

1 [Management Agreement/Lease - Stow Lake Boathouse, LLC, for the Operation of the Stow
Lake Boathouse concession Management]

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3 **Resolution authorizing the Recreation and Park Department General Manager to enter**
4 **into a lease with Stow Lake Boathouse, LLC, for the operation of the Stow Lake**
5 **Boathouse Concession in Golden Gate Park ("Lease").**

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7 WHEREAS, The City owns the land and improvements commonly known as Golden
8 Gate Park, including the Stow Lake Boathouse located within the Park; and

9 WHEREAS, The City desires to contract with Ortega Family Enterprises, doing
10 business as, Stow Lake Boathouse, LLC ("Ortega") for the lease and operation of the Stow
11 Lake Boathouse concession including the provision of boat rentals and the sale of food and
12 beverages and Ortega desires to lease the premises from the City; and

13 WHEREAS, The Recreation and Park Commission ("Commission") authorized the
14 Recreation and Park Department (the "Department") on December 17, 2009 to issue a
15 Request for Qualifications ("RFQ") to solicit responses from qualified entities for the lease and
16 operation of the Stow Lake Boathouse Concession, and on August 19, 2010, the Commission
17 authorized staff to begin negotiations with Stow Lake Boathouse, LLC; and

18 WHEREAS, On December 2, 2010, by Resolution No. 1012-008 , on file with the Clerk
19 of the Board of Supervisors in File No. 101416, the Commission recommended that the Board
20 of Supervisors approve the Lease, on file with the Clerk of the Board of Supervisors in File
21 No. 101416, between the City and Ortega for the lease and operation of the Stow Lake
22 Boathouse Concession, from March 1, 2011, through February 28, 2026, with one (1)
23 potential five (5)-year extension, which has an anticipated revenue of more than one million
24 dollars, and potential term, including extensions, of over ten years; and

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1 WHEREAS, Pursuant to San Francisco Charter, Article IX, Section 9.118, Subsections
2 (a) and (b), the Board of Supervisors must approve the Lease by resolution; now, therefore,
3 be it

4 RESOLVED, That the Board of Supervisors hereby approves the lease dated March 1,
5 2011, for the lease and operation of the Stow Lake Boathouse Concession, commencing on
6 March 1, 2011, through February 28, 2026; and for a potential extension period of five years
7 commencing on March 1, 2026, through February 28, 2031, subject to the approval of the
8 Commission; and be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
10 Manager to enter into additions, amendments, or other modifications to the Lease (including,
11 without limitation, preparation and attachment of, or charges to, any or all of the exhibits) that
12 the General Manager, in consultation with the City Attorney, determines are in the best
13 interest of the City, do not materially decrease the benefits of the Lease to the City, do not
14 materially increase the obligations or liabilities of the City, do not authorize the performance of
15 any activities without pursuing all required regulatory and environmental review and
16 approvals, and are necessary or advisable to complete the transactions which the Lease
17 contemplates and effectuate the purpose and interest of this resolution, such determination to
18 be conclusively evidenced by the executions and delivery by the General Manager of the
19 Lease and any such additions, amendments, or other modifications that that document; and
20 be it

21 FURTHER RESOLVED. That the Board understands that it is not approving any of the
22 improvements set forth in Section 8 and Exhibit D of this Lease at this time. The Board finds
23 that the City, including the General Manager and Commission, retains absolute discretion to
24 approve or disapprove such improvements, and that the approval of such improvements shall
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1 be subject to all applicable laws and regulations, including review under the California
2 Environmental Quality Act, at such time as they are proposed; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors approves, confirms, and ratifies
4 all prior actions taken by the officials, employees, and agents of the City with respect to the
5 Lease.