

## RESOLUTION NO. 90-2009

*Adopted August 4, 2009*

**AUTHORIZING A FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS ARTS COMMISSION, AND THE MEXICAN MUSEUM, A CALIFORNIA NONPROFIT CORPORATION, TO COLLABORATIVELY DEVELOP AND IMPLEMENT A PREDEVELOPMENT PLAN FOR A NEW MUSEUM ASSOCIATED WITH A NEW MIXED-USE PROJECT ON A SITE THAT INCLUDES 706 MISSION STREET (ASSESSOR'S BLOCK 3706, LOT 93) AND AGENCY DISPOSITION PARCEL CB-1-MM (ASSESSOR'S BLOCK 3706, PORTION OF LOT 117); YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA**

### BASIS FOR RESOLUTION

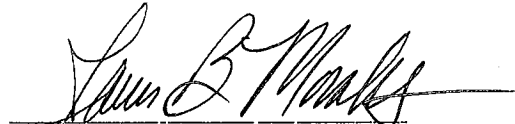
1. On July 15, 2008, the Agency Commission authorized a Memorandum of Understanding (“MOU”) with the City and County of San Francisco, acting by and through its Arts Commission (the “Arts Commission”), and the Mexican Museum, a California nonprofit corporation (the “Museum”), to collaboratively develop and implement a predevelopment plan for a new museum associated with a new mixed-use project on a site that includes 706 Mission Street (Assessor's Block 3706, Lot 93) and Agency disposition parcel CB-1-MM (Assessor's Block 3706, portion of Lot 117), for a one-year term in an amount not to exceed \$280,000.
2. Due to organizational issues and changes to the Museum’s Board of Directors, the Museum was unable to meet the two requirements set by the MOU for release by the Agency of the \$280,000 in grant funds. The first requirement, execution of a Grant Agreement between the Museum and the Arts Commission (the “Grant Agreement”), has now been satisfied through submission of a Grant Agreement dated as of June 23, 2009. The second requirement is related to ongoing issues between the Museum and the Fort Mason Foundation. With assistance from the Mayor’s Office, the Museum has been working to resolve these issues. Both the Mayor’s Office and representatives of the Fort Mason Foundation have agreed that these negotiations should be continued outside of the context of the MOU.
3. Agency staff recommends that the MOU be amended to remove the pre-funding condition related to the Fort Mason Foundation, and to extend the initial term of the MOU to July 15, 2010 (the “First Amendment”). Upon approval of the First Amendment, the Agency will disburse the funds for the development and implementation of the predevelopment plan.
4. Agency authorization of the First Amendment will extend the initial term for a period of one year and remove the pre-funding condition related to the Fort Mason Foundation. This action is an Agency administrative activity that is not a

project as defined by the California Environmental Quality Act ("CEQA") Guidelines Section 15378(b)(5). The First Amendment will not cause any physical changes to any redevelopment project or survey area, will not independently result in a physical change in the environment, and is not subject to environmental review under CEQA.

## 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 Memorandum of Understanding with the City and County of San Francisco, acting by and through its Arts Commission, and the Mexican Museum, a California nonprofit corporation, to collaboratively develop and implement a predevelopment plan for a new museum associated with a new mixed-use project on a site that includes 706 Mission Street (Assessor's Block 3706, Lot 93) and Agency Disposition Parcel CB-1-MM (Assessor's Block 3706, portion of Lot 117), substantially in the form lodged with the Agency General Counsel,

**APPROVED AS TO FORM:**



James B. Morales  
Agency General Counsel