

375 Beale Condominium Corporation

September 27, 2022

Agenda Item 4 - 22- 1353

375 Beale Condominium Corporation Resolution No. 004

Pilot 1st Floor – Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules

Subject:

A request for approval of 375 Beale Condominium Corporation Resolution No. 004, Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules.

Background:

The Covenants, Conditions, and Rules (CC&Rs) dated December 22, 2016, and the funding agreement between the Bay Area Headquarters Authority (BAHA) and the Bay Area Air Quality Management District (BAAQMD) designate the Yerba Buena, Ohlone, and Temazcal conference rooms as Jointly Used Space (JUS) and the Atrium as a Common Area.

The location of the building and the attributes of the Atrium, Yerba Buena, Ohlone and Temazcal spaces make those spaces desirable to external public agencies, private parties, and community organizations to hold events in. It is desirable to develop clear Space Prioritization and Rental Rules for use of those spaces to generate revenue.

To assist with the development of Space Prioritization and Rental Rules, in 2019 BAHA issued a Request for Interest (RFI) to gather information on the use and revenue cases for the approximately 8,116 square feet of space comprised of Yerba Buena, Ohlone, and Temazcal. Information from respondents indicates that rather than entering into a long-term relationship with one concessionaire, BAHA should explore the option of working with one or more venue managers to bring in different events, food vendors, and “pop-ups” into the various spaces.

Plans to move forward with Space Prioritization and Rental Rules were paused in 2020 due to the Pandemic. Since it has been sometime since the RFI was issued and there are still many unknowns about how the Pandemic will impact rental of the 1st Floor spaces, staff is requesting approval of 375 Beale Condominium Corporation Resolution No. 004, Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules (“Pilot”). Approval of the Pilot will allow staff to test a variety of events in the spaces and determine the most advantageous rates for the spaces and a schedule that integrates with agency and tenant usage.

375 Beale Condominium Corporation Resolution No. 004, Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules adhere to the CC&Rs and adds timelines for room reservations for all parties to allow the Facility Operator to schedule and allow for rental of those spaces during the Pilot.

375 Beale Condominium Corporation Resolution No. 004, Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules comply with the CC&Rs Section 5.11, General Restrictions on Use and Exhibit C, Rules of the Corporation. Staff will confer and collaborate with BAAQMD staff on the Temazcal Space , all fees collected will be paid to the 375 Beale Condominium Corporation, as per Exhibit C, Article 1.3, and staff will report back to the Board on the Pilot at future Board meetings.

Section 4.02 (c) of the CC&Rs requires the Board to review and approve of policies for booking and use of the 1st floor conference rooms designated as JUS.

Issues:

None.

Recommended Action:

Approval of 375 Beale Condominium Corporation Resolution No. 004, Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules

Attachments:

Attachment A:

375 Beale Condominium Corporation Resolution No. 004, Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules

Denise Rodrigues

Denise Rodrigues

Date: September 27, 2022
Referred by: 375 Beale Condo. Corp.

ABSTRACT
Resolution No. 004

This resolution establishes the Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules.

Further discussion of this subject is contained in the 375 Beale Condominium Corporation Summary Sheet dated September 27, 2022.

Date: September 27, 2022
Referred by: 375 Beale Condo. Corp.

RE: Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules

375 BEALE CONDOMINIUM CORPORATION
Resolution No. 004

WHEREAS, under the Declaration of Covenants, Conditions and Restrictions for 375 Beale Street, San Francisco, recorded as Document No. 2016-K388389-00 in the San Francisco Recorder's Office ("CCR's) § 4.01(b), the overall management and control of Common Area and Jointly Used Space is vested with the Facility Operator, subject to the general policies established by the Board for 375 Beale Condominium Corporation ("Board"); and

WHEREAS, under CCR § 4.02(c), the Board may review and approve policies for booking and use of conference rooms designed as Jointly Used Space, subject to certain bookings receiving priority; and

WHEREAS, under the Rules of the Corporation promulgated by the Board ("Rules"), use and booking of first floor conference rooms and Joint Used Space is to be managed and coordinated by the Facility Operator in accordance with a Room Reservation Policy as established by the Board; and

WHEREAS, under the Rules, any fees collected from the use of the first floor conference rooms and Joint Used Space is to be paid to the Board; and

WHEREAS, the rooms designated as Yerba Buena, Ohlone, Temazcal are considered Joint Used Space and the Atrium is considered common area, and

WHEREAS, the Board desires to allow third-parties to use the Joint Used Space to maximize use and revenue generated while accommodating the use of the Joint Used Space by Unit Owners and tenants; and

NOW, THEREFORE, BE IT RESOLVED, that the 375 Beale Condominium Corporation hereby determines that, pursuant to the CC&Rs the Board adopts the Pilot 1st Floor - Atrium, Yerba Buena, Ohlone and Temazcal Space Prioritization and Rental Rules included in Attachment A to this resolution, attached hereto and incorporated herein (“Pilot Program”), and authorizes the Facility Operator to take other actions necessary to implement the Pilot Program, including setting rental rates, consistent with this Resolution, the CCR’s, the Rules and other governing documents of the Board; and be it further

RESOLVED, that this resolution shall be effective upon adoption.

375 BEALE CONDOMINIUM CORPORATION

Sharon Landers, President

The above resolution was approved by the 375 Beale Condominium Corporation at a regular meeting of the 375 Beale Condominium Corporation held in San Francisco, CA and at other remote locations, on September 27, 2022.

Pilot
1st Floor – Atrium, Yerba Buena, Ohlone and Temazcal
Space (collectively referred to as “Conference Rooms”) Prioritization

To accommodate priority use, the Facility Operator will allow for entities to reserve a Conference Room in advance as follows:

Order	Party	Advance Reservation Period
1a	ABAG, BAAQMD, BCDC and MTC Governing Boards	Up to 12 Months
1b	ABAG, BAAQMD, BCDC, MTC and its Standing and Policy Committees	Up to 12 Months
2	ABAG, BAAQMD, BCDC, MTC Other Meetings and Events related to Official Agency Business	Up to 12 months
3	Public Agencies Associated with Work Programs of ABAG, BAAQMD, BCDC and MTC	Up to 6 months
4	Employee Groups of ABAG, BAAQMD, BCDC and MTC - Rental time limited to Mon to Fri, 8 a.m. to 7 p.m.	Up to 6 months
5	Social Events hosted by Agency Staff (i.e. Retirement parties) - Rental time limited to Mon to Fri, 8 a.m. to 7 p.m.	Up to 6 months
6	Other Public Agencies (meeting not related to Agency Work Programs) Rental Mon -Fri between 8 a.m. and 5 p.m.	Up to 3 months
	Other Public Agencies (meeting not related to Agency Work Programs) Rental Mon -Fri between 5 p.m. - 1 a.m. & Anytime Sat/Sun	Up to 6 months
7	Building Tenants	Up to 6 months
8	Other Third Party Rental Mon -Fri between 8 a.m. and 5 p.m.	Up to 3 months
	Other Third Party Rental Mon -Fri between 5 p.m. - 1 a.m. & Anytime Sat/Sun	Up to 6 months

Note: On a annual basis ABAG, BAAQMD, BCDC, MTC will work with the Facility Operator to select and establish 'non-rental dates'.

In the event of a conflict in scheduling requests, priority will be given to the entity with the lower Order number as set forth above. Once the Facility Operator has accepted a reservation, the Conference Room is unavailable for another entity to reserve for that same date and time, even if the other entity has a lower Order number as set forth above than the entity who has the reservation. The Facility Operator may rent a Conference Room, subject to standard terms and conditions, such as a rental rate and an agreement to hold harmless and indemnify the Board and its Unit Owners.