

# Fillmore Heritage Center Frequently Asked Questions

Updated 4/14/17 – Newer Questions First

Q: Does the purchase price include clear title to the land as well as the building?

A: **The preliminary title reports for the subject property (including land, garage parcel and commercial parcel) that are available to interested parties indicate the current exceptions to title. In the process of the transaction, the title reports may be updated and exceptions may change or be removed. Respondents should indicate in their proposal if there are any title exceptions that they are requesting be removed as a condition of sale.**

Q: How does the Fillmore Heritage Center HOA deal with property taxes if the buyer of the commercial property pays it directly?

A: **As a condominium project, each residential and commercial condo is individually assessed property taxes.**

Q: Will the City of San Francisco require a conditional loan agreement against the property to ensure the buyer fulfills the promised uses?

A: **Per Section II-A of the RFP, “the City will set up appropriate mechanisms to ensure the community benefits are delivered.” Per Section II-G of the RFP, “In acquiring the Commercial Parcel from OCII under the PMP, the City will enter into a Compensation Agreement with certain taxing entities requiring the City to convey the Property to the selected Respondent with covenants and conditions regarding specific uses and community benefits to be provided by the Respondent. After the RFP process, the selected Respondent and the City will negotiate final conveyance documents consistent with the Respondent’s proposal and the above-mentioned covenants and conditions.”**

Q: Is there a list of personal property that is included in the sale of the real property?

A: **All personal property in the former Yoshi’s space is included in the sale. A list of known property has been added to the disclosure documents.**

Q: Is there a required period of time that any of the property can’t be sold?

A: **This will be negotiated as part of the final conveyance document consistent with the Respondent’s proposal and the required covenants and conditions.**

Q: Was/is the former Yoshi's performance space/club a union shop? If so, must a new union agreement be negotiated, and with what unions?

A: **As far as we are aware, the former Yoshi's club was not a union shop. Per Section VII-D and Exhibit J of the RFP, the City's Local Hire and Prevailing Wage requirements related to Construction Contracts will be enforced.**

Q: Will full air rights be delivered to the purchaser?

A: **A portion of the space above the commercial parcel is currently a roof deck for the residential condos. Vertical expansion above the parcel will need to be discussed/negotiated with the homeowner's association, in addition to any required, independent City entitlement process.**

Q: Is it acceptable for a respondent to form a Limited Liability Corporation (LLC) specifically for purchasing and developing the Fillmore Heritage Site? If so, do the financial statements requirements in RFP Section IV.C.4 change in any way?

A: **It is acceptable to form a new LLC. Respondents should provide the entity's proposed balance sheet, and we may request financials of the entity's individual members.**

Q: Will unaudited financial records be accepted if a Respondent's business is less than one year old and does not have audited financial records?

A: **Unaudited financial records will be accepted if a Respondent's business is less than one year old and does not have audited financial records. We may request financials of the entity's individual members.**

Q: In Section IV.C. 4, how are "ownership" and "ownership stake" in the Property defined? Does this include private investors who have provided funding to the Respondent's LLC? If so, what detail is required for investors?

A: **"Ownership" and "ownership stake" are both defined as more than 20% of the ownership – in participation through an LLC or otherwise. Individual financials from each owner of more than 20% of the property should be provided.**

Q: In Section IV.C.8. Proposal Execution, how are "members" defined in this sentence: "A limited liability company shall give full names and addresses of all members and shall list the State in which it is organized and shall execute the proposal by its duly authorized members of managers in accordance with its operating agreement." Does this just refer to the person registered under the LLC, or all managing partners, or all investors too?



**A: Please provide the names and contact information requested for all named members of the LLC and any owners (i.e. those with more than 20% ownership stake in the property).**

**Note: this is also a requirement of Exhibit G.**

Q: Regarding this sentence in Section IV.C.8.: “Partnerships, limited liability companies, and individuals shall be required to state the names of all persons involved in the proposal.” How is involvement in the proposal defined? Does this include consultants who prepared the proposal?

**A: Names and contact information requested does not need to be provided for consultants or contractors. It is only required for those defined as owners or with an ownership stake.**

Q: Do Respondents need to have a Vendor number with the City?

**A: No**

Q: Is the Respondent expected to take any action on Exhibit J or refer to it in any way in the proposal?

**A: No. This is simply informing of a requirement of something to be recorded against the property.**

Q: In Section IV.C.1, what does “This information must be in the first paragraph of the letter” refer to? Does this mean the first paragraph of the letter of introduction should include a summary of the proposal?

**A: Yes**

Q: If the Respondent intends to continue 1300 on Fillmore’s lease, does the Respondent need to provide the information requested in Section IV.C.2. on potential operators/tenants for 1300 on Fillmore (eg. Proposal of business concept, qualifications of management team, pro forma and financial statements, and lease terms)?

**A: If the Respondent intends to continue 1300 on Fillmore’s lease, the proposal should attempt to include a letter agreement between Respondent and 1300 on Fillmore defining the terms of the lease and any other pertinent information.**

Q: We have a written statement from our financing source that the financing for the proposed development is available. Do we also have to provide examples of past projects financed for the Respondent?

**A: If you have a written statement from a financing source stating that financing is available for the project, you do not need to provide examples of past projects financed for the**



**Respondent. However, past performance is part of the review for project feasibility and may strengthen a proposal.**

Q: Does the site have a valid liquor license? If so, are there restrictions on where alcohol can be served (e.g. screening room, etc.)?

A: **There are no liquor licenses that run with the property and the City is not proposing to transfer any liquor licenses as part of this transaction. Food for Soul has a liquor license for its restaurant/lounge, 1300 on Fillmore, which is associated with its business and not with the site.**

Q: Does the gallery have a license to serve food?

A: **The gallery does not currently have a license to serve food.**

Q: Are the Letter of Introduction and Executive Summary limited to five pages or is there flexibility?

A: **Please follow the instructions in the RFP. This is intended to be a concise summary.**

Q: Are the Letter of Introduction and Executive Summary required to be single spaced or double spaced?

A: **There are no restrictions on how you may utilize the up to 5 pages.**

Q: Can you provide detail on current property income and expenses? I would like any detail available for PG&E, insurance, taxes, water, scavenger, labor and other operating or extraordinary expenses. It would also be helpful to have the basis for the CAM charges.

A: **Information about the former Yoshi's operating revenue and expenses is available electronically for registered parties. The Fillmore Heritage Center HOA annual budget is also available electronically for registered parties.**

Q: What is the legal capacity of the Music venue space (specifically only the Music Hall)?

A: **417**

Q: Do you have occupancy information for the rest of the space (1300, Art Gallery, Small Retail, etc.)?

A: **Restaurant portion of 1330 Fillmore = 214; cocktail lounge portion of 1330 Fillmore = 69; Gallery = 59; Screen Room = 39; 1300 on Fillmore = unknown at this time**

Q: Can CCSF provide any lease agreements?



**A: 1300 on Fillmore lease is the only active lease, and it is available electronically to registered parties**

Q: Do you think you can send me full scale drawings so we can calculate square footage?

**A: Some drawings are available electronically to registered parties. Additional drawings can be made available for review in person to registered parties.**

Q: How many parking spaces downstairs? 112 or 162?

**A: The garage is currently striped for approximately 112 vehicles and can reportedly park 160 vehicles on a valet basis.**

Q: How many parking spaces near Safeway? 15?

**A: There are approximately 10 parking spaces located on the north side of the commercial space, adjacent to the Fillmore Center Safeway parking lot.**

Q: How many residential units upstairs, and do we know who leases parking? There are no parking spaces deeded to residential, correct?

**A: There are 80 residential units. There is a separate garage that serves the residential units; in other words, there is no residential parking in the commercial garage. In 2015, a total of approximately 50 spaces in the commercial garage were leased on a monthly basis, primarily to Zipcar, City Car Share and Luxe Valet.**

Q: Can we get a copy of the underlying CC&R's?

**A: This is available electronically to registered parties.**

Q: Is the sound equipment / PA system still there?

**A: Yes**

Q: Is the Yoshi's restaurant equipment still in place?

**A: Yes**

For additional information about the Fillmore community, including additional community organizations, please visit <http://thefillmoredistrict.com> or email [Fillmore-Heritage-RFP@sfgov.org](mailto:Fillmore-Heritage-RFP@sfgov.org)

