

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Settlement Discussions
Date: Thursday, May 27, 2021 4:09:47 PM

From: Phan, Johnny
Sent: Monday, May 24, 2021 8:23 PM
To: Miller, Gregg <gmler@coblenzlaw.com>; Imwalle, Miles <mimwalle@coblenzlaw.com>; Gray, Matthew S. (SFO) <mgray@perkinscoie.com>
Subject: Fwd: Settlement Discussions

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Begin forwarded message:

From: Lucy Lofrumento <llal@lmallp.com>
Date: May 24, 2021 at 8:22:32 PM PDT
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Subject: Settlement Discussions

[External Email]

Thanks again for the time and effort you have all contributed toward reaching a settlement agreement with SSE. Based on the meetings and discussions today, we believe the parties are in concurrence on the substantive issues. Now what is left is to clarify the language.

In that regard, we have only one wording change to suggest beyond what we suggested today, as follows:

In Paragraph 1) – Zoning Language, please revise the parenthetical to read as follows:

“(and Lots ABC shall retain their existing Industrial / Heavy Industrial zoning)”

To confirm, we have no changes to suggest to the following paragraphs beyond the minor changes we requested today:

Paragraph 5 (Conformance Review – meet and confer on parking design)
Paragraph 6 (Quarterly coordination meetings on upcoming events in the area – for settlement agreement)
Paragraph 7 (DA new Section 14.2)

Also, we have no changes to make to the remaining provisions we reviewed today:

Paragraph 2 (addition of Development Parcel language)
Paragraph 3 (Exhibit K Modifications)

- SSE accepts the changes defining the 1/3-mile radius as including the entirety of the parking garage proposed to be located on Parcel F

Paragraph 4 (Conformance Review – 2 checklist items)

We look forward to reviewing a draft of the Settlement Agreement and related documents as soon as possible. As we discussed, there are several additional items to be covered, such as the following:

1. Street network clarifications
2. City’s agreement not to alter the sidewalks along arena frontages at W. Santa Clara or N. Autumn without SSE’s prior consent, not to be unreasonably withheld, based on the effects on Arena operations (such as safety, security, crowd control, etc.)
3. City’s agreement to pay incremental TPMP costs (without recouping such

incremental costs from SSE or its patrons)

4. Trigger process for significant new developments near the arena, to ensure proposals are reviewed for consistency with AMA/compatibility with arena uses
5. City coordination of events on public land
6. CIMP procedures for Vertical Improvements, to ensure SSE ability to review/comment during design phase

Thanks,
Lucy



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