

1 [Approval of Lease Amendment]

2 Resolution approving Third Amendment to Port Lease No. L-8627 with Ferry Plaza  
3 Limited Partnership, for leased premises located at 1 Ferry Plaza.

4 WHEREAS, By Resolution No. 99-67, the Port Commission approved the form and  
5 substance of the Lease Disposition and Development Agreement ("LDDA") and Ground Lease  
6 ("Ferry Building Lease") with Ferry Building Investors, LLC ("Developer"), for the historic  
7 rehabilitation of the Ferry Building; and

8 WHEREAS, By Resolution No. 1140-99, the Board of Supervisors approved the Ferry  
9 Building Lease with FBI and further authorized the Port's Executive Director and any other  
10 appropriate officers, agents or employees of the City to take any and all steps as they or any  
11 of them deems necessary or appropriate, in consultation with the City Attorney, in order to  
12 consummate the transactions under the Ferry Building Lease and LDDA; and

13 WHEREAS, Because the Ferry Building was required to be vacated to allow for the  
14 timely and efficient redevelopment thereof, one of the conditions precedent under the LDDA  
15 was the termination of certain long-term leases for the Ferry Building, including leases  
16 between the Port and the World Trade Club of San Francisco ("WTC"); and

17 WHEREAS, To induce WTC to terminate its lease and vacate the Ferry Building, the  
18 Port Commission approved by Port Resolution No. 00-95 a Lease Termination Agreement  
19 under which the Port Commission agreed to certain conditions, all as more particularly  
20 described in Resolution No. 00-95, a copy of which is on file with the Secretary of the Port  
21 Commission; and

22 WHEREAS, WTC has reached agreement with the Port's tenant, Ferry Plaza Limited  
23 Partnership ("Tenant"), to sublease the premises subject to that certain BARTD Ventilating  
24 Structure Barbary Coast Restaurant Lease, dated May 8, 1974 (the "Lease"), which Lease  
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1 has a remaining term of approximately 40 years for the building operated as Gabbiano's,  
2 located on the Ferry Plaza behind the Ferry Building; and

3 WHEREAS, Pursuant to Section 10 of the Lease, Tenant asked for the Port's consent  
4 to a Sublease from Tenant to WTC, and the Port Commission by Resolution No. 01-73 has  
5 approved such Sublease subject to approval of an amendment to the Lease by the Board of  
6 Supervisors; and

7 WHEREAS, Implementation of the conditions agreed-upon by the Port Commission in  
8 the Lease Termination Agreement requires certain amendments to the Lease (the "Third  
9 Amendment to Lease") on the terms set forth in the Memorandum to Port Commissioners, for  
10 Calendar Item No. 7A for the Port Commission's regular meeting of September 25, 2001, a  
11 copy of which is attached to Port Commission Resolution No. 01-73 and is on file with the  
12 Clerk of the Board in File No. 011732; and

13 WHEREAS, Charter Section 9.118 requires in relevant part for the Board of  
14 Supervisors to approve amendments to non-maritime leases of real property for a period of  
15 ten or more years, or contracts or agreements entered into by a City department for a term in  
16 excess of ten years, and the Lease meets both of those criteria; now, therefore, be it

17 RESOLVED, That the Board of Supervisors approves the form and substance of the  
18 Third Amendment to Lease incorporating the business terms set forth in the Memorandum for  
19 Agenda Item 7A for the Port Commission meeting of September 25, 2001, a copy of which is  
20 on file with the Clerk of the Board in File No. 011732; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors authorizes and directs the  
22 Executive Director of the Port to execute the Third Amendment to Lease in substantially the  
23 form of such agreement on file with the Clerk of the Board in File No. 011732, in  
24 such final form as is approved by the Executive Director in consultation with the City Attorney;  
25 and, be it

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FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive Director to take any and all further steps an he deems necessary or appropriate, in consultation with the City attorney, in order to consummate the transactions contemplated under this Resolution, including executing such further documents or assurances necessary, so long as such actions do not materially increase the obligations or liabilities of the City or Port; and, be it

FURTHER RESOLVED, That the Board of Supervisors approves, confirms and ratifies all prior actions taken by the officials, employees and agents of the Port Commission of the City with respect to the Lease Termination Agreement and Lease.

APPROVED AS TO FORM

LOUISE H. RENNE

City Attorney

By:  \_\_\_\_\_

NEIL H. SEKHRI, Deputy City Attorney



City and County of San Francisco

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San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 011732

Date Passed:

Resolution approving Third Amendment to Port Lease No. L-8627 with Ferry Plaza Limited Partnership, for leased premises located at 1 Ferry Plaza.

November 5, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

File No. 011732

I hereby certify that the foregoing Resolution was ADOPTED on November 5, 2001 by the Board of Supervisors of the City and County of San Francisco.

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Gloria L. Young  
Clerk of the Board

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Date Approved

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Mayor Willie L. Brown Jr.