

1 [Lease Amendment - Waiving Competitive Process Requirement for Concession Lease in the
2 Airport Rental Car Center, Level 1 - Marina's Café]

3 **Ordinance retroactively waiving the competitive process requirement of Administrative**
4 **Code, Section 2A.173, to award a second lease space under Rental Car Center Café**
5 **Lease No. 12-0221, a Small Business Set-Aside, between Marina's Café and the City**
6 **and County of San Francisco, acting by and through its Airport Commission, with an**
7 **additional Minimum Annual Guarantee of \$9,936 for a new total Minimum Annual**
8 **Guarantee of \$21,216 for the lease term of August 1, 2014, through August 4, 2018.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Concession Location.

18 This ordinance concerns the food and beverage concession location at the San
19 Francisco International Airport ("SFO") Rental Car Center, at Level 1. A concession
20 opportunity at this location arose in or around July 2014 when, to relieve congestion on Level
21 4 of the Rental Car Center, SFO moved the Hertz Rent-A-Car ("Hertz") operation from Level 4
22 to Level 1. Hertz represents approximately 35% of rental car business at the Airport. With the
23 move of Hertz and its customers to Level 1, the food and beverage tenant on Level 4,
24 Marina's Café, experienced a significant loss of business at its Level 4 location. Marina's
25 Café has been operating on Level 4 since October 2012 under a Rental Car Center Café
Small Business Set-Aside Lease.

1 Section 2. The Existing Rental Car Center Café Lease.

2 On October 9, 2012, the Airport Commission (“Commission”) adopted Resolution No.
3 12-0021, awarding the Rental Car Center Café Small Business Set-Aside Lease (the “Lease”)
4 to Marina’s Café. The Lease is not subject to Section 9.118 of the Charter; neither the Lease
5 nor its amendment require Board of Supervisors approval.

6 On July 1, 2014, the Commission adopted Resolution No. 14-0142, a copy of which is
7 on file with the Clerk of the Board of Supervisors in File No. 150508, conditionally awarding an
8 amendment of the Lease to Marina’s Café to add the concession location on Level 1 of the
9 SFO Rental Car Center (“Amendment No. 1”). The Commission found that awarding the
10 additional space to Marina’s Café was the proper course of action because the Café’s
11 business would be significantly and negatively impacted by the loss of Hertz customers from
12 Level 4. The Commission awarded the Lease amendment adding the Level 1 concession
13 space subject to waiver by the Board of Supervisors of the competitive process requirement of
14 Administrative Code Section 2A.173.

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16 Section 3. Waiver of Competitive Process Requirement. Under the circumstances
17 described in Sections 1 and 2 of this ordinance, the Board of Supervisors hereby waives the
18 competitive process requirement of Administrative Code Section 2A.173 for the food and
19 beverage concession location on Level 1 of the SFO Rental Car Center. This waiver is
20 granted for the sole and limited purpose of effectuating Amendment No. 1 to the Lease as
21 awarded by the San Francisco Airport Commission under Resolution Nos. 12-0021 and 14-
22 0142.

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24 Section 4. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

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7 By: _____
8 Luke Bowman
9 Deputy City Attorney

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