RESOLUTION NO. 186-2005

Adopted November 15, 2005

AUTHORIZING A FIRST AMENDMENT TO THE AMENDED AND RESTATED TENANT IMPROVEMENT CONSTRUCTION GRANT AGREEMENT WITH THE MUSEUM OF THE AFRICAN DIASPORA, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION, TO INCREASE THE GRANT BY AN AMOUNT NOT TO EXCEED $150,000, TO A TOTAL AMOUNT NOT TO EXCEED $5,150,000 FOR THE MUSEUM FACILITY LOCATED AT 685 MISSION STREET, ON A PORTION OF PARCEL EB-2A, ON THE SOUTH SIDE OF MISSION STREET BETWEEN NEW MONTGOMERY AND THIRD STREETS; YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. The Museum of the African Diaspora, a California nonprofit public benefit corporation ("MoAD"), is planning a unique cultural and museum facility to create an experience of the journeys, accomplishments, and achievements of the peoples from the African continent who have been transported throughout the world. The museum facility will consist of about 20,000 square feet of space located on a portion of Parcel EB-2A, in the St. Regis Museum Tower structure, a mixed-use project currently under construction at the southeast corner of Third and Mission Streets in the Yerba Buena Center Redevelopment Project Area.

2. On December 16, 2003, by Resolution No. 160-2003, the Commission of the Redevelopment Agency of the City and County of San Francisco (the "Agency Commission") authorized a predevelopment grant agreement (the “Tenant Improvement Construction Grant Agreement”) with MoAD to fund $44,500 in pre-construction work, such as cost-estimating for the tenant improvements and work associated with securing subcontractor bids for the build-out of the tenant improvements.

3. On December 14, 2004, by Resolution No. 146-2004, the Agency Commission authorized an Amended and Restated Tenant Improvement Construction Grant Agreement with MoAD to fund an increase of the grant for the construction tenant improvement construction work of the museum facility of $5,000,000.

4. Because of the complexities of integrating the historic Williams Building with the new St. Regis Museum Tower, unforeseen contingencies in excess of $304,402 of additional costs to complete the tenant improvements were necessary. In order to complete the tenant improvements, MoAD has requested additional contingency funds in the amount of $150,000.
5. The Agency desires to enter into a First Amendment to the Amended and Restated Tenant Improvement Construction Grant Agreement with MoAD to increase the contingency funds by $150,000 for a total grant for the tenant improvements not to exceed $5,150,000.

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 First Amendment to the Amended and Restated Tenant Improvement Construction Grant Agreement with the Museum of the African Diaspora, a California nonprofit public benefit corporation, substantially in the form lodged with the Agency General Counsel, for an increased amount not to exceed $150,000, to a maximum amount not to exceed $5,150,000 for construction activities associated with a new cultural component under construction at the St. Regis Museum Tower development, on Parcel EB-2A, subject to the Executive Director's authority to extend certain performance requirements for a maximum period not to exceed six months, in accordance with the Amended and Restated Tenant Improvement Construction Grant Agreement.

APPROVED AS TO FORM:

James B. Morales
Agency General Counsel