

BOARD of SUPERVISORS



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March 26, 2019

**File No. 190250-2**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On March 19, 2019, Supervisor Safai introduced the following proposed substitute legislation:

**File No. 190250-2**

**Ordinance amending the Planning Code to establish the Cayuga/Alemanya Special Use District (SUD) for the property located at 915 Cayuga Avenue (Assessor's Parcel Block No. 6954, Lot Nos. 039 and 011C); amending the Zoning Map to add the Cayuga/Alemanya SUD and to change the height limit on Assessor's Parcel Block No. 6954, Lot Nos. 039 and 011C, to 65-X; affirming the Planning Department's California Environmental Quality Act findings; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

1 [Planning Code, Zoning Map - Cayuga/Alemany Special Use District]

2  
3 **Ordinance amending the Planning Code to establish the Cayuga/Alemany Special Use**  
4 **District (SUD) for the property located at 915 Cayuga Avenue (Assessor's Parcel Block**  
5 **No. 6954, Lot Nos. 039 and 011C); amending the Zoning Map to add the**  
6 **Cayuga/Alemany SUD and to change the height limit on Assessor's Parcel Block No.**  
7 **6954, Lot Nos. 039 and 011C, to 65-X; affirming the Planning Department's California**  
8 **Environmental Quality Act findings; making findings of consistency with the General**  
9 **Plan, and the eight priority policies of Planning Code, Section 101; and making findings**  
10 **of public convenience, necessity, and welfare 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. Environmental and Land Use Findings.

20 (a) On \_\_\_\_\_, the Planning Department's Environmental Review Officer finalized a  
21 Mitigated Negative Declaration ("MND") for the 915 Cayuga Project, including these Planning  
22 Code and Zoning Map amendments, and determined that the MND was adequate, accurate,  
23 and complete and reflected the independent judgment of the Planning Department. A copy of  
24 the MND and this Determination is on file with the Clerk of the Board of Supervisors in File  
25 No. \_\_\_\_\_ and is incorporated herein by reference. The Planning Commission adopted  
the MND and a Mitigation Monitoring and Reporting Program in its Resolution No \_\_\_\_\_ on

1 \_\_\_\_\_ . In accordance with the actions contemplated herein, the Board of Supervisors  
2 has reviewed the MND and the record as a whole, and adopts and incorporates by reference,  
3 as though fully set forth herein, the findings, including the Mitigation Monitoring and Reporting  
4 Program, pursuant to the California Environmental Quality Act (California Public Resources  
5 Code Sections 21000 et seq.), adopted by the Planning Commission on \_\_\_\_\_, in  
6 Resolution No. \_\_\_\_\_. A copy of said Resolution is on file with the Clerk of the Board of  
7 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Planning  
8 Department, Jonas Ionin, is the custodian of records, located in File No. 2016-013850ENV, at  
9 1650 Mission Street, Fourth Floor, San Francisco, California.

10 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
11 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
12 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
13 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
14 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

15 (c) Pursuant to Planning Code Section 302, the Board finds that the actions  
16 contemplated in this ordinance will serve the public necessity, convenience, and welfare for  
17 the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board  
18 incorporates such reasons herein by reference. A copy of Planning Commission Resolution  
19 No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

20  
21 Section 2. Article 2 of the Planning Code is hereby amended by adding Section  
22 249.63, to read as follows:

23 **SEC. 249.63. CAYUGA/ALEMANY SPECIAL USE DISTRICT.**

24 A Special Use District entitled the Cayuga/Alemanany Special Use District (Cayuga/Alemanany  
25 SUD, or SUD), is hereby established for the purpose set forth in this Section 249.63.

1           (a) Location. *The Cayuga/Alemaný SUD is at 915 Cayuga Avenue and is generally bounded*  
2 *by Cayuga Street, Ocean Avenue, Alemaný Boulevard, and Onondaga Avenue, and consists of Lots 039*  
3 *and 011C of Assessor's Block 6954, as designated on Sectional Map SU11 of the Zoning Map.*

4           (b) Purpose. *The purpose of the Cayuga/Alemaný SUD is to give effect to the Development*  
5 *Agreement for the 915 Cayuga Project, as approved by the Board of Supervisors in the ordinance in*  
6 *File No. \_\_\_\_\_ . The Cayuga/Alemaný SUD will facilitate the construction of a residential*  
7 *development project that provides family size housing of two or more bedrooms, and on-site affordable*  
8 *housing units, both at levels exceeding City requirements.*

9           (c) Controls. *All provisions of the Planning Code applicable to the Excelsior Outer Mission*  
10 *Neighborhood Commercial District shall apply to the Cayuga/Alemaný SUD except as otherwise*  
11 *provided in this Section 249.63.*

12                   (1) Dwelling Unit Density. *There shall be no residential density limit within this SUD.*

13                   (2) Dwelling Unit Mix. *The following dwelling unit mix criteria shall apply in this*  
14 *SUD:*

15                           (i) No less than 70% of the total number of proposed dwelling units shall  
16 *contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the*  
17 *nearest whole number of dwelling units;*

18                           (ii) No less than 10% of the total number of proposed dwelling units shall  
19 *contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the*  
20 *nearest whole number of dwelling units. Units counted towards this requirement may also count*  
21 *towards the requirement for units with two or more bedrooms as described in subsection (c)(2)(i).*

22                   (3) Inclusionary Housing. *The requirements of Section 415 of this Code shall apply in*  
23 *this SUD, except as expressly provided herein.*

1 (A) Compliance with Section 415 shall be by providing affordable units on-site  
2 in accordance with Section 415.6. Payment of an affordable housing fee under Section 415.5, or  
3 construction of units off-site under Section 415.7 are not permitted to satisfy Section 415.

4 (B) The number of Affordable Units constructed on-site shall be 50% of the  
5 number of all units constructed on-site.

6 (i) Ten percent of the units shall be affordable to households earning  
7 55% of Area Median Income, with households earning up to 65% of Area Median Income eligible to  
8 apply for units under this subsection (c)(3)(B)(i).

9 (ii) Ten percent of the units shall be affordable to households earning  
10 80% or less of Area Median Income, with households earning from 65% to 90% of Area Median  
11 Income eligible to apply for units under this subsection (c)(3)(B)(ii).

12 (iii) Thirty percent of the units shall be affordable to households earning  
13 up to 100% of Area Median Income, with households earning from 90% to 130% of Area Median  
14 Income eligible to apply for units under this subsection (c)(3)(B)(iii).

15 (4) Demolition of Dwelling Units. No discretionary review or Conditional Use  
16 authorization pursuant to Section 317 or any other section of this Code shall be required for the  
17 demolition of any Dwelling Unit within this SUD.

18 (5) Development of Large Lots. Conditional Use authorization pursuant to Section  
19 121.1 shall not be required.

20 (6) Off-Street Loading. Off-street loading spaces pursuant to Section 152 shall not be  
21 required.

22 (7) Off-Street Parking. Any increase in the number of off-street parking spaces  
23 subsequent to issuance of a first certificate of occupancy shall be subject to all applicable provisions of  
24 this Code, except that no new Conditional Use Authorization shall be required. Off-street parking shall  
25 not exceed a ratio of one parking space for each dwelling unit.

1                   (8) Planned Unit Developments. No Planned Unit Development under Planning Code  
2 Section 304 shall be authorized.

3                   (9) Conditional Use. New residential development within the SUD shall be reviewed  
4 and approved in accordance with the Conditional Use authorization process of Section 303.

5                   (A) In acting on any application for Conditional Use within this SUD, the  
6 Commission shall consider the Conditional Use requirements set forth in subsection 303(c), and in  
7 addition shall consider whether facts are presented to establish, based on the record before the  
8 Commission, one or more of the following:

9                                   (i) The proposed project promotes housing affordability by increasing  
10 the housing supply.

11                                   (ii) The proposed project provides housing on-site at levels significantly  
12 higher than the requirements of Section 415.

13                   (B) In acting on any application for Conditional Use within this SUD, the  
14 Commission may modify the following requirements as stated:

15                                   (i) Rear Yard. The required rear yard per Section 134 may be reduced  
16 to no less than 25% of the lot area. Rear yard shall be provided at the lowest story containing a  
17 Dwelling Unit and at each succeeding story.

18                                   (ii) Dwelling Unit Exposure. The dwelling unit exposure requirements of  
19 Section 140(a)(2) for up to 60% of dwelling units, or 75 units, whichever is more, may be satisfied  
20 through qualifying windows facing an unobstructed open area that is no less than nine feet in every  
21 horizontal dimension, and such open area is not required to expand in every horizontal dimension at  
22 each subsequent floor.

23                                   (iii) Open Space. The open space requirements of Section 135 may be  
24 reduced to no less than 80 square feet per unit if private open space, or 100 square feet per unit if  
25 common open space, and there shall be no minimum required dimensions for private open space in

1 inner courtyards. Any other space credited as private open space shall have a minimum horizontal  
 2 dimension of six feet and a minimum area of 36 square feet. Any space credited as common usable  
 3 open space shall have a minimum horizontal dimension of ten feet and a minimum area of 100 square  
 4 feet.

5  
 6 Section 3. The Planning Code is hereby amended by revising Sheet SU11 of the  
 7 Zoning Map as follows:

Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block 6954, Lot 039	Excelsior Outer Mission Street Neighborhood Commercial District	Excelsior Outer Mission Street Neighborhood Commercial District and Cayuga/Aleman Special Use District
Assessor's Block 6954, Lot 011C	Excelsior Outer Mission Street Neighborhood Commercial District	Excelsior Outer Mission Street Neighborhood Commercial District and Cayuga/Aleman Special Use District

19  
 20 Section 4. The Planning Code is hereby amended by revising Sheet HT11 of the  
 21 Zoning Map as follows:

Description of Property	Height/Bulk District to be Superseded	Height/Bulk District Hereby Approved

1 2 3	Assessor's Block 6954, Lots 039 and 011C	40-X	65-X
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4 Section 5. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor's veto of the ordinance.

8  
9 Section 6. Sunset Provision. This ordinance, including Planning Code Section 249.63,  
10 the Special Use District in Section, 2 and the Zoning Map amendments in Sections 3 and 4,  
11 shall expire by operation of law either (a) immediately upon termination of the Development  
12 Agreement for the 915 Cayuga Project, which was approved by the Board of Supervisors in  
13 the ordinance in File No. \_\_\_\_\_, or (b) five years after the effective date of this ordinance  
14 unless, on or before that five-year date, the 915 Cayuga Project referenced in Section 1(a)  
15 has received a first construction document, or the City extends or re-enacts this ordinance.  
16 Upon expiration of this ordinance, the City Attorney shall cause its provisions to be removed  
17 from the Planning Code and the Zoning Maps.

18  
19  
20 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

21 By:   
22 AUDREY WILLIAMS PEARSON  
23 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Substituted, 3/19/2019)

[Planning Code, Zoning Map - Cayuga/Alemaný Special Use District]

**Ordinance amending the Planning Code to establish the Cayuga/Alemaný Special Use District (SUD) for the property located at 915 Cayuga Avenue (Assessor's Parcel Block No. 6954, Lot Nos. 039 and 011C); amending the Zoning Map to add the Cayuga/Alemaný SUD and to change the height limit on Assessor's Parcel Block No. 6954, Lot Nos. 039 and 011C, to 65-X; affirming the Planning Department's California Environmental Quality Act findings; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

Existing Law

Currently, the property at 915 Cayuga, which is bordered by Cayuga Street, Ocean Avenue, Alemaný Boulevard, and Onondaga Avenue in the Excelsior neighborhood is subject to the controls in the Planning Code that govern the Excelsior Outer Mission Street Neighborhood Commercial District, and controls that govern a 40-X height and bulk district. Development of large lots, and demolition of dwelling units require conditional use approval.

Amendments to Current Law

This ordinance would create the Cayuga/Alemaný Special Use District. The SUD would control the development on two parcels to facilitate the development of a residential project at 915 Cayuga Street, as set forth in a development agreement. Residential development in the SUD must conform to the controls in the Excelsior Outer Mission Street Neighborhood Commercial District, except as specified. The SUD removes controls on residential density, and imposes specific dwelling unit mix, inclusionary housing, off-street loading, and off-street parking requirements. The SUD would preclude use of a planned unit development, and would require a conditional use for new residential development. As part of a conditional use approval in the SUD, the Planning Commission is authorized to modify rear yard, dwelling unit exposure, and open space requirements.

The legislation would amend the Zoning Map to approve the Cayuga/Alemaný Special Use District and amend the height map from 40-X to 65-X.

Finally, the SUD and zoning map changes would sunset immediately if the development agreement is terminated, or in 5 years unless within that time the 915 Cayuga project has receives a first construction document or the City re-adopts the ordinance.

Background Information

The Cayuga/Alemaný Special Use district would facilitate the construction of a 116 unit residential building, in which the project sponsor has agreed in a development agreement to provide 50% of the units as below-market rate units. The development agreement can be found in Board File No. \_\_\_\_\_.

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