

1 [Lease of Real Property - Sixth Street Baldwin House, LLC - 72-Sixth Street]

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3 **Resolution authorizing the lease with Sixth Street Baldwin House, LLC, of**  
4 **approximately 1,932 rentable square feet of ground space located at 72-Sixth Street for**  
5 **the San Francisco Police Department.**

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7 WHEREAS, The San Francisco Police Department is a law enforcement agency  
8 committed to the protection of life and property and the prevention of crime; and,

9 WHEREAS, The Real Estate Division has negotiated a lease with Sixth Street Baldwin  
10 House, LLC, for 1,932 rentable square feet at 72-Sixth Street (the "Premises") which  
11 accommodates a San Francisco Police Department substation within the South of Market  
12 Redevelopment Project Area; and,

13 WHEREAS, In accordance with the recommendation of the Chief of Police and the  
14 Director of Property, the Director of Property is hereby authorized to take all actions, on behalf  
15 of the City and County of San Francisco ("City"), as tenant, to execute a lease (the "Lease")  
16 with Sixth Street Baldwin House, LLC as Landlord ("Landlord"), for the Premises on file with  
17 the Clerk of the Board of Supervisors in File No. 111193; and,

18 WHEREAS, The initial term of the Lease shall be three years with an estimated  
19 commencement date of June 1, 2012 following the substantial completion of the leasehold  
20 improvements and acceptance by City's Director of Property (the "Commencement Date");  
21 and,

22 WHEREAS, The monthly base rent of the Lease shall be \$2,898 per month and such  
23 rent shall be adjusted annually using the Consumer Price Index, however in no event shall the  
24 monthly base rent be less than 1.5% or more than 3% of the monthly base rent in effect for  
25 the last full month immediately prior to the adjustment date; and,

1 WHEREAS, The Lease shall provide three extension options of two years each; and,  
2 WHEREAS, The Landlord shall construct substantial leasehold improvements at  
3 Landlord's sole cost pursuant to construction documents approved by City as more  
4 particularly described in the Lease; and,

5 WHEREAS, The Director of Planning Department, by letter dated September 23, 2011,  
6 has found that the Lease is consistent with the City's General Plan and with the Eight Priority  
7 Policies of City Planning Code Section 101.1, and is categorically exempt from Environmental  
8 Review, a copy of these findings is on file with the Clerk of the Board of Supervisors under  
9 File No. 111193 and are incorporated herein by reference, now, therefore, be it

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

19 FURTHER RESOLVED, That in accordance with the recommendation of the Chief of  
20 Police and Director of Property, the Board of Supervisors hereby approves the Lease and the  
21 transaction contemplated thereby in substantially the form of such agreement

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1 presented to the Board and authorizes the Director of Property to execute the Lease; and, be  
2 it

3 FURTHER RESOLVED, That all actions heretofore taken by any employee or  
4 official of the City with respect to this Lease are hereby approved, confirmed and ratified; and,  
5 be it


6 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
7 Property to enter into any amendments or modifications to the Lease or Consent that the  
8 Director of Property determines, in consultation with the City Attorney, are in the best interest  
9 of the City, do not increase the rent or otherwise materially increase the obligations or  
10 liabilities of the City, are necessary or advisable to effectuate the purposes of the Lease and  
11 Consent and are in compliance with all applicable laws, including City's Charter.


12  
13 \$2,898.00

14 Index Code: 385036

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16   
Controller

17 Recommended:

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19   
20 Chief of Police  
San Francisco Police Department

21  
22   
23 Director of Property



City and County of San Francisco

Tails

Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 111193

Date Passed: December 06, 2011

Resolution authorizing the lease with 6th Street Baldwin House, LLC, of approximately 1,932 rentable square feet of ground space located at 72-6th Street for the Police Department.

November 30, 2011 Budget and Finance Committee - RECOMMENDED

December 06, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 111193

I hereby certify that the foregoing Resolution was ADOPTED on 12/6/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Edwin Lee

Date Approved