

1 [Sunnydale HOPE SF - Street and Public Infrastructure Acceptance - Establishing Official  
2 Sidewalk Widths and Street Grades]

3 **Ordinance accepting irrevocable offers of public infrastructure associated with the**  
4 **Sunnydale HOPE SF Project, Phase 2, including an offer of improvements for**  
5 **infrastructure located within portions of Sunnydale Avenue, Hahn Street, and Harmonia**  
6 **Street, and an offer of dedication for real property underlying a portion of Sunnydale**  
7 **Avenue; dedicating the public improvements for public use; designating the public**  
8 **improvements for public street and roadway purposes; accepting the public**  
9 **infrastructure for City maintenance and liability purposes, subject to specified**  
10 **limitations; establishing official street grades, sidewalk widths, and public right-of-way**  
11 **widths; amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to**  
12 **establish official sidewalk widths on Sunnydale Avenue and Hahn Street; accepting a**  
13 **Public Works Order recommending various actions in regard to the public**  
14 **infrastructure improvements; adopting findings under the California Environmental**  
15 **Quality Act; and making findings of consistency with the General Plan, and the eight**  
16 **priority policies of Planning Code, Section 101.1.**

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

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

25 Section 1. Background and General Findings.

1 (a) This ordinance addresses the Board of Supervisors (the “Board”) acceptance of  
2 and other official acts for certain public infrastructure associated with Phase 2 (also referred to  
3 as Infrastructure Phase 1A-3) of the Sunnydale HOPE SF Project (“Project”). The Project  
4 area is generally bounded by Sunnydale Avenue and Hahn, Harmonia, and Santos Streets.  
5 The infrastructure accepted by this ordinance includes improvements located within portions  
6 of Sunnydale Avenue, Hahn Street, and Harmonia Street (collectively, the “Streets”).

7 (b) The Project site is owned by the Housing Authority of the City and County of San  
8 Francisco (“SFHA”), which is providing various approvals and real estate transfers to facilitate  
9 the Project and other phases of the Sunnydale HOPE SF project development (“Sunnydale  
10 HOPE”). Sunnydale HOPE includes the complete rebuilding of the existing Sunnydale-  
11 Velasco SFHA site through the City’s HOPE SF Program, and will consist of approximately  
12 1,770 residential units (approximately 1,000 affordable and 700 market-rate units), retail and  
13 community spaces, open space, new streets, utilities, and other infrastructure. Sunnydale  
14 HOPE is proceeding in multiple phases in a westward progression. Sunnydale HOPE is  
15 generally bounded by Sunnydale Avenue to the north, Hahn Street to the east, Velasco  
16 Avenue to the south, and Brookdale Avenue to the west.

17 (c) Sunnydale HOPE is subject to a Development Agreement between the City and  
18 County of San Francisco (the “City”), and Sunnydale Development Co. LLC, recorded in the  
19 Official Records of the City on March 3, 2017 as Document No. 2017-K416604-00 and  
20 approved by the Board in Ordinance No. 020-17 (“Development Agreement”).

21 (d) On September 17, 2021, in Public Works Order No. 205428, the Director of Public  
22 Works conditionally approved certain requests for exceptions to the San Francisco  
23 Subdivision Regulations and to Public Works Code Sections 2.4 et seq., and certain deferrals.

24 (e) On March 1, 2022, the Board approved Final Map No. 11040 for the Project in  
25 Motion No. M22-032, resulting in two lots for housing, one lot for a community center, and two

1 lots dedicated to the City as public right-of-way. In the same motion, the Board approved the  
2 Public Improvement Agreement between the City and Sunnydale Infrastructure Phase 1A3,  
3 LLC (“Subdivider”) and conditionally accepted offers of improvements, subject to completion  
4 and further Board action.

5 (f) In conjunction with Final Map No. 11040, Subdivider irrevocably offered the various  
6 public improvements associated with the Project to the City, as clarified and supplemented in  
7 its Amended and Restated Offer of Improvements (the “Offer of Improvements”). The  
8 Department of Public Works, in Street Improvement Permit No. 22IE-00183 (“Street  
9 Improvement Permit”), dated May 9, 2022, approved construction of the improvements  
10 identified in the Offer of Improvements for acceptance by the City (collectively, “Public  
11 Infrastructure”) as well as improvements that will be maintained as private encroachments.  
12 Generally, the Public Infrastructure includes street and sidewalk paving, curbs, a portion of the  
13 underground utilities, streetlights, and related facilities. A copy of the Offer of Improvements  
14 in on file with the Clerk of the Board in File No. 240925 and incorporated herein by reference.

15 (g) SFHA irrevocably offered the real property identified on Final Map No. 11040 as  
16 Lots G and H for new streets to facilitate the realignment of Sunnydale Avenue. However, the  
17 offer of dedication as it relates to Lot H is no longer needed, due to modifications to the  
18 phasing design of Sunnydale HOPE and Sunnydale Avenue. SFHA has prepared an offer of  
19 dedication for Lot G only (“Offer of Dedication for Lot G”), including a quitclaim deed, which  
20 offer and associated conveyance are addressed in this ordinance. The Offer of Dedication for  
21 Lot G and its conveyancing document, a quitclaim deed, are on file with the Clerk of the Board  
22 in File No. 240925 and incorporated herein by reference. Former Lot H and related design  
23 matters were addressed in Final Map No. 12077, a merger and resubdivision map for Phase 3  
24 (also referred to as Infrastructure Phases 1B and 1C) of Sunnydale HOPE, approved by the  
25 Board on December 17, 2024 in Motion No. M24-132 (“Phase 3 Final Map”). In conjunction

1 with the Phase 3 Final Map, SFHA granted the City a public right-of-way easement for the  
2 former Lot H area to facilitate the Sunnydale Avenue realignment.

3 (h) On July 19, 2024, the City Engineer issued a Notice of Completion, which  
4 determined the Public Infrastructure to be complete in accordance with the plans and  
5 specifications shown in the Street Improvement Permit, as modified by Instructional Bulletins  
6 Nos. 1 through 4, and all City Codes, regulations, and standards governing this infrastructure.  
7 In doing so, the City Engineer also certified that the Public Infrastructure is ready for its  
8 intended use.

9 (i) A portion of the infrastructure constructed or installed pursuant to the Street  
10 Improvement Permit will be maintained by Subdivider as encroachments. The  
11 encroachments do not constitute a portion of the Public Improvements, and the City will not  
12 accept such encroachments. Such encroachments are to be annexed into the Master  
13 Encroachment Permit No. 22ME-00007 (“Master Encroachment Permit”) via a separate  
14 approval action by the Director of Public Works, and will remain the responsibility of  
15 Subdivider for maintenance and liability. The Board approved this Master Encroachment  
16 Permit in Resolution No. 338-22.

17 (j) In Public Works Order 210976, dated September 24, 2024 (the “PW Order”), the  
18 Public Works Director recommended, with certification from the City Engineer (collectively,  
19 the “PW Director”), that the Board approve the legislation to accept the Offer of Dedication for  
20 Lot G and Offer of Improvements for the Public Infrastructure and dedicate this infrastructure  
21 for public use, subject to the exceptions identified below. The PW Director further  
22 recommended that the Board approve the ordinance to dedicate the Public Infrastructure to  
23 public use, accept it for City maintenance and liability purposes, and in regard to the street  
24 areas, designate it as open public right-of-way for permit and roadway purposes, subject to  
25 the following conditions:

1 (1) the portions of streets being designated as open public right-of-way for street  
2 and roadway purposes are from back of sidewalk to back of sidewalk, unless specified  
3 otherwise or as shown on the plans and specifications for the Public Infrastructure;

4 (2) acceptance of the Public Infrastructure for City maintenance and liability  
5 purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk  
6 maintenance is the responsibility of the adjacent property owners in accordance with the  
7 Public Works Code;

8 (3) encroachments that are or will be permitted (including but not limited to those  
9 encroachments to be annexed into the Master Encroachment Permit), not permitted, or both,  
10 are excluded from acceptance;

11 (4) the acceptance of the streets does not obviate, amend, alter, or in any way  
12 affect existing maintenance agreements between the City and parties to such agreements; and

13 (5) acceptance of Subdivider's conditional assignment of all warranties and  
14 guaranties to the City related to the construction of the Public Infrastructure and its warranty  
15 obligations under Street Improvement Permit.

16 (k) In the PW Order, the PW Director also recommended establishment of official  
17 public right-of-way widths, sidewalk widths, and street grades on portions of the streets in  
18 accordance with Map A-17-230 and Drawing Q-20-1209. Further, the PW Director  
19 recommended that the Board amend Ordinance No. 1061 entitled "Regulating the Width of  
20 Sidewalks," regarding official sidewalk widths in accordance with Drawing Q-20-1209.

21 (l) The PW Order also includes a diagram showing the location of the streets that are  
22 designated for City acceptance of maintenance and liability in this legislation, encompassing  
23 portions of the Streets. As part of the Public Infrastructure, the previously dedicated public  
24 right-of-way in Hahn and Harmonia Streets has been improved, and such improvements are  
25 now ready for acceptance for purposes of City maintenance and liability. The PW Order,

1 A-Map, Q-Drawing, and the diagram referenced in the above subsections (1)(j) through (1)(l)  
2 are on file with the Clerk of the Board in File No. 240925 and incorporated herein by  
3 reference.

4  
5 Section 2. Environmental and Land Use Findings.

6 (a) In a letter dated September 18, 2024, the Planning Department found that the  
7 acceptance of the Public Infrastructure, including acceptance of the real property associated  
8 with this Infrastructure, and associated actions comply with the California Environmental  
9 Quality Act (CEQA). For purposes of this ordinance, the Board adopts these findings as its  
10 own. A copy of this letter is on file with the Clerk of the Board in File No. 240925 and  
11 incorporated by reference herein.

12 (b) In the same letter dated September 18, 2024, a copy of which is on file with the  
13 Clerk of the Board in File No. 240925, the Planning Department found that the acceptance of  
14 the Public Infrastructure, including acceptance of the real property associated with this  
15 Infrastructure, and associated actions are, on balance, in conformity with the General Plan  
16 and eight priority policies of Planning Code Section 101.1. For purposes of this ordinance, the  
17 Board adopts these findings as its own.

18  
19 Section 3. Public Works Actions.

20 The Board has reviewed and approves PW Order No. 210976, including the PW  
21 Director's recommendations, as referenced in Section 1 of this ordinance, concerning the  
22 acceptance of Public Infrastructure, and other actions set forth in the PW Order.

23  
24 Section 4. Acceptance of Public Infrastructure and Assumption of Maintenance and  
25 Liability Responsibilities.

1 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco  
2 Administrative Code Sections 1.51 et seq., and PW Order No. 210976, the Board hereby  
3 accepts the Offer of Improvements and dedicates the Public Infrastructure for public use.

4 (b) The Board hereby accepts the Offer of Dedication for Lot G and its associated  
5 quitclaim deed and authorizes the Director of Real Estate to execute and record said deed.

6 (c) The Board hereby designates or redesignates the Streets for street and roadway  
7 purposes.

8 (d) The Board hereby accepts the Public Infrastructure for City maintenance and  
9 liability purposes.

10 (e) The Public Infrastructure accepted and designated pursuant to subsections 4(a)  
11 through (4)(d) above is subject to the following conditions:

12 (1) The portions of Streets being accepted for street and roadway purposes are  
13 constructed from back of sidewalk to back of sidewalk, unless specified otherwise or as  
14 shown on the permit materials for the Public Infrastructure.

15 (2) Acceptance of the Public Infrastructure for City maintenance and liability  
16 purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk  
17 maintenance is the responsibility of adjacent property owners or encroachment permittees in  
18 accordance with the Public Works Code.

19 (3) Encroachments that are or will be permitted (including but not limited to  
20 those that will be annexed into the Master Encroachment Permit by separate approval of the  
21 PW Director), not permitted, or both, are excluded from acceptance.

22 (4) The acceptance of the Public Infrastructure does not obviate, amend, alter,  
23 or in any way affect existing maintenance agreements between the City and parties to such  
24 agreements.

1 (5) Subdivider’s conditional assignment of all warranties and guaranties to the  
2 City related to the construction of the Public Infrastructure and their warranty obligations.

3  
4 Section 5. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street  
5 Grades.

6 (a) In accordance with the PW Order, the Board hereby establishes the official public  
7 right-of-way widths for portions of Sunnydale Avenue as set forth in Public Works Map  
8 A-17-230.

9 (b) In accordance with the PW Order, Ordinance No. 1061, entitled “Regulating the  
10 Width of Sidewalks,” a copy of which is in the Clerk of the Board Book of General Ordinances,  
11 in effect May 11, 1910, is hereby amended by adding a new section, Section 1645, to read as  
12 follows:

13 Section 1645. The width of sidewalks on portions of Sunnydale Avenue and Hahn Street shall be  
14 modified as shown on the Public Works Drawing Q-20-1209.

15 (c) The sidewalk widths established herein do not obviate, amend, alter, or in any  
16 other way affect the maintenance obligations of the adjacent property owners or  
17 encroachment permittees as set forth in the Public Works Code.

18 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
19 Board, in accordance with Administrative Code Sections 1.51 et seq., chooses to follow the  
20 City’s own procedures for the establishment of street grades. The Board hereby establishes  
21 the street grades for portions Sunnydale Avenue as set forth in Public Works Drawing  
22 Q-20-1209.

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



1           Section 6. Authorization for Implementation.

2           The Mayor, Clerk of the Board of Supervisors, Director of the Real Estate Division, and  
3 PW Director are hereby authorized and directed to take any and all actions which they or the  
4 City Attorney may deem necessary or advisable in order to effectuate the purpose and intent  
5 of this ordinance, including, but not limited to, approving any amended offers of improvements  
6 based on as-built conditions, signing and recording the Lot G quitclaim deed, and filing of the  
7 ordinance, A-17 Map, and Q-20 Drawing in the Official Records of the City and County of San  
8 Francisco.

9

10           Section 7. Effective Date.

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

15

16 APPROVED AS TO FORM:  
17 DAVID CHIU, City Attorney

18 By:   /s/ JOHN D. MALAMUT  
19       JOHN D. MALAMUT  
20       Deputy City Attorney

21 n:\legana\as2024\1800660\01788198.docx

22

23

24

25