[Apply for Grant - Balboa Park Housing Partners, L.P. - Assumption of Liability - Department of Housing and Community Development Infill Infrastructure Program - 2340 San Jose Avenue]

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a grant application, as defined herein, under the Department of Housing and Community Development Infill Infrastructure ("IIG") Program as a joint applicant with Balboa Park Housing Partners, L.P., a California limited partnership, for the 100% affordable housing project at 2340 San Jose Avenue; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the IIG Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

WHEREAS, The State of California Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability ("NOFA") dated October 30, 2019, under the Infill Infrastructure Program ("IIG Program") established under Division 31, Part 12.5 of the Health and Safety Code commencing with Section 53559; and

WHEREAS, The Department is authorized to approve funding allocations for the IIG Program, subject to the terms and conditions of the NOFA IIG Program Grant Guidelines adopted by the Department on October 30, 2019 ("Program Guidelines"), an application package released by the Department for the IIG Program ("Application Package"), and an IIG standard agreement with the State of California ("Standard Agreement"), the Department is authorized to administer the approved funding allocations.
of the IIG Program; and

WHEREAS, The IIG Program provides infrastructure grants for Capital Improvement Projects in support of Qualifying Infill Projects or Qualifying Infill Areas to applicants identified through a competitive process for the development of projects that, per the Program Guidelines, support higher-density affordable and mixed-income housing and mixed-use infill developments; and

WHEREAS, The IIG Program requires that joint applicants for a project will be held jointly and severally liable for completion of such project; and

WHEREAS, Balboa Park Housing Partners, L.P., a California limited partnership ("Developer"), has requested the City and County of San Francisco (the "City"), acting by and through the Mayor's Office of Housing and Community Development ("MOHCD"), to be a joint applicant for its project located at 2340 San Jose Avenue (the "Balboa Park Upper Yard"); and

WHEREAS, On October 11, 2018, by Notice of Final Approval of an SB 35 Project, the Planning Department by case No. 2017-012151PRJ, determined that the development of the mixed-use, 100% affordable housing project consisting of 130-unit residential rental building project (with proposed ground floor retail, community facility, and child care facility with outdoor activity area and lot line adjustment) at 2340 San Jose Avenue (Assessor's Parcel Block No. 6973 / Lot No. 039) (the "Project"), met all the standards of the Planning Code and would be eligible for ministerial approval under California Government Code, Section 65913.4 (Senate Bills 35 and 765), California Public Resources Code, Section 21080, and the CEQA Guidelines, Sections 15002(i)(1), 15268 and 15369, and would therefore not be subject to the California Environmental Quality Act (CEQA); and

WHEREAS, Along with the construction of the Project, the Developer and Bay
Area Rapid Transit ("BART") have agreed to revitalize the Balboa Park BART Station ("BART Work") adjacent to the Project, and the Developer will receive a portion of any IIG grant funds awarded for the BART Work; and

WHEREAS, BART and the Developer will enter into a Memorandum of Understanding regarding the completion of the BART WORK, and the City, as joint applicant for the Balboa Park Upper Yard IIG application, will execute the Memorandum of Understanding for acknowledgement and consent purposes; and

WHEREAS, The City, acting by and through MOHCD, desires to apply for IIG Program funds and submit an Application Package as a joint applicant with the Developer; now, therefore, be it

RESOLVED, That the Board of Supervisors delegates to MOHCD, on behalf of the City, the authority to execute an application to the IIG Program as detailed in the NOFA dated October 30, 2019, in a total amount not to exceed $4,000,000 of which the entire amount will be provided as a grant for Capital Infrastructure Improvements ("IIG Grant") as defined the IIG Program Guidelines and sign the IIG Program documents; and,

be it

FURTHER RESOLVED, The Board of Supervisors specifically agrees that the City shall assume any joint and several liability for completion of the Project required by the terms of any grant awarded to the City and the Developer under the IIG Program; and, be it

FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the Application is successful, the City, through MOHCD, shall seek Board of Supervisors approval of the IIG Standard Agreement, with terms and conditions that IIG Program funds are to be used for allowable capital asset project expenditures to be identified in the Standard Agreement, that the Application Package in full is incorporated as part of the
Standard Agreement, and that any and all activities funded, information provided, and
timelines represented in the application are enforceable through the Standard Agreement;
and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Acting
Director of MOHCD (or his designee) to execute and deliver any documents in the name
of the City that are necessary, appropriate or advisable to secure the IIG Program funds
from the Department, and all amendments thereto, and complete the transactions
contemplated herein and to use the funds for eligible capital asset(s) in the manner
presented in the application as approved by the Department and in accordance with the
NOFA and Program Guidelines and Application Package; and, be it

FURTHER RESOLVED, That all actions authorized and directed by this Resolution
and heretofore taken are ratified, approved and confirmed by this Board of Supervisors.
RECOMMENDED:

Daniel Adams, Acting Director,
Mayor’s Office of Housing and Community Development
Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a grant application, as defined herein, under the Department of Housing and Community Development Infill Infrastructure ("IIG") Program as a joint applicant with Balboa Park Housing Partners, L.P., a California limited partnership, for the 100% affordable housing project at 2340 San Jose Avenue; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the IIG Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

January 08, 2020 Budget and Finance Committee - RECOMMENDED

January 14, 2020 Board of Supervisors - ADOPTED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 191295

I hereby certify that the foregoing Resolution was ADOPTED on 1/14/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved