(Lease of Real Property)

AUTHORIZING A LEASE AT 30 VAN NESS FOR THE DEPARTMENT OF HUMAN RESOURCES.

RESOLVED, That in accordance with the recommendation of the Director of the Department of Human Resources and the Director of Property, the Mayor, the Clerk of the Board of Supervisors and the Director of Property are hereby authorized to take all actions, on behalf of the City and County of San Francisco, as Tenant, to execute a written lease and other related documents with Herbst Foundation, as Landlord, for third floor space in the building commonly known as 30 Van Ness Avenue, San Francisco, California, which comprises an approximate area of 11,563 square feet for the Workers Compensation Division on the terms and conditions contained herein and on a form approved by the City Attorney.

FURTHER RESOLVED, The lease shall commence upon substantial completion of tenant improvements (expected to be about April 1, 2000) and terminate March 31, 2007. The City shall have two 5-year options to extend the term. The monthly rent for the term shall be $26,016.75 for the first five years of the term and $27,943.92 for the remaining two years. The City shall pay the Landlord up to $34,000 upon lease commencement for specialty floor strengthening and computer room HVAC. The City will pay other typical tenant costs including any operating expense increases over a 1999 base year.

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,

[REAL ESTATE]
BOARD OF SUPERVISORS
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 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.

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

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, including City's Charter.

FURTHER RESOLVED, That the City shall occupy the Premises for the entire term of the lease unless funds for Department of Human Resources rental payments are not appropriated in any subsequent fiscal year at which time City may terminate the lease with advance written notice to Landlord.
Said Lease shall be subject to certification as to funds by the Controller, pursuant to Section 6.302 of the Charter.

RECOMMENDED:

$112,050.25 Available
Appropriation No.
YEC099011255-19
335020-02799

Controller

Director
Department of Human Resources

Director of Property
Resolution authorizing a lease at 30 Van Ness Avenue for the Department of Human Resources

January 31, 2000  Board of Supervisors — ADOPTED
     Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

I hereby certify that the foregoing Resolution was ADOPTED on January 31, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved
FEB 11 2000

Mayor Willie L. Brown Jr.