



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 205428

**Director’s Finding for Sunnydale HOPE SF Project Phase 1A3 (Final Map Phase 2):
Conditionally Approving Certain Requests for Exceptions to the Subdivision Regulations and
Excavation Code and Request for Deferrals**

WHEREAS, pursuant to the Subdivision Map Act of California, Title 7, Division 2 of the Government Code, commencing with Section 66410, the Board of Supervisors adopted the San Francisco Subdivision Code (Division 1) (the “Subdivision Code”) and the Department of Public Works adopted the 2015 Subdivision Regulations by Public Works Order No. 183447 (the “Regulations”); and

WHEREAS, the Director of Public Works is the Advisory Agency for all purposes of the Subdivision Code and the Regulations; and

WHEREAS, pursuant to the Subdivision Code and the Regulations, Subdivider has submitted Tentative Subdivision Map No. 9537 (“Tentative Map”) and will submit one or more phased final subdivision maps (each a “Final Map”), for the proposed development of the Property; and

WHEREAS, the Subdivision Code and the Regulations apply to all subdivisions made within the Sunnydale HOPE SF project area that is the subject of the Tentative Map (the “Property”); and

WHEREAS, the Subdivision Code requires that before a Final Map is approved by the Board of Supervisors, the Subdivider shall have either (i) installed and completed all of the public improvements required by the City as detailed in the plans and specifications approved by the City Engineer, or (ii) entered into a Public Improvement Agreement (“PIA”) with the City to install and complete, free of liens, all of such public improvements within a definite period of time and provided appropriate security to ensure satisfactory completion of the work; and

WHEREAS, Subdivider seeks to commence installation and construction of the Public Improvements and such installation and construction requires exceptions and modifications under the Subdivision Regulations and Excavation Code; and

WHEREAS, on July 9, 2015, the Planning Commission by Motion No. 19409 as lead agency, certified the completion of the Final Environmental Impact Report (“FEIR”) for the Sunnydale HOPE SF Project (the “Project”), and on June 16, 2016, the Planning Department issued an Addendum to the FEIR, including the addition of Parcel Q to the Sunnydale HOPE SF Description and determined that no additional or greater environmental impacts or impacts of greater severity would occur as a result of this addition, and that the analysis and conclusions from the FEIR remained valid and November 17, 2016 by Motion No. 19784 adopted certain environmental findings under the California Environmental Quality Act (“CEQA”), including a mitigation and monitoring and reporting program (the “MMRP”); and

WHEREAS, on November 17, 2016, the Planning Commission by Motion No. 19785 and Resolution Nos. 19786, 19787, 19788, and 19789, made findings that the Project and its approvals associated therewith are each on balance, consistent with the General Plan and Planning Code Section 101.1 (the “Consistency Findings”), and recommended that the Board of Supervisors approve General Plan Amendments, Planning Code Text Amendments, Zoning Map Amendments, and a Development Agreement between the City, the San Francisco Housing Authority (“SFHA”), and Sunnydale Development Co, LCC; and

WHEREAS, on February 3, 2017, the Board of Supervisors adopted Ordinance No. 18-17 approving a Development Agreement between the City and County of San Francisco and Sunnydale Developments Co. LLC and adopted the environmental findings set forth Resolution No. 19789; and

WHEREAS, on February 3, 2017, the Board of Supervisors adopted Ordinance Nos. 2-17, 16-17, 17-17 and 18-17 approving General Plan Amendments, Planning Code Text Amendments, Zoning Map Amendments, and a Development Agreement between the City and County of San Francisco and Sunnydale Developments Co. LLC and adopted the environmental findings set forth Resolution No. 19789; and

WHEREAS, on November 5, 2018, the Planning Department approved the Tentative Final Map as compliant with the applicable provisions of the Planning Code Section 101.1 (the “Consistency Findings”) subject to M-19784-CEQA Findings and M-19785-General Plan Findings; and

WHEREAS, the actions contemplated in this Public Works Order fall within the scope of the FEIR and the Director of Public Works adopts the CEQA Findings and other findings set forth above for purposes of this Order; and

WHEREAS, no additional environmental review is required because there are no substantial changes to the project analyzed in the FEIR, no change in circumstances under which the project is being undertaken, and no new information of substantial importance indicating that new significant impacts would occur, that the impacts identified in the FEIR as significant impacts would be substantially more severe, or that mitigation or alternatives previously found infeasible are now feasible; and

WHEREAS, pursuant to the Code and Section III(A) of the Regulations, the Director may approve exceptions to any of the substantive requirements set forth in the Subdivision Code and the Regulations, upon the finding that (i) the application of the referenced provision of the Subdivision Regulations would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the project approvals or City regulations, (ii) the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the area, and (iii) the granting of the exception is not contrary to the project approval or City regulations; and

WHEREAS, the Code specifies that the Director shall designate the conditions under which such exceptions are granted; and

WHEREAS, on June 28, 2021 Developer submitted to the Director, a final exceptions request (the “Exceptions Request”) related to Sunnydale HOPE SF Phase 1A3 (Final Map Phase 2), seeking

exceptions from the Subdivision Regulations and Excavation Code attached hereto as Attachment 1, which Exceptions Request was circulated by the Director to all affected City Agencies for review and comment; and

WHEREAS, the Director published notice of a public hearing in the San Francisco Examiner on July 7, 2021; and

WHEREAS, the Director held a virtual public hearing on the proposed Exceptions and Deferrals Request on July 14, 2021 and received no public comment; and

WHEREAS, the Hearing Officer reviewed the presentation and provided recommendation for approval to the Director of Public Works.

NOW THEREFORE BE IT ORDERED THAT,

The Director conditionally approves Subdivider's requests for exceptions, including deferral of certain obligations, from the Subdivision Regulations and Excavation Code as more particularly described below.

Request for Exception No. 1

Request for Exception to Subdivision Regulations, App. B §XV.B.3 "Sewers 6" to 21" in diameter shall be vitrified clay pipe (VCP) (ASTM C-700 Extra Strength). Sewers 24" to 36" diameter may be of VCP (ASTM C-700 Extra Strength) with construction modifications, or of reinforced concrete pipe subject to the approval of the Director with the consent of the SFPUC. Requesting approval for use of HDPE Pipe for Combined Sewer System in Lieu of VCP Pipe and reduction in pipe diameter downstream to accommodate differing pipe materials (VCP v. HDPE)

- With concurrence from the San Francisco Public Utilities Commission ("SFPUC"), the Director approves said request for exception, consistent with approvals granted for the previous project Phase 1A1-1A2.

Request for Exception No. 2

Request for Exception to Subdivision Regulations, App. B §XV.B.3 "Sewers larger than 36" diameter may be of monolithic reinforced concrete or of reinforced concrete pipe subject to the approval of the Director with the consent of the SFPUC." Requesting approval for use of HDPE Pipe for Combined Sewer Pipe Greater than 36" I.D. in Lieu of RCP Pipe

- With concurrence from the SFPUC, the Director approves said request for exception, consistent with approvals granted for the previous project phase.

Request for Exception No. 3

Request for Exception to Excavation Code, §2.9A "The Excavation Code establishes a 5-year moratorium on excavating streets that have been reconstructed, repaved or resurfaced in the preceding 5-years." Requesting

approval to allow construction work in Harmonia Street which would otherwise fall under Public Works Excavation Moratorium Requirements

- Harmonia Street was completed in the previous project Phase 1A1-1A2. Due to necessary utility work, for the current Phase 1A3, excavation within Harmonia Street must occur. With concurrence from Public Works Bureau of Street Use & Mapping (SFPW-BSM), the Director conditionally approves said request, with the requirement that all affected concrete road base panels are replaced from joint to joint, and the street is repaved from property line to property line for all affected lanes. Final approval will be via an excavation permit issued by SFPW-BSM.

Request for Exception No. 4

Request for Exception to Subdivision Regulations Appendix B- Technical Specifications for City approval of exceptions and design modifications as shown in the Street Improvement Permit plans for Final Map Phase 2 that would be effective when the City approves the Street Improvement Permit plans.

- Exception has no significant effects on the public and allows for minor modifications through the Street Improvement Permit. The Director approves said request for exception, consistent with approvals granted for the previous project phase.

Request for Deferral No. 1

Request for Deferral of Tentative Map Condition of Approval SFPW-BSM Condition #7: "A Street Improvement Permit shall not be approved and issued until all other City design requirements and agency requirements, including but not limited to sidewalk legislation, approval from SFPUC, approval from Public Works Hydraulics, approval from SFFD, approval from SFMTA, approval from Public Works Structural, and approval from the Public Works Disability Access Coordinator are granted unless otherwise stated by Public Works." Request is for deferral of Sidewalk Legislation to until such time as the Offer of Improvements is submitted to the Board of Supervisors for acceptance.

- With concurrence from SFPW-BSM, the Director approves said request for deferral.

Request for Deferral No. 2

Request for Deferral of submittal of the Master Homeowner Association Covenants, Conditions and Restrictions (CCRs) that are customarily submitted at the time of the Public Improvement Agreement, to prior to the earlier of the first Temporary Certificate of Occupancy (TCO) or first Notice of Completion (NOC) in this Phase. This will enable the Developer to complete development of a master association for the entire Sunnydale HOPE SF development, including an association budget and structure.

- The Director conditionally approves said request for deferral requesting submittal to the City prior to first NOC, first TCO, or no later than 30 days prior to submission of condominium plans and related documents to the State Department of Real Estate.

Request for Deferral No. 3

Request for Deferral of obtaining a Master Major Encroachment Permit and Maintenance Agreement to the first Notice of Completion (NOC) in this Phase instead of at the time of approval of the Public Improvement Agreement (PIA). This will enable the Developer to complete a Master Major Encroachment Permit pursuant to Ordinance No. 35-18, and obtain Board of Supervisors approval.

- The Director approves said request for deferral. Draft of Master Encroachment Permit document is in progress.

Request for Deferral No. 4

Request for Deferral of finalizing the Operations & Maintenance (O&M) responsibility matrix pursuant to the Tentative Map Condition of Approval CAO #1: “Prior to City issuing any street improvement or excavation permit for a discrete public improvement or facility or the Subdivider's submission of 100% improvement plans, whichever first occurs, Subdivider shall provide a Utility Acceptance Plan and Maintenance Matrix showing which facilities are intended to remain private and which will be offered for City acceptance as well as designating the responsible party for maintenance.” Request for deferral is for completion of O&M matrix until final comments are provided by the Infrastructure Task Force.

- With concurrence from the San Francisco City Attorney's Office, the Director conditionally approves said request for deferral, requiring said O&M matrix to be finalized prior to the first NOC of the subject phase.

Public Works does not grant any other exceptions or deferrals not previously approved or included in this Order.

Attachments

1. Attachment 1: Developer’s Request for Exceptions and Deferrals

X DocuSigned by:
Albert Ko
Ko, Albert -281DC30E04CF41A...
City Engineer

X DocuSigned by:
Carla Short
Short, Carla -073CF73A4EA6486...
Interim Director



June 28, 2021

Jim Rems
Chief Surveyor
City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco, CA 94103

Alaric Degrafinreid
San Francisco Department of Public Works
30 Van Ness, Suite 4200
San Francisco CA 94102

Re: Sunnydale HOPE SF Phase 1A-3 (Phase 2 Final Map) Request for Design Modifications and Exceptions

Dear Jim and Alaric:

As you know, Sunnydale Development Co., LLC filed a tentative map to subdivide the existing Sunnydale/Velasco public housing site for the Sunnydale HOPE SF Project. On June 16, 2021, we submitted the check print of the Final Map for Phase 2, which encompasses development Phases 1A-3 of infrastructure, housing Blocks 3A and 3B and Community Center Block 1 of the Sunnydale Hope SF improvement project.

The purpose of this letter is to request the City's approval of exceptions to the 2015 Subdivision Regulations or DPW Order and deferrals as further described below.

Exceptions requested are as follows:

1. Use of HDPE Pipe for Combined Sewer System in Lieu of VCP Pipe and reduction in pipe diameter downstream to accommodate differing pipe materials (VCP v. HDPE)
2. Use of HDPE Pipe for Combined Sewer System Pipe Greater than 36" I.D. in Lieu of RCP Pipe
3. Allowing construction work in Harmonia Street which would otherwise fall under DPW excavation moratorium requirements
4. City approval of exceptions and design modifications as shown in the Street Improvement Permit plans for Final Map Phase 2 that would be effective when the City approves the Street Improvement Permit plans.

Exception #1 – Subdivision Regulations, App. B §XV.B.3 “Sewers 6” to 21” in diameter shall be vitrified clay pipe (VCP) (ASTM C-700 Extra Strength). Sewers 24” to 36” diameter may be of VCP (ASTM C-700 Extra Strength) with construction modifications, or of reinforced concrete pipe subject to the approval of the Director with the consent of the SFPUC.

Request: Use of HDPE Pipe for Combined Sewer System in Lieu of VCP Pipe and reduction in pipe diameter downstream to accommodate differing pipe materials (VCP v. HDPE)

Based upon coordination with SFPUC, the Sunnydale Phase 1A-1 and 1A-2 Infrastructure Improvement project was approved to install HDPE piping in lieu of VCP piping for the new Combined Sewer system. It was noted that the pipe material ultimately chosen for Phase 1A-1 and 1A-2 would need to be used for all subsequent phases in the Sunnydale HOPE SF redevelopment. Therefore, the team has reflected the inner diameters of the HDPE pipe based on specifications for the product that was installed in the previous phase on the Utility Plan sheets C7.1 and C7.2. We request exception to above Subdivision Regulation to allow for this change in material.

In addition, due to the difference in sizing of HDPE and VCP piping and providing the minimum inner diameters used in the hydraulic analysis of the combined sewer network in the approved Master Combined Sewer Plan dated May 30, 2018, the inner diameter of the HDPE pipe at the east end of the Phase 1A-3 project limits (36.76") is larger than the existing VCP pipe (33") downstream of the point of connection. We request that this exception be allowable at this tie-in location.

Exception #2 - Subdivision Regulations, App. B §XV.B.3 "Sewers larger than 36" diameter may be of monolithic reinforced concrete or of reinforced concrete pipe subject to the approval of the Director with the consent of the SFPUC."

Request: Use of HDPE Pipe for Combined Sewer Pipe Greater than 36" I.D. in Lieu of RCP Pipe

Based upon the request for Exception #1 noted above, the Sunnydale Hope SF redevelopment proposes the use of HDPE piping in the Combined Sewer System. The pipe sizing required in Phase 1A-3 is 36.76" based on HDPE pipe sizing, which is marginally larger than the threshold for transitioning to RCP pipe. Since the regulations are written in reference to VCP piping and the threshold is set for that material, we request an exception for the use of HDPE piping greater than 36" I.D. for this project.

Exception #3 - Excavation Code, §2.9A "The Excavation Code establishes a 5-year moratorium on excavating streets that have been reconstructed, repaved or resurfaced in the preceding 5-years."

Request: Allow construction work in Harmonia Street which would otherwise fall under DPW excavation moratorium requirements

P1A3 is being developed under the Planning Department's Sunnydale HOPE SF Design Standards and Guidelines which require utility rooms be along this Harmonia frontage, so utility service from Sunnydale Ave is not feasible. Water demands for future Block 3 development were unknown at the time of Harmonia Street construction in Phase 1A-1 & 1A-2, and existing occupied buildings were located and had utility services along the Harmonia Street frontage, new utilities were not stubbed out to Blocks 3A and 3B during that phase of construction. With the development of these blocks forthcoming, we request an exception to perform street excavation within Harmonia Street to provide utility services. To restore the street after excavation, we propose to replace concrete road base that is impacted by the work to the full extent of the affected panels, and perform asphalt re-paving from property line to property line for all affected lanes.

Exception #4 – City approval of exceptions and design modifications as shown in the Street Improvement Permit plans for Final Map Phase 2 that would be effective when the City

approves the Street Improvement Permit plans. This will allow for the timely construction of the improvements per the City approved Street Improvement Permit plans. Our timeline for infrastructure construction effects our ability to start construction on Block 1 Community Center and Blocks 3A and 3B affordable housing. This request would be an exception to the Subdivision Regulations Appendix B- Technical Specifications related to the Engineering Documents as applicable.

In addition to the above request for exceptions, we request the City approve the deferral of the items as described below:

1. **Sidewalk Legislation:** The Tentative Map Conditions of Approval includes the following DPW-BSM Condition #7: “A Street Improvement Permit shall not be approved and issued until all other City design requirements and agency requirements, including but not limited to sidewalk legislation, approval from SFPU, approval from Public Works Hydraulics, approval from SFFD, approval from SFMTA, approval from Public Works Structural, and approval from the Public Works Disability Access Coordinator are granted unless otherwise stated by Public Works.”

We are working towards the start of infrastructure improvements per an approved Street Improvement Permit and other permits. We are also planning for a Public Improvement Agreement for this work to be brought to the Board of Supervisors for approval in September 2021. The scope includes the construction of bulbouts on the northeast and northwest corners of Sunnydale & Hahn. We request a deferral of the sidewalk legislation until such time as the offer of improvements are submitted to the Board of Supervisors for acceptance. We anticipate submitting the sidewalk legislation application in Summer 2021.

2. **Master Homeowner Association Covenants, Conditions and Restrictions (CCRs):** Customarily, CCRs are submitted concurrently with the Public Improvement Agreement. However, we request a deferral of the CCRs prior to the earlier of the first Temporary Certificate of Occupancy (TCO) or first Notice of Completion (NOC) in this Phase. We are working to develop a master association for the entire Sunnydale HOPE SF development, which will require us to develop an association budget and structure. We need to conduct some conceptual design of privately-owned open spaces in future phases and to develop a governance structure in partnership with MOHCD and the HOPE SF Director. A deferral of the CCR’s to the earlier of the first TCO or first NOC in this Phase will allow us time to develop the appropriate CCRs for this mixed income development.
3. **Deferral of obtaining a Master Major Encroachment Permit and Maintenance Agreement to the Notice of Completion for infrastructure improvements for Phase Two Final Map.** The deferral will provide the Subdivider of the Prior Infrastructure Phase additional time to complete work on the master major encroachment permit application, which is a new City process pursuant to Ordinance No. 35-18, to complete the maintenance agreement and to schedule the MMEP for Board of Supervisors approval.
4. **Operation & Maintenance (O&M) Responsibility Matrix:** The Tentative Map Conditions of Approval include the following CAO Condition #1: “Prior to City issuing any street improvement or excavation permit for a discrete public improvement or facility or the Subdivider's submission of 100% improvement plans, whichever first occurs, Subdivider shall

provide a Utility Acceptance Plan and Maintenance Matrix showing which facilities are intended to remain private and which will be offered for City acceptance as well as designating the responsible party for maintenance.”

Coordination of the O&M Responsibility Matrix is ongoing with the Infrastructure Task Force. We request a deferral of the approved O&M Responsibility Matrix until such as time as final comments are received from the Infrastructure Task Force and implemented for acceptance.

Please contact Thu Nguyen, Project Manager, at tnguyen@related.com or (415) 653-3167 if you require additional information to address this request. Thank you very much.

Sincerely,

DocuSigned by:

Ann Silverberg
CEO, NorCal Affordable
Related California

Certificate Of Completion

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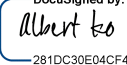
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 Public Works
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Signature

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Editor Delivery Events	Status	Timestamp
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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	9/17/2021 3:07:15 PM
Signing Complete	Security Checked	9/17/2021 3:10:22 PM

Envelope Summary Events	Status	Timestamps
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Payment Events	Status	Timestamps
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