

1 [Lease Amendment - Gotham Enterprises, LLC - Specialty Coffee Facilities - Term Extension]

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3 **Resolution approving Amendment No. 3 to the Specialty Coffee Facilities Lease**
4 **No. 03-0069, between Gotham Enterprises, LLC, and the City and County of San**
5 **Francisco, acting by and through its Airport Commission, to extend the term of the**
6 **Lease by three years to December 31, 2023, with a condition that the Airport Director,**
7 **at his sole and absolute discretion, may terminate earlier by providing six months'**
8 **advance written notice to tenant, with no change to the current minimum annual**
9 **guarantee, subject to adjustment in accordance with the terms and conditions of the**
10 **Lease, effective upon approval by the Board of Supervisors.**

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12 WHEREAS, On April 15, 2003, by Resolution No. 03-0069, the Airport Commission
13 approved a settlement of an unlitigated claims, which included the assignment of the Specialty
14 Coffee Facilities Lease No. 03-0069 (the Lease) from D. Mitchell Concessions, Inc. to Gotham
15 Enterprises, LLC (Tenant), to operate three Peet's Coffee & Tea facilities in Terminal 1
16 Boarding Area B and Terminal 3; and

17 WHEREAS, On June 17, 2003, by Resolution No. 142-03, the Board of Supervisors
18 approved the Lease; and

19 WHEREAS, On April 21, 2015, by Resolution No. 15-0100, the Airport Commission
20 approved Amendment No. 1 to the Lease, replacing the premises located in Terminal 1
21 Boarding Area B, and extending the term for the Terminal 1 Boarding Area B location
22 (Amendment No. 1); and

23 WHEREAS, On July 28, 2015, by Resolution No. 304-15, the Board of Supervisors
24 approved Amendment No. 1 to the Lease; and

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1 WHEREAS, On December 19, 2017, by Resolution No. 17-0318, the Airport
2 Commission approved Amendment No. 2 to the Lease, which extended the term of the Lease
3 to December 31, 2020; and

4 WHEREAS, On July 31, 2018, by Resolution No. 279-18, the Board of Supervisors
5 approved Amendment No. 2 to the Lease; and

6 WHEREAS, Due to the COVID-19 pandemic, the Terminal 3 West renovation was
7 placed on hold; and

8 WHEREAS, On September 15, 2020, by Resolution No. 20-0157, the Airport
9 Commission approved Amendment No. 3 to the Lease, which again extends the term of the
10 Lease by three years to December 31, 2023, with the condition that the Airport Director may
11 terminate the Lease at his sole and absolute discretion, by providing six months' advance
12 written notice to Tenant (Amendment No. 3); now, therefore, be it

13 RESOLVED, That this Board of Supervisors approves Amendment No. 3 to the
14 Specialty Coffee Facilities Lease No. 03-0069 with Gotham Enterprises, LLC to extend the
15 term of the Lease to no later than December 31, 2023, with a condition that the Airport
16 Director, at his sole and absolute discretion, may terminate earlier by providing six months'
17 advance written notice to Tenant, a copy of which is on file with the Clerk of the Board of
18 Supervisors in File No. 201345; and, be it

19 FURTHER RESOLVED, That within thirty (30) days of Amendment No. 3 being fully
20 executed by all parties, the Airport Commission shall provide the final Amendment No. 3 to
21 the Clerk of the Board for inclusion into the official file.

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