



Legislation Text

File #: 07-1342, **Version:** 1

Recommendation to authorize City Manager to execute any and all documents necessary for a Lease with Behringer Harvard Downtown Plaza LP, a Delaware limited partnership, for office space at 211 East Ocean Boulevard, Suite 410, for the continued operation of the Citizen Police Complaint Commission, for an approximate 63-month term at an initial monthly base rent of \$5,096. (District 2)

In April 1990, voters passed a proposition amending the City Charter and approving the creation of the Citizen Police Complaint Commission (CPCC). The CPCC receives and investigates complaints of police misconduct, particularly allegations of excessive force, false arrest, racial discrimination and/or sexual harassment. The CPCC's primary role is that of fact-finding and of providing recommendations to the City Manager relative to reported police misconduct. The CPCC is empowered to conduct hearings and, through the City Attorney's office, can subpoena witnesses and records to facilitate the fact-finding process. The CPCC is not an advocate for the complainant(s), the police officer(s), or other employees of the Long Beach Police Department.

On February 12, 2002, the City Council approved Sublease No. 27781 between The Designory, Inc. (Sublessor), and the City of Long Beach (Sublessee) for approximately 2,548 rentable square feet of office space at 211 East Ocean Boulevard, Suite 410 (Downtown Plaza), to house the CPCC. The Sublease terminates on January 31, 2008, at which time the Sublessor will relinquish the space to Behringer Harvard Downtown Plaza LP (Landlord).

Earlier this year, in anticipation of the termination of the Sublease, the CPCC conducted an extensive survey of the downtown area for possible relocation sites. Based on the results of the survey, the most cost-beneficial and satisfactory office site is the CPCC's current facility at the Downtown Plaza. This location meets the CPCC's requirements in terms of close proximity to the Civic Center, the Long Beach Police Department's headquarters and the Long Beach Superior Court. The Downtown Plaza also provides easy access to various means of public transportation and houses the City's Long Beach Gas and Oil Department, Oil Properties. A concurrent review of City-owned and City-leased office space provided no available options for consolidating the CPCC into existing facilities.

To accommodate the CPCC, a new Lease has been negotiated for approximately 2,548 rentable square feet of office space at the Downtown Plaza. The proposed Lease contains the following major provisions:

- **Premises:** The entire leased premises shall be comprised of approximately 2,548 rentable square feet of office space at 211 East Ocean Boulevard, Suite 410.
- **Length of term:** The term shall commence on February 1, 2008 and terminate on May 15, 2013 (63.5 month term).
- **Option to Renew:** There shall be one option to renew for one five-year period at the then prevailing rental rate, as determined by the Landlord.

- Use: General offices of the Citizen Police Complaint Commission.
- Rent: The monthly base rent for the leased premises shall be as follows:

Months 1 - 15	\$5,096 (\$2.00 per rentable square foot)
Months 16 - 27	\$5,249 (\$2.06 per rentable square foot)
Months 28 - 39	\$5,402 (\$2.12 per rentable square foot)
Months 40 - 51	\$5,580 (\$2.19 per rentable square foot)
Months 52 - 63.5	\$5,733 (\$2.25 per rentable square foot)

The monthly base rent shall be abated for months 2 - 4 and for half of month 5, thereby making the effective base rent \$1.42 per rentable square foot for months 1-12.

In addition, the CPCC shall be responsible for paying its pro-rata share of operating expenses and property taxes over the base year of 2008.

- Parking: The Landlord shall provide up to five unreserved parking stalls and two reserved parking stalls at the prevailing monthly parking rates. The initial monthly parking rates shall be as follows:

Reserved Stalls: \$180 (\$90 per stall x two stalls)
Unreserved Stalls: \$300 (\$60 per stall x five stalls)

The total monthly cost for parking shall be \$480.00.

- Security Deposit: None.
- Utilities, Services and Taxes: The Landlord shall pay the costs associated with electricity, gas and water provided to the building at 211 East Ocean Boulevard, including Suite 410. The Landlord shall also provide and pay for janitorial services, and be responsible for all costs associated with property taxes.
- Tenant Improvements: The Landlord shall provide a tenant improvement allowance of \$9 per rentable square foot (\$22,932) that may be used anytime during the initial eighteen month period of the Lease term for such items as repainting, upgrading telecommunication systems and performing minor repair work.
- Sustainable Office Environment: The Landlord is implementing Energy STAR scoring in the building relative to energy usage and consumption, and is committed to implementing environmentally sensitive practices where economically feasible.

This letter was reviewed by Deputy City Attorney Richard F. Anthony on October 24, 2007, and Budget Management Officer Victoria Bell on November 12, 2007.

City Council action is requested on November 20, 2007, in order to meet the February 1, 2008 commencement date.

The total FY 08 costs for the new Lease are estimated to be \$26,772. Of this amount, base rent payments are estimated to be \$22,932 and parking charges are estimated to be \$3,840. Sufficient funds are budgeted in the General Fund (GP) in the Office of the City Manager (CM) to support this activity.

Approve recommendation.

MICHAEL P. CONWAY
ACTING DIRECTOR OF COMMUNITY DEVELOPMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER