[Resolution Authorizing Application for BEGIN Funds]

Resolution authorizing the submittal of applications to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of one or more standard agreements if selected for such funding and any amendments thereto; the execution of one or more designation agreements if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

WHEREAS, The City and County of San Francisco, (the “City”) a municipal corporation, (hereinafter “City”) wishes to apply for and receive an allocation of funds through the BEGIN Program; and

WHEREAS, The California Department of Housing and Community Development (“HCD”) has issued a Notice of Funding Availability on February 17, 2006 (“NOFA”) for the BEGIN Program established by Chapter 14.5, Sections 50860 through 50866 of Part 2 of Division 31 of the Health and Safety Code (the “Statute”). Pursuant to the Statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the BEGIN Program, subject to the terms and conditions of the Statute and the BEGIN Program Guidelines adopted by HCD on March 4, 2005, and amended by HCD on February 14, 2006; and

WHEREAS, Chapter 14.5, Section 50860 subdivision (b) of the Statute requires that BEGIN funds be made available to qualifying cities and counties that provide incentives, or reduce regulatory barriers (“regulatory concessions”), that promote local housing development; and
WHEREAS, With respect to the project located at 5600 Third Street in San Francisco (the “Project 1”), the Planning Commission has granted a Conditional Use Authorization which, among other things, allows (i) residential development in a light-industrial district; and (ii) a Planned Unit Development with modifications to the rear yard requirement; and

WHEREAS, the Conditional Use Authorization constitutes a regulatory concession that makes Project 1 eligible for BEGIN funds; and

WHEREAS, With respect to the project located at 330 and 335 Berry Street in San Francisco (the “Project 2”), The Board of Supervisors adopted; (ii) the master Environmental Impact Report for Mission Bay that applies to Project 2 and eliminates the requirement for a separate environmental review for that project; (ii) the Mission Bay Redevelopment Project Area Plan and Design for Development Guidelines for Mission Bay that streamline the design review and land use entitlement processes and permit flexible parking standards; and

WHEREAS, the adoption of the master Environmental Impact Report, the Mission Bay Redevelopment Plan Area and the Design for Development Guidelines for Mission Bay constitute regulatory concessions that make Project 2 eligible for BEGIN funds; and

WHEREAS, With respect to the project located at 600 Alabama Street in San Francisco (the “Project 3”), (i) the Planning Commission has granted a Conditional Use Authorization which, among other things, allows (a) residential development in a light-industrial district; and (b) a Planned Unit Development with modified off-street parking and loading and rear yard requirements; and (ii) The Board of Supervisors amended the Planning Code Zoning Map to create a Special Use District (“SUD”) to allow for increased residential density; and

WHEREAS, the Conditional Use Authorization and the SUD constitute regulatory concessions that makes Project 3 eligible for BEGIN funds; and

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WHEREAS, The City wishes to submit applications to obtain from HCD allocations of BEGIN funds in the amount of $7,650,000 to be used by the Redevelopment Agency of the City and County of San Francisco ("Agency") to provide down payment assistance to first-time home buyers of condominiums to be developed in San Francisco by BRIDGE Housing Corporation for 124 units in Project 1 and 131 units in Project 2, and $1,020,000 to be used by the City and County of San Francisco to provide down payment assistance to first-time home buyers of condominiums to be developed in San Francisco by Citizens Housing Corporation for 34 units in Project 3; and

WHEREAS, The City wishes to enter into an agreement with the Agency ("Designation Agreement") pursuant to which (i) the City will designate the Agency as the responsible party for administering the BEGIN funds with respect to Project 1 and Project 2 in full compliance with the terms and conditions of the Statute, the BEGIN Program Guidelines, any other requirements that may be included in the application or related documents and the Designation Agreement; (ii) the Agency will pay City for all of City’s costs incurred with respect to the City’s involvement in the BEGIN Program’s funding of Project 1 and Project 2; and (iii) the Agency will indemnify and defend the City from and against all claims, losses, liability, etc. arising directly and indirectly from the City’s application to the BEGIN Program and the City’s involvement in the BEGIN Program with respect to the funding of Project 1 and Project 2; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby permits the City to submit to HCD applications to participate in the BEGIN Program in response to the NOFA, which applications will request funding allocations of $3,720,000, $3,930,000 and $1,020,000 respectively to provide $30,000 in down payment assistance to 124 eligible first-time home buyers of condominiums to be constructed in San Francisco at 5600 Third Street, 131 eligible first-time home buyers of condominiums at 330 and 335 Berry Street by BRIDGE Housing Corporation,

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and 34 eligible first-time home buyers of condominiums at 600 Alabama Street by Citizens Housing Corporation; and, be it

FURTHER RESOLVED, That if the application for BEGIN funds is approved, the City is permitted to accept the BEGIN funds, and if so, agrees to use the BEGIN funds for eligible activities in the manner presented in the application as approved by HCD, and in accordance with the BEGIN Program regulations cited above. The City also may execute any and all other instruments necessary or required by HCD for participation in the BEGIN Program; and, be it

FURTHER RESOLVED, That if the applications for BEGIN funds are approved, the City is permitted to enter into one or more Designation Agreements and all other instruments necessary or required to carry out the terms of the Designation Agreement; and, be it

FURTHER RESOLVED, That the Director of the Mayor's Office of Housing is hereby authorized and urged in the name and on behalf of the City, to execute and deliver the BEGIN Program applications, the Standard Agreements, the Designation Agreement(s) and all other documents required by the terms of the Designation Agreement(s) or HCD for participation in the BEGIN Program, together with any amendments thereto, and to take any and all steps as the Director of the Mayor's Office of Housing deems necessary or appropriate in order to comply with the terms of the BEGIN Program and to designate the Agency as the administrator of the BEGIN funds, or to otherwise effectuate the purpose and intent of this resolution, such determination to be conclusively evidenced by the execution and delivery by the Director of the Mayor's Office of Housing of any such documents.
Resolution authorizing the submittal of applications to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of one or more standard agreements if selected for such funding and any amendments thereto; the execution of one or more designation agreements if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

May 16, 2006 Board of Supervisors — ADOPTED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
File No. 060658

I hereby certify that the foregoing Resolution was ADOPTED on May 16, 2006 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

5/19/06
Date Approved

Mayor Gavin Newsom