

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 18-0003

**APPROVAL OF LEASE AMENDMENT NO. 2 TO THE DOMESTIC TERMINAL FOOD AND BEVERAGE PROGRAM LEASE NO. 03-0184 WITH BAY AREA RESTAURANT GROUP, J.V. (MAX'S EATZ AND FRESH BAKERY), EXTENDING THE TERM THROUGH SEPTEMBER 30, 2019**

WHEREAS, by Resolution No. 03-0184, adopted on September 29, 2003; the Commission awarded the Domestic Terminal Food and Beverage Program Lease ("Lease") to Bay Area Restaurant Group, J.V.; and

WHEREAS, by Resolution No. 11-0264, adopted on November 15, 2011, the Commission approved the early exercise of the sole option to extend the term of the Lease, thereby extending the term to March 14, 2017; and

WHEREAS, by Resolution No. 13-0174, adopted on August 12, 2013, the Commission approved Lease Amendment No. 1, which included offering of Replacement Premises in Terminal 3 East, a new 10-year term, adjustment of the Minimum Annual Guarantee ("MAG") and reimbursement for unamortized construction costs of \$66,058.00; and

WHEREAS, Max's Eatz and Fresh Bakery located in Terminal 1 Interim Boarding Area B is currently operating on a holdover on a month-to-month basis; and

WHEREAS, commencing a competitive process to select a new operator is not viable at this location as the Terminal 1 Interim Boarding Area B is set to be decommissioned in 2019 with the opening of the new Terminal 1; now, therefore, be it

RESOLVED, to coordinate with the construction schedule of Terminal 1 and to maintain passenger service, that this Commission hereby approves Amendment No. 2 to the Domestic Terminal Food and Beverage Program Lease No. 03-0184 with Bay Area Restaurant Group, J.V., extending the term for the Terminal 1 location to September 30, 2019, with the condition that the Airport Director, at his sole and absolute discretion, may terminate earlier by providing six months' advance written notice.

RESOLVED, that this Commission hereby directs the Commission Secretary to seek approval of Lease Amendment No. 2 from the Board of Supervisors pursuant to Section 9.1118 of the Charter of the City and County of San Francisco.

*I hereby certify that the foregoing resolution was adopted by the Airport Commission*

*at its meeting of*

JAN 16 2018

  
Secretary