



AGENDA REPORT

Meeting Date: January 5, 2016
Item Number: D-2
To: Honorable Parking Authority Members
From: David Lightner, Deputy City Manager/Director of Capital Assets
Subject: APPROVAL OF FOURTH AMENDMENT TO LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND RESTAURANT BUSINESS STRATEGIES, LLC. DBA SWEET BEVERLY AT 240 N. BEVERLY DRIVE – THE GARDENS BUILDING
Attachments: 1. Fourth Amendment to Lease

RECOMMENDATION

It is recommended that the Parking Authority approve the Fourth Amendment to Lease by and between The Parking Authority of the City of Beverly Hills and Restaurant Business Strategies (RBS) dba Sweet Beverly. A copy of the amendment is on file with the City Clerk.

INTRODUCTION

RBS is the restaurant entity for Frem Investment and Frem Investments currently leases office space within the Gardens Building at 240 N. Beverly Drive, on the Third floor, along with the Sweet Beverly retail space and all five (5) of the vitrine spaces on the ground floor of the building. This amendment expands the Sweet Beverly "Permitted Use" to allow the retail space to be used as a café serving food, sweets, drinks, and any related or complimentary items. The "Permitted Use" is subject to full compliance with all laws, ordinances, rules and regulations.

DISCUSSION

The current permitted use section of the lease provides for a crepe and ice cream store which may include gelato, soft ice cream, drinks, smoothies, shakes, fresh fruits, compotes, nuts, syrups, chocolates, whipped cream, candies, jam and other toppings and fillings.

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With this amendment RBS will have a more general description of products and will be able to activate all of the Vitrines to sell items prepared in the Sweet Beverly retail space. RBS wanted to ensure the ability to utilize the individual vitrines spaces for more than just advertising, to actually sell food product out of the vitrines and extend the activity of the colonnade from the Sweet Beverly retail space in the center of the colonnade west towards Beverly Drive.

RBS is in the process of expanding their outdoor dining permit, which will include seating in front of all of the vitrine spaces, in accordance with City code.

FISCAL IMPACT

There is no fiscal impact associated with this agreement. This tenant's account is fully paid and up to date through December 2015.


David Lighter, Deputy City Manager
Approved By

Attachment 1

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

The Parking Authority of the
City of Beverly Hills
c/o 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 to Lease is exempt from Recording Fees pursuant to California Government Code Section 27383.

FOURTH AMENDMENT TO LEASE

THIS FOURTH AMENDMENT TO LEASE (this "**Amendment**") is dated as of January 5, 2016 (the "**Effective Date**"), and is entered into by and between THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS ("**Lessor**") and RESTAURANT BUSINESS STRATEGIES, LLC, a California limited liability company ("**Lessee**").

RECITALS

A. Lessor and Lessee entered into that certain Retail Lease dated July 31, 2012 (as amended, the "**Lease**") which affects a portion of the building located at 240 N. Beverly Drive, Beverly Hills, California (the "**Premises**").

B. A Memorandum of Lease was recorded on August 13, 2012 as Document No. 20121200104 in the Official Records of Los Angeles County.

C. Lessor and Lessee previously entered into an Amendment to Lease dated June 18, 2013, which was recorded on August 13, 2012 as Document No. 20121200104 in the Official Records of Los Angeles County, a Second Amendment to Lease dated August 20, 2013, and a Third Amendment to Lease dated April 7, 2015.

D. Lessor and Lessee now desire to further amend the Lease.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions 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. Permitted Uses Section 1(g) of the Lease is hereby deleted in its entirety and replaced with the following:

“(g) Permitted Uses: The Retail Space shall be used as a café serving food, sweets, drinks, and any related or complimentary items which can be reasonably sold in such a retail setting, provided that the sale of such items is in full compliance with all laws, ordinances, rules, and regulations. Subject to applicable law (including without limitation Tenant’s obtaining any required permits), the Vitrine Spaces shall be used to sell any product offered for sale in the Retail Space (provided that the sale of such product in the Retail Space is permitted by this Lease). Tenant must comply with all of Lessor’s outdoor dining ordinances, rules, regulations and requirements for outdoor dining in conjunction with such retail business.”

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 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 Amendment as of the date and year first above written.

LESSOR:

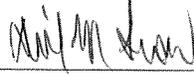
THE PARKING AUTHORITY OF THE
CITY OF BEVERLY HILLS

By: _____
Julian A. Gold, M.D., Chairman

ATTEST:

APPROVED AS TO FORM:

Byron Pope, Secretary

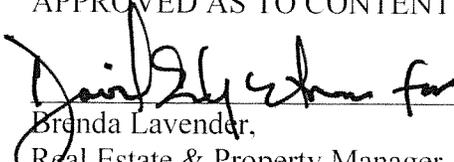


David M. Snow, Interim
Counsel to Parking Authority

APPROVED AS TO CONTENT:

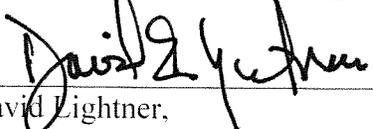
APPROVED AS TO CONTENT:

Mahdi Aluzri,
Executive Director



Brenda Lavender,
Real Estate & Property Manager

APPROVED AS TO CONTENT:



David Lightner,
Deputy City Manager

LESSEE:

RESTAURANT BUSINESS STRATEGIES,
LLC, a California limited liability company

By: Brand 158 Investment Trust
Established November 15, 2011, its
sole member

By: 
Adrienne Lopez,
Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On December 9, 2015, before me, Ariella Silver, notary public
(insert name and title of the officer)

Notary Public, personally appeared Adrienne Lopez,
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.

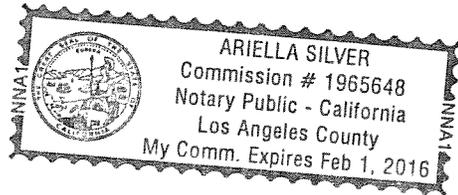
I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Ariella Silver

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
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 _____

(Seal)