



AGENDA REPORT

Meeting Date: July 7, 2011
Item Number: F-9
To: Honorable Mayor & City Council
From: Brenda A. Lavender, Real Estate & Property Manager
Subject: FOURTH AMENDMENT OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND SHAHRAM SAEEDIAN AND BIJAN DADFARIN DBA BEVERLY HILLS MARKET
Attachments: 1. Fourth Amendment to Lease

RECOMMENDATION

It is recommended that the City Council approve the Fourth Amendment of Lease by and between the City of Beverly Hills and Shahram Saeedian and Bijan Dadfarin dba Beverly Hills Market. A copy of the lease is on file with the City Clerk. Beverly Hills Market has been a long-standing tenant of the City at the 303 N. Crescent Drive.

INTRODUCTION

This amendment extends the 15% rent reduction that was granted in the Third Amendment for 12 additional months. BH Market will continue to pay \$6,203.96 monthly through May 31, 2012.

DISCUSSION

BH Market is one of the City's Crescent Drive Tenants with rental rates well below market. City has continued its commitment to the community by providing below market rental rates to local serving businesses such as BH Market so that these businesses are able to stay in the City and provide quality community services.

The changes in the economy continues to affect the market's sales, and although the market has taken measures to cut costs such as cutting employee hours and changing their ordering systems, they are still not able to compete with larger markets who have decreased their prices to attract more customers. Without a rent reduction, the store would most likely close.

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FISCAL IMPACT

The fiscal impact of this request is a \$13,137.84 reduction in annual revenue.


Scott G. Miller, Director of
Administrative Services, CFO
Approved By

Attachment 1

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210
Attn: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned Lessor declares that this Fourth Amendment of Lease is exempt from Recording Fees pursuant to California Government Code Section 27383 and is exempt from documentary transfer taxes pursuant to California Revenue and Taxation Code Section 11922.

FOURTH AMENDMENT OF LEASE

THIS FOURTH AMENDMENT OF LEASE (this "**Fourth Amendment**") is dated as of _____, 2011, and is entered into by and between the CITY OF BEVERLY HILLS, a municipal corporation ("**Lessor**") and SHAHRAM SAEEDIAN and BIJAN DADFARIN (dba Beverly Hills Market) (collectively "**Lessee**").

RECITALS

A. Lessor and Lessee entered into that certain "City of Beverly Hills Lease – Site "A" North 333 North Crescent Drive" dated as of September 22, 1998 and amended said lease by an Amendment of Lease dated November 18, 2008, a Second Amendment of Lease dated March 2, 2010 and a Third Amendment of Lease dated August 3, 2010 (the "**Lease**"). Capitalized terms used herein but not defined shall have the meanings set forth in the Lease.

B. A Memorandum of Lease dated November 18, 2008 was recorded on January 12, 2009 as Document No. 20090038985 in the Official Records of Los Angeles County, California.

C. The Lease affects a portion (the "**Premises**") of the building located at 333 North Crescent Drive, Beverly Hills, California, consisting of: (i) retail shop space containing approximately 3,738 square feet of rentable area; (ii) storage space; (iii) a license to use Patio space; and (iv) a license to use an area for a vending cart.

D. Lessor and Lessee desire to further amend the Lease as hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, the covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee hereby agree as follows:

1. Temporary Rent Reduction. As of June 1, 2011, Base Monthly Rent under Section 4 of the Lease shall remain \$6,203.96, and such Base Monthly Rent rate shall continue until May

31, 2012, at which time the Base Monthly Rent shall be adjusted in accordance with the terms of Section 4 of the Lease.

2. Continuing Effect. Except as specifically modified hereby, the Lease shall remain unaffected and unchanged. The Lease is hereby ratified and affirmed by Lessor and Lessee and remains in full force and effect as modified hereby.

3. Counterparts. This Fourth Amendment may be executed in any number of counterparts, each of which, when executed and delivered, shall be deemed to be an original, and all of which, taken together, shall be deemed to be one and the same instrument.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Fourth Amendment as of the date and year first above written.

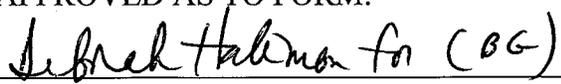
LESSOR:

CITY OF BEVERLY HILLS,
a municipal corporation

By: _____
Barry Brucker, Mayor

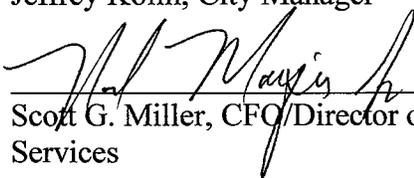
ATTEST:

Byron Pope, City Clerk

APPROVED AS TO FORM:


Laurence S. Wiener, City Attorney

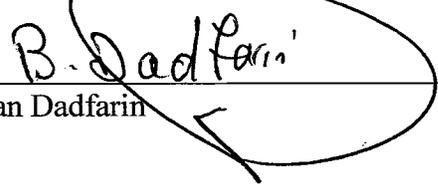
APPROVED AS TO CONTENT:

Jeffrey Kolin, City Manager


Scott G. Miller, CFO/Director of Administrative Services

LESSEE:



Shahram Saeedian


Bijan Dadfarin

ACKNOWLEDGMENT

State of California)
County of Los Angeles)

On June 27, 2011, before me, Siavosh E. Nehoray, (insert name and title of the officer)

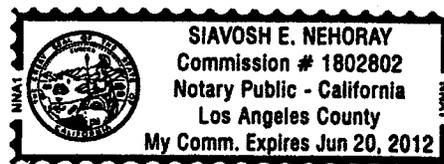
Notary Public, personally appeared Shahram Saedian, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Siavosh E. Nehoray

(Seal)



ACKNOWLEDGMENT

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County of Los Angeles)

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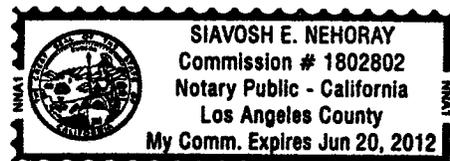
Notary Public, personally appeared BiJan Dadfarin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature Siavosh E. Nehoray

(Seal)



ACKNOWLEDGMENT

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County of Los Angeles)

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(insert name and title of the officer)

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(Seal)

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(Seal)