

AMENDED IN COMMITTEE

7/17/13

FILE NO. 130645

RESOLUTION NO.

1 [Lease Amendment - Real Property at 720 Sacramento Street - Ridgeway Apartments, Inc.-
2 \$26,980 Monthly]

3 **Resolution retroactively authorizing the second lease amendment for approximately**
4 **9,250 square feet of space at 720 Sacramento Street, San Francisco, with Ridgeway**
5 **Apartments, Inc., as Landlord, for use by the Department of Public Health at the**
6 **monthly cost of \$26,980 for the period of July 1, 2013, through June 30, 2018.**

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8 WHEREAS, The City is the Tenant under the original lease dated December 1, 1996,
9 and executed on March 24, 1997, with Landlord's predecessor-in-interest, KHC Investment
10 Company, authorized under Resolution 331-96, for the premises located at 720 Sacramento
11 Street comprising 9,250 square feet for use by the Department of Public Health; and

12 WHEREAS, The Landlord and City amended the original Lease in an Amendment to
13 Lease dated June 29, 2012, as authorized under Resolution No. 252-12; and

14 WHEREAS, The City currently pays a base rent of \$18,645 per month (approximately
15 \$2.02 per square foot) for the Premises; and

16 WHEREAS, The Lease is scheduled to expire on June 30, 2013; and

17 WHEREAS, The City and Landlord wish to extend the term of the Lease for an
18 additional five (5) years from July 1, 2013, through June 30, 2018, under a Second
19 Amendment to the Lease substantially in the form on file with the Clerk of the Board of
20 Supervisors in File No. 130645 at a monthly rental rate of \$26,980 (approximately \$2.92 per
21 square foot); and

22 WHEREAS, The Lease shall continue to include the clause indemnifying, holding
23 harmless, and defending Landlord and its agents from and against any and all claims, costs
24 and expenses, including without limitation, reasonable attorneys' fees, incurred as a result of
25 any default by the City in the performance of any of its material obligations under the Lease,

1 or any negligent acts or omissions of the City or its agents, in, on, or about the Premises or
2 the Property on which the Premises are located, excluding those claims, costs and expenses
3 incurred as a result of the negligence or willful misconduct of the Landlord or its agents; and

4 WHEREAS, The Second Amendment to Lease is subject to enactment of a resolution
5 by the Board of Supervisors and the Mayor, in their respective sole and absolute discretion,
6 approving and authorizing such amendment; now, therefore, be it

7 RESOLVED, That in accordance with the recommendation of the Director of the
8 Department of Public Health and the Director of Property, the Director of Property is hereby
9 authorized to execute the Second Amendment to Lease; and, be it

10 FURTHER RESOLVED, That all actions heretofore taken by any City employee or
11 official with respect to the Second Amendment to Lease are hereby approved, confirmed and
12 ratified; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
14 Property to enter into any amendments or modifications to the Second Amendment to Lease
15 that the Director of Property determines, in consultation with the City Attorney, are in the best
16 interest of the City, do not materially increase the rent or otherwise materially increase the
17 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
18 the Second Amendment to Lease, and are in compliance with all applicable laws, including
19 the City Charter; and, be it

20 FURTHER RESOLVED, That the City shall continue to occupy the Premises for the
21 extended term unless funds for the Department's rental payment are not appropriated at
22 which time the City may terminate the Lease with advance notice to Landlord. Said Lease
23 shall continue to be subject to certification as to funds by the Controller, pursuant to
24 Section 6.302 of the City Charter.

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1 \$323,760 Available for FY 2013-2014
2 Appropriation No. HMHMCB731943

3 Controller; Availability of funds subject to the enactment of the FY 2013-2014 annual
4 appropriation ordinance.

5 RECOMMENDED:
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7 Director, Department of Public Health
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9 Director of Property
10 Real Estate Division

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