

1 [Lease of Real Property]

2 **Resolution authorizing the renewal and expansion of a lease at 1390 Market Street for**  
3 **the Department of Children, Youth and their Families.**

4 BE IT RESOLVED, That in accordance with the recommendation of the Director of the  
5 Department of Children, Youth and their Families ("DCYF") and the Director of Property, the  
6 Director of Property is hereby authorized to take all actions, on behalf of the City and County  
7 of San Francisco, as Tenant, to execute a lease (copy of which is on file with the Clerk of the  
8 Board, the "Lease") and other related documents with API Fox Plaza, LLC ("Landlord"), for  
9 Suite 900, 902 and 903 in the building commonly known as 1390 Market Street, San  
10 Francisco, California, which comprises an area of approximately 9,397 square feet on the  
11 terms and conditions herein and on a form approved by the City Attorney; and, be it

12 FURTHER RESOLVED, That the lease shall commence on the mutual execution and  
13 exchange of the Lease or December 1, 2005, whichever occurs later and terminate on  
14 November 30, 2010 unless terminated earlier. Either party shall have the right to terminate  
15 the Lease upon one year's prior written notice. The monthly base rent shall be \$20,321.02  
16 (approximately \$25.95 per square foot per year); fully serviced, and shall remain flat for the  
17 approximate five year term; and, be it

18 FURTHER RESOLVED, That the City shall have two (2) options to renew for five (5)  
19 years each. In each case, the rent for the option period shall be based on 95% of the then fair  
20 market value; and, be it

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

5 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City  
6 with respect to such lease are hereby approved, confirmed and ratified; and, be it

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

14 FURTHER RESOLVED, That the City shall occupy the entire Premises for the full term  
15 of the lease unless funds for the Department of Children Youth and their Families rental  
16 payments are not appropriated in any subsequent fiscal year at which time City may terminate  
17 the lease with reasonable advance written notice to Landlord. Such termination shall then be  
18 effective upon surrender of the Premises. In the event of termination for non-appropriation,  
19 City agrees that it will not appropriate funds for the purpose of renting similar premises in a  
20 non-City building to conduct Department of Children Youth and their Families operations for  
21 ay least a year from such Termination Date. Said Lease shall be subject to certification as to  
22 funds by the Controller, pursuant to Section 3.105 of the Charter.

23 \$142,247.14 Available  
24 Index No. 235002- 03011

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Controller

1 RECOMMENDED:

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4 Director  
Department of Children, Youth and their Families

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7 Director of Property  
Real Estate Division

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\*\*Real Estate Division\*\*

**BOARD OF SUPERVISORS**

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