[Lease of Real Property.]

Resolution authorizing a new lease of real property currently occupied by the City under the terms of an earlier lease at 1360 Mission Street, San Francisco, for a term of three years commencing retroactively as of July 1, 2000 at an initial monthly rent of \$8,000 per month for the Employee Assistance Program of the Department of Public Health.

WHEREAS, The Employee Assistance Program currently occupies 1360 Mission Street, Suite 400 on a month-to-month basis under the holdover provision set forth in a lease that commenced in April 1990 as authorized by Board of Supervisor's Resolution No. 40-90; and

WHEREAS, VILO Properties, Inc. (Landlord) has agreed to enter a new lease on the condition that the new lease be retroactive to July 1, 2000; now, therefore, be it

RESOLVED, That in accordance with the recommendation of the Director of the Department of Public Health, that the Director of Property, on behalf of the City and County of San Francisco, as Tenant, be and is hereby authorized to execute a lease with VILO Properties, Inc., as Landlord, for a portion of the office building at 1360 Mission Street, San Francisco, comprising a rentable area of approximately 2,911 square feet, for the Employee Assistance Program of the Department of Public Health; and, be it

FURTHER RESOLVED, That upon approval of this Resolution by City's Mayor and Board of Supervisors, the lease shall commence retroactively as of July 1, 2000, and shall end June 30, 2003. City shall have an option to extend the term for two additional periods of three (3) years each at ninety-five percent (95%) of the fair market rental.

It is understood that, subject to Landlord's right to terminate, City shall occupy said premises for the entire lease term expiring June 30, 2009, if both options to extend the term are exercised, unless funds for rental payments are not appropriated in any subsequent fiscal year, at which time City may terminate this lease with advance notice to Landlord; and, be it

FURTHER RESOLVED, That the base rent shall be \$8,000 per month, with Landlord paying for all services to the building. During the initial term, the base rent of \$8,000 shall increase annually by an amount equal to 5% of the base rent of the previous year.

Landlord shall agree to complete, at its sole cost and expense, certain alterations and improvements duly and properly required in writing; and, be it

FURTHER RESOLVED, That at any time after September 30, 2002, by giving 270 days written notice to the City, the landlord shall have the right to terminate the lease, including any extended term; and, be it

FURTHER RESOLVED, That the lease may include an appropriate clause (in a form approved by the Director of Property and the City Attorney, indemnifying and holding harmless the Landlord, from and agreeing to defend the Landlord against any and all claims, costs and expenses, including, without limitation, reasonable attorney's fees, incurred as a result of City's use of the premises, any default by the City in the performance of any of its obligations under the lease, or any acts or omissions of City or its agents, in, on or about the premises or the property on which the premises are located, excluding those claims, costs and expenses incurred as a result of the gross negligence or willful misconduct of Landlord or its agents; and be it

FURTHER RESOLVED, That the lease shall be subject to and conditioned upon, the Human Rights Commission's approval of Landlord's compliance with City's Non-Discrimination and Equal Benefits in Employment Ordinance; and, be

FURTHER RESOLVED, That all actions heretofore taken by the officers of the City with respect to such lease are hereby approved, confirmed and ratified; and, be it FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Property to enter into any amendments or modifications to the Lease (including without limitation, the exhibits) that the Director of Property determines, in consultation with the City Attorney, are in the best interest of the City, do not increase the rent or otherwise materially increase the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of the Lease or this resolution, and are in compliance with all applicable laws.

FURTHER RESOLVED, That said Lease shall be subject to certification of funds by the Controller pursuant to Section 6.302 of the Charter; and, be it

FURTHER RESOLVED, That the City Attorney shall approve the form of the Lease and any related documents.

RECOMMENDED:

Director, Department of Public Health

Director of Property

CERTIFICATION OF FUNDS

Available from 1G-AGF-AAA 03011

Controller

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(REAL ESTATE) **BOARD OF SUPERVISORS** 



## City and County of San Francisco Tails

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

## Resolution

File Number:

010146

Date Passed:

Resolution authorizing a new lease of real property currently occupied by the City under the terms of an earlier lease at 1360 Mission Street, San Francisco, for a term of three years commencing retroactively as of July 1, 2000 at an initial monthly rent of \$8,000 per month for the Employee Assistance Program of the Department of Public Health.

April 2, 2001 Board of Supervisors — SEVERED FROM CONSENT AGENDA

April 2, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

File No. 010146

I hereby certify that the foregoing Resolution was ADOPTED on April 2, 2001 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young

Clerk of the Board

APR 1 3 2001

**Date Approved** 

Mayor Willie L. Brown Jr.