



Richard M. Shapiro

Partner

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Richard Shapiro has a diverse real estate-related practice, which includes land use and all aspects of real estate development, acquisitions and dispositions, entity formation, financing and venture workouts, leasing, land use, and construction. In addition to being an attorney, he is also a registered architect and has an inactive California contractor's license.

His practice includes sophisticated financing strategies for nonprofit entities utilizing tax credits and tax exempt bond proceeds. For example, Dick recently represented a nonprofit affordable "maker space" developer in the acquisition and financing of a makerspace using New Markets Tax Credits. In another, he represented a major resort in a sale utilizing an UPREIT transaction. He also recently represented a nonprofit college in the off-balance sheet tax-exempt bond financing of a new dormitory.

Dick's transactional real estate experience involves many types of property, including land for development, agriculture, residential subdivisions, apartment projects, corporate campus projects, industrial buildings and parks, hotels, marinas, shopping centers, mobile home parks, and suburban and high-rise office buildings. In addition to complex financing arrangements, his financing representation involves working with both lenders and borrowers in connection with construction and permanent financing, including participation arrangements for many property types, as well as loan restructuring. He also provides representation relating to operational issues, including reciprocal easement agreements, commercial condominium documents, and management and real estate brokerage agreements.

He represents clients in land use entitlement matters including CEQA compliance, general plan amendments, conditional use permits, development agreements and development and disposition agreements, wetlands mitigation, subdivision improvement, and reimbursement agreements. With respect to construction, Dick's experience includes representing owners, contractors, and design professionals in connection with a wide range of projects throughout the U.S. and abroad, with extensive experience in public and private design-build arrangements for publicly owned facilities, including office buildings, cultural facilities, courthouses, and rapid transit facilities.

Dick regularly lectures and conducts client seminars on construction and general real estate law issues. He authored a chapter in the ABA Forum Committee on the Construction Industry's *Fundamentals of Construction Law* (Second Edition). Dick authored of "The Lease as an Operational Tool" in the *ULI Shopping Center Development Handbook* (Second Edition) and "Construction-Related Agreements" in *California Easements and Boundaries, Law and Litigation*, California Continuing Education of the Bar.

Dick serves on the board of Resources for Community Development, and is a former trustee of the Berkeley Repertory Theatre, the University of California Berkeley Art Museum and Pacific Film Archive, The Urban School of San Francisco and Legal Assistance for the Elderly. He is a California licensed architect and a member of Lambda Alpha, National Real Estate Honorary Society. He has been named to the "Northern California Super Lawyers" list and is listed in *The Best Lawyers in America* in the area of Real Estate Law.

Dick received his J.D. from the University of California, Hastings College of the Law, where he was a member of the *Hastings Law Journal*. He earned his M. Arch from the University of California, Berkeley and his B.A. from Antioch College.

Services

- Construction
- Real Estate
- Historic & New Markets Tax Credits
- Data Center
- Renewable Energy

Education

- University of California, Hastings College of the Law (J.D.)
 . *Hastings Law Journal*
- University of California, Berkeley (M.Arch)
- Antioch College (B.A.)

Bar Admissions

- California

Distinctions

- Northern California Super Lawyers
- *The Best Lawyers in America (2021-2022)*

Memberships and Affiliations

- Board Member, Resources for Community Development
- Former Trustee, Berkeley Repertory Theatre
- Former Trustee, University of California Berkeley Art Museum and Pacific Film Archive
- Former Trustee, The Urban School of San Francisco
- Former Trustee, Legal Assistance for the Elderly
- American Institute of Architects
- Lambda Alpha (National Real Estate Honorary Society)

Experience

San Francisco Flower Mart Development Project

Represented the master tenant of the San Francisco Flower Mart in renegotiating its agreements with Kilroy Realty Corp., including a long-term master lease to permanently relocate the Flower Mart to 16th and Mississippi Streets in the San Francisco Potrero Hill neighborhood. The firm continues to assist the San Francisco Flower Mart with the redevelopment of the property. Over the past six years, the firm represented the owner of the site in obtaining entitlements for 395 housing units, industrial leasing and design matters.

VF Outdoor Corporate Campus, Alameda

Represented the developer of a build-to-suit new corporate campus consisting of four buildings for VF Outdoor, owner of such brands as North Face, in connection with developer entity formation, land purchase, build-to-suit lease with option to purchase, construction agreements and construction financing.

Oakland State Office Building

Represented Hathaway Dinwiddie Construction Company, the design/builder, in preparing and negotiating design/build agreements with the State of California and in negotiating agreements with design professionals for the 500,000 square foot Oakland State Office Building.

Berkeley Repertory Theatre

Assisted Berkeley Repertory Theatre in the acquisition of a 62,000 square-foot building in West Berkeley, allowing Berkeley Rep to pay 50% less for 50% more space. The acquisition allows the theatre to consolidate all its pre-production activities into one campus.

California College of the Arts

Represented CCA in this project, including construction-related agreements, ground lease and off-balance sheet tax exempt bond financing.

NetApp Sunnyvale Campus Expansion

Representing NetApp, Inc. with land use entitlements, property acquisition and construction agreements related to the expansion of its Sunnyvale, Calif. campus.

800 Brotherhood Way, San Francisco

Obtained entitlements for the subdivision of a large site near Lake Merced in southwestern San Francisco into 121 lots for the construction of 182 single-family homes and duplexes. After defeating an administrative appeal of the project's mitigated negative declaration, we successfully defended the project approvals in the Superior Court and California Court of Appeal, and successfully defended a separate Superior Court challenge to the City's issuance of a tree removal permit.

San Francisco Exploratorium \$130 Million Contract

We were retained to advise The Exploratorium, a museum of science, art and human perception, in construction matters including advice and agreement preparation with design professionals and contractors related to its move to Pier 15/17 in San Francisco.

Group I: 950 Market Street

Land use and real estate counsel to Group I in obtaining land use entitlements, including enactment of a special zoning exemption, for construction of a mixed use hotel/residential/retail project in San Francisco Mid-Market/Tenderloin neighborhood and negotiating a hotel services agreement.

California Railroad Museum Foundation, Sacramento

Assisted in the expansion of the California Railroad Museum in Sacramento, including federal historic tax credits, acquisition, development and construction documentation, environmental contamination issues.

American Conservatory Theater (A.C.T.) Strand Theater Project

Assisted American Conservatory Theater (A.C.T.) in developing the Strand Theater, a new performing arts facility on Market Street. Tasks have included real estate transactional representation, tax exempt entity formation and qualification, land use entitlements and New Market and Historic tax credits expertise.

Berkeley-Albany YMCA Teen Center

Assisted with the acquisition, construction and New Markets Tax Credits (NMTC) Program, which permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated Community Development Entities (CDEs).

Development of Elephant Preserve

Representing the Ndovo Foundation in the acquisition and development of a 4,900 acre preserve for African elephants in Tehama County.

SOLON Corporation

Represented manufacturer/developer in connection with EPC, O&M and stock purchase agreements related to 10 megawatt tracking solar energy facility in Mohave County, AZ.

Landbank Corporate Campus, Sunnyvale

Land use entitlements and transactions related to a 750,000 sq. ft. corporate campus development in Sunnyvale, California.

UC Berkeley Technology Center Lease

We advised Beacon Group Ventures in a lease agreement with UC Regents for UC Berkeley's new Technology Innovation Center located at the Chase Building at 2150 Shattuck Ave, Berkeley, California.

Network Appliance Campus and Sales Office Construction

Represented Network Appliance, manufacturer of networking and data storage equipment, in preparing and negotiating agreements with design professionals and contractors for over one million square feet of corporate campus facilities and various regional sales and research facilities.

3COM Corporate Campus

Represented 3COM Corporation, manufacturer of networking equipment, in preparing and negotiating agreements with design professionals and contractors for 750,000 square feet of corporate campus office space and research and development facilities.

Applied Materials Construction Forms

Prepared standard forms for Applied Materials, manufacturer of equipment for the computer chip and thin-film products industries, to be used in engaging design professionals, construction managers and contractors, both on a conventional and design/build basis.

PV Solar Agreements - Arizona

We have represented a variety of owners and developers in connection with the negotiation and documentation of agreements related to the engineering, procurement, construction, and purchase and sale of photovoltaic electricity generation facilities, including a 20 MW tracking ground-mounted system in Arizona.

Applied Materials Research and Production Facilities

Represented Applied Materials in preparing and negotiating agreements with design professionals, contractors and design/builders for numerous research and development and production facilities in China, Taiwan, Korea, Japan and Israel.

Resources for Community Development

Represented this affordable housing developer in preparing and negotiating agreements with design professionals and contracts for numerous projects involving substantial rehabilitation and new construction (including, finalizing construction contracts for a 55-unit low and very low income housing project in Oakland for Resources for Community Development).

San Francisco Contemporary Jewish Museum

Represented the San Francisco Contemporary Jewish Museum in land acquisition and development agreements with the Redevelopment Agency and in preparing and negotiating agreements with design professionals and contractors for a new museum designed by Daniel Libeskind.

The Exploratorium, San Francisco

Represented this San Francisco science education facility with federal historic tax credits and construction documentation and insurance program structuring.

The J. David Gladstone Institutes

Represented J. David Gladstone Institutes, a bio-medical research institution, in preparing and negotiating agreements with design professionals and contractors for a 200,000 square foot research facility adjacent to the University of California San Francisco Medical School Mission Bay campus.

Publications

April 24, 2020

Non-Residential Lease Default Workouts, Security Deposits and Bankruptcy

March 9, 2020

Coronavirus and Construction Contracts: Who Bears The Risk?

3/12/2013

New Accessibility Disclosure Requirements for Commercial Landlords in 2013

9/14/2010

The New 2010 Building Owners and Managers Association (BOMA) Method for Measuring Office Building Area

8/23/2010

Winery Tasting Rooms: Zoning, Licensing and Leasing Considerations

12/24/2008

San Francisco Land Use Updates

Outside the Office

In his spare time, Dick is involved with the performing arts, as a member of the executive committee of the board of the Berkeley Repertory Theatre (currently the treasurer), and as a member of a chorus. He is also a member of the board of Resources for Community Development, an affordable housing developer and owner.