

1 [Sunnydale HOPE SF - Accepting the Phase 1A-1 and 1A-2 Required Infrastructure]

2
 3 **Ordinance accepting an irrevocable offer of public infrastructure and real property**
 4 **associated with Sunnydale HOPE SF Phase 1A-1 and 1A-2 public infrastructure**
 5 **improvements, including the improvements described and depicted in Public Works**
 6 **Permit No. 19IE-00564 and subsequent Instructional Bulletins (“Phase 1A-1 and 1A-2**
 7 **Required Infrastructure”); declaring City property and additional property as shown on**
 8 **official Public Works maps as open public right-of-way; dedicating the Phase 1A-1 and**
 9 **1A-2 Required Infrastructure to public use; designating such public infrastructure for**
 10 **street and roadway purposes; establishing official public right-of-way widths and street**
 11 **grades; amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to**
 12 **establish official sidewalk width on the abovementioned street areas; accepting the**
 13 **Phase 1A-1 and 1A-2 Required Infrastructure for City maintenance and liability**
 14 **purposes, subject to specified limitations; adopting findings under the California**
 15 **Environmental Quality Act; making findings of consistency with the General Plan, and**
 16 **the eight priority policies of Planning Code, Section 101.1; accepting a Public Works**
 17 **Order recommending various actions in regard to the public infrastructure**
 18 **improvements; and authorizing official acts, as defined herein, in connection with this**
 19 **Ordinance.**

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

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

1 Section 1. Background and Findings.

2 (a) This ordinance is related to the development of the Sunnydale HOPE SF Project
3 (the "Project") to redevelop the Sunnydale-Velasco public housing site, approved by the City
4 through Ordinance No. 18-17, a public housing transformation collaborative effort aimed at
5 disrupting intergenerational poverty, reducing social isolation, and creating vibrant mixed-
6 income communities without mass displacement of current residents; said ordinance is on file
7 with the Clerk of the Board of Supervisors in File No. 161164 and is incorporated herein by
8 reference.

9 (b) The proposed acceptance of the public infrastructure improvements is within the
10 scope of the Final Environmental Impact Report ("FEIR") for the Sunnydale HOPE SF Project
11 (the "Project") prepared pursuant to the California Environmental Quality Act (California Public
12 Resources Code Sections 21000 et seq.) ("CEQA"), certified by the Planning Commission on
13 July 9, 2015, by Motion No. 19409; said Motion is on file with the Clerk of the Board of
14 Supervisors in File No. 161164 and is incorporated herein by reference. On November 17,
15 2016, by Motion No. 19784, the Planning Commission approved CEQA Findings, including
16 adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No.
17 2010.0305ENV, for approval of the Sunnydale HOPE SF Project; said Motion is on file with
18 the Clerk of the Board of Supervisors in File No. 161164 and is incorporated herein by
19 reference.

20 (c) The Board of Supervisors further finds that pursuant to the CEQA Guidelines
21 (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162
22 and 15164, that the actions contemplated herein are consistent with, and within the scope of,
23 the Project analyzed in the FEIR, and that (1) no substantial changes are proposed in the
24 Project and no substantial changes have occurred with respect to the circumstances under
25 which this Project will be undertaken that would require major revisions to the FEIR due to the

1 involvement of any new significant environmental effects or a substantial increase in the
2 severity of previously identified effects and (2) no new information of substantial importance
3 that was not known and could not have been known with the exercise of reasonable diligence
4 at the time the FEIR was certified as complete shows that the Project will have any new
5 significant effects not analyzed in the FEIR, or a substantial increase in the severity of any
6 effect previously examined, or that new mitigation measures or alternatives previously found
7 not to be feasible would in fact be feasible and would substantially reduce one or more
8 significant effects of the Project, or that mitigation measures or alternatives which are
9 considerably different from those analyzed in the FEIR would substantially reduce one or
10 more significant effects on the environment.

11 (d) In a letter dated February 27, 2018, the Planning Department found that the
12 acceptance of the public infrastructure and real property associated with Phase 1A-1 and 1A-
13 2 of the Project, and other actions set forth in this ordinance are, on balance, in conformance
14 with the General Plan and the eight priority policies of Planning Code Section 101.1. A copy
15 of the Planning Department letter is on file with the Clerk of the Board of Supervisors in File
16 No. 220707.

17 (e) In Public Works Order No. 206648, dated June 7, 2022, including Map No. A-17-
18 215, dated June 7, 2022, and Drawing Nos. Q-20-1160 through Q-20-1163, dated May 26,
19 2022 (collectively, "PW Order No. 206648), the City Engineer certified and the Interim Public
20 Works Director (the "PW Director") recommended that: (1) Sunnydale Development Co. LLC,
21 a California limited liability company ("DEVELOPER") and the HOUSING AUTHORITY OF
22 THE CITY AND COUNTY OF SAN FRANCISCO, a public body corporate and politic
23 ("SFHA"), have irrevocably offered the Phase 1A-1 and 1A-2 Required Infrastructure and real
24 property, respectively, to the City and County of San Francisco ("City") as set forth in the
25 DEVELOPER Irrevocable Offer of Improvements, dated July 31, 2019, and SFHA's Offer of

1 Dedication (for the real property) dated August 1, 2019 (collectively, the “DEVELOPER
2 Offer”); (2) Public Works inspected the Phase 1A-1 and 1A-2 Required Infrastructure and
3 determined it to be complete as of December 3, 2021; (3) the Phase 1A-1 and 1A-2 Required
4 Infrastructure has been constructed in accordance with the Plans and Specifications and all
5 City codes, regulations, and standards governing the Phase 1A-1 and 1A-2 Required
6 Infrastructure; and (4) this Phase 1A-1 and 1A-2 Required Infrastructure is ready for its
7 intended use.

8 (f) The PW Director and City Engineer also recommended to the Board of Supervisors
9 that it declare the Phase 1A-1 and 1A-2 Required Infrastructure and associated property as
10 shown on official Public Works maps as open public right-of-way; dedicate the Phase 1A-1
11 and 1A-2 Required Infrastructure to public use; designate such public infrastructure for street
12 and roadway purposes; and accept it for City maintenance and liability purposes. The PW
13 Director and City Engineer recommended that acceptance of the Phase 1A-1 and 1A-2
14 Required Infrastructure for maintenance and liability purposes be subject to the following
15 conditions: (1) the portions of streets being accepted for street and roadway purposes are
16 from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the
17 Plans and Specifications for the Phase 1A-1 and 1A-2 Required Infrastructure; (2) acceptance
18 of the Phase 1A-1 and 1A-2 Required Infrastructure for City maintenance and liability
19 purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk
20 maintenance is the responsibility of the adjacent property owners in accordance with the
21 Public Works Code; (3) encroachments that are permitted, not permitted, or both, are
22 excluded from acceptance; (4) the acceptance of the streets does not obviate, amend, alter,
23 or in any way affect existing maintenance agreements between the City and parties to such
24 agreements; (5) DEVELOPER conditional assignment of all warranties and guaranties to the
25 City related to the construction of the Phase 1A-1 and 1A-2 Required Infrastructure and its

1 warranty obligations under Street Improvement Permit No. 19IE-00564, dated July 15, 2019,
2 and (6) the acceptance shall be expressly conditioned on the Project applicant obtaining an
3 encroachment permit or other authorization from the City to maintain encroachments in the
4 public right-of-way that are the applicant's responsibility. Copies of the PW Order No. 206648
5 and DEVELOPER Offer, including a quitclaim deed for real property, the Map No. A-17-215
6 and Drawing Nos. Q-20-1160 through Q-20-1163 are on file with the Clerk of the Board of
7 Supervisors in File No. 220707 and are incorporated herein by reference.

8 (g) In PW Order No. 206648, the PW Director and City Engineer also recommended
9 establishment of public right-of-way widths, sidewalk widths, and street grades on Harmonia
10 Street, Malosi Street and Sunrise Way in accordance with Map No. A-17-215 and Drawing
11 Nos. Q-20-1160 through Q-20-1163.

12
13 Section 2. Adoptions and Approvals.

14 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
15 Plan and Planning Code Section 101.1 consistency findings in the Planning Department
16 Letter, as referenced in Section 1(b)-(d) of this ordinance, in connection with the acceptance
17 of the Phase 1A-1 and 1A-2 Required Infrastructure and other actions specified in this
18 ordinance.

19 (b) The Board of Supervisors has reviewed and approves PW Order No. 206648,
20 including the City Engineer's certification and PW Director's recommendation, as referenced
21 in Section 1(e)-(g) of this ordinance, concerning the acceptance of the DEVELOPER Offer,
22 Phase 1A-1 and 1A-2 Required Infrastructure, and other actions set forth in the Public Works
23 Order.

1 Section 3. Acceptance of Public Infrastructure and Assumption of Maintenance and
2 Liability Responsibilities.

3 (a) Pursuant to California Streets and Highways Code Section 1806 and San
4 Francisco Administrative Code Sections 1.51 et seq., and PW Order No. 206648, the Board of
5 Supervisors hereby accepts and dedicates the Phase 1A-1 and 1A-2 Required Infrastructure
6 for public use.

7 (b) The DEVELOPER Offer also included real property for right-of-way purposes
8 underlying Sunrise Way, which is evidenced by a quitclaim deed from SFHA for this property.
9 The Board of Supervisors hereby accepts the quitclaim deed and authorizes the Director of
10 Real Property to execute and record said deed.

11 (c) The Board of Supervisors hereby approves Map A-17-215, declares the areas
12 shown hatched on said map as open public right-of-way, and designates these areas for
13 street and roadway purposes. Map No. A-17-215 covers the following streets or street
14 extensions: Sunrise Way between Hahn Street and Malosi Street; Malosi Street between
15 Sunrise Way and Harmonia Street; and Harmonia Street between Malosi Street and Hahn
16 Street.

17 (d) The Board of Supervisors hereby accepts the Phase 1A-1 and 1A-2 Required
18 Infrastructure for City maintenance and liability purposes, subject to the conditions listed in
19 subsections (e) and (f), below.

20 (e) The Phase 1A-1 and 1A-2 Required Infrastructure accepted pursuant to
21 subsections (a)-(d), above, is subject to the following conditions: (1) the portions of streets
22 being accepted for street and roadway purposes are constructed from back of sidewalk to
23 back of sidewalk, unless specified otherwise or as shown on the Plans and Specifications for
24 the Phase 1A-1 and 1A-2 Required Infrastructure; (2) acceptance of the Phase 1A-1 and 1A-2
25 Required Infrastructure for City maintenance and liability purposes is from back of curb to

1 back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of
2 adjacent property owners in accordance with the Public Works Code; (3) encroachments that
3 are permitted, not permitted, or both, are excluded from acceptance; (4) the acceptance of the
4 streets does not obviate, amend, alter, or in any way affect existing maintenance agreements
5 between the City and parties to such agreements; and (5) the acceptance is expressly
6 conditioned on the Project applicant obtaining an encroachment
7 permit or other authorization from the City to maintain encroachments in the public right-of-
8 way that are the applicant's responsibility.

9 (f) The Board of Supervisors hereby acknowledges DEVELOPER conditional
10 assignment of all warranties and guaranties to the City related to the construction of the
11 Phase 1A-1 and 1A-2 Required Infrastructure and that its acceptance of this Phase 1A-1 and
12 1A-2 Required Infrastructure is subject to DEVELOPER warranty obligations under Street
13 Improvement Permit No. 19IE-00564.

14
15 Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street
16 Grades.

17 (a) In accordance with PW Order No. 206648, the Board of Supervisors hereby
18 establishes the official public right-of-way widths for Harmonia Street, Malosi Street, and
19 Sunrise Way as shown on Map A-17-215.

20 (b) In accordance with PW Order No. 206648, Board of Supervisors Ordinance No.
21 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board
22 of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by
23 adding thereto new sections to read as follows:

24 Section 1635. The sidewalk widths on Sunrise Way shall be modified as shown on the Public
25 Works Drawing No. Q-20-1160.

1 Section 1636. The sidewalk widths on Harmonia Street shall be modified as shown on the
2 Public Works Drawing No. Q-20-1161.

3 Section 1637. The sidewalk widths on Malosi Street shall be modified as shown on the Public
4 Works Drawing No. Q-20-1162.

5 Section 1638. The sidewalk widths on Hahn Street shall be modified as shown on the Public
6 Works Drawing No. Q-20-1163.

7 (c) The sidewalk widths established pursuant to subsection (b), above, for Harmonia
8 Street, Malosi Street, and Sunrise Way do not obviate, amend, alter, or in any other way affect
9 the maintenance obligations of the adjacent property owners as set forth in the Public Works
10 Code.

11 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
12 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
13 seq., chooses to follow its own procedures for the establishment of street grades. The Board
14 of Supervisors hereby establishes the street grades for Harmonia Street, Malosi Street, and
15 Sunrise Way as set forth in the Drawing No. A-17-215.

16 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public
17 Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.

18
19 Section 5. Authorization for Implementation. The Mayor, Clerk of the Board of
20 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to
21 take any and all actions which they or the City Attorney may deem necessary or advisable in
22 order to effectuate the purpose and intent of this ordinance, including, but not limited to, the
23 filing of the ordinance and Map A-17-215 and Drawing Nos. Q-20-1160 through Q-20-1163 in
24 the Official Records of the City and County of San Francisco.

1 Section 6. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ Robb Kapla
9 ROBB KAPLA
10 Deputy City Attorney

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