

1 [Apply for and Accept and Expend - Delegation of San Francisco Municipal Transportation  
2 Agency as Co-Applicant for Grant - Assumption of Liability - Affordable Housing and  
3 Sustainable 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.**

13  
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  
25

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, Mercy Housing, Inc., desires to apply for AHSC Program funds and submit  
17 the Application Package released by HCD for the AHSC Program; and

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

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

23 WHEREAS, The SFMTA does not have the authority under the Charter to assume  
24 liability for completing affordable housing projects; therefore, in order for the City to make  
25 such a commitment, the Board of Supervisors must agree to assume such liability for the City

1 and may delegate the authority to SFMTA to make such a commitment on behalf of the City;  
2 and

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

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

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

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

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

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

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

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

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

1           WHEREAS, On April 1, 2014, the SFMTA Board adopted Resolution No. 14-044, which  
2 approved the establishment of no parking zones on Oak Street for the construction of  
3 sidewalk bulbs in the vicinity of the Project, and found that the construction of the sidewalk  
4 bulbs was categorically exempt from environmental review under CEQA (Class 1(c)(9) -  
5 changes in traffic and parking regulations where such changes do not establish a higher  
6 speed limit 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 16, 2015, the SFMTA Board adopted Resolution No. 15-085,  
11 which approved the establishment of no stopping zones for sidewalk widening and a  
12 pedestrian refuge island, both in the vicinity of the Project, and found that these projects were  
13 categorically exempt from environmental review under CEQA (Class 1(c)(9) - changes in  
14 traffic and parking regulations where such changes do not establish a higher speed limit  
15 and/or result in more than a negligible increase in the use of the street); and

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

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

19          WHEREAS, On June 7, 2016, the SFMTA Board of Directors adopted Resolution No.  
20 16-069, recommending that the Board of Supervisors delegate to the SFMTA the authority to  
21 apply for and sign AHSC Program documents as a co-applicant for the Project, provided that  
22 the City accept liability for completion of the Project if required under the terms of any grant  
23 awarded under the AHSC Program; authorizing the SFMTA to accept and expend the grant  
24 funds for the SFMTA work should the City be awarded the grant; and

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

3           RESOLVED, That the Board of Supervisors delegates to the SFMTA, on behalf of the  
4 City and County of San Francisco, the authority to execute the application package released  
5 by HCD for the AHSC Program as detailed in the NOFA (Application) in a total amount not to  
6 exceed \$16,056,563 of which \$15,037,563 is requested as a loan for an Affordable Housing  
7 Development (AHD) (AHSC Loan) and \$1,019,000 is requested for a grant for Housing-  
8 Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related  
9 Amenities(TRA) or Program (PGM) activities (AHSC Grant) as defined in the Guidelines; and  
10 if the Application is approved, to enter into, execute and deliver AHSC Program documents,  
11 including a State of California Standard Agreement (Standard Agreement) in a total amount  
12 not to exceed \$16,056,563 (\$15,037,563 for the AHSC Loan and \$1,019,000 for the AHSC  
13 Grant), and any and all other documents required or deemed necessary or appropriate to  
14 secure the AHSC Program funds from HCD, and all amendments thereto (AHSC Documents)  
15 as a co-applicant for the Project at 455 Fell Street, San Francisco; and, be it

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

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

1 FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the  
2 Application is successful, the City, through the SFMTA, shall be subject to the terms  
3 and conditions as specified in the Standard Agreement, that AHSC Program funds are  
4 to be used for allowable capital asset project expenditures to be identified in Exhibit A  
5 of the Standard Agreement, that the Application in full is incorporated as part of the  
6 Standard Agreement, and that any and all activities funded, information provided, and  
7 timelines represented in the application are enforceable through the Standard  
8 Agreement; and, be it

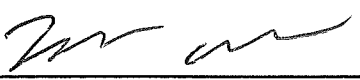
9 FURTHER RESOLVED, That all actions authorized and directed by this  
10 Resolution and heretofore taken are ratified, approved and confirmed by this Board of  
11 Supervisors; and, be it

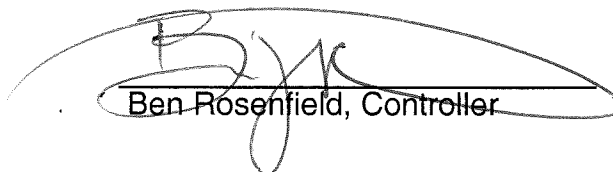
12 FURTHER RESOLVED, That within thirty (30) days of the Standard Agreement  
13 being fully executed by all parties the SFMTA shall provide the final Standard  
14 Agreement to the Clerk of the Board for inclusion into the official file.  
15  
16

17 Recommended:

18   
19 \_\_\_\_\_  
Edward D. Reiskin, Director of Transportation  
20

21 Approved:

22   
23 \_\_\_\_\_  
Edwin M. Lee, Mayor for  
24

25   
Ben Rosenfield, Controller



# City and County of San Francisco

## Tails Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 160672

**Date Passed:** July 26, 2016

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA), on behalf of the City and County of San Francisco, to execute a grant application, grant agreement, and related documents under the State of California's Affordable Housing and Sustainable Communities Program (AHSC Program) as a joint applicant with Mercy Housing, Inc., for the project at 455 Fell Street; authorizing the City to assume any joint and several liability for completion of the project required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Administrative Code, Chapter 31.

June 13, 2016 Land Use and Transportation Committee - CONTINUED

June 27, 2016 Land Use and Transportation Committee - CONTINUED

July 11, 2016 Land Use and Transportation Committee - REFERRED

July 20, 2016 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 20, 2016 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

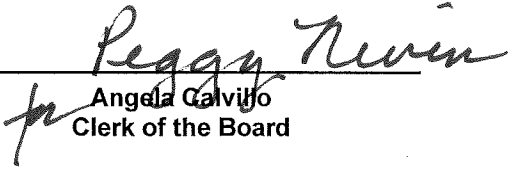
July 26, 2016 Board of Supervisors - ADOPTED


Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee

Absent: 1 - Mar

File No. 160672

I hereby certify that the foregoing  
Resolution was ADOPTED on 7/26/2016 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
for Angela Galvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

7/29/2016  
\_\_\_\_\_  
Date Approved