

1 [License to Enter and Use - Honeybee Foods Corp. - Hallidie Plaza - \$1,200 Initial Annual  
2 Base Fee]

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3 **Resolution approving and authorizing the Director of Property to enter into a license to**  
4 **enter and use with Honeybee Foods Corp., a Delaware Corporation, dba Jollibee USA**  
5 **for approximately 414 square feet (underground) of Hallidie Plaza, effective upon**  
6 **approval of this Resolution through December 8, 2034, at an initial license fee of \$1,200**  
7 **annually with 3% annual increases thereafter; and authorizing the Director of Property**  
8 **to enter into any additions, amendments, or other modifications to the License that do**  
9 **not materially increase the obligations or liabilities of the City to effectuate the**  
10 **purposes of this Resolution.**

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12 WHEREAS, The City and County of San Francisco owns Hallidie Plaza including  
13 Assessor’s Parcel Block No. 0341, Lot Nos. 004 and 013, under the joint jurisdiction of the  
14 Recreation and Park Department, the Department of Public Works, and the Real Estate  
15 Division pursuant to the Park Code, Article 8C, Sections 8C.01 and 8C.02; and

16 WHEREAS, The Honeybee Foods Corp., dba Jollibee USA (“Honeybee”) entered into  
17 a certain “Standard Net Retail Lease” for 934 Market Street, San Francisco, with Robert L.  
18 Coleman, Individually and as Co-Trustee of the Ralph Scott Coleman Trust, Wells Fargo  
19 Bank, Co-Trustee of the Ralph Scott Coleman Trust, Thomas A. Lucas, Trustee of the Robert  
20 Page Coleman Special Needs Trust, William Tell Coleman, and Lotus Coleman Patno, dated  
21 December 9, 2019 (“Lease”), for a term of 34 years or until December 8, 2034, to operate a  
22 Jollibee restaurant; and

23 WHEREAS, Honeybee desires to open its Jollibee restaurant but needs additional  
24 utilities, specifically electricity, to do so; and

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1           WHEREAS, Honeybee desires to enter on and use certain real property owned by the  
2 City and County of San Francisco (“City”) located at Hallidie Plaza (“Plaza”), between  
3 Assessor’s Parcel Block No. 0341, Lot Nos. 004 and 013, which is not right of way, near its  
4 Jollibee restaurant located at 934 Market, San Francisco for installation and placement of a  
5 new utility line for its restaurant in the privately owned building; and

6           WHEREAS, The Director of Property negotiated a license to enter and use City’s  
7 property (“License”) for the underground space (414 square feet) (“License Area”) for a  
8 \$1,200 annual license fee which he opines is not less than Market Rent (as defined in  
9 Administrative Code, Section 23.2); and

10           WHEREAS, The initial fee will increase annually by three percent during the term; and

11           WHEREAS, The proposed License provides for a just over 10-year term which runs  
12 with Jollibee’s 934 Market Lease term expiring on December 8, 2034, or any prior date  
13 Honeybee’s Lease terminates; and

14           WHEREAS, Honeybee shall be responsible for all costs associated with the License  
15 Area, associated utilities, and the placement, maintenance, connection, replacement, repairs,  
16 and removal of all equipment, fixtures, and City property within the License Area; and

17           WHEREAS, The License provides that Honeybee, and its agents/contractors shall only  
18 have exclusive use of the License Area during construction and installation; be allowed to use  
19 and occupy the underground area for utility installation, repair and maintenance; be required  
20 to minimize impacts to public use of the Plaza during and after construction; complete  
21 construction in a timely manner; and restore the Plaza to its original condition upon  
22 termination of construction; and

23           WHEREAS, A copy of the proposed License is on file with the Clerk of the Board in File  
24 No. 240290; now, therefore, be it

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1           RESOLVED, That in accordance with the recommendation of the Director of the  
2 Department of Public Works, the General Manager of the Recreation and Park Department  
3 and the Director of Property after consultation with the City Attorney, the Board of Supervisors  
4 approves the License and authorizes the Director of Property and the City Attorney to take all  
5 actions necessary to enter into and perform the City's obligations under the License; and, be it

6           FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
7 Property to enter into any amendments to the License (including without limitation, the  
8 exhibits) that the Director of Property determines, in consultation with the City Attorney, are in  
9 the best interest of the City, do not materially increase the obligations or liabilities of the City,  
10 do not materially decrease the benefits to the City, or are necessary or advisable to effectuate  
11 the purposes of this Resolution, and are in compliance with all applicable laws; and, be it

12           FURTHER RESOLVED, That within 30 days of the execution of the License, the  
13 Director of Property shall provide a copy to the Clerk of the Board for the Board's file.

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RECOMMENDED:

/S/  
Andrico Penick  
Director of Property

RECOMMENDED:

/S/  
Phil Ginsburg  
General Manager  
San Francisco Recreation and Park Department

RECOMMENDED:

/S/  
Carla Short  
Director  
Department of Public Works