Commission on Community Investment and Infrastructure

RESOLUTION NO. 16-2014
Adopted April 1, 2014

AUTHORIZING A GRANT AGREEMENT WITH THE MUNICIPAL TRANSPORTATION AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO IN AN AMOUNT NOT TO EXCEED $785,000 IN EXCESS BOND PROCEEDS FROM SERIES 2009 B AND 2009 F BONDS TO PROVIDE FUNDING FOR THE RENOVATION OF THE BAYVIEW OPERA HOUSE PLAZA, LOCATED AT 4705 THIRD STREET; BAYVIEW HOUNTERS POINT REDEVELOPMENT PROJECT AREA

WHEREAS, On March 15, 2011, the former Redevelopment Agency of the City and County of San Francisco ("SFRA") executed a Grant Agreement with the City, through the Municipal Transportation Agency ("MTA") to provide $785,000 in supplemental funding for the renovation of the public plaza adjacent to the Bayview Opera House, located at 4705 Third Street (the "2011 Grant Agreement"); and,

WHEREAS, On February 1, 2012, state law dissolved the Redevelopment Agency and established successor agencies to fulfill the remaining enforceable obligations of former redevelopment agencies. Cal. Health & Safety Code §§ 34170 et seq. ("Redevelopment Dissolution Law"); and,

WHEREAS, The Board of Supervisors of the City and County of San Francisco ("Board of Supervisors") delegated its authority, under Redevelopment Dissolution Law, as the Successor Agency to the Redevelopment Agency to the Office of Community Investment and Infrastructure ("OCII") and authorized OCII to act in place of the former Redevelopment Agency Commission to implement, and approve contracts for, the Major Approved Development Projects and Retained Housing Obligations and to "take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission deems appropriate consistent with the Redevelopment Dissolution Law to comply with such obligations, including …authorizing additional obligations in furtherance of enforceable obligations." Ordinance No. 215-12 (Oct. 4, 2012); and,

WHEREAS, The Redevelopment Dissolution Law requires successor agencies to make payments under an enforceable obligation only if the expenditure appears on a Recognized Obligation Payment Schedules ("ROPS") that the Oversight Board and the Department of Finance have approved for each six-month period (January-June, July-December), beginning January 1, 2012. Only those payments listed on the ROPS may be made by the successor agency from funds specified in the ROPS; and,

WHEREAS, OCII requested authorization to expend the $785,000 in bond proceeds for the 2011 Grant Agreement through ROPS 13-14A, for the period of July through December 2013. On April 11, 2013 DOF determined that the 2011 Grant Agreement was not an enforceable obligation under Section 34171(d)(2) of the

Redevelopment Dissolution Law because it was an agreement between the City and the Redevelopment Agency; and,

WHEREAS, Redevelopment Dissolution Law authorizes successor agencies to enter into certain new contracts if the Department of Finance has issued a Finding of Completion. A successor agency may expend bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations if it separately lists the "excess bond proceeds obligations" on the ROPS and uses the excess proceeds in a manner consistent with the original bond covenants. Cal. Health & Safety Code § 34191.4(c)(2)(A). The Successor Agency received a Finding of Completion on May 29, 2013; and,

WHEREAS, The Bayview Hunters Point 2009 Series B and F Tax Exempt Bond Issuances require that the bond proceeds be used to finance certain redevelopment activities in the Bayview Hunters Point Redevelopment Project Area. The Successor Agency has determined that there are excess proceeds from these issuances ("BVHP Excess Proceeds") and requested approval from the Oversight Board through ROPS 13-14B to expend $785,000 in BVHP Excess Proceeds to the City through the SFMTA to renovate the Bayview Opera House plaza (Item #368); and,

WHEREAS, The Oversight Board approved, by Resolution No. 9-2013, ROPS 13-14B, which included an agreement with the SFMTA to provide $785,000 in BVHP Excess Bond Proceeds for the renovation of the Bayview Opera House plaza; and,

WHEREAS, The expenditure of the Excess Bond Proceeds for the renovation of the Bayview Opera House plaza, which is located in the Bayview Hunters Point Redevelopment Project Area, is consistent with the bond covenants requiring the funds to be used for redevelopment activities in the BVHP Redevelopment Project Area; and,

WHEREAS, The SFMTA and OCII now wish to enter into a Grant Agreement to provide the $785,000 in BVHP Excess Bond Proceeds (the "Grant Amount"). SFMTA will use $210,354 of the Grant Amount for a scope of work that includes removal of existing fencing, brick walls, pavement, and identified landscaping to create contiguous open space around the Opera House; preservation of existing trees; planting of new landscaping elements; installation of paving, a new plaza entry at Third Street and Oakdale Avenue, new seating, planters and trash receptacles, new lighting, a new gate, new bollards at major plaza entries, and a decorative fence and curb at perimeter; and,

WHEREAS, The SFMTA will work order $574,646 of the Grant Amount to the Department of Public Works for the City and County of San Francisco for a scope of work that includes creating accessible pathways, new fencing, paving, lighting, stairs at the main entry, planting and landscaping, and replacement of the rear exterior stage and theater seating; and,

WHEREAS, The Project is categorically exempt from environmental review as a Class 1-Existing Facilities project because the improvements are limited to the street

and plaza around the Bayview Opera House, involves negligible or no expansion of use, and no work is proposed to be done to the Opera House building through this Project; and NOW THEREFORE BE IT

RESOLVED, by the Office of Community Investment and Infrastructure ("OCII") that the Executive Director is authorized to execute the Grant Agreement between OCII and the Municipal Transportation Agency of the City and County of San Francisco, substantially in the form that is attached to this Resolution, to provide an amount not to exceed $785,000 in BVHP Excess Bond Proceeds, consistent with ROPS 13-14B.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of April 1, 2014.

Attachment 1: Grant Agreement between OCII and SFMTA for the Bayview Opera House Plaza Renovation Project

Natasha Jones

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Commission Secretary