

1 [Apply for Grant - Balboa Park Housing Partners, L.P. - Assumption of Liability -  
2 Department of Housing and Community Development Infill Infrastructure Program - 2340  
San Jose Avenue]

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4 **Resolution authorizing the Mayor’s Office of Housing and Community**  
5 **Development, on behalf of the City and County of San Francisco, to execute a grant**  
6 **application, as defined herein, under the Department of Housing and Community**  
7 **Development Infill Infrastructure (“IIG”) Program as a joint applicant with Balboa**  
8 **Park Housing Partners, L.P., a California limited partnership, for the 100%**  
9 **affordable housing project at 2340 San Jose Avenue; authorizing the City to**  
10 **assume any joint and several liability for completion of the projects required by the**  
11 **terms of any grant awarded under the IIG Program; and adopting findings under the**  
12 **California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and**  
13 **Administrative Code, Chapter 31.**

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15 WHEREAS, The State of California Department of Housing and Community  
16 Development (“Department”) has issued a Notice of Funding Availability (“NOFA”) dated  
17 October 30, 2019, under the Infill Infrastructure Program (“IIG Program”) established  
18 under Division 31, Part 12.5 of the Health and Safety Code commencing with Section  
19 53559; and

20 WHEREAS, The Department is authorized to approve funding allocations for the  
21 IIG Program, subject to the terms and conditions of the NOFA IIG Program Grant  
22 Guidelines adopted by the Department on October 30, 2019 (“Program Guidelines”), an  
23 application package released by the Department for the IIG Program (“Application  
24 Package”), and an IIG standard agreement with the State of California (“Standard  
25 Agreement”), the Department is authorized to administer the approved funding allocations

1 of the IIG Program; and

2 WHEREAS, The IIG Program provides infrastructure grants for Capital  
3 Improvement Projects in support of Qualifying Infill Projects or Qualifying Infill Areas to  
4 applicants identified through a competitive process for the development of projects that,  
5 per the Program Guidelines, support higher-density affordable and mixed-income housing  
6 and mixed-use infill developments; and

7 WHEREAS, The IIG Program requires that joint applicants for a project will be held  
8 jointly and severally liable for completion of such project; and

9 WHEREAS, Balboa Park Housing Partners, L.P., a California limited partnership  
10 (“Developer”), has requested the City and County of San Francisco (the “City”), acting by  
11 and through the Mayor’s Office of Housing and Community Development (“MOHCD”), to  
12 be a joint applicant for its project located at 2340 San Jose Avenue (the “Balboa Park  
13 Upper Yard”); and

14 WHEREAS, On October 11, 2018, by Notice of Final Approval of an SB 35 Project,  
15 the Planning Department by case No. 2017-012151PRJ, determined that the  
16 development of the mixed-use, 100 % affordable housing project consisting of 130-unit  
17 residential rental building project (with proposed ground floor retail, community facility,  
18 and child care facility with outdoor activity area and lot line adjustment) at 2340 San Jose  
19 Avenue (Assessor’s Parcel Block No. 6973 / Lot No. 039) (the “Project”), met all the  
20 standards of the Planning Code and would be eligible for ministerial approval under  
21 California Government Code, Section 65913.4 (Senate Bills 35 and 765), California Public  
22 Resources Code, Section 21080, and the CEQA Guidelines, Sections 15002(i)(1), 15268  
23 and 15369, and would therefore not be subject to the California Environmental Quality Act  
24 (CEQA); and

25 WHEREAS, Along with the construction of the Project, the Developer and Bay

1 Area Rapid Transit (“BART”) have agreed to revitalize the Balboa Park BART Station  
2 (“BART Work”) adjacent to the Project, and the Developer will receive a portion of any IIG  
3 grant funds awarded for the BART Work; and

4 WHEREAS, BART and the Developer will enter into a Memorandum of  
5 Understanding regarding the completion of the BART WORK, and the City, as joint  
6 applicant for the Balboa Park Upper Yard IIG application, will execute the Memorandum  
7 of Understanding for acknowledgement and consent purposes; and

8 WHEREAS, The City, acting by and through MOHCD, desires to apply for IIG  
9 Program funds and submit an Application Package as a joint applicant with the  
10 Developer; now, therefore, be it

11 RESOLVED, That the Board of Supervisors delegates to MOHCD, on behalf of the  
12 City, the authority to execute an application to the IIG Program as detailed in the NOFA  
13 dated October 30, 2019, in a total amount not to exceed \$4,000,000 of which the entire  
14 amount will be provided as a as a grant for Capital Infrastructure Improvements (“IIG  
15 Grant”) as defined the IIG Program Guidelines and sign the IIG Program documents; and,  
16 be it

17 FURTHER RESOLVED, The Board of Supervisors specifically agrees that the City  
18 shall assume any joint and several liability for completion of the Project required by the  
19 terms of any grant awarded to the City and the Developer under the IIG Program; and, be  
20 it

21 FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the  
22 Application is successful, the City, through MOHCD, shall seek Board of Supervisors  
23 approval of the IIG Standard Agreement, with terms and conditions that IIG Program  
24 funds are to be used for allowable capital asset project expenditures to be identified in the  
25 Standard Agreement, that the Application Package in full is incorporated as part of the

1 Standard Agreement, and that any and all activities funded, information provided, and  
2 timelines represented in the application are enforceable through the Standard Agreement;  
3 and, be it

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

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

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RECOMMENDED:

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Daniel Adams, Acting Director,  
Mayor's Office of Housing and Community Development