RESOLUTION NO. 58-2004

Adopted May 18, 2004
Six Ayes, One Nay

AUTHORIZING A FIRST AMENDMENT TO THE SUBLEASE AGREEMENT WITH CARMEN AND BENITO SOLIS, DOING BUSINESS AS CARMEN'S RESTAURANT, ON A PORTION OF THE BULKHEAD BUILDING AND PROPERTY LOCATED AT PIER 38/40; RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 2002, by Resolution No. 160-2002, the Redevelopment Agency Commission approved an interim Sublease Agreement with Carmen and Benito Solis to operate Carmen's Restaurant on a portion of the Bulkhead Building and property located at Piers 38/40 (the “Site”) in the Rincon Point-South Beach Redevelopment Project Area.

2. The Agency offered the subtenants the interim Sublease Agreement so that they could temporarily relocate their restaurant facility at 998 Fourth Street on Wharf 62, a small pier adjacent to the Fourth Street Bridge.

3. The interim Sublease allows the subtenants to continue to operate Carmen's Restaurant at the Site while the City and County of San Francisco's Department of Public Works constructs the Fourth Street Bridge and the Third Street light rail project.

4. The Bridge work was expected to be completed within an 18-month period; however, the project will not be completed until sometime next year. Due to the construction delays the subtenants have requested a two-year extension of their interim Sublease Agreement through May 31, 2006.

5. The parties desire to amend the Sublease Agreement upon the terms provided in the First Amendment to the Sublease Agreement.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is hereby authorized to enter into and execute the First Amendment to provide for a two-year extension of the Sublease Agreement (with no right of renewal) with Carmen and Benito Solis, doing business as Carmen’s Restaurant, at the southerly portion of the Pier 38 Bulkhead Building and a portion of the Pier 40 Shed located along the Embarcadero, as such First Amendment to the Sublease Agreement is substantially in the form lodged with the Agency General Counsel.

APPROVED AS TO FORM:

[Signature]
James B. Morales
Agency General Counsel