

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

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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 041C); 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 041C, 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

20 Section 1. Environmental and Land Use Findings.

21 (a) On April 11, 2019, the Planning Department's Environmental Review Officer
22 finalized a Mitigated Negative Declaration ("MND") for the 915 Cayuga Project, including
23 these Planning Code and Zoning Map amendments, and determined that the MND was
24 adequate, accurate, and complete and reflected the independent judgment of the Planning
25 Department. A copy of the MND and this Determination is on file with the Clerk of the Board
of Supervisors in File No. 190250 and is incorporated herein by reference. The Planning
Commission adopted the MND and a Mitigation Monitoring and Reporting Program in its

1 Resolution No. 20418 on April 11, 2019. In accordance with the actions contemplated herein,
2 the Board of Supervisors has reviewed the MND and the record as a whole, and adopts and
3 incorporates by reference, as though fully set forth herein, the findings, including the
4 Mitigation Monitoring and Reporting Program, pursuant to the California Environmental
5 Quality Act (California Public Resources Code Sections 21000 et seq.), adopted by the
6 Planning Commission on April 11, 2019, in Resolution No. 20418. A copy of said Resolution
7 is on file with the Clerk of the Board of Supervisors in File No. 190250 and is incorporated
8 herein by reference. The Planning Department, Jonas Ionin, is the custodian of records,
9 located in File No. 2016-013850ENV, at 1650 Mission Street, Fourth Floor, San Francisco,
10 California.

11 (b) On April 11, 2019, the Planning Commission, in Resolution No. 20420, adopted
12 findings that the actions contemplated in this ordinance are consistent, on balance, with the
13 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
14 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
15 Board of Supervisors in File No. 190250, and is incorporated herein by reference.

16 (c) Pursuant to Planning Code Section 302, the Board finds that the actions
17 contemplated in this ordinance will serve the public necessity, convenience, and welfare for
18 the reasons set forth in Planning Commission Resolution No. 20420 and the Board
19 incorporates such reasons herein by reference. A copy of Planning Commission Resolution
20 No. 20420 is on file with the Clerk of the Board of Supervisors in File No. 190250.

21
22 Section 2. Article 2 of the Planning Code is hereby amended by adding Section
23 249.63, to read as follows:

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

25

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

3 (a) **Location.** The Cayuga/Alemanya SUD is at 915 Cayuga Avenue and is generally bounded
4 by Cayuga Street, Ocean Avenue, Alemanya Boulevard, and Onondaga Avenue, and consists of Lot ~~039~~
5 and 041C of Assessor's Block 6954, as designated on Sectional Map SU11 of the Zoning Map.

6 (b) **Purpose.** The purpose of the Cayuga/Alemanya SUD is to give effect to the Development
7 Agreement for the 915 Cayuga Project, as approved by the Board of Supervisors in the ordinance in
8 File No. 190249. The Cayuga/Alemanya SUD will facilitate the construction of a residential
9 development project that provides family size housing of two or more bedrooms, and on-site affordable
10 housing units, both at levels exceeding City requirements.

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

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

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

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

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

24 (3) **Inclusionary Housing.** The requirements of Section 415 of this Code shall apply in
25 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.

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

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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/Alemany 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/Alemany Special Use District

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

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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.

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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. 190249, 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.

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

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22 By: _____
AUDREY WILLIAMS PEARSON
23 Deputy City Attorney

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