



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 206648

Recommending the formal acceptance of an irrevocable offer of public improvements associated with Sunnydale HOPE SF Project, Phase 1, Subphase 1A-1 and, 1A-2, including improvements located within portions of Sunrise Way, Malosi Street and, Harmonia Street Public Infrastructure for public use; accepting the Sub-Phase 1A-1 and 1A-2 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official street grades; and amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk width on the abovementioned street areas.

WHEREAS, SUNNYDALE INFRASTRUCTURE, LLC, a California limited liability company (“SUNNYDALE”) and the HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body corporate and politic (“SFHA”), have irrevocably offered the Sub-Phase 1A-1 and 1A-2 Public Infrastructure and real property, respectively, to the City and County of San Francisco (“City”) as set forth in the SUNNYDALE Irrevocable Offer of Improvements dated February 28, 2022, (collectively, “SUNNYDALE Offer”); and

WHEREAS, On May 27, 2021, Public Works completed inspection of the Phase 1, Sub-phase 1A-1 and, 1A-2 Public Infrastructure and the City Engineer, by issuance of a Notice of Completion, determined it to be complete in accordance with the Plans and Specifications and all City codes, regulations, and standards governing the Phase 1 Public Infrastructure and ready for its intended use; and

WHEREAS, The Interim Public Works Director (hereinafter the “Public Works Director” or “Director”) recommends and the City Engineer certifies to the Board of Supervisors that the Phase 1, Sub-Phase 1A-1 and, 1A-2 Public Infrastructure as shown in Street Improvement Permit No. 19IE-00564 be accepted for public use. Public Works recommends that the Board of Supervisors accept the Sub-Phase 1A-1 and, 1A-2 Public Infrastructure for City maintenance and liability purposes in accordance with Streets and Highways Code Sections 1806 and San Francisco Administrative Code 1.51 et seq. and subject to the exceptions specified herein; and

WHEREAS, the official public right-of-way widths for the applicable portions of Sunrise Way, Malosi Street and, Harmonia Street and sidewalk widths established as shown on Drawings Q-20-1160 through Q-20-1163 do not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners as set forth in the Public Works Code; and

WHEREAS, Drawing A-17-215 shows the street grades for the applicable portions of Sunrise Way, Malosi Street and, Harmonia Street; and

WHEREAS, In a letter dated June 6, 2022 the Department of City Planning re-affirmed that the acceptance of the public infrastructure and real property associated with the Phase 1, Sub-Phase

1A-1 and, 1A-2 Public Infrastructure and associated actions are, on balance, in conformity with the General Plan and Planning Code Section 101.1; and

WHEREAS, The proposed street acceptance for City maintenance and liability and other actions related to the Phase 1 Public Infrastructure are within the scope of the Final Environmental Impact Report (“FEIR”) for the Potrero HOPE SF Project (the “Project”) dated December 10, 2015, prepared pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”). The Planning Commission certified the FEIR on December 10, 2015, by Motion No. 19529. The Planning Commission in Motion No. 19530 adopted findings, as required by CEQA, regarding the alternatives, mitigation measures, significant environmental effects analyzed in the FEIR, a statement of overriding considerations for approval of the Project, and a proposed mitigation monitoring and reporting program. Planning Commission Motion Nos. 19529 and 19530 are collectively referred to as the “Planning Commission CEQA Findings;” and

WHEREAS, it is recommended that the Board of Supervisors finds that pursuant to the CEQA Guidelines (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162 and 15164, that the actions contemplated herein are consistent with, and within the scope of, the Project analyzed in the FEIR and addendum, and that (1) no substantial changes are proposed in the Project and no substantial changes have occurred with respect to the circumstances under which this Project will be undertaken that would require major revisions to the FEIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified effects and (2) no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete shows that the Project will have any new significant effects not analyzed in the FEIR, or a substantial increase in the severity of any effect previously examined, or that new mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, or that mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment; and

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Offer of Improvements for the Phase 1, Sub-Phase 1A-1 and, 1A-2 Public Infrastructure.
2. Ordinance to accept the Phase 1, Sub-Phase 1A-1 and, 1A-2 Public Infrastructure for City maintenance and liability purposes
3. Official Street Dedication and Grade Map A-17-215

4. Official Sidewalk and Roadway Width – Q-20-1160 through Q-20-1163

The Director recommends that the Board of Supervisors approve the legislation to accept the BRIDGE Offer. Hereinafter, the Director's recommendation also includes the City Engineer's certification of actions under the City Engineer's authority.

The Director further recommends that the Board of Supervisors approve the legislation to dedicate the Phase 1, Sub-Phase 1A-1 and, 1A-2 Public Infrastructure to public use, designate it as open public right-of-way for permit and roadway purposes, and accept it for City maintenance and liability purposes subject to the following:

1. The portions of streets being designated as open public right of way for street and roadway purposes are from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the Plans and Specifications for the Phase 1 Public Infrastructure;
2. Acceptance of the Phase 1, Sub-Phase 1A-1 and, 1A-2 Public Infrastructure for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of the adjacent property owners in accordance with the Public Works Code;
3. Encroachments that are permitted, not permitted, or both, are excluded from acceptance;
4. The acceptance of the streets does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements;
5. BRIDGE's conditional assignment of all warranties and guaranties to the City related to the construction of the Phase 1 Public Infrastructure and its warranty obligations under Street
6. Improvement Permit No. 19IE-00564; and
7. The acceptance shall be expressly conditioned on the Project applicant obtaining an encroachment permit or other authorization from the City to maintain encroachments in the public right-of-way that are the applicant's responsibility.

Notwithstanding California Streets and Highways Code Sections 8000 et seq., and in accordance with San Francisco Administrative Code Sections 1.51 et seq. the Director recommends that the Board of Supervisors elect to follow its own procedures for the establishment of street grades.

The Director recommends that the Board of Supervisors approve the legislation to amend Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, by adding thereto a new section to read as follows:

Section 1639. The width of sidewalks on portions of Sunrise Way, Malosi Street and Harmonia Street shall be modified as shown on the Public Works Drawings Q-20-1160 through Q-20-1163, dated May 26, 2022 through May 29, 2022.

The Director recommends that the Board of Supervisors approve the legislation and direct Public Works to revise the Official Public Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with the legislation.

X

DocuSigned by:

Patrick Rivera

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Rivera, Patrick

Acting Manager, Project Management

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Ko, Albert J

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City Engineer

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Interim Director