

1 [Real PProperty Lease - Department of Public Health - Community Behavioral Health
2 Services - 1380 Howard Street - \$118,259.38-\$131,584.38 Monthly]

3 **Resolution authorizing the extension of a lease of 79,950 sq. ft. of office space at 1380**
4 **Howard Street for use by the Department of Public Health's Community Behavioral**
5 **Health Services Division for a term of an additional 5 years from January 1, 2013,**
6 **through December 31, 2017, at a monthly rate of \$118,259.38 for the first six months of**
7 **the extended term and then \$131,584.38 per month for the remainder of the extended**
8 **term.**

9
10 WHEREAS, The City has occupied space at 1380 Howard Street since October, 1988
11 for use by the Community Behavioral Health Services Division of the Department of Public
12 Health; and

13 WHEREAS, The current lease, authorized by Resolution 332-06, expires on December
14 31, 2012; and

15 WHEREAS, The City has an option to extend the term for an additional five years
16 at 95% of fair market rent; and

17 WHEREAS, Pursuant to the terms of such option, the Real Estate Division and the
18 Landlord have negotiated such 95% of fair market rental, considering all factors; and

19 WHEREAS, The extension of the Term is subject to enactment of a resolution by the
20 Board of Supervisors and the Mayor, in their respective sole and absolute discretion,
21 approving and authorizing such exercise; now, therefore, be it

22 RESOLVED, That in accordance with the recommendation of the Director of the
23 Department of Public Health and the Director of Property, the Director of Property is hereby
24 authorized to take all actions, on behalf of the City and County of San Francisco, as Tenant,
25

1 to extend Lease (a copy of which is on file with the Clerk of the Board, the "Lease") and other
2 related documents with the Cort Family Trust ("Landlord"), for the building commonly known
3 as 1380 Howard Street, San Francisco, California, which comprises an area of approximately
4 79,950 square feet on the terms and conditions herein; and, be it

5 FURTHER RESOLVED, That the monthly base rent for the extension shall be
6 \$118,259.38 for the first six months of the extended term and then \$131,584.38 per month for
7 the remainder of the extended term. City shall continue to pay for its utilities, janitorial, water
8 and sewer, security guards, refuse and recycling; and, be it

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

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

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

