

1 [Planning Code - Sunnydale HOPE SF Special Use District]

2  
3 **Ordinance amending the Planning Code to create the Sunnydale HOPE SF Special Use**  
4 **District to facilitate development of the Sunnydale HOPE SF project by modifying**  
5 **specific requirements related to permitted uses, dwelling unit density, building height**  
6 **and bulk standards, and parking and streetscape matters; adopting findings under the**  
7 **California Environmental Quality Act; making findings of consistency with the General**  
8 **Plan, as proposed for amendment, and the eight priority policies of Planning Code,**  
9 **Section 101.1; and adopting findings of public necessity, convenience, and welfare**  
10 **under Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
14 **Board amendment additions** are in double-underlined Arial font.  
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Findings.

20 (a) The Board of Supervisors adopted a companion ordinance related to General Plan  
21 amendments for the Sunnydale HOPE SF project. This companion ordinance described the  
22 project and included findings under the California Environmental Quality Act (Public  
23 Resources Code Sections 21000 et seq.), General Plan findings, and the eight priority policies  
24 of Planning Code Section 101.1. The Board of Supervisors adopts all of these findings for  
25 purposes of this ordinance. The companion ordinance on the General Plan amendments and

1 the accompanying findings are on file with the Clerk of the Board of Supervisors in File No.  
2 161309 and are incorporated herein by reference.

3 (b) On November 17, 2016, in Resolution No. 19787, the Planning Commission  
4 adopted findings under Planning Code Section 302 determining that this ordinance serves the  
5 public necessity, convenience, and general welfare. The Board of Supervisors adopts as its  
6 own these findings. The Planning Commission Resolution is on file with the Clerk of the  
7 Board of Supervisors in File No. 161162 and is incorporated herein by reference.

8  
9 Section 2. The Planning Code is hereby amended by adding Section 249.75, to read  
10 as follows:

11 **SEC 249.75. SUNNYDALE HOPE SF SPECIAL USE DISTRICT.**

12 (a) **Purpose.** *In order to give effect to the Development Agreement for the Sunnydale HOPE*  
13 *SF development project as approved by the Board of Supervisors in an ordinance in Board File No.*  
14 *\_\_\_\_\_, there shall be a Sunnydale HOPE SF Special Use District as designated on Sectional Map SU-11 of*  
15 *the Zoning Maps of the City and County of San Francisco. The purpose of the Special Use District is to*  
16 *allow a project that will replace the Sunnydale and Velasco public housing projects with a mixed-use*  
17 *and mixed-income development of affordable dwelling units in a number in excess of the existing public*  
18 *housing units, market-rate dwelling units, neighborhood commercial, and community facility uses, and*  
19 *new infrastructure improvements, including streets, sidewalks, utilities, and open spaces.*

20 (b) **Definitions.**

21 *"Design Standards and Guidelines " shall mean the Sunnydale HOPE SF Design Standards and*  
22 *Guidelines adopted by the Planning Commission in Resolution No. \_\_\_\_\_, approved by the Board of*  
23 *Supervisors as part of this Special Use District, and found in Board File No. \_\_\_\_\_, and as may be*  
24 *amended from time to time. The Design Standards and Guidelines is herein incorporated by reference.*

1 "Development Agreement" shall mean the Development Agreement By and Between the City  
2 and County of San Francisco and Sunnydale Development Company, LLC, a joint venture of Mercy  
3 Housing California and The Related Companies of California, approved by the Board of Supervisors in  
4 an ordinance in Board File No. \_\_\_\_\_.

5 "Master Infrastructure Plan " or "MIP" shall mean the Sunnydale HOPE SF approved by the  
6 Board of Supervisors as part of the Development Agreement and found in Board File No. \_\_\_\_\_, and as  
7 may be amended from time to time. The MIP is herein incorporated by reference.

8 (c) **Development Controls.** The controls contained in the Design Standards and Guidelines  
9 shall regulate development in the Sunnydale HOPE SF Special Use District, except for those controls  
10 specifically enumerated in this Section 249.75. Where not explicitly superseded by definitions  
11 established in the Design Standards and Guidelines, the definitions in this Code shall apply. All  
12 procedures and requirements in Article 3 of the Planning Code shall apply to development in this  
13 Special Use District to the extent that they are not in conflict with this Special Use District or the  
14 Development Agreement. The Planning Commission may amend the Design Standards and Guidelines  
15 upon initiation by the Planning Department or upon application by an owner of property within this  
16 Special Use District (or his or her authorized agent), or any party to the Development Agreement, to  
17 the extent that such amendments are consistent with this Special Use District, the General Plan, and  
18 the Development Agreement. The Zoning Administrator may approve minor amendments to the Design  
19 Standards and Guidelines upon initiation by the Planning Department or upon application by an owner  
20 of property within this Special Use District (or his or her authorized agent), or any party to the  
21 Development Agreement. For the purposes of this subsection (c), "minor amendments" shall be defined  
22 as amendments necessary to clarify omissions or correct inadvertent mistakes in the Design Standards  
23 and Guidelines and are consistent with the intent of the Design Standards and Guidelines, this Special  
24 Use District, the General Plan, and the Development Agreement.

1                   (1) **Zoning Designation.** The applicable zoning designation shall be as set forth in  
2 Zoning Map ZN-11, consisting of the Residential, Mixed, Low Density (RM-1) district. The Planning  
3 Code provisions for the underlying RM-1 use district shall control except to the extent they conflict with  
4 the provisions of this Section 249.75. Notwithstanding the foregoing sentence, this Special Use District  
5 and the Design Standards and Guidelines shall apply only to construction and other activities that  
6 further implement the Sunnydale HOPE SF development project. For proposed activities other than  
7 implementation of the Sunnydale HOPE SF development project (e.g., changes of use in existing  
8 buildings, alterations to existing buildings prior to commencement of the project), the underlying RM-1  
9 controls shall continue to apply.

10                   (2) **Uses.**

11                   (A) **Permitted Uses.** In addition to the uses permitted in the RM-1 district,  
12 those uses that are principally or conditionally permitted in a Small-Scale Neighborhood Commercial  
13 District (NC-2) use district shall be permitted in this Special Use District to the same extent as in a NC-  
14 2 district; provided, however, that liquor stores and medical cannabis dispensaries shall not be  
15 permitted in this Special Use District.

16                   (B) **Ground Floor Uses.** Notwithstanding anything in this Section 249.75 to  
17 the contrary, “active uses” as defined in Section 145.1(b)(2) or Medical Services as defined in Section  
18 790.114 shall be required at the ground floor frontages along the west side of Hahn Street between  
19 Sunnydale Avenue and Center Street, as identified in the Development Agreement, and the south side of  
20 Sunnydale Avenue between Hahn Street and A Street, as identified in the Development Agreement;  
21 provided, however, that for purposes of this Section of the Special Use District, active uses shall  
22 exclude ground floor residential units.

23                   (3) **Dwelling Unit Density.** The controls set forth in the underlying RM-1 use  
24 district shall govern dwelling unit density within the Special Use District. However, greater dwelling  
25 unit density than permitted by the underlying RM-1 use district may be provided on individual lots, as

1 long as the overall density of the Special Use District does not exceed the density allowed by the  
2 underlying RM-1 zoning for the entire Special Use District, accounting for density that could be  
3 permitted as a Planned Unit Development pursuant to Section 304. The overall density limit shall be  
4 determined by the size and configuration of the lots within this Special Use District as they exist at the  
5 time of the adoption of this Special Use District.

6 (4) **Building Standards.**

7 (A) **Building Height.** The applicable height limits for this Special Use  
8 District shall be as set forth on Section Map HT-11 of the Zoning Map of the City and County of San  
9 Francisco. Height shall be measured and regulated as provided in the Design Standards and  
10 Guidelines and not as provided in Article 2.5 of the Planning Code, except that the exemptions to  
11 height limits set forth in Section 260(b) shall apply. Measurement of height may be modified through a  
12 Major Modification process.

13 (B) **Building Bulk.** Except as described in the Design Standards and  
14 Guidelines, there are no bulk limitations for this Special Use District.

15 (C) **Building Setbacks.** The applicable building setback requirements for  
16 this Special Use District shall be as set forth in the Design Standards and Guidelines and not as  
17 provided in Article 1.2 of the Planning Code.

18 (D) **Open Space.** The usable open space requirement shall be set at 80  
19 square feet per unit. The Design Standards and Guidelines shall set forth the methods for satisfying  
20 the open space requirement.

21 (E) **Sign controls.** Sign controls for NC-2 Districts shall apply to the Special  
22 Use District for commercial establishments in-lieu of sign controls for the underlying use district.

23 (5) **Off-Street Automobile Parking.** There is no minimum off-street parking  
24 requirement for any use in this Special Use District. Upon completion of the Sunnydale HOPE SF  
25 Project, the number of off-street parking spaces within this Special Use District shall not exceed: one

parking space per residential dwelling unit and one parking space per 500 square feet of occupied commercial, institutional, and community facility space. Car share parking spaces shall be provided in the amounts set forth in Section 166. Collective off-street parking pursuant to Section 160(a) shall be permitted such that the amount of parking on a particular lot may exceed the maximum parking allowed for uses on that lot so long as the amount of parking for the entire Special Use District does exceed the overall maximum amount allowed.

(6) **Bicycle Parking.** Bicycle parking shall be provided as required by the Planning Code.

(7) **Streetscape and Public Realm Requirements.** In lieu of the requirements of Section 138.1, each building shall include the design and construction of the appropriate adjacent and related street and public realm infrastructure, consistent with the Development Agreement, Design Standards and Guidelines, and other supporting documents to the Development Agreement. Construction of such improvements shall be subject to approval and review by the Planning Department and other relevant City agencies as provided by the Development Agreement.

(8) **Residential Affordable Housing Requirement.** The provisions of Section 415 shall not apply, except as otherwise stipulated in the Development Agreement.

(d) **Modifications to Building Standards.** Modification of the Building Standards, including measurement of height, set forth in subsection (c) above and as outlined in the Design Standards and Guidelines may be approved on a project-by-project basis and according to the procedures of subsection (e).

The following Controls as provided in the Design Standards and Guidelines document cannot be modified:

<u><b>DSG Control No. or Nos.</b></u>	<u><b>Topic</b></u>
<u>4.1 control 1, 2 and 3</u>	<u>Land Use</u>
<u>7.1.1 control 1</u>	<u>Height</u>

1	<u>6.1 control 1 and 2</u>	<u>Open Space</u>
2	<u>7.1.5 control 2 and 3</u>	<u>Residential Entrances</u>
3	<u>7.1.7 control 2</u>	<u>Blank Facades</u>
4	<u>7.1.8 control 1</u>	<u>Meters, Utilities and Trash</u>
5	<u>7.1.9 controls 2 and 3</u>	<u>Gates and Fences</u>
6	<u>7.1.11 control 1</u>	<u>Roof Design</u>
7	<u>7.1.13 control 1</u>	<u>Parking, Parking Entrances and Curb</u>
8		<u>Cuts</u>
9	<u>7.2.2 control 1</u>	<u>Block 3</u>

10 The following Controls as provided in the Design Standards and Guidelines can only be  
11 modified through the Major Modification process as described in subsection (e)(4)(b), below:

13	<u><b>DSG Control No. or Nos.</b></u>	<u><b>Topic</b></u>
14	<u>7.1.5 controls 1, and 4</u>	<u>Residential Entrances</u>
15	<u>7.1.7 controls 1 and 3</u>	<u>Blank Facades</u>
16	<u>7.1.10 controls 1, and 2</u>	<u>Retail Facades</u>
17	<u>7.1.12 control 1 and 2</u>	<u>Building Lighting</u>
18	<u>7.1.13 control 2</u>	<u>Parking, Parking Entrances and Curb</u>
19		<u>Cuts</u>
20	<u>7.1.14 control 1</u>	<u>Usable Open Space</u>
21	<u>7.2.1 control 1</u>	<u>Block 1</u>
22	<u>7.2.11 controls 1, 2, and 3</u>	<u>Block 15 &amp; 16, 19 &amp; 20, 23 &amp; 24, and</u>
23		<u>28 &amp; 29</u>
24	<u>7.2.12 controls 1, 2, and 3</u>	<u>Blocks 17 &amp; 18 and 26 &amp; 27</u>

1	<u>7.3 control 1 and 2</u>	<u>Townhouse blocks</u>
---	----------------------------	-------------------------

2 If a modification for any of the Controls in the Design Controls and Guidelines that are listed  
3 below is sought such that the modification would deviate by 10% or more from the quantitative  
4 standard, the Major Modification process described in subsection (e)(4)(B) would be required.

6	<u><b>DSG Control No. or Nos.</b></u>	<u><b>Topic</b></u>
7	<u>7.1.1 controls 2 and 3</u>	<u>Building Heights</u>
8	<u>7.1.2 controls 1 and 2</u>	<u>Building Massing</u>
9	<u>7.1.3 controls 1 and 2</u>	<u>Lot Coverage / Rear Yard</u>
10	<u>7.1.4 controls 1 and 3</u>	<u>Setback Lines</u>
11	<u>7.1.5 control 4</u>	<u>Residential Entries</u>
12	<u>7.1.6 control 2</u>	<u>Residential Design</u>
13	<u>7.1.9 control 1</u>	<u>Gates and Fences</u>
14	<u>7.1.10 control 3</u>	<u>Retail Facades</u>
15	<u>7.1.13 control 3, 4, and 5</u>	<u>Parking, Parking Entrances and Curb</u>
16		<u>Cuts</u>

17 For any other modification being sought from the Controls in Chapters 4, 6 and 7 of the Design  
18 Standards and Guidelines document, the Minor Modification process described in subsection (e)(4)(A),  
19 below, would be required.

20 (e) **Project Review and Approval.**

21 (1) **Purpose.** The design review process for this Special Use District is intended to  
22 ensure that new buildings within this Special Use District are designed to complement the aesthetic  
23 quality of the development, exhibit high quality architectural design, and promote the purpose of this  
24 Special Use District.

1                   (2) **Development Phase Approval.** *The Planning Department shall only approve*  
2 *applications for individual building projects that are consistent with and described in an approved*  
3 *Development Phase Application. The Development Phase Approval process, as set forth in greater*  
4 *detail in the Development Agreement, is intended to ensure that all buildings within a phase as well as*  
5 *new infrastructure, utilities, open space and all other improvements promote the purpose of the HOPE*  
6 *SF Program, the Special Use District and meet the requirements of the Sunnydale Development*  
7 *Agreement. The Planning Director shall act on a Development Phase Application within 60 days after*  
8 *a Development Phase Application is deemed complete upon his or her determination that the*  
9 *Development Phase Application is complete.*

10                   (3) **Building Design Review and Approval.** *The construction, expansion, or major*  
11 *alteration of, or additions to, all structures within this Special Use District requires applications for*  
12 *design review described in this Section 249.75. Applications for design review may be submitted*  
13 *concurrently with or subsequent to a Development Phase Design Review Application. The owner or*  
14 *authorized agent of the owner of the property for which the design review is sought may file*  
15 *applications for design review. Department staff shall review the application for completeness and*  
16 *advise the applicant in writing of any deficiencies within 30 days after receipt of the application or, if*  
17 *applicable, within 15 days after receipt of any supplemental information requested pursuant to this*  
18 *section. If Department staff does not so advise the applicant, and if the related Phase Application has*  
19 *been approved, the application will be deemed complete. The application shall include the documents*  
20 *and materials necessary to determine consistency with this Special Use District, the Design Standards*  
21 *and Guidelines, and the applicable requirements of the Development Agreement, including site plans,*  
22 *sections, elevations, renderings, landscape plans, and exterior material samples to illustrate the overall*  
23 *concept design of the proposed buildings, and conformance with any phasing plan. If any requests for a*  
24 *Major Modification or Minor Modification are sought in accordance with the allowances of this*  
25 *Section 249.75, the application shall contain a narrative for each modification sought that describes*

1 how the proposed project meets the full intent of the Design Standards and Guidelines and provides  
2 architectural treatment and public benefit that are equivalent to or superior to strict compliance with  
3 the standards.

4 (A) **Pre-application Meeting.** Not more than 12 months prior to filing a  
5 Building Design Review application, the project sponsor shall conduct a minimum of one pre-  
6 application meeting with the public. The meeting shall be conducted at, or within a one-mile radius of,  
7 the project site, but otherwise subject to the Planning Department's pre-application meeting  
8 procedures, including but not limited to the submittal of required meeting documentation.

9 (B) **Staff Design Review.** The Department shall perform administrative  
10 design review for each application as further detailed in the Development Agreement. Department staff  
11 shall review the project to determine if it complies with this Special Use District, the Design Standards  
12 and Guidelines, the Development Agreement, an approved Development Phase Design Review  
13 Application, and any applicable mitigation measures. The Department shall complete the initial review  
14 and respond to the project sponsor within 60 days of receiving a complete application. The  
15 Department staff shall have 30 days to respond to any modifications or revisions submitted by the  
16 project sponsor after the submission of the initial application. Upon completing review, Department  
17 staff may draft a staff report to the Planning Director or Planning Commission, as appropriate,  
18 including a recommendation regarding any modifications to the project. The staff report shall be  
19 delivered to the applicant no less than 15 days prior to Planning Director or Planning Commission  
20 action on the application, and shall be kept on file for public review. The Department shall provide  
21 public notice of the staff report and recommendation no less than 10 days prior to action on the  
22 application by the Planning Director or Planning Commission, in the manner set forth in Section  
23 311(d)(2).

24 (4) **Approvals and Public Hearings.**  
25

1                    (A) **Projects Not Seeking Major Modifications.** Except for projects seeking  
2 a Major Modification, the Planning Director may approve or disapprove the project design and any  
3 Minor Modifications based on its compliance with this Special Use District, the Design Standards and  
4 Guidelines, the Development Phase Design Review approval, and the findings and recommendations of  
5 the staff report. If the project is consistent with the quantitative Standards set forth in this Special Use  
6 District and the Design Standards and Guidelines, the Planning Director's discretion to approve or  
7 disapprove the project shall be limited to the project's consistency with the qualitative elements of the  
8 Design Standards and Guidelines and the General Plan. Prior to making a decision, the Planning  
9 Director, in his or her sole discretion, may seek comment and guidance from the public and Planning  
10 Commission on the design of the project, including the granting of any Major Modifications, in  
11 accordance with the procedures of subsection (B) below. If a Major Modification is not sought, any  
12 Planning Commission review will be informational only, will be limited to the project's consistency  
13 with the qualitative elements of the Design Standards and Guidelines, and will not result in any action  
14 by the Planning Commission.

15                    (B) **Projects Seeking Major Modifications.** The Planning Commission shall  
16 hold a public hearing for all projects seeking one or more Major Modifications and for any project  
17 seeking one or more Minor Modifications that the Planning Director, in his or her sole discretion,  
18 refers to the Commission as a Major Modification. The Planning Commission shall consider all  
19 comments from the public and the recommendations of the staff report and the Planning Director in  
20 making a decision to approve or disapprove the project design, including the granting of any Major or  
21 Minor Modifications.

22                    (C) **Notice of Hearings.** The Department shall provide notice of hearings  
23 required by subsections (A) and (B) above as follows: (i) mail notice to the project applicant, property  
24 owners within 300 feet of the exterior boundaries of the property that is the subject of the application,  
25 using for this purpose the names and addresses as shown on the citywide assessment roll in the Office

1 of the Tax Collector, and residents within 150 feet of the exterior boundaries of the property that is the  
2 subject of the application, and any person who has requested notice by mail not less than 20 days prior  
3 to the date of the hearing; and (ii) post notice on the subject property at least 10 days prior to the date  
4 of the hearing.

5 (5) **Design Review and Approval of Community Improvements.** To ensure that any  
6 Community Improvements (as defined in the Development Agreement) meet the Design Standards and  
7 Guidelines and the Master Infrastructure Plan requirements, the project sponsor shall submit an  
8 application and receive approval from the Planning Department, or the Planning Commission if  
9 required, prior to obtaining any permits for the construction of any Community Improvement within or  
10 adjacent to the Special Use District. Design approval for major open space Community Improvements  
11 (not associated with an individual building or block development and not improvements that are to be  
12 owned and operated by the Recreation and Park Department on behalf of the City and County of San  
13 Francisco), along with any stand alone community center building shall be subject to the Design  
14 Review procedure set forth in subsection (e)(3), above. The Recreation and Park Department shall  
15 conduct Design Review for improvements owned and operated by, and under the jurisdiction of, that  
16 Department.

17 (6) **Building Permit Approval by the Planning Department.** The project sponsor  
18 shall notify the Department of Building Inspection when submitting a building permit application that  
19 the application must be routed to the Planning Department for review. Planning Department staff shall  
20 review the building permit application for consistency with the authorizations granted pursuant to this  
21 Section 249.75. The Department of Building Inspection shall not issue a building permit for work  
22 within this Special Use District unless Planning Department staff determines such permit is consistent  
23 with the standards set forth in the Design Standards and Guidelines, as they may be modified by a  
24 Minor Modification or a Major Modification, to the extent such standards regulate building design.

1                   (7) **Discretionary Review.** The Planning Department shall not accept, and the  
2 Planning Commission shall not hear, requests for discretionary review for projects subject to this  
3 Section 249.75.

4                   (8) **Demolition of Dwelling Units.** No mandatory discretionary review or  
5 Conditional Use authorization pursuant to Section 317 shall be required for the demolition of any  
6 residential dwelling unit within the Sunnydale HOPE SF Special Use District.

7                   (9) **Appeal and Decision on Appeal.** Any person aggrieved by the decision of the  
8 Planning Director to grant or deny any project, including any Minor Modification, or of the Planning  
9 Commission to grant or deny any Major Modification, may appeal the decision to the Board of Appeals  
10 within 10 days after the date of the decision by filing a written notice of appeal with that body. Such  
11 notice must set forth the alleged error in the interpretation of the provisions of this Code or the Design  
12 Standards and Guidelines or the alleged abuse of discretion on the part of the Planning Director or  
13 Planning Commission, which error or abuse is the basis for the appeal. Upon the hearing of an appeal,  
14 the Board of Appeals may, subject to the same limitations placed on the Planning Commission or  
15 Planning Director by Charter, this Code, and the Development Agreement, approve, disapprove, or  
16 modify the appealed decision by a vote of four of its members. Notwithstanding anything to the contrary  
17 in the Business and Tax Regulations Code, if the determination of the Board differs from that of the  
18 Planning Director or Planning Commission, the Board of Appeals shall, in a written decision, make  
19 findings specifying the error of interpretation or abuse of discretion on the part of the Planning  
20 Director or Planning Commission, and the specific facts relied upon, that are the basis for the Board's  
21 determination. As set forth in Section 308.1, the Board of Supervisors shall hear appeals of the  
22 Planning Commission's Conditional Use decisions.

23  
24                   Section 3. The Planning Code is hereby amended by adding Section 263.30, to read as  
25 follows:

1                    **SEC. 263.30. SUNNYDALE HOPE SF SPECIAL USE DISTRICT AND THE 40/65-X**  
2 **HEIGHT AND BULK DISTRICT.**

3                    In the Sunnydale HOPE SF Special Use District and the 40/65-X Height and Bulk District,  
4 heights are more specifically prescribed on a block-by-block basis pursuant to the Sunnydale HOPE SF  
5 Design Standards and Guidelines document as referenced by Planning Code Section 249.75, the  
6 Sunnydale HOPE SF Special Use District. The Sunnydale HOPE SF Design Standards and Guidelines  
7 also provide specific provisions for height measurement, and exceptions. Where there is a conflict  
8 between such provisions in the Sunnydale Hope Design Standards and Guidelines and those otherwise  
9 provided in the Planning Code, the Sunnydale Hope SF Design Standards and Guidelines shall govern.

10  
11                    Section 4. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By: \_\_\_\_\_  
19                    Robb W. Kapla  
                     Deputy City Attorney

20 n:\legana\as2016\1700205\01145412.docx