

RESOLUTION NO. 164-2003

Adopted November 4, 2003

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A LETTER AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO AND SAFEWAY INC., WESTERN COMMERCIAL PARTNERSHIP I, AND WESTERN COMMERCIAL PARTNERSHIP II TEMPORARILY MODIFYING USE RESTRICTIONS IN GENE SUTTLE PLAZA; WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2

BASIS FOR RESOLUTION

1. In furtherance of its efforts to stimulate the economic revitalization of lower Fillmore Street in the Western Addition Redevelopment Project Area A-2, the Agency would like to hold future events in Gene Suttle Plaza.
2. The plaza and surrounding properties are currently governed by a document called Easements with Covenants and Restrictions Affecting Land (the "ECR"), which, among other things, restricts entertainment-oriented public events in the plaza. The four property owners bound by the ECR are the Agency, Safeway Inc. ("Safeway"), Western Commercial Partnership I ("WCP I"), and Western Commercial Partnership II ("WCP II"). WCP I owns the plaza.
3. In order to hold entertainment-oriented public events in the plaza, an amendment to the ECR, agreed to by all four property owners, is required. The three adjacent property owners are proposing that, prior to executing an ECR amendment, the parties enter into a letter agreement with the Agency that would permit the Agency to hold up to three events in the plaza on a temporary trial basis, for a term of three months (the "Letter Agreement"). This temporary arrangement would provide an opportunity for the parties to perfect and fine-tune the terms and conditions of a future ECR amendment. In effect, the Letter Agreement is a temporary modification to the ECR.
4. It is hoped that at the end of the Letter Agreement's three-month trial period, the four property owners will permanently amend the ECR, which will be presented to the Commission for its consideration.
5. The Agency desires to enter into a Letter Agreement with Safeway Inc., Western Commercial Partnership I and Western Commercial Partnership II temporarily modifying use restrictions in Gene Suttle Plaza.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco, that the Executive Director is authorized to enter into a Letter Agreement with Safeway Inc., Western Commercial Partnership I and Western Commercial Partnership II temporarily modifying use restrictions in Gene Suttle Plaza, Western Addition Redevelopment Project Area A-2, substantially in the form lodged with Agency General Counsel.

APPROVED AS TO FORM:



James B. Morales
Agency General Counsel