

1 [Accept and Expend Grant - Retroactive - California Department of Fire and Forestry
2 Protection - Urban and Community Forest California Climate Investments Grant Program -
3 \$1,193,594]

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4 **Resolution retroactively authorizing the Department of Public Works to accept and**
5 **expend a grant in the amount of \$1,193,594 from the California Department of Forestry**
6 **and Fire Protection Urban and Community Forestry Grant Program entitled, “Urban and**
7 **Community Forest California Climate Investments Grant Program” as provided through**
8 **the California Greenhouse Gas Reduction Fund, for a term beginning July 1, 2022,**
9 **through March 30, 2026, to support the operation of a tree nursery workforce**
10 **development program at the South of Market Tree Nursery; and affirming the California**
11 **Department of Transportation’s determination under the California Environmental**
12 **Quality Act.**

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14 WHEREAS, The Governor of the State of California in cooperation with the California
15 State Legislature has enacted the California Greenhouse Gas Reduction Fund, which
16 provides funds to the State of California and its political subdivisions for urban and community
17 forestry programs; and

18 WHEREAS, The State Department of Forestry and Fire Protection (“CAL FIRE”) has
19 been delegated the responsibility for the administration of the program within the State, setting
20 up necessary procedures governing application by local agencies and non-profit organizations
21 under the program; and

22 WHEREAS, Said procedures established by CAL FIRE require the applicant to certify
23 by resolution the approval of said application to the State; and

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1 WHEREAS, The applicant will enter an agreement with the State of California to carry
2 out an urban and community forestry project; and

3 WHEREAS, CAL FIRE administers the Urban and Community Forest California
4 Climate Investments Grant Program (“Grant Program”), which works to expand and improve
5 the management of trees and related vegetation in communities to advance the development
6 of sustainable urban and community forests; and

7 WHEREAS, The Department of Public Works Bureau of Urban Forestry (“Public
8 Works”) seeks to significantly increase the number of street trees planted annually in San
9 Francisco consistent with the City’s Urban Forest Plan, which will require a larger skilled
10 urban forestry workforce to support tree growing, planting and maintenance; and

11 WHEREAS, Public Works’ future South of Market Street Tree Nursery, funded and
12 developed pursuant to a Cooperative Agreement with the California Department of
13 Transportation (“Caltrans”), on file with the Clerk of the Board of Supervisors in File
14 No. 220855, will be constructed on a 14,000 square-foot vacant freeway parcel in the South of
15 Market neighborhood. The South of Market Street Tree Nursery will address the immediate
16 need to grow and assemble trees for tree planting in addition to the community’s needs for
17 increased tree canopy and green space to address the air pollution and environmental justice
18 impacts of the nearby I-80 freeway and heavy vehicle traffic; and

19 WHEREAS, On December 10, 2021 Public Works applied to the Grant Program in
20 order to staff and support a tree nursery workforce development program (“Project”) operated
21 out of the future South of Market Tree Nursery; and

22 WHEREAS, On February 3, 2022 CAL FIRE approved Public Works’ application, on
23 file with the Clerk of the Board of Supervisors in File No. 220855, awarding Public Works
24 \$1,193,594 to partner with a non-profit organization to hire and train twenty residents from
25 disadvantaged and low-income communities, including the South of Market, Tenderloin,

1 Mission, Excelsior and Bayview neighborhoods, for a period of up to six-months working
2 approximately 32 hours per week for \$19.00 per hour, to develop the skills needed to
3 overcome barriers to employment and establish careers in urban forestry; and

4 WHEREAS, Public Works will employ one full-time staff position to support nursery
5 operations and the Project; and

6 WHEREAS, For purposes of formulating reasonable budgetary assumptions for the
7 Project, Public Works' application included a reference to a nonprofit organization that is
8 representative; Public Works' submission of the application occurred before the operative
9 date of Chapter 21G of the Administrative Code; however, Public Works will select its non-
10 profit partner in a future competitive solicitation; and

11 WHEREAS, The Project grant period runs through March 30, 2026; and

12 WHEREAS, The Project budget includes indirect costs in the amount of \$127,802, 12
13 percent of the future nonprofit partner's estimated total direct costs, which is the maximum
14 allowed by CAL FIRE; and

15 WHEREAS, On November 22, 2021, Caltrans, the Lead Agency for the Project
16 pursuant to the California Environmental Quality Act (California Public Resources Code
17 Sections 21000 et seq.), issued a notice of exemption, on file with the Clerk of the Board of
18 Supervisors in File No. 220855, which determined that the Project constitutes a Class 1
19 Categorically Exempt project under Title 14, Division 6, Chapter 3, Section 15301 of the
20 California Code of Regulations ("Notice of Exemption"); and

21 WHEREAS, Prior to entering into a Grant Agreement, CAL FIRE requires the Board of
22 Supervisors of the City and County of San Francisco to certify the availability of funds and
23 timely expenditure of those funds and to designate authorized representatives to carry out the
24 Project; and

1 WHEREAS, As set forth in Public Works Order No. 206864, on file with the Clerk of the
2 Board of Supervisors in File No. 220855, Public Works has requested and recommended that
3 the Board of Supervisors approve this Resolution; certify that the City has sufficient funds to
4 operate and maintain the project; certify that funds under the jurisdiction of the Board of
5 Supervisors are available to begin the project; certify that Public Works will expend grant
6 funds prior to March 30, 2026; appoint the Director of Public Works, or the Director of Public
7 Works' designee, as agent of the Board of Supervisors to conduct negotiations, execute and
8 submit all documents including, but not limited to applications, agreements, amendments,
9 payment requests and so on, which may be necessary for the completion of the
10 aforementioned Project; and authorize Public Works and the Clerk of the Board to take further
11 actions, as may be deemed necessary by CAL FIRE before Public Works may accept and
12 expend the grant funds for the Project, as provided in the documents and exhibits referenced
13 in Public Works Order No. 206864; now, therefore, be it

14 RESOLVED, That the Board of Supervisors, acting as the Responsible Agency under
15 CEQA, has reviewed and considered the Notice of Exemption and has determined that the
16 actions contemplated in this Resolution comply with the California Environmental Quality Act
17 (California Public Resources Code Sections 21000 et seq.); and, be it

18 FURTHER RESOLVED, That the Board of Supervisors accepts the recommendations
19 of the Department as set forth in Public Works Order No. 220855; and, be it

20 FURTHER RESOLVED, That Public Works is hereby authorized to accept and expend
21 up to \$1,193,594 in CAL FIRE Urban and Community Forest California Climate Investments
22 Grant Program funds for the Project; and, be it

23 FURTHER RESOLVED, That the Director of Public Works, or the Director of Public
24 Works' designee, is hereby authorized to conduct negotiations, execute and submit all
25 documents including, but not limited to applications, agreements, amendments, payment

1 requests and so on, which may be necessary for the completion of the aforementioned
2 Project; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby certifies that Public
4 Works has or will have sufficient funds to operate and maintain the Project; that funds under
5 the jurisdiction of San Francisco Board of Supervisors are available to begin the project; and
6 that Public Works will expend grant funds prior to March 30, 2026; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors ratifies any administrative
8 action taken to date with respect to the grant funds, including but not limited to the submittal of
9 any applications and related materials; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby waives Public Works'
11 indirect cost recovery under Administrative Code section 10.170-1(f).

12 FURTHER RESOLVED, That within 30 days of the agreement being fully-executed by
13 all parties, the Department of Public Works shall provide the final agreement to the Clerk of
14 the Board for inclusion into the official file.

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Approved: _____ /s/ _____

London Breed, Mayor

Approved: _____ /s/ _____

Ben Rosenfield, Controller

Recommended:

_____ /s/ _____

Carla Short, Interim Director

Department of Public Works