

1 [Approval of Port Lease Amendment for Mama Franceschi’s, L.P.]

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Resolution approving Lease Amendment of Port Lease No. 8993 between the San Francisco Port Commission and Mama Franceschi’s, L.P., for the lease of real property commonly known as Franceschi’s Restaurant.**

WHEREAS, Charter Section B3.581 of the City and County of San Francisco (the “City”) empowers the Port Commission (“Port”) with the power and duty to use, conduct, operate, maintain, manage, regulate and control Port areas of the City, including the power to enter into leases and franchises for the use of real property within Port jurisdiction; and

WHEREAS, The real property located at 498 Jefferson Street, San Francisco, California (the “Property”) is within Port jurisdiction; and

WHEREAS, Charter Section 9.118 (c) requires the Board of Supervisors to approve any leases of real property with a term of ten or more years or having anticipated revenue to the City of one million dollars or more; and

WHEREAS, The Port Commission and Franceschi, a California corporation, entered into Port Lease No. L-8993 dated May 1, 1975 (the “Lease”) for the lease of real property defined in the Lease as the “Premises” and commonly known as Franceschi’s Restaurant, for a term of sixty-one years; and

WHEREAS, Franceschi has assigned Lease No. L-8993 to Mama Franceschi’s, L.P., a California limited partnership, which assignment was approved by the Port Commission by resolution on July 27, 2004; and

1           WHEREAS, Mama Franceschi's, L.P. proposes to amend the Lease in order to expand  
2 its Premises, to assume all maintenance and repair obligations for the expanded Premises  
3 and to make a significant investment for capital improvements; and

4           WHEREAS, On July 27, 2004, the San Francisco Port Commission approved the First  
5 Amendment to Lease No. L-8993 with Mama Franceschi's, L.P., and a copy of Port  
6 Commission Resolution No. 04-67 and the Memorandum to Port Commission summarizing  
7 the terms of the First Amendment to Lease L-8993 are on file with the Clerk of the Board of  
8 Supervisors in File No. \_\_\_\_\_; now, therefore, be it

9           RESOLVED, That the Board of Supervisors approves the First Amendment to Lease L-  
10 8993 between the Port of San Francisco and Mama Franceschi's, L.P. and, be it

11           FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
12 Director of the Port ("Executive Director") to execute the First Amendment to Lease L-8993 in  
13 substantially the form on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_and  
14 in such final form as is approved by the Executive Director and the City Attorney; and, be it

15           FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
16 Director to enter into any amendments or other modifications (including, without limitation,  
17 preparation and attachment of, or changes to, any or all of the exhibits) that the Executive  
18 Director, in consultation with the City Attorney, determines are in the best interest of the Port,  
19 do not alter the rent or the Port's projected income from the Lease, do not materially increase  
20 the obligations or liabilities of the Port or City or materially decrease the public benefits  
21 accruing to the Port, and are necessary or advisable to effectuate the purpose and intent of  
22 the Lease and this resolution, such determination to be conclusively evidenced by the  
23 execution and delivery by the Executive Director of the First Amendment to Port Lease No. L-  
24 8993 and any such amendments; and, be it

1           FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
2 Director to execute and enter into any additional documents deemed necessary or  
3 appropriate, in consultation with the City Attorney, to effectuate the purpose and intent of the  
4 First Amendment to Lease or this resolution, such determination to be conclusively evidenced  
5 by the execution and delivery by the Executive Director of any such documents.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25