

1 [Apply for Grant - Department of Housing and Community Development Infill Infrastructure
2 Program - Balboa Reservoir Project]

3 **Resolution authorizing the Mayor’s Office of Housing and Community Development, on**
4 **behalf of the City and County of San Francisco, to execute a grant application, as**
5 **defined herein, under the Department of Housing and Community Development Infill**
6 **Infrastructure (“IIG”) Program for the project area located generally north of the Ocean**
7 **Avenue commercial district, west of City College of San Francisco Ocean Campus, east**
8 **of the Westbrook Park neighborhood and south of Archbishop Riordan High School**
9 **(“Balboa Reservoir”); authorizing the City to assume liability for completion of the**
10 **project required by the terms of any grant awarded under the IIG 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 State of California Department of Housing and Community
15 Development (“Department”) has issued a Notice of Funding Availability (“NOFA”) dated May
16 12, 2021, under the Infill Infrastructure (“IIG”) Program established under Division 31, Part
17 12.5 of the Health and Safety Code commencing with Section 53559; and

18 WHEREAS, The Department is authorized to approve funding allocations for the IIG
19 Program, subject to the terms and conditions of the NOFA IIG Program Grant Guidelines
20 adopted by the Department on October 30, 2019 (“Program Guidelines”), an application
21 package released by the Department for the IIG Program (“Application Package”), and an IIG
22 standard agreement with the State of California (“Standard Agreement”), the Department is
23 authorized to administer the approved funding allocations of the IIG Program; and
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1 WHEREAS, The IIG Program provides infrastructure grants for Capital Improvement
2 Projects in support of Qualifying Infill Projects or Qualifying Infill Areas to applicants, for the
3 development of projects that, per the Program Guidelines, support higher-density affordable
4 and mixed-income housing and mixed-use infill developments; and

5 WHEREAS, BHC Balboa Builders LLC, a California limited liability corporation
6 (“Developer”), has requested the City and County of San Francisco (the “City”), acting by and
7 through the Mayor’s Office of Housing and Community Development (“MOHCD”), to assist the
8 Developer with funding for the infrastructure improvements for the Balboa Reservoir (the
9 “Qualifying Infill Area”), which includes four 100% affordable housing projects, as part of the
10 Balboa Reservoir Development Agreement (File No. 200423); and

11 WHEREAS, On May 28, 2020, by Motion No. 20730, the Planning Commission
12 certified as adequate, accurate, and complete the Final Environmental Impact Report ("FEIR")
13 for the Project pursuant to the California Environmental Quality Act (California Public
14 Resources Code Sections 21000 et seq.) ("CEQA"), the CEQA Guidelines (1a4 CCR Sections
15 15000 et seq.), and Administrative Code, Chapter 31; a copy of Planning Commission Motion
16 No. 20730 is on file with the Clerk of the Board of Supervisors in File No. 200635; also, on
17 May 28, 2020, by Motion No. 20731, the Planning Commission adopted environmental
18 findings, including a rejection of alternatives and a statement of overriding considerations
19 ("CEQA Findings") and a Mitigation Monitoring and Reporting Program ("MMRP"); these
20 Motions are on file with the Clerk of the Board in File No. 200635; in accordance with the
21 actions contemplated in this ordinance, the Board of Supervisors has reviewed the FEIR and
22 related documents, and adopts as its own and incorporates by reference herein the CEQA
23 Findings, including the statement of overriding considerations, and the MMRP; and

24 WHEREAS, The City, acting by and through MOHCD, desires to apply for IIG Program
25 for \$26,000,000 in funds and submit an Application Package to assist the Developer fund the

1 infrastructure improvements for the Project; now, therefore, be it

2 RESOLVED, That the Board of Supervisors delegates to MOHCD, on behalf of the
3 City, the authority to execute an application to the IIG Program as detailed in the NOFA dated
4 May 12, 2021, in a total amount not to exceed \$26,000,000 of which the entire amount will be
5 provided as a grant for Capital Infrastructure Improvements as defined the IIG Program
6 Guidelines and sign the IIG Program documents; and, be it

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

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

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

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

