

File No. 231278

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date January 24, 2024

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- DRAFT Declaration of Restrictions
- RED Presentation 1/24/2024
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Brent Jalipa Date January 18, 2024,

Completed by: Brent Jalipa Date _____

1 [Declaration of Restrictions - ARE-SAN FRANCISCO NO. 15 OWNER, LLC - 1450 Owens
2 Street - Initial Annual Payment to City \$72,000]

3 **Resolution approving a Declaration of Restrictions with the ARE-SAN FRANCISCO**
4 **NO. 15 OWNER, LLC (“Owner) to establish a no-build zone on a portion of property**
5 **owned by the City and County of San Francisco, adjacent to the Owner’s property at**
6 **1450 Owens Street, intended for future public park uses, providing for annual**
7 **payments in the initial amount of \$72,000 with 3% annual increases, to the City from**
8 **Owner in exchange for such restrictions for a term effective on January 1, 2024,**
9 **through in perpetuity unless terminated by the City, as defined in the Declaration of**
10 **Restrictions; and authorizing the Director of Property to execute any amendments,**
11 **make certain modifications and take certain actions that do not materially increase the**
12 **obligations or liabilities to the City, do not materially decrease the benefits to the City**
13 **and are necessary or advisable to effectuate the purposes of the Declaration of**
14 **Restrictions or this Resolution.**

15
16 WHEREAS, The City and County of San Francisco (the “City”), owns certain real
17 property located in San Francisco described as a portion of “State Trust Parcel 2,” which
18 includes a portion of “Street Vacation SV-35” shown on the “Map of Mission Bay” filed in Book
19 Z of Maps at Pages 97 through 119, in the Office of the County Recorder of the City and
20 County of San Francisco (the “Burdened Parcel”), which are within a portion of a proposed
21 park commonly identified as Park P7 in District 6, Mission Bay South; and

22 WHEREAS, ARE-SAN FRANCISCO NO. 15 OWNER, LLC (“Owner”) owns real
23 property adjacent to the Burdened Parcel in Mission Bay South, described as Lot 17 of Final
24 Map No. 4375 filed in Book CC of Survey Maps at Pages 123 through 131, in the Office of the
25

1 County Recorder of the City and County of San Francisco and commonly identified as 1450
2 Owens Street (the “Benefitted Parcel”) that abuts the Burdened Parcel; and

3 WHEREAS, The Successor Agency to the Redevelopment Agency of the City, this
4 Board of Supervisors, and the City’s Planning Commission issued certain approvals and
5 entitlements, including compliance with CEQA, for Owner to build a seven-story mixed use life
6 science building on the Benefitted Parcel (the “Building”); and

7 WHEREAS, In order to allow the Building to abut the lot line between the Burdened
8 Parcel and the Benefitted Parcel and satisfy requirements of the San Francisco Building
9 Code, the City, acting in its proprietary capacity, proposes to impose certain open space
10 restrictions on the Burdened Parcel for the benefit of the Benefitted Parcel in the form of a
11 Declaration of Restrictions by and between the City and Owner (the “Declaration of
12 Restrictions”); and

13 WHEREAS, The Declaration of Restrictions establishes a no-build zone area on a
14 portion of the Burdened Parcel that applies to a 24-foot wide portion of the future Park P7
15 adjacent to the Benefitted Parcel; and

16 WHEREAS, The Declaration of Restrictions requires an annual payment from Owner to
17 the City in the amount of \$72,000 opined to be at or above fair-market value by the Director of
18 Property; and

19 WHEREAS, The annual payment is to increase each year by 3% unless such increase
20 is waived by the Director of Property; and

21 WHEREAS, A copy of the Declaration of Restrictions is on file with the Clerk of the
22 Board of Supervisors in File No. 231278; now, therefore, be it

23 RESOLVED, That in accordance with the recommendation of the Director of Property
24 (the “Director”), the Board of Supervisors approves the Declaration of Restrictions in
25



1450 Owens Street

DECLARATION OF RESTRICTIONS ESTABLISHING A NO-BUILD ZONE

BUDGET AND FINANCE COMMITTEE 1/24/2024

Background

- Entitlements granted by OCII and Planning Dept. to construct seven-story life sciences building up to property line at 1450 Owens Street.
- Property line shared with City; City land to be transferred to Rec & Parks jurisdiction for development as park.
- Proposed agreement establishes 24' wide no-build area, allowing 1450 Owens building to be situated at property line while maintaining clear passage for Fire Dept. and emergency vehicles.

Terms of Agreement:

- ▶ Establishes 24' wide no-build area on City side of property line with parcel owned by developer ARE, on which mixed-use life-sciences building is situated.
- ▶ Requires ARE to make annual payments to City, starting at \$72,000 and increasing by 3% each year thereafter.
- ▶ Requires ARE to maintain no-build area, ensuring clearance for Fire Dept. and EMR vehicles.
- ▶ Remains in effect until such time as
 - ▶ ARE building is demolished or
 - ▶ ARE fails to meet payment obligation to City.



Questions?

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY AND COUNTY OF SAN
FRANCISCO,

REAL ESTATE DIVISION

25 VAN NESS, SUITE 400

SAN FRANCISCO, CA 94102

ATTN: DIRECTOR OF PROPERTY

Free Recording Requested Pursuant to
Government Code Section 27383

(Space above this line reserved for Recorder's use only)

DECLARATION OF RESTRICTIONS

Dated as of _____, 2023

DECLARATION OF RESTRICTIONS

THIS DECLARATION of RESTRICTIONS (“**Declaration**”) is dated as of _____, 2023 by THE CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (“**City**”), acting by and through the Real Estate Division of the Office of the City Administrator (“**Declarant**”), and is acknowledged and consented to by ARE-SAN FRANCISCO NO 15 OWNER, LLC, a Delaware limited liability company (“**Owner**”).

RECITALS

A. City is the owner of certain real property located in the City and County of San Francisco, California, described as a portion of “State Trust Parcel 2,” which includes a portion of “Street Vacation SV-35” shown on the “Map of Mission Bay” filed in Book Z of Maps at Pages 97 through 119, in the Office of the County Recorder of the City and County of San Francisco (also known as Block 8709, Lot 002 together with a portion of Street Vacation SV-35), which are within a portion of a proposed park that is commonly identified as Park P7 in Mission Bay South, as more particularly described in Exhibit A to this Declaration (the “**Burdened Parcel**”).

B. The purpose of this Declaration is to benefit certain real property that is owned by Owner and abuts the Burdened Parcel, described as Lot 17 of Final Map No. 4375 filed in Book CC of Survey Maps at Pages 123 through 131, in the Office of the County Recorder of the City and County of San Francisco (also known as Block 8709, Lot 017 and commonly identified as 1450 Owens Street, San Francisco, California), as more particularly described in Exhibit B attached to this Declaration (the “**Benefitted Parcel**”).

C. The City’s Commission on Community Investment and Infrastructure, Oversight Board, the Board of Supervisors, and the Planning Commission issued certain approvals and entitlements for Owner to build a seven-story building on the Benefitted Parcel (the “**Building**”). In order for the Building to abut the boundary between the Burdened Parcel and the Benefitted Parcel and satisfy requirements of the San Francisco Building Code (including the San Francisco Building Code, the California Building Code, the Mechanical Code, the Electrical Code, and the Plumbing Code, and including any amendments thereto, collectively referred to herein as the “**Code**”) in effect as of the date Owner submitted the building permit application for the Building, Declarant, acting in City’s proprietary capacity, has agreed to impose certain additional open space restrictions on the Burdened Parcel for the benefit of the Benefitted Parcel.

D. Declarant intends the written consent of the City’s Director of Property, acting in City’s proprietary capacity, and the Director of City’s Department of Building Inspection and Fire Marshal (collectively, “**DBI**”), acting in City’s regulatory capacity, shall be both required to modify, revoke, or terminate the restrictions imposed in this Declaration.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant does hereby declare with respect to the Burdened Parcel and the Benefitted Parcel that the Burdened Parcel is to be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following limitations, restrictions, conditions and covenants, all of which are imposed as equitable servitudes upon the Burdened Parcel. All of the limitations, restrictions, reservations, rights, conditions and covenants in this

Declaration shall run with and burden the Burdened Parcel and run with and benefit the Benefitted Parcel, any portion of them and any interest in them, and all persons having or acquiring any rights, title or interest in the Burdened Parcel and the Benefitted Parcel, any portion of them and any interest in them, and their successors, heirs and assigns.

1. No-Build Zone Area. City hereby establishes a “**No-Build Zone Area**” on a portion of the Burdened Parcel, as described and depicted on Exhibit C to this Declaration. For as long as this Declaration continues in effect, no new permanent structure or other permanent improvement shall be constructed or maintained on the No-Build Zone Area, except as approved by DBI if such approval is required under the provisions of the Code. However, this Declaration shall not prohibit the maintenance, construction and installation of encroachments of building systems, light facilities, utility facilities, recreational facilities, pavers, landscaping, fences and similar facilities, nor prohibit the temporary installation of scaffolding or other equipment to be used for the Burdened Parcel maintenance activities in the No-Build Zone Area, as long as such improvements do not conflict with Fire Department access to the Benefitted Parcel and have been approved in writing by the Director of Property and by DBI if such approval is required by the Code. The assumed property line between the Burdened Parcel and the Benefitted Parcel shall be the north boundary of the No-Build Zone Area, as depicted on Exhibit C to this Declaration, with respect to any future building installation on the Burdened Parcel and exterior alterations to the wall of any building located on the Burdened Parcel facing the No-Build Zone Area, for purposes of Code compliance only, including compliance with Code requirements relating to building setbacks, yards, courts, exit courts, property line protection, opening protection, parapets, and all other relevant Code provisions.

2. Annual Payment. In consideration of City’s agreement to enter into this Declaration, Owner shall pay to Declarant an Annual Payment in the amount of Seventy Two Thousand Dollars (\$72,000.00) on January 1st of each year for the duration of this Declaration (the “**Annual Payment**”), provided that the Annual Payment for any partial year shall be prorated. The Annual Payment shall be adjusted each year to equal one hundred three percent (103%) of the Annual Payment for the period immediately preceding the Adjustment Date, provided that City’s Director of Property shall have the right to waive any such increase in writing in the Director of Property’s sole discretion. If Owner fails to make any Annual Payment to the City when due hereunder, and Owner fails to cure such nonpayment within ninety (90) days of receiving written notice of such nonpayment from the City, then Owner shall be in default under this Declaration. Upon the occurrence of a default by Owner, City shall be entitled to exercise all rights available at law and equity; provided, that City shall not (and hereby waives the right to) terminate, cancel or rescind (collectively, “**Terminate**”) this Declaration, and City shall be limited to the remedies of damages and specific performance unless Owner fails to pay any damages awarded City by a court with jurisdiction, in which case City may terminate this Declaration by delivering written notice of such Termination to Owner.

3. Maintenance and Repair. Declarant shall at all times cause the No-Build Zone Area described herein to be maintained in a condition adequate for purposes granted hereunder, except as may otherwise be permitted under Section 1 hereof. City reserves the right to use the Burdened Property in any way that is not inconsistent with the terms of this Declaration.

4. Special Restrictions. With respect to the Burdened Parcel, Declarant and its successors-in-interest and, with respect to the Benefitted Parcel, Owner and its successors-in-interest shall submit a copy of this Declaration as part of any building permit applications that are submitted to DBI on or after the effective date of this Declaration that could affect the No-Build Zone Area and its compliance with the Code.

5. Duration. The restrictions contained in this Declaration shall remain in effect until (i) the Building is demolished or set back from the actual boundary of the Burdened Parcel and the Benefitted Parcel in a manner that meets the building setbacks, yards, courts, exit courts, property line protection, parapets, and all other relevant provisions of the Code in effect at the time of such alteration, or (ii) this Declaration is revoked or terminated pursuant to Section 2 or Section 6 below.

6. Modification, Revocation or Termination. This Declaration has been recorded in order to satisfy the requirements of the Code as to the Building in effect as of the date Owner submitted the building permit application for the Building and shall automatically terminate at any time that the Building is removed. In the event of termination, Owner will execute and deliver a quitclaim deed of all of Owner's rights, privileges, or interests pursuant to this Declaration to City within thirty (30) days following City's request. This Declaration may not be modified or revoked except through a written amendment that is duly executed by City's Director of Property, the Director of DBI, and the Owner of the Benefitted Parcel, or their respective successor(s)-in-interest, and no such amendment shall be effective unless it is recorded in the Official Records of San Francisco County.

7. Limitation of Liability. The City shall have no liability whatsoever hereunder with respect to the condition of the Benefitted Parcel or the Building, and City's Department of Building Inspections shall have no liability whatsoever hereunder with respect to the condition of the No-Build Zone Area.

8. No Public Dedication. Nothing contained herein shall be deemed to be a gift or dedication to the general public or for any public purposes whatsoever, it being the intention that this Declaration be strictly limited to and for the purposes expressed.

9. Notices. Any and all notices, requests, demands or other communications hereunder shall be deemed to have been duly given if in writing and if (a) personally delivered to the recipient, (b) delivered for priority next business day delivery to the recipient by a nationally reputable overnight courier service providing for receipted delivery, with delivery charges prepaid, or (c) delivered by registered or certified mail, return receipt requested, first class postage prepaid to the recipient, in each case, addressed as follows:

If to City: Real Estate Division
 25 Van Ness Avenue, Suite 400
 San Francisco, California 94102
 Attn: Director of Property
 Telephone: (415) 554-9860
 Email: RealEstateAdmin@sfgov.org

If to Owner: ARE San Francisco No. 15 Owner, LLC
26 North Euclid Avenue
Pasadena, California 91101
Attention: Corporate Secretary
Telephone: (626) 578-0777

With a copy to: Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, CA 94111
Attn: Margo Bradish
Telephone: (415) 262-5101
Email: mbradish@coxcastle.com

The date of such notice shall be the date of actual delivery to the recipient thereof. Any party may change its address (and the person(s) to whom notice is to be sent) for purposes of this Section by giving written notice of such change to the other party in the manner provided in this Section. For convenience of the parties, copies of notices may also be given by email to the email address number set forth above, but neither party may give official or binding notice by email.

10. Recitals. Each of the Recitals to this Declaration is incorporated by reference as if fully set forth herein.

IN WITNESS WHEREOF, Declarant executed this instrument effective as of the day and year first above written.

DECLARANT, as owner of the Burdened Parcel:

THE CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation

By: _____
Andrico Q. Penick, Director of Real Estate

APPROVED

THE CITY AND COUNTY OF SAN FRANCISCO,
acting by and through the Department of Building Inspection

By: _____
Its: _____

CITY FIRE MARSHAL

By: _____

APPROVED AS TO FORM
David Chiu, City Attorney

By: _____
John Malamut
Deputy City Attorney

[ACKNOWLEDGMENT AND CONSENT ON FOLLOWING PAGE]

ACKNOWLEDGEMENT AND CONSENT

To receive the benefit of this Declaration, Owner acknowledges that it and each future owner and tenant of the Benefitted Parcel will submit a copy of this Declaration with any building permit applications related to exterior alterations to the Benefitted Parcel facing on the No-Build Zone Area that are submitted to DBI on or after the date of this Declaration. By accepting title to any portion of the Benefitted Parcel, each future owner shall be deemed to have accepted this obligation. Owner authorizes City to record this Declaration against record title of the Benefitted Parcel in the Official Records of San Francisco County.

ARE-SAN FRANCISCO NO. 15 OWNER, LLC,
a Delaware limited liability company


By: ARE-San Francisco No. 15 HoldCo, LLC,
a Delaware limited liability company,
managing member

By: ARE-San Francisco No. 15 JV, LLC,
a Delaware limited liability company,
managing member

By: ARE-San Francisco No. 15, LLC
a Delaware limited liability company,
managing member

By: Alexandria Real Estate Equities, L.P.,
a Delaware limited partnership,
managing member

By: ARE-QRS Corp.,
a Maryland corporation,
general partner

By: 
Name: Gregory Kay
Its: Senior Vice President
Real Estate Legal Affairs
Date: 11/29/2023

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF CALIFORNIA)

COUNTY OF Los Angeles)

On November 29, 2023 before me RACHEL EARLE, Notary Public
(insert name and title of the officer) personally appeared
GREGORY KAY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rachel Earle (Seal)



EXHIBIT A

Legal Description and Depiction of Burdened Parcel

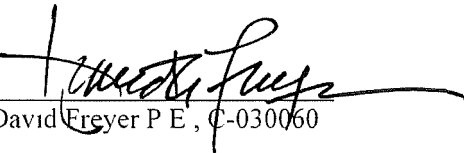
(Attached)

**EXHIBIT A
LEGAL DESCRIPTION
(BURDENED PARCEL)**

All that real property situated in the City and County of San Francisco, State of California, described as follows

Being a portion of Assessor's Block 8709 Lot 2 and a portion of Street Vacation SV-35 as said lot and street vacation are shown on that certain map entitled "Map of Mission Bay" filed July 19, 1999 in Book Z of Maps at Pages 97 through 119, inclusive, in the Office of the County Recorder of the City and County of San Francisco, State of California

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act


David Freyer P E , C-030060

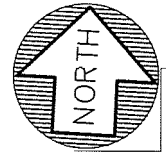
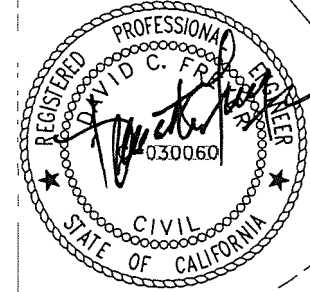
10.25.23
Date



LEGEND:

----- PROPERTY LINE

----- EASEMENT LINE



SCALE

1" = 60'

MAP OF MISSION BAY
(APN 8709-003)
Z MAPS 97-119

MAP OF MISSION BAY
(APN 8709-002)
Z MAPS 97-119

PORTRION OF
PROPOSED
PARK P7

STREET VACATION
SV-35
(FORMER OWENS
STREET)

PROPOSED NO BUILD EASEMENT

APN 8709-016
CC SM 123-131
LOT 16

FINAL MAP NO 4375
(APN 8709-017)
CC SM 123-131
LOT 17

CITY AND COUNTY OF SAN FRANCISCO 10/13/2023



CIVIL ENGINEERS SURVEYORS CONSTRUCTION MANAGERS
150 Executive Park Blvd • Suite 4200 San Francisco CA 94134
(415) 534 7070 • www.freyerlaureta.com

EXHIBIT A (BURDENED PARCEL)
PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B

Legal Description and Depiction of Benefited Parcel

(Attached)

**EXHIBIT B
LEGAL DESCRIPTION
(BENEFITTED PARCEL)**

All that real property situated in the City and County of San Francisco, State of California

Lot 17 as shown on Final Map No 4375 filed April 8, 2009, in Book CC of Survey Maps at Pages 123 through 131, inclusive, in the Office of the County Recorder of the City and County of San Francisco, State of California

Containing 49,528 square feet (1.14 acres) more or less

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act

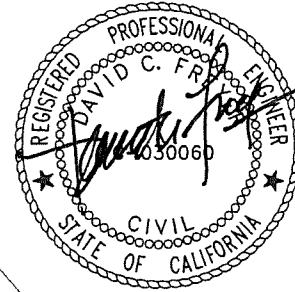

David Freyer P.E., C-030060

10.25.23
Date



LEGEND:

----- PROPERTY LINE



STREET
VACATION
(FORMERLY
SOWENIER
STREET)

OWENS STREET

MAP OF MISSION BAY
(APN 8709-002)
Z MAPS 97-119

N86°49'04"E 338 13'

S73°45'49"W (R)

S69°36'29"W (R)

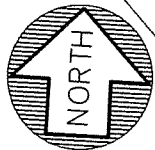
FINAL MAP NO. 4375
(APN 8709-017)
CC SM 123-131
LOT 17

S64°59'57"W (R)

R=985.50'
D=4°36'32"
L=19.27'

APN 8709-016
CC SM 123-131

R=1159.22'
D=3°21'11"
L=11.11'



SCALE

1" = 60'

N61°33'25"E 323 72'

APN 8709-018
CC SM 123-131

S62°34'26"W (R)

APN 8709-019
CC SM 123-131

CITY AND COUNTY OF SAN FRANCISCO 10/13/2023



CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
150 Executive Park Blvd Suite 4200 San Francisco CA 94134
(415) 534-7070 www.freyerlaureta.com

EXHIBIT B (BENEFITTED PARCEL)
PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT C

Legal Description and Depiction of the No-Build Zone Area

(Attached)

**EXHIBIT C
LEGAL DESCRIPTION
(NO-BUILD ZONE AREA)**


All that real property situated in the City and County of San Francisco, State of California, described as follows

Being a portion of Assessor's Block 8709 Lot 2 and a portion of Street Vacation SV-35 as said lot and street vacation are shown on that certain map entitled "Map of Mission Bay" filed July 19, 1999 in Book Z of Maps at Pages 97 through 119, inclusive, in the Office of the County Recorder of the City and County of San Francisco, State of California and being more particularly described as follows

COMMENCING at the northwesterly corner of Lot 17 as shown on that certain map entitled Final Map No 4375 filed April 8, 2009 in Book CC of Survey Maps at Pages 123 through 131, inclusive, in the Office of said County Recorder, thence North 86°49'04" East 9 41 feet along the northerly line of said Lot 17 to the **TRUE POINT OF BEGINNING**, thence proceeding clockwise the following courses and distances North 03°10'56" West 24.00 feet to a line parallel with and distance northerly 24 00 feet, measured at right angles, from said northerly line, thence North 86°49'04" East 246 63 feet along said parallel line, thence South 03°10'56" East 24 00 to said northerly line, thence South 86°49'04" West 246 63 feet along said northerly line to the **TRUE POINT OF BEGINNING**

Containing 5919 12 square feet (0 14 acres) more or less

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act


David Freyer P. E., C-030060

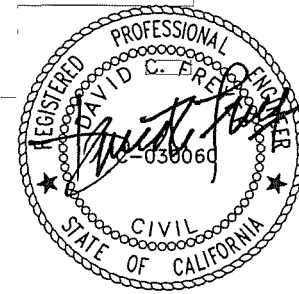
10-25-23
Date



LEGEND:

- EASEMENT LINE
- PROPERTY LINE

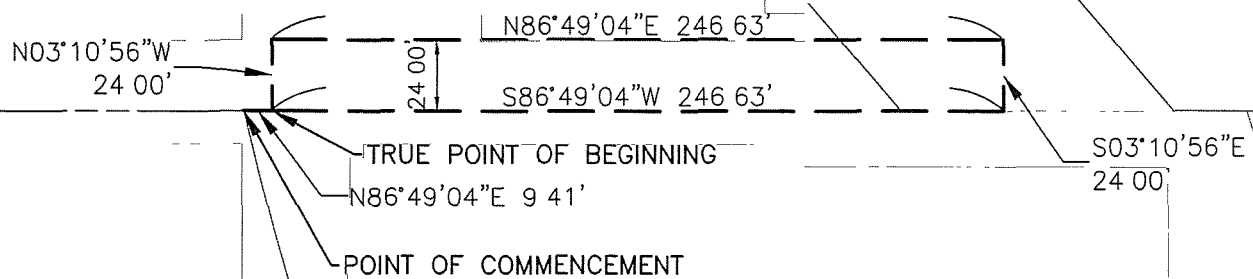
PORTION OF
PROPOSED
PARK P7



MAP OF MISSION BAY
(APN 8709-002)
Z MAPS 97-119

1/4\"/>STREET
(FOR LOCATION
OF OWEN'S
STREET)

OWEN'S STREET

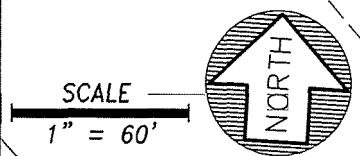


FINAL MAP 4375
(APN 8709-017)
CC SM 123-131
LOT 17

APN 8709-016
CC SM 123-131

APN 8709-018
CC SM 123-131

APN 8709-019
CC SM 123-131



CITY AND COUNTY OF SAN FRANCISCO 10/13/2023



FREYER & LAURETA, INC.
CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
150 Executive Park Blvd Suite 4200 San Francisco CA 94134
(415) 534-7070 www.freyerlaureta.com

EXHIBIT C (NO-BUILD ZONE AREA)
PLAT TO ACCOMPANY LEGAL DESCRIPTION

City & County of San Francisco
London N. Breed, Mayor



Office of the City Administrator
Carmen Chu, City Administrator
Andrico Q. Penick, Director of Real Estate

November 29, 2023

Honorable Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Resolution for a Declaration of Restrictions to Establish a No-Build Zone in Mission Bay.

Dear Board Members:

Attached for your consideration is a proposed Resolution for a Declaration of Restrictions ("Declaration") between the City and ARE-SAN FRANCISCO NO. 15 OWNER, LLC ("ARE"), to create a No-Build Area on City-owned land. The No-Build Area is a 24' by 246.6' strip of land on part of a City parcel located in Mission Bay commonly referred to as "Park P7." The Declaration allows ARE, the owner of the parcel directly adjacent to the City's parcel, to construct a building situated right up to the property line shared by the two parcels. The City's Parcel will be jurisdictionally transferred from the Real Estate Division to Recreation and Park Department for a proposed park.

The parcel owned by ARE, addressed as 1450 Owens Street, has received the necessary entitlements from OCII and the Planning Commission to construct a seven-story mixed use life science building ("Building"). In order for the Building to be located right by the shared property line and meet Building Code requirements, the City has agreed to impose certain additional open space restrictions on a portion its own Parcel for the benefit of the ARE's parcel. Toward this end, the Declaration establishes a 24' wide No-Build Area on the City's parcel, sufficient to allow the Fire Department and other emergency vehicles clearance.

On-going operational terms of the Declaration include:

- Annual payments by the ARE to the City, starting at \$72,000 and increased by 3% per year thereafter (an amount opined by the Director of Property to be fair market value) unless waived at any time by the Director of Property;
- Maintenance of the No-Build Area by the ARE in a condition consistent with the terms of the Declaration.

The Declaration is to remain in effect until:

- The improvements on the Benefitted Parcel are removed (demolished);
- ARE fails to meet its payment obligations to the City.

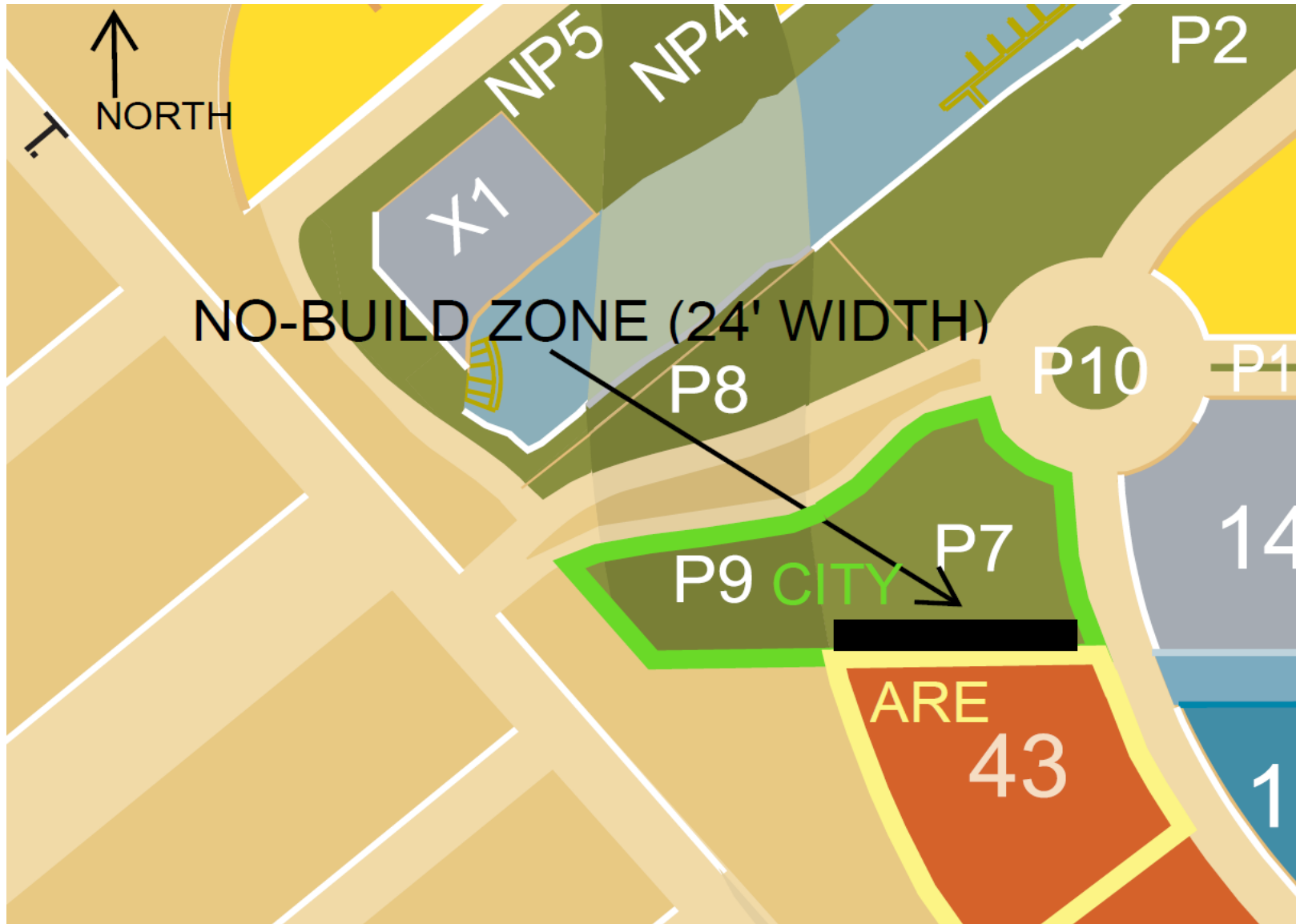
Should you have any questions regarding this matter, please contact me at (415) 554-9871 or Burt Hirschfeld, Senior Real Property Officer in our office at (415) 554-9862.

Respectfully,



Claudia J. Gorham
Deputy Managing Director

MISSION BAY SOUTH



PERSPECTIVE FROM CITY PARCEL LOOKING SOUTH TO 1450 OWENS





San Francisco Ethics Commission

25 Van Ness Avenue, Suite 220, San Francisco, CA 94102

Phone: 415.252.3100 . Fax: 415.252.3112

ethics.commission@sfgov.org . www.sfethics.org

Received On:

File #: 231278

Bid/RFP #:

Notification of Contract Approval

SFEC Form 126(f)4

(S.F. Campaign and Governmental Conduct Code § 1.126(f)4)

A Public Document

Each City elective officer who approves a contract that has a total anticipated or actual value of \$100,000 or more must file this form with the Ethics Commission within five business days of approval by: (a) the City elective officer, (b) any board on which the City elective officer serves, or (c) the board of any state agency on which an appointee of the City elective officer serves. For more information, see: <https://sfethics.org/compliance/city-officers/contract-approval-city-officers>

1. FILING INFORMATION

TYPE OF FILING	DATE OF ORIGINAL FILING (for amendment only)
Original	
AMENDMENT DESCRIPTION – Explain reason for amendment	

2. CITY ELECTIVE OFFICE OR BOARD

OFFICE OR BOARD	NAME OF CITY ELECTIVE OFFICER
Board of Supervisors	Members

3. FILER'S CONTACT

NAME OF FILER'S CONTACT	TELEPHONE NUMBER
Angela Calvillo	415-554-5184
FULL DEPARTMENT NAME	EMAIL
office of the clerk of the Board	Board.of.Supervisors@sfgov.org

4. CONTRACTING DEPARTMENT CONTACT

NAME OF DEPARTMENTAL CONTACT	DEPARTMENT CONTACT TELEPHONE NUMBER
Burt Hirschfeld	415-554-9850
FULL DEPARTMENT NAME	DEPARTMENT CONTACT EMAIL
ADM RED	realstateadmin@sfgov.org

5. CONTRACTOR	
NAME OF CONTRACTOR ARE-SAN FRANCISCO NO. 15 OWNER, LLC	TELEPHONE NUMBER 626-578-0777
STREET ADDRESS (including City, State and Zip Code) 26 N Euclid Ave, Pasadena CA 91101	EMAIL

6. CONTRACT		
DATE CONTRACT WAS APPROVED BY THE CITY ELECTIVE OFFICER(S)	ORIGINAL BID/RFP NUMBER	FILE NUMBER (If applicable) 231278
DESCRIPTION OF AMOUNT OF CONTRACT Payments to City \$72,000 1st year, increasing by 3% annually thereafter.		
NATURE OF THE CONTRACT (Please describe) Declaration of Restrictions. Duration is in perpetuity unless terminated by City.		

7. COMMENTS
Sponsorship by Supervisor Dorsey, Staff contact: Madison Tam madison.r.tam@sfgov.org 415-554-7973 (voice) 415-554-5163 (fax)

8. CONTRACT APPROVAL	
This contract was approved by:	
<input type="checkbox"/>	THE CITY ELECTIVE OFFICER(S) IDENTIFIED ON THIS FORM
<input checked="" type="checkbox"/>	A BOARD ON WHICH THE CITY ELECTIVE OFFICER(S) SERVES Board of Supervisors
<input type="checkbox"/>	THE BOARD OF A STATE AGENCY ON WHICH AN APPOINTEE OF THE CITY ELECTIVE OFFICER(S) IDENTIFIED ON THIS FORM SITS

9. AFFILIATES AND SUBCONTRACTORS

List the names of (A) members of the contractor's board of directors; (B) the contractor's principal officers, including chief executive officer, chief financial officer, chief operating officer, or other persons with similar titles; (C) any individual or entity who has an ownership interest of 10 percent or more in the contractor; and (D) any subcontractor listed in the bid or contract.

#	LAST NAME/ENTITY/SUBCONTRACTOR	FIRST NAME	TYPE
1	Hash	Steven	Other Principal Officer
2	Cain	James	Other Principal Officer
3	Feldmann	Cynthia	Other Principal Officer
4	Freire	Maria	Other Principal Officer
5	Klein	Richard	Other Principal Officer
6	Woronoff	Michael	Other Principal Officer
7	Marcus	Joel	Other Principal Officer
8	Moglia	Peter	CEO
9	Ryan	Daniel	Board of Directors
10	Kass	Hunter	Board of Directors
11	Binda	Marc	CFO
12	Ciruzzi	Vincent	Other Principal Officer
13	Diamond	Lawrence	COO
14	Hakman	Joseph	COO
15	Cunningham	John	Board of Directors
16	Clem	Jacki	Other Principal Officer
17	Gavinet	Andres	Other Principal Officer
18	Dean	Gary	Board of Directors
19	Lee	Onn	Board of Directors

9. AFFILIATES AND SUBCONTRACTORS

List the names of (A) members of the contractor’s board of directors; (B) the contractor’s principal officers, including chief executive officer, chief financial officer, chief operating officer, or other persons with similar titles; (C) any individual or entity who has an ownership interest of 10 percent or more in the contractor; and (D) any subcontractor listed in the bid or contract.

#	LAST NAME/ENTITY/SUBCONTRACTOR	FIRST NAME	TYPE
20	Carlson	Kristina	Board of Directors
21	Alsbrook	Madeleine	Board of Directors
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			

9. AFFILIATES AND SUBCONTRACTORS

List the names of (A) members of the contractor’s board of directors; (B) the contractor’s principal officers, including chief executive officer, chief financial officer, chief operating officer, or other persons with similar titles; (C) any individual or entity who has an ownership interest of 10 percent or more in the contractor; and (D) any subcontractor listed in the bid or contract.

#	LAST NAME/ENTITY/SUBCONTRACTOR	FIRST NAME	TYPE
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
<input type="checkbox"/>	Check this box if you need to include additional names. Please submit a separate form with complete information. Select "Supplemental" for filing type.		

10. VERIFICATION

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information I have provided here is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

<p>SIGNATURE OF CITY ELECTIVE OFFICER OR BOARD SECRETARY OR CLERK</p> <p>BOS Clerk of the Board</p>	<p>DATE SIGNED</p>
---	---------------------------

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: