

RESOLUTION NO. 110-2006

Adopted August 1, 2006

AUTHORIZING A LETTER AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, SAFEWAY INC., WCP I AND WCP II TO TEMPORARILY MODIFY USE RESTRICTIONS ON GENE SUTTLE PLAZA TO ALLOW FILLMORE LIVE EVENTS FROM AUGUST TO OCTOBER 2006; WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2

BASIS FOR RESOLUTION

1. On March 21, 2006, the Redevelopment Agency of the City and County of San Francisco's (the "Agency") Commission approved Resolution No. 43-2006, which authorized the Agency to enter into a grant agreement with the San Francisco Juneteenth Committee ("SF Juneteenth"), as the Agency's designated contractor, to produce and manage a nine-month schedule of promotional events and activities in the Fillmore Jazz Preservation District in the Western Addition Redevelopment Project Area A-2. The proposed location of many of these Agency-sponsored events is 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 on the plaza. The four property owners bound by the ECR are the Agency, Safeway Inc., WCP I, and WCP II collectively the parties to the ECR (the "Parties"). WCP I owns the plaza.
3. In order to hold entertainment-oriented public events on the plaza, an amendment to the ECR, agreed to by the Parties, is required.
4. The Parties propose to enter into a letter agreement (the "Letter Agreement") that would permit the Agency to hold events on the plaza on a temporary basis, for a term of three months from August to October 2006, to hold up to a limited number of public events on the plaza. These events will include a Fillmore Outdoor Concert Series to be held on Friday evenings from August 4 to September 15, 2006 and the Big Band Dance Festival and BBQ Cookout to be held on October 8, 2006.

FINDINGS

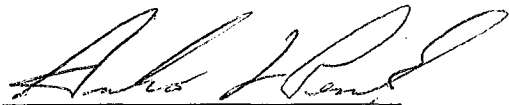
The Agency Commission finds and determines that it may take action on this item of business not appearing on the posted agenda, pursuant to California Government Code Section 54954.2(b)(2) for the following reasons:

1. The Parties have been negotiating the Letter Agreement for the last two months. However, as of July 27, 2006, when the Agency agenda was posted, the Parties had reached an impasse and it appeared that no agreement would be reached. Therefore, negotiations were concluded and the item was not calendared for the meeting of August 1, 2006.
2. On July 28, 2006, subsequent to the posting of the Agency agenda, Agency staff began negotiations for an alternative venue with the Fillmore Center. Initially, it appeared that an agreement would be reached in time for the first event. However, on the morning of July 31, 2006, the Agency was informed that the Fillmore Center would be unable to provide a venue for the event.
3. Agency staff re-initiated discussions with WCP I for use of Gene Suttle Plaza. On July 31, 2006, counsel for the Agency and counsel for WCP I, reached agreement on the last remaining issues. It was only at this time, that it became foreseeable that the matter needed to be considered by the Agency Commission at its August 1, 2006 meeting.
4. The first scheduled event will take place on August 4, 2006 and the Commission's next meeting is on August 15, 2006, thus, immediate action is required to execute the Letter Agreement.

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., WCP I, and WCP II to temporarily modify use restrictions on Gene Suttle Plaza, Western Addition Redevelopment Project Area A-2, substantially in the form lodged with the Agency General Counsel.

APPROVED AS TO FORM:



for James B. Morales 8/1/06
Agency General Counsel