

1 [Apply for Grant - Delegation of San Francisco Municipal Transportation Agency as Co-
2 Applicant for Grant - Assumption of Liability - Affordable Housing and Sustainable
3 Communities Program - 455 Fell 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 Mercy**
8 **Housing, Inc., for the project at 455 Fell Street; authorizing the City to assume any joint**
9 **and several liability for completion of the project required by the terms of any grant**
10 **awarded under the AHSC Program; and adopting findings under the California**
11 **Environmental Quality Act (CEQA), the CEQA Guidelines, and Administrative Code,**
12 **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, which adopted the 2015-2016 AH Guidelines, dated
18 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; and

9 WHEREAS, Mercy Housing, Inc. has asked SFMTA to be a joint applicant for its
10 project located at 455 Fell Street, San Francisco (the Parcel O Project); and

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

14 WHEREAS, The SFMTA does not have the authority under the Charter to assume
15 liability for completing affordable housing projects; therefore, in order for the City to make
16 such a commitment, the Board of Supervisors must agree to assume such liability for the City
17 and may delegate the authority to SFMTA to make such a commitment on behalf of the City;
18 and

19 WHEREAS, On January 7, 2016, the Planning Commission, by Motion No. 19544,
20 determined that the actions contemplated in this Resolution in connection with the Parcel O
21 Project comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq, or "CEQA"); and

23 WHEREAS, Specifically, the Planning Commission found that any environmental
24 impacts of Parcel O Project were fully reviewed under the Market and Octavia Area Plan
25 Environmental Impact Report (EIR); and

1 WHEREAS, The EIR was prepared, circulated for public review and comment, and, at
2 a public hearing on April 5, 2007, by Motion No. 17406, certified by the Planning Commission
3 as complying with CEQA; and

4 WHEREAS, The certification of the EIR was upheld on appeal to the Board of
5 Supervisors at a public hearing on June 19, 2007; and

6 WHEREAS, In approving the Market and Octavia Area Plan, the Commission adopted
7 CEQA Findings in its Motion No. 17406; and

8 WHEREAS, The Planning Commission, in Motion No. 19544, incorporated by
9 reference those Findings; and

10 WHEREAS, The Board of Supervisors has reviewed the Planning Commission's
11 Motion No. 19544, as well as the "Note to File" issued by the Planning Department on
12 December 16, 2015, finding that no further environmental review was necessary for the Parcel
13 O Project; and

14 WHEREAS, Those documents are on file with the Clerk of the Board of Supervisors in
15 File No. 160672 and are incorporated herein by reference; and

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

17 WHEREAS, On April 1, 2014, the SFMTA Board adopted Resolution No. 14-044, which
18 approved the establishment of no parking zones on Oak Street for the construction of
19 sidewalk bulbs in the vicinity of the Project, and found that the construction of the sidewalk
20 bulbs was categorically exempt from environmental review under CEQA (Class 1(c)(9) -
21 changes in traffic and parking regulations where such changes do not establish a higher
22 speed limit and/or result in more than a negligible increase in the use of the street); and

23 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
24 File No. 160672 and is incorporated herein by reference; and

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

1 WHEREAS, On June 16, 2015, the SFMTA Board adopted Resolution No. 15-085,
2 which approved the establishment of no stopping zones for sidewalk widening and a
3 pedestrian refuge island, both in the vicinity of the Project, and found that these projects were
4 categorically exempt from environmental review under CEQA (Class 1(c)(9) - changes in
5 traffic and parking regulations where such changes do not establish a higher speed limit
6 and/or result in more than a negligible increase in the use of the street); and

7 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
8 File No. 160672 and is incorporated herein by reference; and

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

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

16 WHEREAS, The CEQA-related documents are on file with the Clerk of the Board of
17 Supervisors in File No. 160672; now, therefore, be it

18 RESOLVED, That the Board of Supervisors delegates to the SFMTA, on behalf of the
19 City and County of San Francisco, the authority to execute a grant application to the AHSC
20 Program and sign AHSC Program documents as a co-applicant for the Project at 455 Fell
21 Street. San Francisco; and, specifically, the Board of Supervisors agrees that the City shall
22 assume any joint and several liability for completion of the Project required by the terms of
23 any grant awarded to the City and the private developer under the AHSC Program; and, be it

24 FURTHER RESOLVED, That in accordance with the recommendation of the
25 SFMTA Board of Directors, the Board of Supervisors authorizes the Director of the

1 SFMTA (or his designee) to execute and deliver any documents that are necessary or
2 advisable to complete the transactions contemplated herein; and, be it

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

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Mayor