

1 [Lease of Real Property]

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3 **Resolution authorizing the lease of 4,592 sq. ft. of clinic space in the building located at**
4 **1060 Howard Street, San Francisco for the Department of Public Health.**

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6 WHEREAS, The City, on behalf of the Department of Public Health (“DPH”), entered
7 into a lease of the Windsor Hotel, located at 238 Eddy Street, San Francisco, on May 1, 1999
8 for the lease of a 104-unit residential hotel; and

9 WHEREAS, DPH’s Direct Access to Housing (“DAH”) Program was recently awarded a
10 large federal grant, which included funding to open a clinic dedicated to the tenants of the
11 Windsor Hotel; and

12 WHEREAS, DPH’s Disability, Evaluation and Assistance Program (“DEAP”), which
13 currently occupies a portion of the retail premises at the Windsor Hotel, will have to relocate to
14 make space available for the aforementioned clinic dedicated to tenants of the Windsor Hotel;
15 and

16 WHEREAS, After discussions between DPH and City’s Real Estate Division, a letter of
17 intent was executed by Sweet Season, LLC (“Landlord”) and City to provide City the
18 opportunity to lease approximately 4,592 rentable square feet on the third floor in the building
19 located at 1060 Howard St. (the “Premises”) for DEAP and the Community Sites Program;
20 now, therefore, be it

21 RESOLVED, That in accordance with the recommendation of DPH’s Director of Health
22 and the Director of Property, the Director of Property is hereby authorized, on behalf of the
23 City and County of San Francisco, as tenant, to execute a written lease (the “Lease”) for the
24 Premises, substantially in the form on file with the Clerk of the Board of Supervisors in File
25 No. _____, along with other related documents with Landlord; and, be it

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FURTHER RESOLVED, That the Lease shall commence upon substantial completion of the leasehold improvements by Landlord and acceptance by City’s Director of Property (the “Commencement Date”) and expire on the last day of the month in which the fifth anniversary of the Commencement Date occurs and shall contain one five-year Extension Option; and, be it

FURTHER RESOLVED, That the base rent for the Premises shall be \$5,500.00 per month, net of utilities, and janitorial and scavenger services which additional costs shall be paid by City; and, be it

FURTHER RESOLVED, That Landlord shall perform leasehold improvement work and City shall reimburse Landlord for such costs in an amount not to exceed \$150,000.00, subject to City’s prior approval of such costs and work in accordance with the Lease; and, be it

FURTHER RESOLVED, That the Director of Property shall have the authority to exercise a five-year option to extend without obtaining further approvals of the Mayor and the Board of Supervisors; and, be it

FURTHER RESOLVED, That the Lease shall include a clause approved by 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 active negligence or willful misconduct of Landlord or its agents; and, be it

FURTHER RESOLVED, That any action taken by any City employee or official with respect to this Lease is hereby ratified and affirmed; and, be it

1 FURTHER RESOLVED, That the Director of Property shall be authorized to enter
2 into any amendments or modifications to the Lease, including without limitation, the
3 exhibits, that the Director of Property determines, in consultation with the City Attorney, are
4 in the best interest of the City, do not increase the rent or otherwise materially increase the
5 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes
6 and intent of the Lease or this resolution, and are in compliance with all applicable laws,
7 including City's Charter.

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9 \$157,000.00 Available
10 Appropriation No. 02700 HCHAPADMINGF

11
12 RECOMMENDED:

13 _____
14 Director of Health
15 Department of Public Health

16 _____
17 Controller

18 _____
19 Acting Director of Property