation, reasonable attorneys' fees, incurred as a result of (a) City's use  
6 of the premises, (b) any default by City in the performance of any of its obligations under  
7 this lease, or (c) any negligent acts or omissions of City or its agents, in, on or about the  
8 premises or the property; provided, however, City shall not be obligated to indemnify  
9 Landlord or its agents to the extent any claim arises out of the active negligence or willful  
10 misconduct of Landlord or its agents; and, be it

11 FURTHER RESOLVED, That any action taken by any City employee or official with  
12 respect to the exercise of the option provision contained in the lease is hereby ratified and  
13 affirmed.

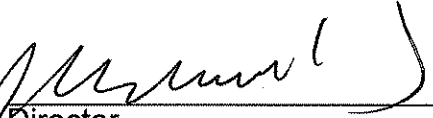
14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
15 Property to enter into any amendments or modifications to the Lease (including without  
16 limitation, the exhibits) that the Director of Property determines, in consultation with the City  
17 Attorney, are in the best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

21 FURTHER RESOLVED, That City shall occupy said premises for the 3-year option  
22 term commencing January 1, 2008, and expiring on December 31, 2010, unless funds for  
23 rental payments are not appropriated in any subsequent fiscal year, at which time City may  
24 terminate this lease with written notice to Landlord, pursuant to Section 3.105 of the  
25 Charter of the City and County of San Francisco.


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RECOMMENDED:

  
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Director of Property

  
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Director,  
Department of Public Health

\$73,710 Available  
Index No. HCHPDSTDSVGF, Subobject 3011  
Index No. HCHPDHIVSVGR, Subobject 3011

  
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Controller



# City and County of San Francisco

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

## Tails Resolution

**File Number:** 080468

**Date Passed:**

Resolution authorizing the Director of Property to exercise an extension option for a three-year term for the lease of real property located at 1360 Mission Street, Suite 401, for the Department of Public Health retroactively to January 1, 2008.

May 6, 2008 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Absent: 1 - Maxwell

File No. 080468

I hereby certify that the foregoing Resolution was ADOPTED on May 6, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

5.13.08  
Date Approved

  
Mayor Gavin Newsom