

1 [Apply for and Accept and Expend Grant - Delegation of San Francisco Municipal
2 Transportation Agency as Co-Applicant for Grant - Assumption of Liability - Affordable
3 Housing and Sustainable Communities Program - 480 Eddy Street Project]

4 **Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA),**
5 **on behalf of the City and County of San Francisco, to execute a grant application, grant**
6 **agreement, and related documents under the State of California’s Affordable Housing**
7 **and Sustainable Communities Program (AHSC Program) as a joint applicant with the**
8 **Tenderloin Neighborhood Development Corporation for the project at 480 Eddy Street;**
9 **authorizing the City to assume any joint and several liability for completion of the**
10 **project required by the terms of any grant awarded under the AHSC Program; and**
11 **adopting findings under the California Environmental Quality Act (CEQA), the CEQA**
12 **Guidelines, and Administrative Code, Chapter 31.**

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14 WHEREAS, The AHSC Program was established by Division 44, Part 1 of the Public
15 Resources Code of the State of California (Section 75200 et seq.); and

16 WHEREAS, The AHSC Program was developed and is administered by the State of
17 California’s Strategic Growth Council (SGC), which adopted the 2015-2016 AH Guidelines,
18 dated December 17, 2015 (the Guidelines); and

19 WHEREAS, The Guidelines state that the State of California’s Department of Housing
20 and Community Development shall implement the transportation, housing and infrastructure
21 component of the AHSC Program; and

22 WHEREAS, The AHSC Program provides grants and loans to applicants identified
23 through a competitive process for the development of projects that, per the Guidelines, will
24 achieve greenhouse gas reductions and benefit disadvantaged communities through
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1 increased accessibility to affordable housing, employment centers and key destinations via
2 low-carbon transportation; and

3 WHEREAS, The application selection and scoring criteria in the Guidelines state that
4 additional points will be awarded to joint applications from a housing developer and a public
5 agency that has authority over public transit or transportation infrastructure, such as the
6 SFMTA; and

7 WHEREAS, The AHSC Program requires that joint applicants for a project will be held
8 jointly and severally liable for completion of such project pursuant to the Standard Agreement
9 (as defined below); and

10 WHEREAS, The State of California, the SGC and HCD have issued a Notice of
11 Funding Availability dated January 29, 2016 (NOFA) under the AHSC Program; and

12 WHEREAS, The SGC is authorized to approve funding allocations for the AHSC
13 Program, subject to the terms and conditions of the NOFA, Guidelines, Application Package,
14 and Standard Agreement, and HCD is authorized to administer the approved funding
15 allocations of the AHSC Program; and

16 WHEREAS, The Tenderloin Neighborhood Development Corporation desires to apply
17 for AHSC Program funds and submit the Application Package released by HCD for the AHSC
18 Program; and

19 WHEREAS, The Tenderloin Neighborhood Development Corporation has asked
20 SFMTA to be a joint applicant for its project located at 480 Eddy Street, San Francisco (the
21 Project); and

22 WHEREAS, The SFMTA plans to perform pedestrian improvements in the vicinity of
23 the Project (the SFMTA work), and will receive a portion of any grant funds awarded for the
24 SFMTA work; and

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1 WHEREAS, The SFMTA does not have the authority under the Charter to assume
2 liability for completing affordable housing projects; therefore, in order for the City to make
3 such a commitment, the Board of Supervisors must agree to assume such liability for the City
4 and may delegate the authority to SFMTA to make such a commitment on behalf of the City;
5 and

6 WHEREAS, The Planning Department has determined that the actions contemplated in
7 this Resolution in connection with the Project comply with the California Environmental Quality
8 Act (California Public Resources Code Sections 21000 et seq.); and

9 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
10 File No 160671 and is incorporated herein by reference; and

11 WHEREAS, The Board affirms this determination; and

12 WHEREAS, On September 5, 2014, the SFMTA, under delegation from the Planning
13 Department, determined that the extension of red zones in the vicinity of the Project were
14 categorically exempt from environmental review under CEQA (Class 1(c)(9) - changes in
15 traffic and parking regulations where such changes do not establish a higher speed limit
16 and/or result in more than a negligible increase in the use of the street); and

17 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
18 File No. 160671 and is incorporated herein by reference; and

19 WHEREAS, The Board of Supervisors herein affirms this determination; and

20 WHEREAS, On May 24, 2016, the SFMTA, under delegation from the Planning
21 Department, determined that the construction of sidewalk bulb-outs in the extended red zones
22 in the vicinity of the Project were categorically exempt from environmental review under
23 CEQA (Class 1(c)(9) - changes in traffic and parking regulations where such changes do not
24 establish a higher speed limit and/or result in more than a negligible increase in the use of the
25 street); and

1 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
2 File No. 160671 and is incorporated herein by reference; and

3 WHEREAS, The Board of Supervisors herein affirms this determination; and

4 WHEREAS, On June 7, 2016, the SFMTA Board of Directors adopted Resolution No.
5 No. 16-069, recommending that the Board of Supervisors delegate to the SFMTA the
6 authority to apply for and sign AHSC Program documents as a co-applicant for the Project,
7 provided that the City accept liability for completion of the Project if required under the terms
8 of any grant awarded under the AHSC Program; authorizing the SFMTA to accept and
9 expend the grant funds for the SFMTA work should the City be awarded the grant; and

10 WHEREAS, The CEQA-related documents are on file with the Clerk of the Board of
11 Supervisors in File No. 160671; now, therefore, be it

12 RESOLVED, That the Board of Supervisors delegates to the SFMTA, on behalf of the
13 City and County of San Francisco, the authority to execute the application package released
14 by HCD for the AHSC Program as detailed in the NOFA (Application) in a total amount not to
15 exceed \$5,092,303.00 of which \$4,476,550.00 is requested as a loan for an Affordable
16 Housing Development (AHD) (AHSC Loan) and \$615,753.00 is requested for a grant for
17 Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-
18 Related Amenities(TRA) and/or Program (PGM) activities (AHSC Grant) as defined in the
19 Guidelines; and if the Application is approved, to enter into, execute and deliver AHSC
20 Program documents, including a State of California Standard Agreement (Standard
21 Agreement) in a total amount not to exceed \$5,092,303.00 (\$4,476,550.00 for the AHSC Loan
22 and \$615,753.00 for the AHSC Grant), and any and all other documents required or deemed
23 necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments
24 thereto (AHSC Documents) as a co-applicant for the Yosemite Project at 480 Eddy Street,
25 San Francisco; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors agrees that the City shall
2 assume any joint and several liability for completion of the Project required by the terms of
3 any grant awarded to the City and the private developer under the AHSC Program; and, be it

4 FURTHER RESOLVED, That in accordance with the recommendation of the
5 SFMTA Board of Directors, the Board of Supervisors authorizes the SFMTA Director of
6 Transportation (or his designee) to execute and deliver the AHSC Documents and any
7 documents that are necessary or advisable to complete the transactions contemplated
8 herein and to use any AHSC Program funds for eligible capital asset(s) in the manner
9 presented in the Application as approved by HCD and in accordance with the NOFA
10 and Program Guidelines and Application Package; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the
12 Application is successful, the City, through the SFMTA, shall be subject to the terms
13 and conditions as specified in the Standard Agreement, that AHSC Program funds are
14 to be used for allowable capital asset project expenditures to be identified in Exhibit A
15 of the Standard Agreement, that the Application in full is incorporated as part of the
16 Standard Agreement, and that any and all activities funded, information provided, and
17 timelines represented in the application are enforceable through the Standard
18 Agreement; and, be it

19 FURTHER RESOLVED, That all actions authorized and directed by this
20 Resolution and heretofore taken are ratified, approved and confirmed by this Board of
21 Supervisors; and, be it

22 FURTHER RESOLVED, That within thirty (30) days of the Standard Agreement
23 being fully executed by all parties the SFMTA shall provide the final Standard
24 Agreement to the Clerk of the Board for inclusion into the official file.
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Approved: _____
Mayor

Approved: _____
Controller