

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara Smith, Acting Executive Director, Housing Authority
Olson Lee, Director, Mayor's Office of Housing and Community
Development
Todd Rufo, Director, Office of Economic and Workforce Development
Tom Hui, Director, Department of Building Inspection

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 1, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislations, introduced by Supervisor Cohen on October 25, 2016:

File No. 161162

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

File No. 161163

Ordinance amending the Planning Code by amending the Zoning Map Sheets SU-11 and HT-11 in connection with the Sunnydale HOPE SF project; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

File No. 161164

Ordinance approving a Development Agreement between the City and County of San Francisco, the Housing Authority of the City and County of San Francisco, and Sunnydale Development Co., LLC, for the Sunnydale HOPE SF Project at the approximately 50-acre site located in Visitacion Valley and generally bounded by McLaren Park to the north, Crocker Amazon Park to the west, Hahn Street to the east, and Velasco to the south; confirming the Development Agreement's compliance with, or waiving certain provisions of, Administrative Code, Chapters 14B, 29, and 56; approving the use of impact fees and exactions for improvements and other community benefits, as set forth in the Development Agreement, and waiving any conflicting fee provisions in Planning Code, Article 4; ratifying past actions taken in connection with the Development Agreement; authorizing further actions taken consistent with the Ordinance; making findings under the California Environmental Quality Act; and making findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1.

If you have comments or reports to be included with the files, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Andrea Agho, Housing Authority
Velma Navarro, Housing Authority
Linda Martin-Mason, Housing Authority
Eugene Flannery, Mayor's Office of Housing and Community Development
Sophie Hayward, Mayor's Office of Housing and Community Development
Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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 _____ and are incorporated herein by reference.

3 (b) On _____, 2016, in Resolution No. _____, 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. _____ 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

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

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

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

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

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

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

<u>DSG Control No. or Nos.</u>	<u>Topic</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>DSG Control No. or Nos.</u>	<u>Topic</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 & 16, 19 & 20, 23 & 24, and</u>
23		<u>28 & 29</u>
24	<u>7.2.12 controls 1, 2, and 3</u>	<u>Blocks 17 & 18 and 26 & 27</u>

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

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

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

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

(e) Project Review and Approval.

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

21 n:\leganas2016\1700205\01145412.docx

LEGISLATIVE DIGEST

[Planning Code - Sunnydale HOPE SF Special Use District]

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

Existing Law

The Sunnydale HOPE SF (Housing Opportunities for People Everywhere San Francisco) project ("Project") is located on parcels that are designated as Residential, Mixed Districts, Low Density (RM-1) use.

Amendments to Current Law

This Ordinance adds sections 249.75 and 263.30 to the Planning Code. The new sections establish the Sunnydale HOPE SF Special Use District ("SUD"). The SUD overlays the existing zoning to create an additional set of controls on top of and taking precedence over the RM-1 zoning.

Background Information

The Sunnydale HOPE SF project is generally bounded by McLaren Park to the north, Crocker Amazon Park to the west, Hahn Street to the east, and Velasco to the south. The Project involves replacing all 775 existing public housing units and integrating 200 additional affordable housing units and up to 730 market-rate homes into the community for a total of approximately 1,770 units. The master plan includes all new streets and utility infrastructure, 3.6 acres of new open spaces, and approximately 60,000 square feet of new neighborhood serving spaces.

The Project is part of the City's HOPE SF program. HOPE SF is the nation's first large-scale public housing transformation collaborative aimed at disrupting intergenerational poverty, reducing social isolation, and creating vibrant mixed-income communities without mass displacement of current residents. Launched in 2007, HOPE SF is a human and real estate capital commitment by the City. HOPE SF, the City's signature anti-poverty and equity initiative, is committed to breaking intergenerational patterns related to the insidious impacts of trauma and poverty, and to creating economic and social opportunities for current public

FILE NO. 161162

housing residents through deep investments in education, economic mobility, health and safety.

This ordinance facilitates the orderly development of this site by establishing the SUD to accommodate and regulate Project development. By separate legislation, the Board is considering a number of actions in furtherance of the Project, including the approval of amendments to the City's General Plan, Planning Code and Zoning Map, and approval of a Development Agreement.

n:\legana\as2016\1700205\01145062.docx

1 [Planning Code, Zoning Map - Sunnydale HOPE SF Zoning Map Amendments]

2
3 **Ordinance amending the Planning Code by amending the Zoning Map Sheets SU-11**
4 **and HT-11 in connection with the Sunnydale HOPE SF project; adopting findings under**
5 **the California Environmental Quality Act; making findings of consistency with the**
6 **General Plan, as proposed for amendment, and the eight priority policies of Planning**
7 **Code, Section 101.1; and adopting findings of public necessity, convenience, and**
8 **welfare under Planning Code, Section 302.**

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

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

17 Section 1. Findings.

18 (a) The Board of Supervisors adopted a companion ordinance related to General Plan
19 amendments for the Sunnydale HOPE SF project. This companion ordinance describes the
20 project and includes findings under the California Environmental Quality Act (Public
21 Resources Code Sections 21000 et seq.), and findings of consistency with the General Plan
22 as amended, and the eight priority policies of Planning Code Section 101.1. The Board of
23 Supervisors adopts as its own all of these findings for purposes of this ordinance. The
24 companion ordinance on the General Plan amendments and the accompanying findings are
25 on file with the Clerk of the Board of Supervisors in File No. _____ and are
incorporated herein by reference.

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

Section 2. Under Sections 106 and 302(c) of the Planning Code, the following zoning use designation amendments to Sheet SU-11 of the Zoning Map are hereby approved:

Description of Property	Zoning District to be Superseded	Zoning District Hereby Approved
Assessor's Block 6356, Lots 061, 062, 063 ,064, 065, 066, 067 and 068	NC-1 (Neighborhood Commercial, Cluster)	RM-1 (Residential, Mixed, Low Density)

Section 3. Under Sections 106 and 302(c) of the Planning Code, the following zoning use designation amendments to Sheet SU-11 of the Zoning Map are hereby approved:

Description of Property	Special Use District Hereby Approved
Assessor's Block 6356, Lots 061, 062, 063, 064, 065, 066, 067, and 068; Block 6310, Lot 001; Block 6311, Lot 001; Block 6312, Lot 001; Block 6313, Lot 001; Block 6314, Lot 001; Block 6315, Lot 001	Sunnydale Hope SF Special Use District

1 Section 3. Under Sections 106 and 302(c) of the Planning Code, the following zoning
2 use designation amendments to Sheet HT-11 of the Zoning Map are hereby approved:

3

Description of Property	Height and Bulk District to be Superseded	Height and Bulk District Hereby Approved
4 Assessor's Block 6356, 5 Lots 061, 062, 063, 064, 6 065, 066, 067, and 068; 7 Block 6310, Lot 001; Block 8 6311, Lot 001; Block 6312, 9 Lot 001; Block 6313, Lot 10 001; Block 6314, Lot 001; 11 Block 6315, Lot 001	12 40X	13 40/65-X

14

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

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:


23 Robb W. Kapla
24 Deputy City Attorney

25 n:\leganalas2016\1700205\01144389.docx

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Sunnydale HOPE SF Zoning Map Amendments]

Ordinance amending the Planning Code by amending the Zoning Map Sheets SU-11 and HT-11 in connection with the Sunnydale HOPE SF project; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The City's Zoning Map, part of the Planning Code, assigns zoning districts and height and bulk districts to property across the City. Assessor's Block 6356, Lots 061, 062, 063, 064, 065, 066, 067 and 068 are designated as Neighborhood Commercial, Cluster (NC-1). Assessor's Block 6310, Lot 001; Block 6311, Lot 001; Block 6312, Lot 001; Block 6313, Lot 001; Block 6314, Lot 001; Block 6315, Lot 001 are designated as Residential, Mixed Districts, Low Density (RM-1). All of the parcels are set at 40-X height and bulk. Together, these properties encompass the Sunnydale HOPE SF (Housing Opportunities for People Everywhere San Francisco) project ("Project").

Amendments to Current Law

This Ordinance would amend the Zoning Map to accommodate the Project by first rezoning the NC-1 designated parcels to RM-1, then rezoning all the parcels to the Sunnydale Hope SF Special Use District and altering the height and bulk limits to 40/65-X.

Background Information

The Project is generally bounded by McLaren Park to the north, Crocker Amazon Park to the west, Hahn Street to the east, and Velasco to the south. The Project involves replacing all 775 existing public housing units and integrating 200 additional affordable housing units and up to 730 market-rate homes into the community for a total of approximately 1,770 units. The master plan includes all new streets and utility infrastructure, 3.6 acres of new open spaces, and approximately 60,000 square feet of new neighborhood serving spaces.

The Project is part of the City's HOPE SF program. HOPE SF is the nation's first large-scale public housing transformation collaborative aimed at disrupting intergenerational poverty, reducing social isolation, and creating vibrant mixed-income communities without mass displacement of current residents. Launched in 2007, HOPE SF is a human and real estate capital commitment by the City. HOPE SF, the City's signature anti-poverty and equity

initiative, is committed to breaking intergenerational patterns related to the insidious impacts of trauma and poverty, and to creating economic and social opportunities for current public housing residents through deep investments in education, economic mobility, health and safety.

This ordinance facilitates the orderly development of this site by rezoning the Project area to the Potrero Hope SF Special Use District to accommodate and regulate Project development. By separate legislation, the Board is considering a number of actions in furtherance of the Project, including the approval of amendments to the City's General Plan, Planning Code and Zoning Map, and approval of a Development Agreement.

n:\leganalas2016\1700205\01145068.docx

1 [Development Agreement - Sunnydale Development Co., LLC - Sunnydale HOPE SF Project]

2
3 **Ordinance approving a Development Agreement between the City and County of San**
4 **Francisco, the Housing Authority of the City and County of San Francisco, and**
5 **Sunnydale Development Co., LLC, for the Sunnydale HOPE SF Project at the**
6 **approximately 50-acre site located in Visitacion Valley and generally bounded by**
7 **McLaren Park to the north, Crocker Amazon Park to the west, Hahn Street to the east,**
8 **and Velasco to the south; confirming the Development Agreement's compliance with,**
9 **or waiving certain provisions of, Administrative Code, Chapters 14B, 29, and 56;**
10 **approving the use of impact fees and exactions for improvements and other**
11 **community benefits, as set forth in the Development Agreement, and waiving any**
12 **conflicting fee provisions in Planning Code, Article 4; ratifying past actions taken in**
13 **connection with the Development Agreement; authorizing further actions taken**
14 **consistent with the Ordinance; making findings under the California Environmental**
15 **Quality Act; and making findings of conformity with the General Plan, and with the**
16 **eight priority policies of Planning Code, Section 101.1.**

17
18 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
19 **Additions to Codes** are in *single-underline italics Times New Roman font*.
20 **Deletions to Codes** are in *strikethrough-italics Times New Roman font*.
21 **Board amendment additions** are in double-underlined Arial font.
22 **Board amendment deletions** are in ~~strikethrough Arial font~~.
23 **Asterisks (* * * *)** indicate the omission of unchanged Code
24 subsections or parts of tables.

25
26 Be it ordained by the People of the City and County of San Francisco:

27 Section 1. Project Findings.

1 (a) California Government Code Section 65864 et seq. authorizes any city, county,
2 or city and county to enter into an agreement for the development of real property its
3 jurisdiction.

4 (b) Chapter 56 of the Administrative Code ("Chapter 56") sets forth certain
5 procedures for the processing and approval of development agreements in the City and
6 County of San Francisco (the "City").

7 (c) HOPE SF is the nation's first large-scale public housing transformation
8 collaborative aimed at disrupting intergenerational poverty, reducing social isolation, and
9 creating vibrant mixed-income communities without mass displacement of current residents.
10 Launched in 2007, HOPE SF is a human and real estate capital commitment by the City.
11 HOPE SF, the City's signature anti-poverty and equity initiative, is committed to breaking
12 intergenerational patterns related to the insidious impacts of trauma and poverty, and to
13 creating economic and social opportunities for current public housing residents through deep
14 investments in education, economic mobility, health and safety.

15 (d) The Sunnydale HOPE SF project (the "Project"), which is located in Visitacion
16 Valley, is generally bounded by McLaren Park to the north, Crocker Amazon Park on the
17 west, Hahn Street to the east, and Velasco Avenue to the south.

18 (e) The Housing Authority of the City and County of San Francisco owns and
19 operates 775 units of public housing on the approximately 50-acre site, known as Sunnydale-
20 Valasco.

21 (f) The Project is a mixed-use, mixed-income development with several different
22 components: (i) construction of the public infrastructure to support the Project; (ii)
23 development of private affordable housing on affordable parcels in accordance with an
24 affordable housing plan; (iii) development of private residential projects on market rate
25 parcels; and (iv) development of community improvements (e.g., open space areas,

1 community facilities) throughout the Project. The Sunnydale HOPE SF master plan consists of
2 a maximum of 1,770 units, of which 775 are replacement units for existing Sunnydale-Velasco
3 households and approximately 200 are additional affordable housing units. There are also up
4 to 730 units that will be for market rate homeownership or rental. The master plan includes all
5 new streets and utility infrastructure, 3.6 acres of new open spaces, and approximately 60,000
6 square feet of new neighborhood serving spaces.

7 (g) Sunnydale Development Co., LLC (the "Developer") filed an application with the
8 City's Planning Department for approval of a development agreement relating to the Project
9 Site (the "Development Agreement") under Chapter 56. A copy of the Development
10 Agreement is on file with the Clerk of the Board of Supervisors in File No. _____ and
11 is incorporated herein by reference.

12 (h) This ordinance is companion legislation to other ordinances relating to the
13 Sunnydale HOPE SF project, including Planning Code amendments and Zoning Map
14 amendments. These ordinances are on file with the Clerk of the Board of Supervisors in File
15 No. _____.

16 (i) The Project will help realize and further the City's HOPE SF goals. In addition to
17 helping the City realize and further such goals, the City has determined that development of
18 the Project under the Development Agreement will provide additional benefits to the public
19 that could not be obtained through application of existing City ordinances, regulations and
20 policies. The Development Agreement will eliminate uncertainty in the City's land use planning
21 for the Project and secure orderly development of the Project.

22 Section 2. Environmental and Land Use Findings.

23 The Board of Supervisors adopted a companion ordinance related to General Plan
24 amendments for the Project. This companion ordinance described the Project and included
25 findings under the California Environmental Quality Act (Public Resources Code Sections

1 21000 et seq.), and findings of consistency with the General Plan, and the eight priority
2 policies of Planning Code Section 101.1. The Board of Supervisors adopts all of these
3 findings for purposes of this ordinance. The companion ordinance on the General Plan
4 amendments and the accompanying findings are on file with the Clerk of the Board of
5 Supervisors in File No. _____ and are incorporated herein by reference.

6 Section 3. Approval of Development Agreement.

7 (a) The Board of Supervisors approves all of the terms and conditions of the
8 Development Agreement, in substantially the form on file with the Clerk of the Board of
9 Supervisors in File No. _____.

10 (b) The Board of Supervisors approves and authorizes the execution, delivery and
11 performance by the City of the Development Agreement as follows: (i) the Director of
12 Planning and (other City officials listed thereon) are authorized to execute and deliver the
13 Development Agreement and consents thereto, and (ii) the Director of Planning and other
14 appropriate City officials are authorized to take all actions reasonably necessary or prudent to
15 perform the City's obligations under the Development Agreement in accordance with its terms.
16 The Director of Planning, at his or her discretion and in consultation with the City Attorney, is
17 authorized to enter into any additions, amendments or other modifications to the Development
18 Agreement that the Director of Planning determines are in the best interests of the City and
19 that do not materially increase the obligations or liabilities of the City or materially decrease
20 the benefits to the City as provided in the Development Agreement. Final versions of such
21 documents shall be provided to the Clerk of the Board for inclusion in the official file within 30
22 days of execution by all parties.

23 Section 4. Potential Conflict of Development Agreement with Administrative Code;
24 Waiver of Administrative Code Provisions.

1 (a) In the event of any conflict between any provision of the Development Agreement
2 and Administrative Code Chapters 14B, 29 or 56, the Development Agreement shall prevail,

3 (b) Without limiting the scope of subsection (a) above which applies to the
4 Administrative Code Chapters mentioned therein in their entirety, the provisions of
5 Administrative Code Chapters 14B, 29 and 56 designated below, are as to the Development
6 Agreement, hereby waived or deemed satisfied. The omission below of a reference to a
7 particular provision in the Development Agreement or a particular provision in one of the
8 aforementioned Administrative Code Chapters shall not be construed to negate the
9 applicability of subsection (a) to such provisions.

10 (1) The Project comprises nearly 50 acres and is the type of large multi-phase and/or
11 mixed-use development contemplated by the City Administrative Code and therefore is
12 deemed to satisfy the provisions of Chapter 56, Section 56.3(g).

13 (2) The provisions of Development Agreement Section 6.6 and the Workforce MOU
14 attached to the Development Agreement as Exhibit I shall apply in lieu of the provisions of
15 Administrative Code Chapter 14B, Section 14B.20 and Chapter 56, Section 56.7(c).

16 (3) The provisions of the Development Agreement regarding any amendment or
17 termination, including those relating to "Material Change," shall apply in lieu of the provisions
18 of Chapter 56, Section 56.15.

19 (4) The City established the HOPE SF Fund through Ordinance No. 180-07, and
20 affirmed its commitment to HOPE SF through Resolution No. 556-07. Together, those actions
21 shall apply in lieu of the provisions of Administrative Code Section Chapter 29.

22 Section 5. Planning Code Fee Waiver.

23 The Board of Supervisors approves the use of the Impact Fees and Exactions for
24 improvements and community benefits, as set forth in Exhibit H to the Development
25

1 Agreement, and waives or overrides any provision in Article 4 of the Planning Code that would
2 conflict with uses of these funds as described in the Development Agreement.

3 Section 6. Administrative Code Chapter 56 Waiver.

4 In connection with the Development Agreement, the Board of Supervisors finds that the
5 requirements of Chapter 56, as modified hereby, have been substantially complied with and
6 waives any procedural or other requirements of Chapter 56 if and to the extent that they have
7 not been strictly complied with.

8 Section 7. Ratification of Past Actions; Authorization of Future Actions.

9 All actions taken by City officials in preparing and submitting the Development
10 Agreement to the Board of Supervisors for review and consideration are hereby ratified and
11 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken
12 by City officials regarding the Development Agreement consistent with this ordinance.

13 Section 8. Effective and Operative Date.

14 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
15 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
16 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
17 Mayor's veto of the ordinance.


18 (b) This Ordinance shall become operative only on the later of (a) the effective date of
19 this ordinance, or (b) the last occurring effective date among the companion ordinances
20 identified in Section 1(h) of this ordinance. Copies of said Ordinances are on file with the
21 Clerk of the Board of Supervisors in File No. _____. No rights or duties are created
22
23
24
25

1 under the Development Agreement until the operative date of this ordinance.

2

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5

6 By: 
7 Heidi J. Gewertz
8 Deputy City Attorney
9 n:\financ\as2016\0900412\01144747.docx

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

LEGISLATIVE DIGEST

[Development Agreement - Sunnydale Development Co., LLC - Sunnydale HOPE SF Project]

Ordinance approving a Development Agreement between the City and County of San Francisco, the Housing Authority of the City and County of San Francisco, and Sunnydale Development Co., LLC, for the Sunnydale HOPE SF Project at the approximately 50-acre site located in Visitacion Valley and generally bounded by McLaren Park to the north, Crocker Amazon Park to the west, Hahn Street to the east, and Velasco to the south; confirming the Development Agreement's compliance with, or waiving certain provisions of, Administrative Code, Chapters 14B, 29, and 56; approving the use of impact fees and exactions for improvements and other community benefits, as set forth in the Development Agreement, and waiving any conflicting fee provisions in Planning Code, Article 4; ratifying past actions taken in connection with the Development Agreement; authorizing further actions taken consistent with the Ordinance; making findings under the California Environmental Quality Act; and making findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1.

Existing Law

California Government Code section 65864 *et seq.* (the "Development Agreement Statute") and San Francisco Administrative Code Chapter 56 ("Chapter 56") authorize the City and County of San Francisco (the "City") to enter into a development agreement regarding the development of real property.

Amendments to Current Law

This ordinance approves a development agreement between the and Sunnydale Development Co., LLC ("Developer") in accordance with the Development Agreement Statute and Chapter 56. The development agreement would provide to Developer the right to develop the project site as described in the development agreement (the "Project"). There are no proposed amendments to Chapter 56.

Background Information

Under the development agreement, Developer will attain the vested right to develop the proposed project on the approximately 50-acre site. The term of the development agreement is 25 years. The Project is a mixed use, mixed income development with several different components: (i) construction of the public infrastructure to support the Project; (ii) development of private affordable housing on affordable parcels in accordance with an affordable housing plan; (iii) development of private residential projects on market rate parcels; and (iv) development of community improvements (e.g., open space areas,

community facilities) throughout the Project. The Sunnydale HOPE master plan consists of a maximum of 1,770 units, of which 775 are replacement units for existing Sunnydale-Velasco households and 200 are additional affordable housing units. There are also up to 730 units that will be for market rate homeownership. The master plan includes all new streets and utility infrastructure, 3.6 acres of new open spaces, and approximately 60,000 square feet of new neighborhood serving spaces.

Currently, the San Francisco Housing Authority owns and operates 775 units of public housing on the approximately 50-acre site of the Project, which is located in Visitacion Valley

The Project is part of the City's HOPE SF program. HOPE SF is the nation's first large-scale public housing transformation collaborative aimed at disrupting intergenerational poverty, reducing social isolation, and creating vibrant mixed-income communities without mass displacement of current residents. Launched in 2007, HOPE SF is a human and real estate capital commitment by the City. HOPE SF, the City's signature anti-poverty and equity initiative, is committed to breaking intergenerational patterns related to the insidious impacts of trauma and poverty, and to creating economic and social opportunities for current public housing residents through deep investments in education, economic mobility, health and safety.

By separate legislation, the Board is considering a number of actions in furtherance of the project, including the approval of amendments to the City's General Plan, Planning Code and Zoning Map.

n:\financ\as2016\0900412\01144633.docx