

1 [Lease Amendment - Lease No. 97-0081 - Rent Credit for BART's Next Generation Fare  
2 Gates Replacement Project - Not to Exceed \$3,150,000]

3 **Resolution approving Amendment No. 3 to Lease No. 97-0081 Lease, Use, and**  
4 **Operating Agreement for BART Station and Related Facilities and Grant of Easement at**  
5 **San Francisco International for a rent credit in support of San Francisco Bay Area**  
6 **Rapid Transit District's (BART) Next Generation Fare Gates Replacement Project, in an**  
7 **amount not to exceed \$3,150,000 with no changes to the term of June 22, 2003, through**  
8 **June 21, 2053.**

9  
10 WHEREAS, On April 1, 1997, by Resolution No. 97-0081, the Airport Commission  
11 awarded Lease No. 97-0081 for the Lease, Use, and Operating Agreement for the BART  
12 Station and Related Facilities and Grant of Easement at San Francisco International Airport  
13 (SFO or Airport), by and between the City and County of San Francisco as landlord (City), and  
14 BART San Francisco Bay Area Rapid Transit District (BART), as tenant for the operation of  
15 the Airport BART station (Lease); and

16 WHEREAS, On June 27, 1997, by Resolution No. 621-97, the Board of Supervisors  
17 approved the Lease; and

18 WHEREAS, On May 4, 2010, by Resolution No. 10-0169, the Commission approved  
19 the First Amendment to the Lease; and.

20 WHEREAS, On September 14, 2010, by Resolution No. 431-10, the Board of  
21 Supervisors approved the First Amendment to Lease, a copy of which is on file with the Clerk  
22 of the Board in File No. 100900; and

23 WHEREAS, On February 1, 2019, the City and BART entered into a Second Lease  
24 Amendment, administratively modifying the Lease to update certain schedules to the Lease,  
25 which did not require formal approval by the Commission or Board of Supervisors; and

1           WHEREAS, The Lease term is 50 years, which will expire on June 21, 2053, with a  
2           current Annual Payment of \$2,500,000; and

3           WHEREAS, BART is undertaking the installation of Next Generation Fare Gates at  
4           stations throughout its network (the Project); and

5           WHEREAS, The Airport supports the Project at the Airport, as it will enhance the  
6           Airport passenger experience and reinforce security measures at the Airport; and

7           WHEREAS, Following up on discussions between BART Staff and Airport staff  
8           regarding the Project and the desire of the parties to prioritize the installation of the Project at  
9           the Airport in advance of the 2024 holiday season, on October 10, 2024, the Airport Director  
10          and the General Manager of BART executed a letter of intent pursuant to which Airport staff  
11          agreed to seek approval of the Commission and the Board of Supervisors for the City to enter  
12          into a lease amendment providing for a rent credit to BART under the Lease for its actual  
13          costs, fees and expenses incurred in connection with the Project, in the maximum not to  
14          exceed amount of up to \$3,150,000; and

15          WHEREAS, The Lease Amendment provides for an abatement of BART's obligation to  
16          make monthly payments of Annual Rent to the City only upon completion of the Project and  
17          final review and approval by Airport Staff of all invoices, receipts and other documentation  
18          evidencing the total costs and expenses of the Project, so that a final rent credit amount may  
19          be determined; and

20          WHEREAS, On November 19, 2024, by Resolution No. 24-0240, the Airport  
21          Commission approved Lease Amendment No. 3; and

22          WHEREAS, A copy of Lease Amendment No. 3 is on file with the Clerk of the Board of  
23          Supervisors in File No. 250021, which is hereby declared to be part of this resolution as if set  
24          forth fully herein; now, therefore, be it  
25

1           RESOLVED, That the Board of Supervisors hereby approves Amendment No. 3 to  
2 Lease No. 97-0081 Lease, Use, and Operating Agreement for BART Station and Related  
3 Facilities and Grant of Easement at San Francisco International for a Rent Credit Amount Not  
4 to Exceed \$3,150,000.00; and, be it

5           FURTHER RESOLVED, That within thirty (30) days of the contract being fully executed  
6 by all parties, the Airport Commission shall provide a copy of the final lease amendment to the  
7 Clerk of the Board for inclusion into the official file.

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**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 250021

**Date Passed:** February 11, 2025

Resolution approving Amendment No. 3 to Lease No. 97-0081 Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International for a rent credit in support of the San Francisco Bay Area Rapid Transit District's (BART) Next Generation Fare Gates Replacement Project, in an amount not to exceed \$3,150,000 with no changes to the term of June 22, 2003, through June 21, 2053.

February 05, 2025 Budget and Finance Committee - RECOMMENDED

February 11, 2025 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

File No. 250021

I hereby certify that the foregoing  
Resolution was ADOPTED on 2/11/2025 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Daniel Lurie  
Mayor

2/14/25  
Date Approved