

1 [Lease Amendment - Master Bike Rental Concession - ParkWide Activities, LLC]

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3 **Resolution authorizing the execution of a first amendment to the lease between the**  
4 **Recreation and Park Department and ParkWide Activities, LLC, for the operation of a**  
5 **master bike rental concession in City parks, for the period of August 17, 2011, through**  
6 **August 16, 2016.**

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8 WHEREAS, The City, acting by and through the Recreation and Park Commission  
9 ("Commission"), entered into a Lease dated as of August 17, 2011, with ParkWide Activities,  
10 LLC ("ParkWide") for the lease and operation of a Master Bike Rental Concession in various  
11 City parks ("Lease"); and,

12 WHEREAS, Charter Section 9.118(c) requires the Board of Supervisors' approval of  
13 leases having a term of ten or more years or anticipated revenues of one million dollars or  
14 more, and the Board of Supervisors approved the Lease on March 16, 2011, by Resolution  
15 No. 127-11; and

16 WHEREAS, Since it began operating in City parks, ParkWide has been a well-used  
17 amenity providing an active, popular and positive use enhancing the park experience for  
18 locals and visitors; and

19 WHEREAS, ParkWide and the Department desire to modify ParkWide's operations in  
20 City parks to better connect the existing ParkWide bike infrastructure, offer greater  
21 accessibility to bike rental services, and a transit-first way to see the City; and

22 WHEREAS, Department staff has negotiated an amendment to the Lease (the "First  
23 Amendment") that will (i) eliminate the JFK Drive Site from the leased premises, (ii) expand  
24 the leased premises to include a portion of the East Entrance to Golden Gate Park on  
25 Stanyan Street and a portion of the Ocean Beach Parking Lot, (iii) provide for a trial period for

1 the new additional sites, (iv) modify minimum days of operation at the Bandshell Site, the  
2 Marina Green Site, the Justin Herman Plaza Site and the Union Square Site, (v) specify the  
3 rent payable for the additional sites, (vi) provide for additional storage at the Park Ranger  
4 Compound Annex parking lot for ParkWide's truck and trailer and equipment used in  
5 connection with its operations of the additional sites, (vii) provide that the minimum hours and  
6 days of operation of sites may be modified from time to time at ParkWide's request with  
7 permission of the General Manager, and (viii) modify the Lease in certain other respects; and

8 WHEREAS, On January 17, 2013, by Recreation and Park Commission Resolution  
9 1302-008, the Recreation and Park Commission approved the First Amendment to the Lease  
10 between the City and ParkWide; and

11 WHEREAS, A copy of the Lease and the First Amendment are on file with the Clerk of  
12 the Board in File No. 130342; and

13 WHEREAS, Charter Section 9.118(c) requires the Board of Supervisors' approval of  
14 modification of leases which when entered into had a term of ten or more years or anticipated  
15 revenues of one million dollars or more; and

16 WHEREAS, In a Certificate of Determination, a copy of which is on file with the Clerk of  
17 the Board of Supervisors in File No. 130342, the City's Planning Department determined that  
18 the First Amendment is categorically exempt from environmental review under California  
19 Environmental Quality Act (CEQA) State Guidelines, Section 15301(a), or Class 1; now,  
20 therefore, be it

21 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
22 hereby finds that the First Amendment to the Lease is consistent with the General Plan and  
23 with the Eight Priority Policies of City Planning Code, Section 101.1, and is exempt from  
24 environmental review for the same reasons as set forth in the Planning Department's  
25 Certificate of Determination; and, be it

1           FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the General  
2 Manager of the Recreation and Park Department or his designee to execute and enter into the  
3 First Amendment to the Lease with ParkWide in substantially the form filed with the Clerk of  
4 the Board of Supervisors in File No. 130342; and ,be it

5           FURTHER RESOLVED, That the Board of Supervisors authorizes the General  
6 Manager to enter into additions, amendments, or other modifications to the First Amendment  
7 (including, without limitation, preparation and attachment of, or charges to, any or all of the  
8 exhibits) that the General Manager, in consultation with the City Attorney, determines are in  
9 the best interest of the City, do not materially decrease the benefits of the Lease or First  
10 Amendment to the City, do not materially increase the obligations or liabilities of the City, do  
11 not authorize the performance of any activities without pursuing all required regulatory and  
12 environmental review and approvals, and are necessary or advisable to complete the  
13 transactions which the First Amendment contemplates and effectuate the purpose and  
14 interest of this resolution, such determination to be conclusively evidenced by the execution  
15 and delivery by the General Manager of the Lease and First Amendment and any such  
16 additions, amendments, or other modifications to those documents; and, be it

17           FURTHER RESOLVED, That the Board of Supervisors approves, confirms, and ratifies  
18 all prior actions taken by the officials, employees, and agents of the City with respect to the  
19 First Amendment.

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