



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 8, 2016

Date: November 28, 2016
Case No.: **2015-009460CUA**
Project Address: **830 Eddy Street and 815 Van Ness Avenue**
Zoning: RC-4 (Residential, Commercial, High-Density)
Van Ness Special Use District
Van Ness Automotive Special Use District
130-V Height and Bulk District
Block/Lot: 0738/018, 022-044
Project Sponsor: Katie O'Brien
Build Inc.
315 Linden Street
San Francisco, CA 94102
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal will demolish the existing two-level off-street parking structure at 830 Eddy Street and construct a 12-story 126-unit residential building of approximately 119,050 gross square feet. The proposal will include 131 Class 1 bicycle parking spaces, 103 accessory off-street parking spaces, 63 dedicated to the residential uses, 40 dedicated to the existing commercial building at 815 Van Ness Avenue, and 2 car share spaces. The residential building includes a dwelling unit mix consisting of approximately 22 studios (17.5 percent), 65 one-bedroom units (51.5 percent), 38 two-bedroom units (30.1 percent) and one three-bedroom unit (.8 percent). The project does not propose a change in use to the 6-story commercial office building at 815 Van Ness Avenue, but will retain the existing drive-thru for the ground floor restaurant (d.b.a. Burger King) and will landscape and improve the existing outdoor courtyard separating the 815 Van Ness Avenue building from the proposed new 12-story residential building. The proposal also includes a variant that would remove the drive-thru, reformat a portion of the existing retail space into one large restaurant space and four smaller retail spaces lining the former drive-thru, and eliminate the lowest level of parking in the basement of the 830 Eddy Street building. Under the variant, the amount of off-street parking dedicated to retail uses would be reduced from ten spaces to two spaces, thereby reducing the total of accessory off-street parking from 103 to 95 spaces. Additionally, the parking layout would eliminate the individually accessible spaces on the B1 Level, and instead employ space efficient stackers. This approach would eliminate the need for a third basement level of parking and reduces the overall depth of excavation of the project.

SITE DESCRIPTION AND PRESENT USE

The project is located at the southwest corner of the intersection of Van Ness Avenue and Willow Street. The 21,980 sf property has 219.75 feet of frontage on Willow Street, 80 feet of frontage on Van Ness Avenue, and 110 feet of frontage on Eddy Street. The site contains two structures developed circa 1983 within the Western Addition A-2 Redevelopment Area, a six-story 29,810 gross square foot (gsf) commercial office building with a 4,940 gsf ground floor restaurant use (d.b.a. Burger King) at 815 Van Ness Avenue (street address 825 Van Ness Avenue) and a two-story 9,370 gsf accessory parking garage containing 62 off-street parking spaces at 830 Eddy Street. The two structures are separated by 24 feet 4 inches. At present, there are four curb cuts for the property, one on Willow Street, two on Eddy Street and one on Van Ness Avenue. Additionally, the ground floor restaurant use has an accessory drive-thru with ingress on Eddy Street and egress onto Van Ness Avenue.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the southwestern corner of an RC-4 Zoning District which extends north from Civic Center to Broadway and east across Van Ness Avenue into the Tenderloin neighborhood. To the west, the zoning transitions to the less dense RM-4 and RM-3 Zoning Districts with supporting Neighborhood Commercial Zoning Districts on Polk, Franklin and Fillmore Streets. The property is also at the southern edge of the Van Ness Special Use District, directly reflecting the Van Ness Avenue Area Plan which stretches from Golden Gate Avenue to Chestnut Street and calls for well-designed high-density mixed use development along the north/south corridor. This area along Van Ness Avenue also includes a combination of institutional, commercial, and residential uses which reflect the convergence of the Cathedral Hill, Hayes Valley, Civic Center, and Tenderloin neighborhoods.

More specifically, to the north of the of the subject property, across Willow Street, is a six-story 54 unit residential building, an eight-story office building and a five-story 32 unit residential building. To the east of the subject property, across Van Ness Avenue, is a one-story office building, a two-story commercial building (occupied by Larkin Street Youth Services), a five-story 81 unit residential building, a nine-story 32 unit residential building, a two-story commercial building with a ground floor restaurant use (d.b.a. Sushi Hana), and a four-story 18 unit residential building with ground floor retail (d.b.a. Walgreens). To the south of the subject property and on the same block is a seven-story 40 unit residential building with ground floor retail (d.b.a. Round Table Pizza). Further south, across Eddy Street, is a two-story automotive sales building (d.b.a. Mini of San Francisco), a four-story and a three-story office building, and a seven-story 87 unit residential building. Finally, east of the subject property and on the same block is a three-story 34 room hotel (d.b.a. the Roadway Inn) and a four-story 47 room hotel (d.b.a. Oasis). The project site is also located along the Van Ness Bus Rapid Transit corridor and is within .25 miles of nine Muni bus routes.

ENVIRONMENTAL REVIEW

On November 28, 2016, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 18, 2016	November 16, 2016	22 days
Posted Notice	20 days	November 18, 2016	November 18, 2016	20 days
Mailed Notice	20 days	November 18, 2016	November 18, 2016	20 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- As of November 28, 2016, the Department has not received any public comment.

ISSUES AND OTHER CONSIDERATIONS

- Height and Bulk in RC-4 Districts and the Van Ness Special Use District – Depending on the zoning district, Planning Code Sections 253 and 253.2 require Planning Commission review for projects that are taller than 50 feet and/or have more than 50 feet of frontage. Additionally, Section 253.2(a)(3) enables the Planning Commission to determine the height at which the V bulk designation controls apply to a project if it is located on a narrow street or alley, such as Willow Street. The Department is recommending this height be established at 60 feet and apply at the Willow Street frontage.
- PUD Exceptions: As part of the Planned Unit Development review, the Commission may grant exceptions from other provisions of the Code in cases of outstanding overall design, complementary to the design and values of the surrounding area. The Project is seeking exceptions from the following requirements:
 - Rear Yard – The Planning Code requires a rear yard equal to 25 percent of the lot depth. In the absence of a mid-block open area, the Project will not provide a rear yard and will provide compensating open areas through a landscaped setback and front porches on Willow Street, a newly landscaped outer court between the existing 815 Van Ness Avenue building and the proposed building at 830 Eddy Street, terraces at the 6th floor, and a landscaped roof deck above the new residential building.
 - Obstructions over the public Right-of-Way – The Project proposes an architectural feature that projects approximately 8 inches beyond the Eddy Street property line. This feature is a GFRC panel system that forms an “exo-grid” on the Eddy Street and Willow Street facades. The horizontal components of the exo-grid comply with the Planning Code, the vertical components do not.
 - Dwelling Unit Exposure – The Project requires a dwelling unit exposure exception for 10 of the 126 dwelling units. While the majority of the dwelling units face onto Willow and Eddy Streets, 10 units face onto an open area on the western edge of the property that is 20 feet deep by 27.5 feet wide. The required minimum area is 25 feet by 25 feet and must increase in width at each level above.

- **Street Frontage** – The Project is required to provide a maximum vehicular entry of 20-feet and proposes an entry of 21.5-feet in order to accommodate both the entrance to the new residential building and the existing drive-thru. The proposal eliminates two of the four existing vehicular access points on site, a net reduction of 34.83 feet of curb cuts. Under the project variant, the existing 10.08 foot wide drive-thru exist onto Van Ness Avenue would also be eliminated, whereupon the only remaining vehicular entrance will be the 21.5 foot wide entry requiring the exception.
- **Off-Street Freight Loading** – The Project seeks an exception to provide on-street loading on Willow Street in lieu of off-street loading within the proposed garage.
- **Bulk** – The property’s V bulk designation applies a 110-foot maximum length and a 140-foot maximum diagonal dimension, at a height of 60 feet, determined as described above. The project provides a maximum length of 109.5 feet and seeks an exception to provide a maximum diagonal dimension of 142.5 feet.
- **Inclusionary Affordable Housing:** The Project has elected to provide on-site BMR units to satisfy the Inclusionary Affordable Housing requirement. The Project contains approximately 22 studios, 65 one-bedroom, 38 two-bedroom, and 1 three-bedroom unit. The project is required to provide 14.5 percent of the proposed dwelling units as affordable to qualifying households. The resulting BMR unit mix is therefore 3 studios, 9 one-bedroom and 6 two-bedroom units. The project proposes rental BMR units, which require a Costa Hawkins Agreement with the City. This agreement is included in the case packet as an attachment.
- **Development Impact Fees:** The Project would be subject to the following development impact fees, which are estimated as follows:

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Child Care Impact Fee (119,050 sq ft – New Residential)	414A (@ \$1.83)	\$ 217,861.50
Transportation Sustainability Fee (119,050 sf ft – New Residential; Environmental Evaluation Application submitted on July 15, 2015)	411A (@ \$4.37)	\$520,248.50
	TOTAL	\$738,110.00

Please note that these fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application, as based upon the annual updates managed by the Development Impact Fee Unit of the Department of Building Inspection.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization under Planning Code Sections 253, 253.2, 303 and 304, to demolish a 9,370 square foot two-story parking garage

containing 62 off-street parking spaces and to construct a 120-foot tall residential building of approximately 119,050 gsf containing 126 dwelling units and up to 105 off-street parking spaces, and as a Planned Unit Development, to seek exceptions from the requirements for 1) rear yard (Section 134), 2) obstructions over the public right-of-way (Section 136), 3) dwelling unit exposure (Section 140), 4) street frontage (Section 145.1), 5) off-street loading (Section 152), and bulk (Sections 270 and 271).

BASIS FOR RECOMMENDATION

- The project provides 126 new housing units at an underutilized site. The project will help to alleviate the City's housing shortage and create more affordable housing;
- The project would enhance the City's supply of affordable housing by providing BMR units on-site.
- The Project would construct a Planned Unit Development that is in keeping with the scale, massing and density of other structures in the immediate vicinity,
- The Project is directly adjacent to the Van Ness corridor, and the Van Ness Avenue Area Plan encourages increasing housing development with the goal of establishing a mixed-use neighborhood.
- The project is desirable for and compatible with, the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
Class 32 Categorical Exemption
Costa Hawkins Agreement
Affidavit for Anti-Discriminatory Housing Policy
Affidavit for Compliance with the Inclusionary Housing Program
Affidavit for First Source Hiring Program
Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

____BB____
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414A) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other (TSF Sec. 411A) |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 253, 253.2, 303, AND 304 OF THE PLANNING CODE TO DEMOLISH AN APPROXIMATELY 9,370 SQUARE FOOT TWO-STORY PARKING GARAGE CONTAINING 62 OFF-STREET PARKING SPACES AND TO CONSTRUCT A 120-FOOT TALL RESIDENTIAL BUILDING OF APPROXIMATELY 119,050 GROSS SQUARE FEET CONTAINING 126 DWELLING UNITS AND UP TO 105 OFF-STREET PARKING SPACES, AND AS A PLANNED UNIT DEVELOPMENT, TO SEEK EXCEPTIONS FROM THE REQUIREMENTS FOR 1) REAR YARD (PLANNING CODE SECTION 134), 2) OBSTRUCTIONS OVER THE PUBLIC RIGHT-OF-WAY (PLANNING CODE SECTION 136), 3) DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140), 4) STREET FRONTAGE (PLANNING CODE SECTION 145.1), 5) OFF-STREET LOADING (PLANNING CODE SECTION 152), AND, 6) BULK (PLANNING CODE SECTIONS 270 AND 271) WITHIN AN RC-4 (RESIDENTIAL, COMMERCIAL, HIGH-DENSITY) ZONING DISTRICT, THE VAN NESS SPECIAL USE DISTRICT, THE VAN NESS AUTOMOTIVE SPECIAL USE DISTRICT AND THE 130-V HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 11, 2016, Katie O'Brien of Build Inc. (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 253.2, 303, and 304 to demolish an approx. 9,370 square foot two-story parking garage containing 62 off-street parking spaces and to construct a 120-foot tall residential building of approx. 119,050 gross square feet containing 126 dwelling units and up to 105 off-street parking spaces, and as a Planned Unit Development, to seek exceptions from the requirements for 1) rear yard (Planning Code Section 134), 2) obstructions over the public right-of-way (Planning Code Section 136), 3) dwelling unit exposure (Planning Code Section 140), 4) street frontage (Planning Code Section 145.1), 5) off-street loading (Planning Code Section 152), and 6) bulk (Planning Code Sections 270 and 271) within an RC-4 (Residential, Commercial, High-Density) Zoning District, the Van Ness Special Use District, the Van Ness Automotive Special Use District and the 130-V Height and Bulk District.

On December 8, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009460CUA.

On November 28, 2016, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-009460CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located at the southwest corner of the intersection of Van Ness Avenue and Willow Street. The 21,980 sf property has 219.75 feet of frontage on Willow Street, 80 feet of frontage on Van Ness Avenue, and 110 feet of frontage on Eddy Street. The site contains two structures developed circa 1983 within the Western Addition A-2 Redevelopment Area, a six-story 29,810 gross square foot (gsf) commercial office building with a 4,940 gsf ground floor restaurant use (d.b.a. Burger King) at 815 Van Ness Avenue (street address 825 Van Ness Avenue) and a two-story 9,370 gsf accessory parking garage containing 62 off-street parking spaces at 830 Eddy Street. The two structures are separated by 24 feet 4 inches. At present, there are four curb cuts for the property, one on Willow Street, two on Eddy Street

and one on Van Ness Avenue. Additionally, the ground floor restaurant use has an accessory drive-thru with ingress on Eddy Street and egress onto Van Ness Avenue.

3. **Surrounding Properties and Neighborhood.** The subject property is located in the southwestern corner of an RC-4 Zoning District which extends north from Civic Center to Broadway and east across Van Ness Avenue into the Tenderloin neighborhood. To the west, the zoning transitions to the less dense RM-4 and RM-3 Zoning Districts with supporting Neighborhood Commercial Zoning Districts on Polk, Franklin and Fillmore Streets. The property is also at the southern edge of the Van Ness Special Use District, directly reflecting the Van Ness Avenue Area Plan which stretches from Golden Gate Avenue to Chestnut Street and calls for well-designed high-density mixed use development along the north/south corridor. This area along Van Ness Avenue also includes a combination of institutional, commercial, and residential uses which reflect the convergence of the Cathedral Hill, Hayes Valley, Civic Center, and Tenderloin neighborhoods.

More specifically, to the north of the of the subject property, across Willow Street, is a six-story 54 unit residential building, an eight-story office building and a five-story 32 unit residential building. To the east of the subject property, across Van Ness Avenue, is a one-story office building, a two-story commercial building (occupied by Larkin Street Youth Services), a five-story 81 unit residential building, a nine-story 32 unit residential building, a two-story commercial building with a ground floor restaurant use (d.b.a. Sushi Hana), and a four-story 18 unit residential building with ground floor retail (d.b.a. Walgreens). To the south of the subject property and on the same block is a seven-story 40 unit residential building with ground floor retail (d.b.a. Round Table Pizza). Further south, across Eddy Street, is a two-story automotive sales building (d.b.a. Mini of San Francisco), a four-story and a three-story office building, and a seven-story 87 unit residential building. Finally, east of the subject property and on the same block is a three-story 34 room hotel (d.b.a. the Roadway Inn) and a four-story 47 room hotel (d.b.a. Oasis). The project site is also located along the Van Ness Bus Rapid Transit corridor and is within .25 miles of nine Muni bus routes.

4. **Project Description.** The proposal will demolish the existing two-level off-street parking structure at 830 Eddy Street and construct a 12-story 126-unit residential building of approximately 119,050 gross square feet. The proposal will include 131 Class 1 bicycle parking spaces, 103 accessory off-street parking spaces, 63 dedicated to the residential uses, 40 dedicated to the existing commercial building at 815 Van Ness Avenue, and 2 car share spaces. The residential building includes a dwelling unit mix consisting of approximately 22 studios (17.5 percent), 65 one-bedroom units (51.5 percent), 38 two-bedroom units (30.1 percent) and one three-bedroom unit (.8 percent). The project does not propose a change in use to the 6-story commercial office building at 815 Van Ness Avenue, but will retain the existing drive-thru for the ground floor restaurant (d.b.a. Burger King) and will landscape and improve the existing outdoor courtyard separating the 815 Van Ness Avenue building from the proposed new 12-story residential building. The proposal also includes a variant that would remove the drive-thru, reformat a portion of the existing retail space into one large restaurant space and four smaller retail spaces lining the former drive-thru, and eliminate the lowest level of parking in the basement of the 830 Eddy Street building. Under the variant, the amount of off-street parking dedicated to retail uses would be reduced from ten spaces to two spaces, thereby reducing the total of accessory off-street parking from 103 to 95 spaces. Additionally, the parking layout would

eliminate the individually accessible spaces on the B1 Level, and instead employ space efficient stackers. This approach would eliminate the need for a third basement level of parking and reduces the overall depth of excavation of the project.

5. **Public Comment.** As of November 28, 2016, the Department has not received any public comment.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Single Development Lot.** As noted in the site description above, the subject property contains two structures, a commercial office building with ground floor retail and an accessory parking garage. These two properties were developed within the Western Addition A-2 Redevelopment Area as a single development in the 1980s with the intent of subsequently pursuing a condo subdivision of the commercial units. The subject property thereby contains lots 018 and 022-044 of Assessor's Block 0738. Although these lots are under separate ownership, a Letter of Determination, dated January 26, 2016, determined that the subject property is a single development lot for the purpose of Planning Code compliance.
- B. **Permitted Uses in the RC-4 Zoning District.** Planning Code Section 209.3 states that in the RC-4 Zoning District 'Residential' and 'Retail Sales and Service' uses are permitted as of right and that 'General Office' uses are not permitted.

The subject property includes an existing commercial building at 815 Van Ness Avenue that contains 29,810 gsf of legally non-conforming general office space and 4,940 gsf of retail sales and service space. The proposed new building will add 119,050 gsf of residential uses to the property and includes a variant to subdivide the existing retail sales and service uses into smaller units with no changes to the legally non-conforming office uses.

- C. **Planned Unit Development.** Planning Code Section 304 allows projects on sites larger than ½ acre (21,780 sf) to seek Conditional Use authorization from the Planning Commission and to seek exceptions from other provisions of the Code only to the extent specified in the authorization.

The subject property is 21,980 square feet and qualifies as a Planned Unit Development. The proposal is seeking Conditional Use Authorization from Planning Code Section 304 as a Planned Unit Development and requesting exceptions from the following Planning Code requirements: 1) rear yard (Section 134); 2) obstructions over the public right-of-way (Section 136); 3) dwelling unit exposure (Section 140); 4) street frontage (Section 145.1); 5) off-street loading (Section 152); and, 6) bulk (Sections 270 and 271). The exceptions are addressed throughout the findings below, the specific Planned Unit Development findings are listed under Subsection 10.

- D. **Height.** Planning Code Section 253 requires Conditional Use authorization for any new building or structure in an RC District that exceeds 50 feet in height or has a street frontage of more than 50 feet. Additionally, for properties located in the Van Ness Special Use District

Planning Code Section 253.2 requires Conditional Use authorization for any new building or structure that exceeds 50 feet in height.

The proposed 120-foot tall building is within both the RC-4 Zoning District and the Van Ness Special Use District. The subject property also has 229.75 feet of frontage on Willow Street, 80 feet of frontage on Van Ness Avenue and 110 feet of frontage on Eddy Street. The proposal includes development of a building greater than 50 feet tall and with a street frontage more than 50 feet wide. Therefore, the project requires Conditional Use Authorization per Planning Code Sections 253 and 253.2. The required findings are listed below under Subsections 7 and 8, respectively.

- E. **Bulk.** Planning Code Section 243(c)(3) and 270 states that the “V” Bulk District shall have a maximum length of 110 feet and a maximum diagonal dimension of 140 feet, at a setback height of 60 feet established per Section 253.2.

The Project proposes a single tower with a maximum horizontal dimension of 109.5 feet and a maximum diagonal dimension of 142.5 feet above a height of 60 feet. The Project is seeking an exception from the bulk requirement as a Planned Unit Development to exceed the maximum diagonal dimension by 2.5 feet. The required findings are listed below under Subsection 10.

- F. **Floor Area Ratio.** Planning Code Section 124(d) limits the basic Floor Area Ratio (FAR) in the Van Ness Special Use District to 7:1 square feet of building area for every 1 square foot of lot area, or approximately 153,860 gross square feet (gsf) of building area for the subject site.

The subject property is 21,980 sf and contains 4,940 gsf of ground floor retail floor area and 29,810 gsf of office floor area. The proposal will add an additional 119,050 gsf of residential floor area, for a site total of 153,800 gsf and an FAR of 6.99:1.

- G. **Residential Density.** Planning Code Section 243(c)(2) states that the restrictions on density set forth in the Zoning Control Tables shall not apply to the Van Ness Special Use District.

The Project proposes 126 dwelling units with a mix of studios, one-, two- and three-bedroom units.

- H. **Rear Yard.** Planning Code Section 134(a)(1) requires that projects in RC-4 Districts provide a rear yard equal to 25 percent of the total lot depth at the lowest level containing a residential unit, and at each succeeding level or story of the building. However, in the Van Ness Special Use District, Section 243(c)(6) allows the rear yard requirements to be modified by the Zoning Administrator with consideration of the effect on the subject block’s interior open space, the total amount of useable open space provided elsewhere on the lot, and the access of light and air to abutting properties. Alternatively, the modification may be reviewed as an exception to a Planned Unit Development.

The subject property has a rear yard requirement of 30 feet for the portion of the site proposed for development. If provided, the required rear yard would provide approximately 3,300 square feet of open area. The project does not include a code-complying rear yard and is therefore seeking an exception as a Planned Unit Development with findings discussed in Subsection 10.

- I. **Useable Open Space - Residential.** Planning Code Section 135 requires that the project provide a minimum of 36 square feet of usable open space per dwelling unit, if private, or 48 square feet of usable open space per dwelling unit if common. Further, any private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Alternatively, common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet.

For the proposed 126 dwelling units, the Project is required to provide 6,048 square feet of open space, if common. The Project provides six private patios and three private decks along the Willow Street face of the building which accommodates nine dwelling units. Additionally, the proposal includes a common roof deck of 7,125 sf which provides code-complying useable open space that accommodates 148 units. The project also provides approximately 2,312 sf of code-complying landscaped outer court in the space between the existing 815 Van Ness Avenue building and the proposed 830 Eddy Street building. Therefore, the project meets and exceeds the open space requirements of Planning Code Section 135. Further, the project includes two other open areas that although they do not meet the qualitative standards of Section 135 provide outdoor and landscaped amenities.

- J. **Obstructions.** Planning Code Section 136 lists obstructions permitted over streets and alleys, and in required setbacks, yards and useable open space. Features permitted over the street include the following: overhead horizontal projections (cornices, eaves, sills and belt courses) with vertical dimensions of no more than two feet six inches; bay windows; balconies; fire escapes; awnings; canopies; and, marquees.

The Project proposes an architectural element on the Eddy Street façade that projects approximately eight inches beyond the property line and over the street. This element is a glass fiber reinforced (GFRC) panel system that does not conform to the obstructions listed in Planning Code Section 136 and, therefore, requires the Project to seek an exception as a Planned Unit Development with findings discussed in Subsection 10.

- K. **Streetscape Plan.** Planning Code Section 138.1 requires that new developments on lots greater than one-half acre in total area or containing 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, submit a streetscape plan conforming to the Better Streets Plan.

The project includes new construction on a lot of 21,980 square feet with a total of 309.75 feet of frontage. Accordingly, the Project proposes a streetscape plan that includes street trees with planting in tree wells and tree grates, landscaping, a bulb-out seating area, stormwater planters, decorative fencing, street furniture, decorative paving, and lighting. Further, with the Project variant, the removal of the drive-thru will enable the construction of a voluntary pedestrian corridor linking Van Ness Avenue and Willow Street via an activated passageway.

- L. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge and is not a location-related hazard. To comply with the Planning Code's bird-safe standards any glazed segments greater than 24 square feet will be treated in compliance with Bird Safe standards.

- M. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units faces onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley, side yard or rear yard must be at least 25 feet in width, or an open area (inner court) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The Project organizes the dwelling units to have exposure onto Willow Street, Eddy Street, or open areas at the west and east sides of the property. The 107 units facing either Willow Street or Eddy Street comply with the Planning Code because Willow Street has a width of 35 feet and Eddy Street has a width of 68 feet 9 inches. Additionally, nine units face a code-complying outer court between the 815 Van Ness Avenue building and the proposed residential building. This outer court measures 25.67 feet at its narrowest point and 34.17 feet at its widest point. The remaining ten units have exposure onto a 20 foot by 27.5 foot inner courtyard along the west side of the property. This inner courtyard does not comply with the minimum 25 foot by 25 foot area requirements of the Planning Code. Therefore, the Project is seeking an exception as a Planned Unit Development from Planning Code Section 140.

- N. **Street Frontage in Residential-Commercial (RC) Districts.** Planning Code Section 145.1 requires that any new development in RC Districts containing only residential uses include the following: 1) No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. Additionally, the total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Street-facing garage structures and garage doors may not extend closer to the street than a primary building façade. 2) With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on the floors above from any façade facing a street at least 30 feet in width. Residential uses are considered active uses at the ground floor if at least 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines. 3) Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to

pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building façade.

The new building has a street frontage of 107 feet on both Willow Street and Eddy Street. The Planning Code requires that only 20 feet of the new structure is devoted to parking and loading ingress or egress, that such entrance is recessed from or flush with the new building wall, and to locate entrances to minimize interference with the circulation of pedestrians, cyclists, public transit, and autos. The Project proposes the elimination of two of the site's four points of vehicular access, which would reduce combined existing curb cuts on the street from 69.42 feet to 31.91 feet, a net reduction of 37.51 feet.. One of the remaining points of ingress/egress will serve both off-street parking for the site and the existing drive-thru from Eddy Street. The second point is the existing egress for the drive-thru onto Van Ness Avenue. Under the variant for the Project, a pedestrian passage would replace the drive-thru and remove the vehicular egress onto Van Ness Avenue, eliminating an additional 10.08 feet of curb cuts. Although the Project diminishes the vehicular activity points on site, the Project proposes an entrance of 21 feet 6 inches which exceeds the minimum 20 foot requirement of the Planning Code. Therefore, the Project is seeking an exception from this requirement as a Planned Unit Development. The related findings are discussed below in Subsection 10.

The proposed building has a total street frontage of 214 feet and proposes residential active uses on the ground floor. Therefore, the building must provide at least 107 feet of residential street frontage at the ground level which features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines. The project proposes eight units that have direct, individual pedestrian access to a public sidewalk, and which account for approximately 133 feet 10 inches. Further the design of these units complies with the Ground Floor Residential Design Guidelines because they provide façade modulation, inviting entryways, an increase in greening and the amount of permeable surface in the public realm, adequate private/public transition space, and useable and functional private space that encourages public interaction and surveillance. Finally, the proposed railings of the Willow Street stoops and gates for the eastern courtyard will be decorative and at least 75 percent open to perpendicular view.

- O. **Off-Street Parking.** Planning Code Section 151.1 sets forth the maximum amount of off-street parking that a development may provide in an RC-4 Zoning District. For residential uses, one off-street parking space is permitted as of right for each two dwelling units. For restaurant/retail uses one off-street parking space is permitted for each 200 square feet of occupied floor area. However, for office uses in RC-4 Zoning Districts, Planning Code Section 151.1 is silent, as commercial office uses are no longer permitted in this district and the existing office use is now legally non-conforming. Planning Code Section 153(b) states that the requirements for off-street parking and loading for any use not specifically mentioned in Sections 151 and 152 shall be the same as for a use specified which is similar, and determined by the Zoning Administrator. A Letter of Determination, dated January 26, 2016, determined that the maximum amount of accessory off-street parking for the non-conforming office use is one off-street parking per 1,000 gross square feet of office space.

The Project will demolish the existing parking garage containing 62 off-street accessory parking spaces, thereby eliminating all existing parking. However, the project proposes to include 103 accessory off-street parking spaces within the new development, 40 of which are dedicated to the

existing commercial building containing 29,810 gross square feet of office use and 3,952 occupied square feet of retail use. The Planning Code allows up to 30 and 20 off-street parking spaces for these uses, respectively. The Project also proposes 63 off-street parking spaces for residential use, which complies with the principally permitted maximum of the Planning Code of one space per every two of the 126 dwelling units. The Project accommodates the 103 accessory off-street parking spaces and an additional two car share spaces within three basement levels through space efficient stacking, with the exception of the ten individually accessible retail spaces on the B1 Level.

If the project sponsor pursues the variant, the amount of off-street parking dedicated to retail uses would diminish from ten spaces to two spaces, thereby reducing the total of accessory off-street parking from 103 to 95 spaces. Additionally, this change eliminates the need for a third basement level of parking by replacing the individually accessible spaces on the B1 Level with space efficient stackers. This approach also reduces the overall depth of excavation of the project.

- P. **Off-Street Loading.** Planning Code Section 152 requires one off-street loading space for new residential developments with a gross floor area of 100,001 to 200,000 square feet.

The Project proposes a new residential development containing 119,050 gross square feet and therefore, requires one off-street loading space. However, the proposal does not include an off-street loading space and instead will seek to provide an on-street loading zone on Willow Street. Therefore the Project is seeking an exception to this requirement as a Planned Unit Development. The related findings are discussed below in Subsection 10.

- Q. **Bicycle Parking.** Planning Code Section 155.1 requires Class 1 and Class 2 bicycle parking for all uses of a development site if the proposal includes addition or creation of new gross floor area or an increase in the capacity of off-street vehicle parking spaces for an existing building or lot. Accordingly, Class 1 bicycle parking is required as follows: one per every dwelling unit, for the first one hundred units, then one per every four units; one per every 5,000 occupied square feet of office uses; and, one per every 7,500 square feet of occupied square feet of retail uses. Class 2 bicycle parking is required as follows: one per every 20 dwelling units; a minimum of two if the occupied floor area of office uses are more than 5,000 square feet, plus one per each additional 50,000 square feet of occupied floor area, and one per every 750 square feet of occupied floor area of retail uses.

The Project includes new construction of 126 dwelling units and will increase the amount of on-site accessory off-street parking from 62 spaces to 103 spaces. The existing commercial building contains 23,848 square feet of occupied floor area dedicated to office uses and 3,952 square feet of occupied floor area dedicated to retail uses. Therefore, the Planning Code requires that the project provide 112 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces. The Project proposes 131 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces.

- R. **Car Share.** Planning Code Section 166 requires newly constructed building containing off-street parking for residential and non-residential uses to provide one car-share parking space for buildings containing between 50 and 200 dwelling units and to provide one car-share parking space for buildings containing 25 to 49 off-street parking spaces for non-residential uses.

The Project proposes new construction of a building that contains 126 dwelling units and 40 off-street parking spaces dedicated to non-residential uses. Planning Code Section 166 requires that the Project include a minimum of two off-street parking spaces dedicated to car-share parking. The Project includes two car-share parking spaces on the B2 Level.

- S. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to 126 dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- T. **Shadow.** Planning Code Sections 147 and 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

Based upon a detail shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

- U. **Wind Currents at Ground Level.** Planning Code Section 24(c)(15) states that new buildings be shaped, or other wind baffling measures be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour (mph) equivalent wind speed in areas of pedestrian use and 7 mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

A wind assessment was prepared for the proposed 120-foot-tall development at 830 Eddy Street and reviewed as part of the of the environmental evaluation application 2015-009460E. On page 18 of the Certificate of Determination Exemption from Environmental Review, the analysis of wind currents determines that the project would not result in a building that would cause ground level wind speeds to exceed 11 mph more than 90 percent of the time.

- V. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental

Evaluation Application. A complete Environmental Evaluation Application was submitted on July 29, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on October 13, 2016. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on July 29, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the total proposed dwelling units as affordable. 18 units (3 studios, 9 one-bedroom, 6 two-bedroom, and 0 three-bedroom) of the total 126 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- W. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- X. **Child-Care and Transportation Sustainability Impact Fees.** Sections 411 and 414 authorize the imposition of certain development impact fees on new development projects to off-set impacts on child-care services and the transit system. Land use categories for all impact fees are defined in Section 401.

The Project Sponsor will comply with the requirements of this section prior to the issuance of the first construction document.

- Y. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Planning Code Section 253 – Height Above 50 Feet and Street Frontage Greater than 50 Feet in RC Districts.** Planning Code Section 253 establishes criteria for the Planning Commission to consider when reviewing applications for projects where the building height exceeds 50 feet in an RC District and has more than 50 feet of street frontage on the front façade.

- a. In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

Per Planning Code Section 209.3 the expressed purpose of the RC (Residential-Commercial) Districts is "to recognize, protect, conserve, and enhance areas characterized by structures combining Residential uses with neighborhood-serving Commercial uses. The predominant Residential uses are preserved, while provision is made for supporting Commercial uses, usually in or below the ground story, that meet the frequent needs of nearby residents without generating excessive vehicular traffic." More specifically, RC-4 Districts are intended to provide for a mixture of high-density dwellings with supporting commercial uses. The Project proposes a building that is 120-feet tall and has 107 feet of frontage on both Willow and Eddy Streets within the RC-4 Zoning District and 130-V Height and Bulk District. The height of the proposed structure complies with the 130 foot height limit; however, the Project is seeking an exception from the 'V' bulk designation as a Planned Unit Development to exceed the 140 foot diagonal dimension by 2.5 feet.

- b. In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks of a

building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

The proposed development has 107 feet of street frontage on Willow Street, which is 35 feet wide, and 107 feet of street frontage on Eddy Street, which is 68 feet 9 inches wide. There is also an approximately 12 foot change in grade between the two frontages. The massing of the proposal is appropriate given that the bulk of the structure is oriented toward Eddy Street and sculpted away from Willow Street where the massing is setback 6 feet 7 inches at grade, rises to a height of 60 feet and then is setback 20 feet 5 inches before rising again to the overall height of 120 feet.

8. **Planning Code Section 253.2 – Height Above 50 Feet in the Van Ness SUD.** Planning Code Section 253.2 establishes criteria for the Planning Commission to consider when reviewing applications for projects where the building height exceeds 50 feet in the Van Ness Special Use District.

- a. The Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

As previously noted, the proposed building fronts onto Willow Street, which is 35 feet wide and therefore considered a narrow street because it has a width less than 40 feet. The Project proposes two setbacks from the Willow Street frontage, 6 feet 7 inches at grade, and 20 feet 5 inches above the sixth floor. This massing is appropriate in scale and will facilitate continued access to sunlight on Willow Street.

9. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project will add 126 residential units to the subject property and maintain the existing commercial uses. The additional residential use, density of units, mixture of unit types, and overall scale of development is appropriate for the subject location and compatible with the neighborhood. Furthermore, the proposal makes use of an underdeveloped lot containing an accessory parking garage and contributes to the City's housing stock while providing a mix of unit types. The project is both necessary and desirable.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

As proposed, the development site will include the existing commercial building and a new 120-foot tall residential building containing 126 dwelling units. The scale of the new building is appropriate in size and shape as it is sculpted to reduce the massing along Willow Street and establish the building's main presence on Eddy Street. Further, the areas of the site between the two buildings will function as open space for the users of the property and under the project variant, be enhanced by the elimination of the existing drive-thru.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The existing parking garage proposed for demolition contains 62 off-street parking spaces. The proposal includes up to 103 accessory off-street parking spaces, but is allowed up to 113 spaces per the Planning Code. Additionally, the Project will include two car share spaces, 144 bicycle parking spaces and is seeking an exception as a Planned Unit Development to provide an on-street loading alternative to the required off-street freight loading space. The proposal will also reduce the number of vehicular ingress/egress points on the site from four to two. In conjunction with the nine Muni bus lines within .25-miles of the site and the forthcoming Van Ness BRT service, the site adequately provides for parking and loading while facilitating accessibility and traffic patterns for persons and vehicles. Finally, under the project variant, the elimination of the existing drive-thru, and thereby a curb cut onto Van Ness Avenue, will even further enhance the site's circulation conditions.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project, which is predominantly residential in nature, will not emit any noxious odors or other offensive emissions. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare. During construction, the Project Sponsor would take appropriate measures to minimize dust and noise as required by the Building Code any measures set forth in the Project's CEQA documentation.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project includes a streetscape plan that addresses landscaping, lighting and street furniture for all the subject property's street frontages. Particular attention is given to the treatment of ground floor residential entries on Willow Street, the shared pedestrian courtyard between the residential and commercial building, and the lobby entry in front of the 830 Eddy Street entrance. Additionally, the proposed open space areas exclusive to residents are designed with decorative railings (at street level), various types of landscaping, and amenities that enable usability of the common areas. The entrance to the off-street parking is minimized and the project seeks an exception to provide loading at street level.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

10. **Planning Code Section 304 - Planned Unit Development.** Planning Code Section 304 allows projects on sites larger than ½ acre to seek Conditional Use authorization from the Planning Commission and to seek exceptions from other provisions of the Code only to the extent specified in the authorization.

- a. The procedures for Planned Unit Developments (PUDs) are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole.

The proposed Project is of a size and scale specifically anticipated by the provisions of Section 304. The existing development site, containing approximately 21,980 square feet (.504 acre), exceeds the size of ½ acre (21,780 sf) established for PUD consideration. The Project will replace a two-level off-street parking garage with a 126-unit residential building, providing housing that will assist in alleviating the City's housing shortage for numerous families and smaller households.

- b. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain provisions contained elsewhere in this Code.

The Project has been designed to be complementary to the design and values of the surrounding area. The size and shape of the site are adequate for accommodating a high-density residential development. The Project, at 120-feet tall, meets the 130-foot height limit and the massing of the Project is appropriate for the site and the neighborhood. The scale on Willow Street is appropriate for a narrow street, and the façade on Eddy Street has a strong architectural character that is appropriate for that block face.

Through this PUD authorization, the Commission approves the following modifications to otherwise applicable provisions of the Planning Code:

- i. Rear Yard – relief from the provisions of rear yard requirements for the residential units as required in the RC District by Section 134(a)(1).

Planning Code Section 134(a)(1) requires that the project provide a rear yard depth equal to 25 percent of the total lot depth. The subject property has a rear yard requirement of 30 feet for the portion of the site proposed for development and would result in 3,300 square feet of open space, if provided. Per Planning Code Section 243(c)(6), projects may seek a modification from the rear yard requirements from the Zoning Administrator with consideration of the effect on the subject block's interior open space, the total amount of useable open space provided elsewhere on the lot and the access of light and air to abutting

properties. Alternatively, projects qualifying as a PUD, may seek an exception from the Planning Commission. The subject block contains a mix of commercial uses with the exception of a seven-story residential building at 801 Van Ness Avenue, on the southeast corner of the block and at the intersection of Van Ness Avenue and Eddy Street. Therefore, the block lacks an interior block open space. As a result, the project is oriented towards the center of the site, providing setbacks along Willow Street and a 10 foot setback from 801 Van Ness Avenue. Additional relief to other properties is provided by the western courtyard. Finally, the project includes a common roof deck of 7,125 that is appropriately landscaped and provides amenities that enable it to function in place of the 3,300 square foot rear yard.

- ii. Obstructions over the Public Right-of-Way – relief from the obstructions allowed over the public right-of-way as required by Section 136(c).

The Project includes a vertical belt course that is not included as a listed obstruction over the public right-of-way in Planning Code Section 136 which otherwise permits cornices, eaves, sills and belt courses with vertical dimensions of no more than two feet six inches. The proposed architectural element that does not comply with the requirement is a glass fiber reinforced (GFRC) panel system that is a thematic element of the proposal's composition and consistent on both street frontages. The proposed vertical belt courses would be approximately 18 inches-wide and project approximately 8-inches over the Eddy Street property line. The design element is paired with identically dimensioned horizontal belt courses on every other building level to form a decorative 'exo-grid.' The design intent of the projecting grid is to provide additional depth and relief to the proposed 4-inch inset window system. Collectively, the combined exo-grid and inset window system would provide over 12 inches of relief on the primary facades, casting shadows and providing a subtle texture and rhythm to the relatively simple building composition.

- iii. Dwelling Unit Exposure – relief from the requirements for all residential units to face onto an open area as required by Section 140.

Per Planning Code Section 140 all dwelling units must face onto either a public street, alley or open area at least 25-feet wide, or a rear yard meeting the requirements of the Planning Code. The Project organizes the dwelling units to have exposure onto Willow Street, Eddy Street, or open areas at the west and east sides of the property. The 107 units facing either Willow Street or Eddy Street comply with the Planning Code because Willow Street has a width of 35 feet and Eddy Street has a width of 68 feet 9 inches. Additionally, nine units face a code-complying outer court between the 815 Van Ness Avenue building and the proposed residential building. This outer court measures 25.67 feet at its narrowest point and 34.17 feet at its widest point. The remaining ten units have exposure onto a 20 foot by 27.5 foot inner courtyard along the west side of the property. This inner courtyard does not comply with the minimum 25 foot by 25 foot area requirements of the Planning Code.

- iv. Street-Frontage – relief from the requirement street frontage requirements of Section 145.1.

Planning Code Section 145.1 sets forth design requirements related to the street frontage of a property. These multiple requirements relate to active uses, ground floor design, vehicular ingress and egress, and site transparency. Specifically, Planning Code Section 145.1(c)(2) requires that only 20 feet of the new structure's street frontage is devoted to parking and loading ingress or egress. The project proposes an entrance of 21 feet 6 inches which exceeds the minimum requirement by 1 foot 6 inches. However, the entrance is recessed from the new building wall and located to minimize interference with the circulation of pedestrians, cyclists, public transit and autos. In fact, the Project proposes the elimination of two of the site's four points of vehicular access. One of the remaining points of ingress/egress will serve both off-street parking for the site and the existing drive-thru from Eddy Street. The second point is the existing egress for the drive-thru onto Van Ness Avenue. Under the variant for the Project, a pedestrian passage would replace the drive-thru and the vehicular egress onto Van Ness Avenue removed. The Project complies with all other requirements of Section 145.1.

- v. Off-Street Freight Loading – relief from the requirement of an off-street freight loading space for residential uses in RC-4 Districts by Section 152.

Planning Code Section 152 requires that the Project provide one off-street loading space. However, the proposal does not include an off-street loading space and instead will seek to provide an on-street loading zone on Willow Street.

- vi. Bulk – relief from the bulk restrictions required by Section 270.

Per Planning Code Section 270, the V bulk designation applies a 110-foot maximum length and a 140-foot maximum diagonal dimension at a height of 60 feet as established by Planning Code Section 253.2. Planning Code Sections 243(c)(1) and 271 allow for exceptions to bulk controls with conditional use authorization from the Planning Commission upon consideration to the quality of the building's design and its compatibility with the surrounding context. Alternatively, the exception may be considered as part of the Planned Unit Development approval.

The project proposes a through-block residential building with frontages on both Willow Street and Eddy Street. The front of the building is set back 6 feet 7 inches from Willow Street, then rises to a height of 60 feet and is then set back again an additional 20 feet 5 inches before rising again to the overall height of 120 feet. The portion of the building above the 60-foot height datum has a length of 109.5 feet and a diagonal dimension of 142.5 feet. Therefore, the proposal exceeds the diagonal dimension by 2.5 feet. While minor, this exception serves to accommodate the design's several major variations in planes on every building face; enabling the design to compensate mass where it benefits neighbors and occupants, while stretching the mass slightly towards the site's existing commercial building. Furthermore, in combination with changes in materials, colors and scales of the grid motif, the overall modulation of the structure is compatible with the broader neighborhood context.

- c. Planning Code Section 304(d) sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. On balance, the Project generally complies with all applicable criteria:

- i. The development shall affirmatively promote applicable objectives and policies of the General Plan.

See "General Plan Compliance" findings discussed in Subsection 12.

- ii. The development shall provide off-street parking adequate for the occupancy proposed.

The project would demolish an existing 2-story parking garage with 62 off-street parking spaces serving the existing commercial building at 815 Van Ness Avenue and replace it with 103 accessory off-street parking spaces and two car share spaces in the proposed residential building. Forty of the new off-street parking spaces would serve as replacement parking for site's commercial uses and 63 off-street parking spaces would serve the residential uses. As proposed, the Project complies with the Planning Code's off-street parking requirements. Additionally, the proposal includes 144 bicycle parking spaces and is within .25 miles of nine Muni bus lines, including the forthcoming Van Ness BRT.

- iii. The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.

The project provides open space in excess of the area required by the Code via roof decks at the top of the building, a terrace at the seventh floor and a series of balconies overlooking Willow Street and in a 6-foot 7-inch deep landscaped setback area at street-level.

- iv. The development shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property.

The RC-4 District allows for a dwelling unit density of 1 unit per 200 square feet of lot area. However, Planning Code Section 243(c)(3) eliminates restrictions on density controls for properties within the Van Ness Special Use District.

- v. The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.

While the new residential building proposes no new commercial uses along Willow or Eddy, the Project retains the existing legally non-conforming commercial office use and the ground floor retail use. The project sponsor is seeking approval of an optional

redesign of the existing Burger King that would eliminate the drive-thru and substantially improve the street-level experience of the restaurant/retail space on Van Ness Avenue.

- vi. The development shall under no circumstances be excepted from any height limit.

The project is within the 130-foot height limit. The project is proposed at a height of 120 feet as measured from Eddy Street.

- vii. Provide street trees as required by the Code.

The project proposes the required number of street trees as prescribed by Code.

- 11. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

VAN NESS AVENUE AREA PLAN

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING. CONTINUE EXISTING COMMERCIAL USES AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

Policy 1.1:

Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.

Policy 1.2:

Allow existing structures to remain in non-residential use.

Policy 1.3:

Allow residential densities to be established by building volume rather than lot size.

Policy 1.4:

Maximize the number of housing units.

Policy 1.5:

Employ various techniques to provide more affordable housing.

The Project proposes demolition of a two level accessory parking structure and new construction a 126-unit development of high-density housing while retaining the non-residential uses on-site. The 126 unit density is a function of building volume and height as there are no density limits in the Van Ness Special Use

District. Based on the 130-foot height limit on the site and the desire to activate the pedestrian levels with active uses, 126 units ranging from studios to 3-bedrooms was deemed the maximum density for this Project. The Project height is 120 feet. Compliance with the City's inclusionary housing requirement will be satisfied by on-site units.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.5:

Ensure that new permanently affordable housing is located in all of the city's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

The Project provides a wide range of unit types. These units accommodate a variety of household sizes and types, from a single person household to a family with two or more children and/or older generations. The Project site is located in close proximity to numerous transit lines and two vibrant neighborhood commercial corridors on Polk Street and Van Ness Avenue.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.6:

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.9:

Foster development that strengthens local culture sense of place and history.

The Project is replacing a two-story accessory parking garage with a 120-foot tall residential building containing 126 dwelling units. The active ground floor use would enhance pedestrian experience along both Willow and Eddy Streets. Additionally, the project variant would improve the pedestrian realm on Van Ness Avenue. The density, massing and architectural design of the proposed building is compatible with neighborhood character.

OBJECTIVE 13:

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support “smart” regional growth that locates new housing close to jobs and transit.

Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

Policy 13.4:

Promote the highest feasible level of “green” development in both private and municipally-supported housing.

The Project site is well-served by transit, because of its location on Van Ness Avenue and Polk Street. Nine MUNI bus lines are within .25-miles of the subject property, many of which provide service to the Van Ness MUNI Station and the Civic Center Bart Station. Also immediately available will be the forthcoming Van Ness BRT line. Finally, there are also existing Golden Gate Transit lines that travel on Van Ness for travel to Marin County and greater regional connectivity. The Project furthers “smart” regional growth by providing off-street parking for 103 cars for 126 dwelling units and the sites commercial activities, two car share spaces and 144 bicycle parking spaces. In addition to its proximity to transit infrastructure, the site is also close to the numerous bicycle routes that the City has already created, particularly for north/south bicycle travel on Polk and Larkin Streets, and east/west travel on Sutter and McAllister. These routes link up to other bicycle routes in the City to facilitate bicycle travel Downtown and South of Market.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will retain the existing commercial activities on-site.

12. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal retains the property's neighborhood-serving retail uses. Under the project variant, the existing ground floor retail space may be demised into smaller commercial units and would expand ownership opportunities.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The existing units in the surrounding neighborhood would not be adversely affected. There are no existing dwelling units on the site. The Project proposes to add 126 new dwelling units to the City's housing stock.

- C. That the City's supply of affordable housing be preserved and enhanced,

The existing building to be demolished does not contain housing. The Project would enhance the City's supply of affordable housing by providing BMR units on-site.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The transportation study prepared for the Project concluded that the Project will not have any significant effect on the streets, neighborhood parking and MUNI services.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industrial establishment and is not a commercial office development. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project proposes a building up to 120 feet in height. A shadow fan study was prepared by the Department and determined that the Project will not affect sunlight access to any public parks or open space.

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
14. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-009460CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 28, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 8, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 8, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to demolish an approximately 9,370 sf two-story parking garage containing 62 off-street parking spaces and to construct a 120-foot tall residential building of approximately 119,050 gross square feet containing 126 dwelling units and up to 105 off street parking spaces, pursuant to Planning Code Sections 253, 253.2, 303 and 304, with exceptions as Planned Unit Development from the following requirements: 1) rear yard (Section 134); 2) obstructions over the public right-of-way (Section 136); 3) dwelling unit exposure (Section 140); 4) street frontage (Section 145.1); off-street freight loading (Section 152); and bulk (Section 270 and 271) within the RC-4 Zoning District, the Van Ness Special Use District, the Van Ness Automotive Special Use District and the 130-V Height and Bulk District; in general conformance with plans, dated XXXXXX, and stamped "EXHIBIT B" included in the docket for Case No. **2015-009460CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 8, 2016**, under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 8, 2016**, under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

1. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be

subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

2. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

3. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

4. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;

- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

PARKING AND TRAFFIC

1. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **two (2)** car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Bicycle Parking (Residential Uses).** Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than **113** bicycle parking spaces for the residential portion of the project (**107** Class 1 spaces and **6** Class 2).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Bicycle Parking (Commercial Uses).** Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than **12** bicycle parking spaces for the commercial portion of the project (**5** Class 1 spaces and **7** Class 2).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **one hundred thirteen (113)** off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Transportation Demand Management (TDM).** The project shall include the following TDM measures, as described in Appendix A of the Planning Commission Transportation Demand Management Program Standards (TDM Standards), which the Planning Commission adopted on August 4, 2016: 1) ACTIVE-1 – Improve Walking Conditions; 2) ACTIVE-2 – Bicycle Parking (Option B); 3) CSHARE-1 – Car-Share Parking (Option B); 4) INFO-1 – Multimodal Wayfinding Signage; 5) INFO-2 – Real Time Transportation Information Displays; 6) INFO-3 – Tailored Transportation Market Services (Option A); 7) LU-2 – On-Site Affordable Housing (Option A); and 8) PKG-1 – Unbundled Parking (Location D). Additionally, the project shall be subject to the monitoring and reporting requirements of the TDM Standards.”

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

1. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

2. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

10. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 14.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 126 units; therefore, 18 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 18 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The Project contains 22 studios, 65 one-bedroom, 38 two-bedroom, and 1 three-bedroom unit; therefore, the required affordable unit mix is 3 studios, 9 one-bedroom, 6 two-bedroom, and 0 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fourteen and one half percent (14.5%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

MONITORING - AFTER ENTITLEMENT

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

1. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

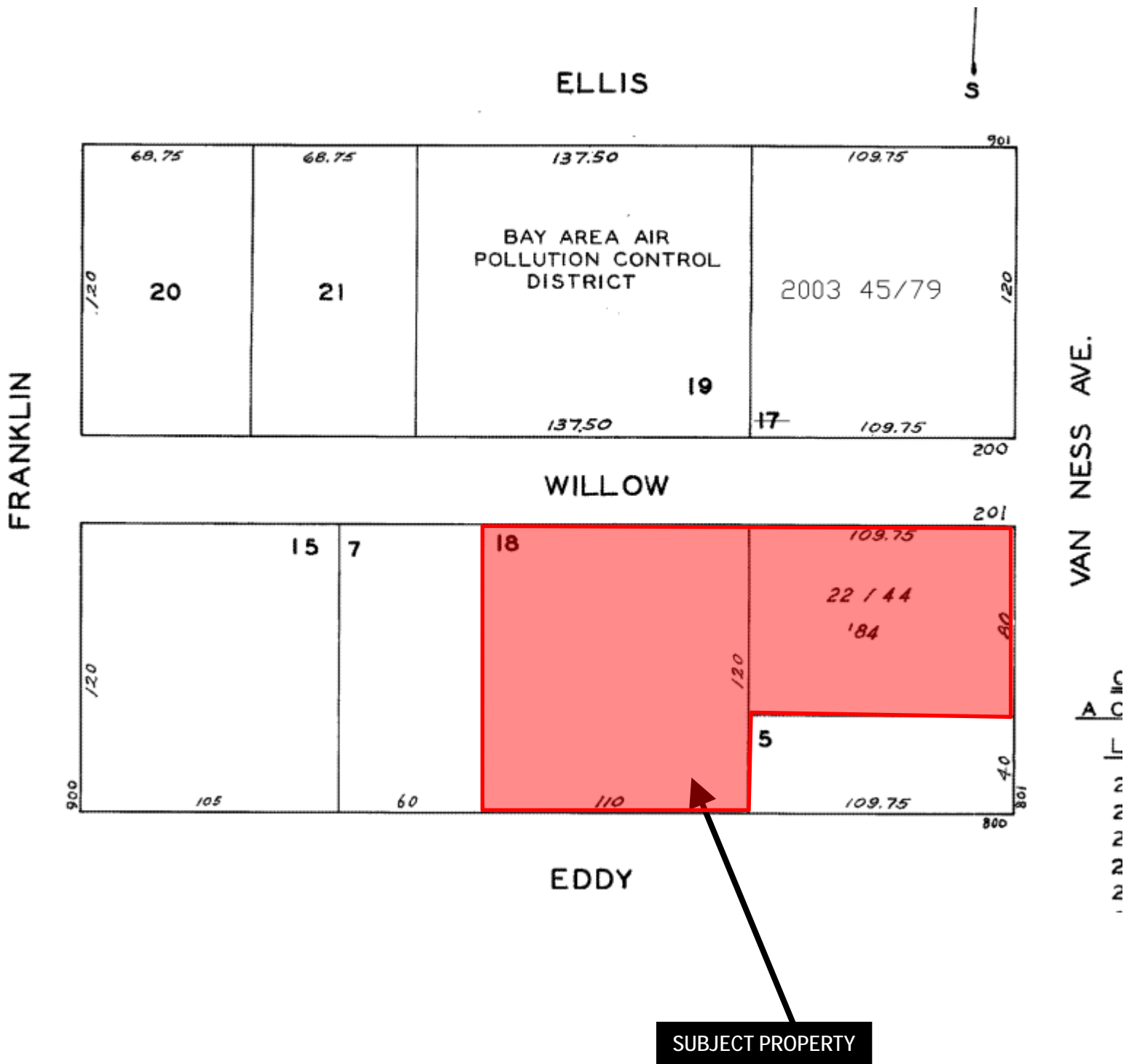
2. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

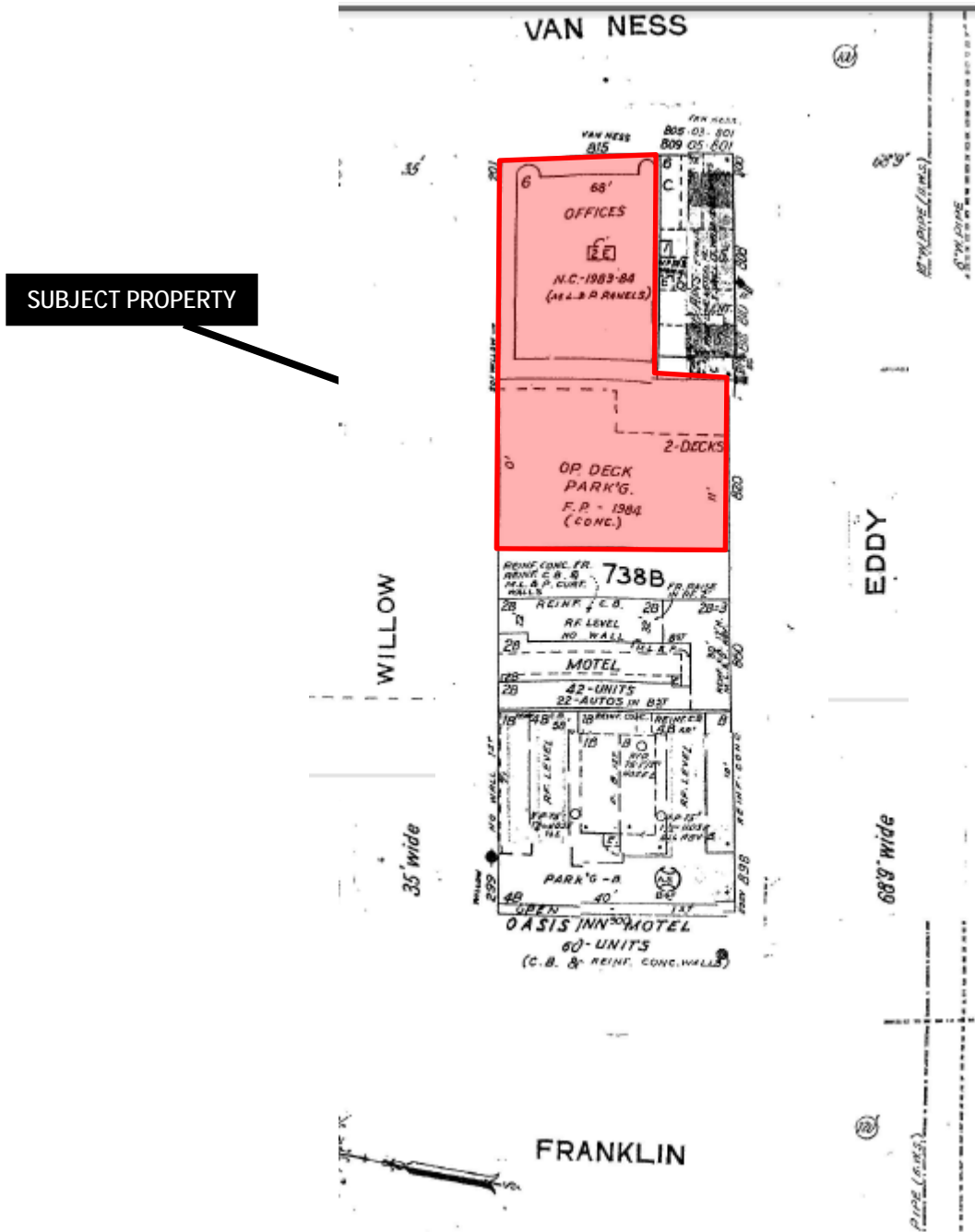
13. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map



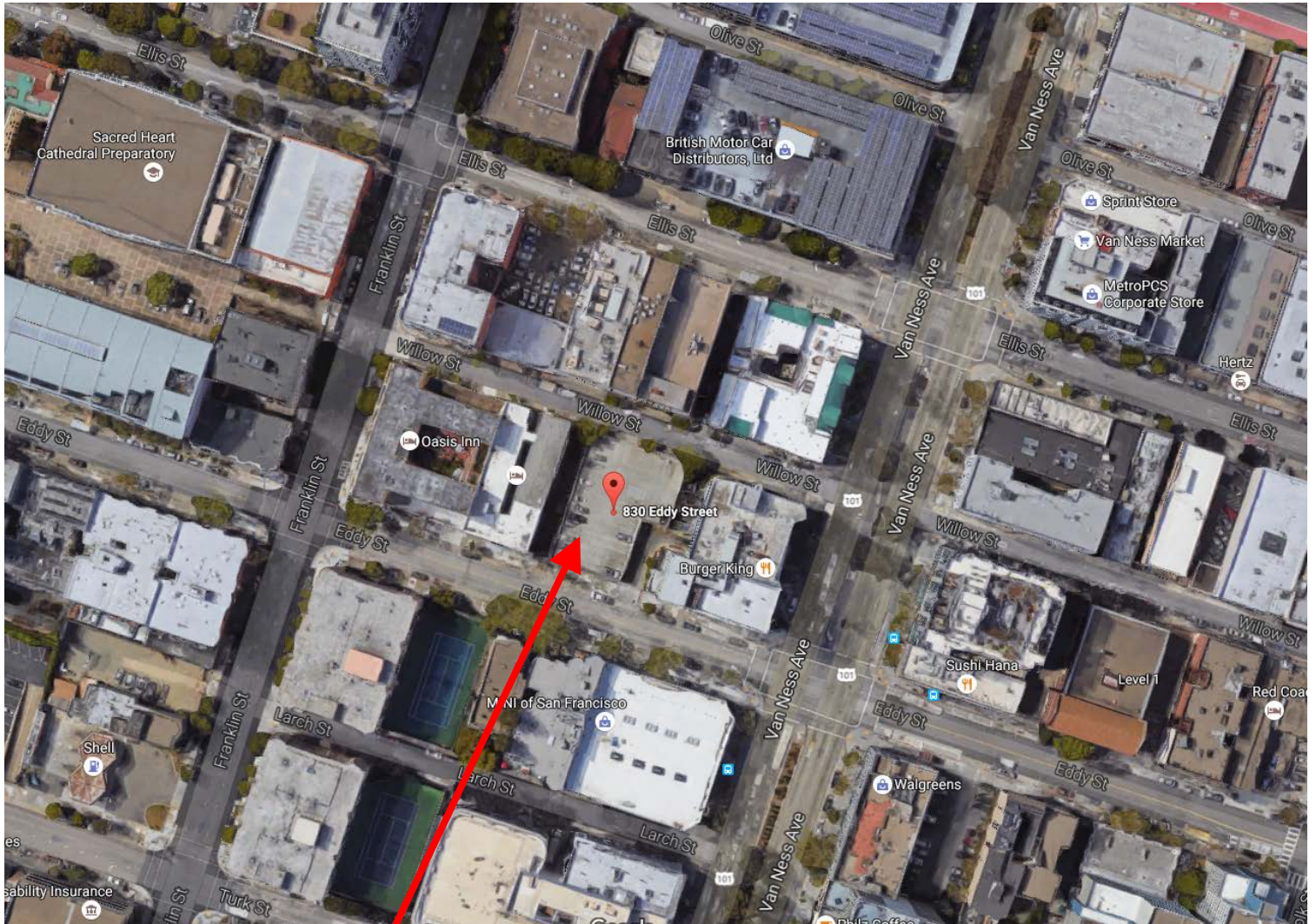
Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Aerial Photo

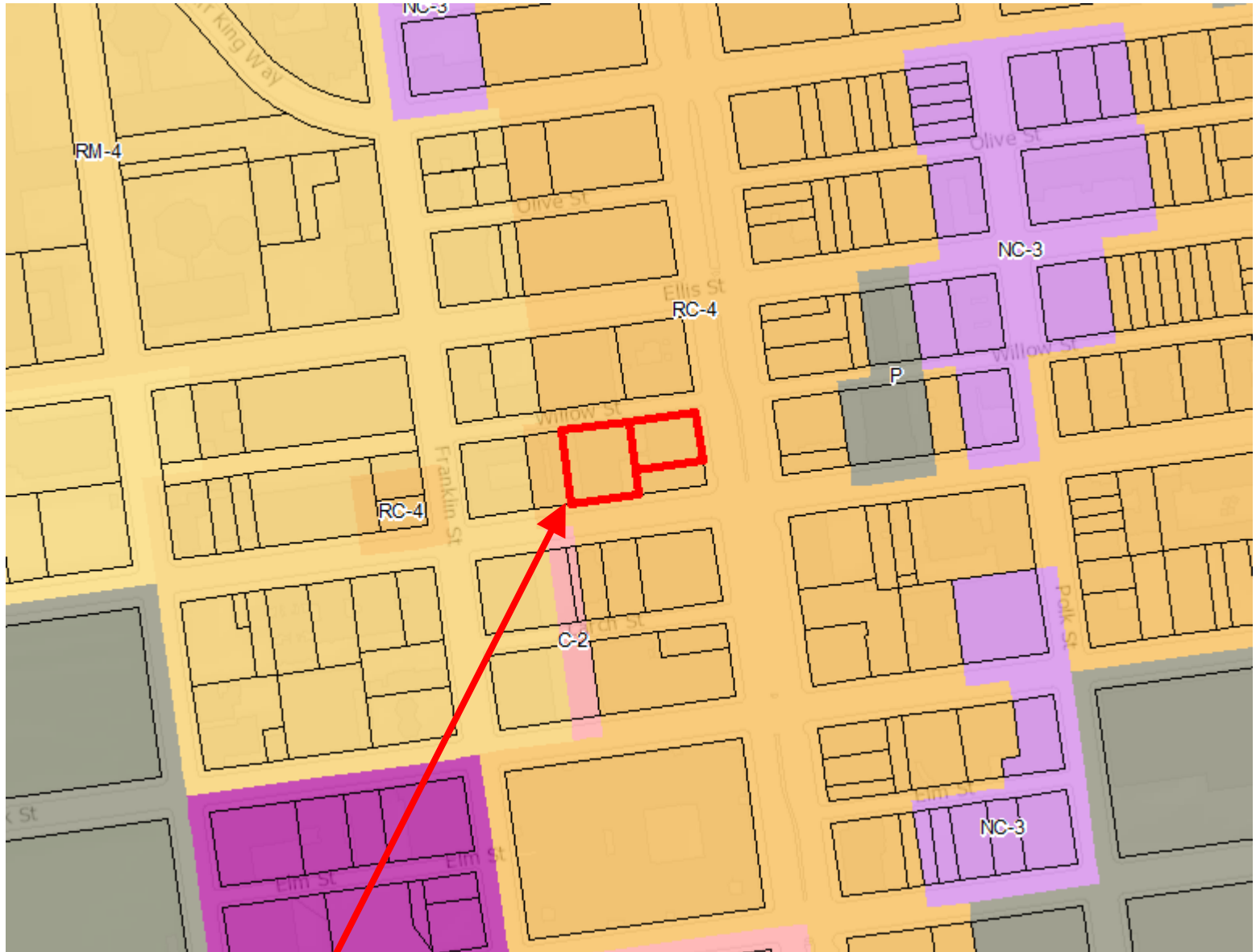


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2015-009460CUA
830 Eddy Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2015-009460CUA
830 Eddy Street

Site Photo



Conditional Use Authorization
Case Number 2015-009460CUA
830 Eddy Street

Site Photo



Conditional Use Authorization
Case Number 2015-009460CUA
830 Eddy Street



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Date: November 28, 2016
Case No.: 2015-009460E
Project Address: 830 Eddy Street and 815 Van Ness Avenue
Zoning: RC-4 (Residential, Commercial, High Density)
Van Ness Special Use District
130-V Height and Bulk District
Block/Lot: 0738/018; 0738/022-044
Lot Size: 21,980 square feet
Staff Contact: Julie Moore – (415) 575-8733
Julie.Moore@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The project site is located in San Francisco's Downtown/Civic Center Neighborhood on the block bounded by Willow Street to the north, Eddy Street to the south, Van Ness Avenue to the east, and Franklin Street to the west. The project site is currently developed with a six-story office building with ground-floor retail at 815 Van Ness Avenue (street address 825 Van Ness Avenue) and an adjacent two-story accessory, above-ground, parking garage containing 62 off-street parking spaces at 830 Eddy Street. The proposed project entails demolition of the parking structure at 830 Eddy Street and construction of a new, 12-story, 126-unit residential building of approximately 119,050 gross square feet (gsf). The proposed building would include elevator and stair penthouses of approximately 16-feet in height above its 120-foot-tall roof. No alterations are proposed to the commercial building at 815 Van Ness Avenue.

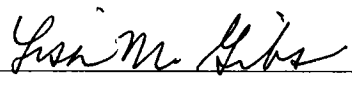
(Continued on next page)

EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332).

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.



Lisa M. Gibson
Acting Environmental Review Officer

11/28/16

Date

cc: Katie O'Brien, BUILD: Project Sponsor
Brittany Bendix, Current Planner
Supervisor London Breed, District 5 (via Clerk of the Board)

Exemptions/Exclusions List
Project Distribution List
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

The site is comprised of two properties: lot 018 comprises the 830 Eddy Street parking garage, and lots 22-44 are associated with the condo subdivision of the commercial building at 815 Van Ness Avenue. The two sites were developed together in the 1980s, with the accessory off-street parking for the 815 Van Ness Avenue building located in the adjacent 830 Eddy Street parking garage. Although the two properties are under different ownership today, the proposed project is considered to occupy a single development lot containing lots 018 and 022-044 of Assessor's Block 0738.¹

As stated above, the proposed project entails demolition of the existing parking garage, and construction of a new 12-story residential building with a three-level subsurface garage. The proposed building would contain 65 one-bedroom, 38 two-bedroom, 1 three-bedroom, and 22 studio units. The building lobby entrance would be on Eddy Street, with supplemental access on Willow Street for residents. The new building would provide 105 off-street parking spaces on three levels below ground: Level B1 would provide 10 spaces for the existing 815 Van Ness retail/restaurant use (Burger King); Level B2 would provide 30 spaces for the existing 815 Van Ness commercial use and 38 spaces for the proposed residential use in car stackers, and two car-share spaces (a total of 70 vehicles); Level B3 would provide 25 spaces for new residents. Levels B2 and B3 would be accessed by a vehicle elevator. The project would include 126 Class I bicycle parking spaces and 13 Class II bicycle parking spaces. The project would also include approximately 7,125 square feet (sf) of code compliant common open space and 11 units with private open space. The project would require excavation up to 35 feet deep along the southern edge of the project site below the Eddy Street elevation and removal of approximately 14,500 cubic yards of soil.

The proposed project would include several changes within the public right of way. The existing driveway and approximately 23-foot-wide curb cut on Willow Street would be removed and the building setback would widen the existing Willow Street sidewalk in front of the building by several feet. The proposed project would provide 50 feet of on-street passenger and commercial loading space on the north side of Willow Street. The proposed loading zone consists of an existing metered commercial loading space and a regular metered parking space which would be converted to passenger loading. No off-street loading spaces are proposed. On Eddy Street, an existing, 13-foot-wide driveway and curb cut on the western edge of the street frontage would be removed and a new, approximately 59-footlong "pocket park" bulb-out would be added along the middle of the Eddy Street frontage, resulting in the loss of three on-street parking spaces. The eastern driveway and 23-foot-wide curb cut on Eddy Street would be extended to 24.5 feet and would continue to serve as an entrance to both the off-street parking and the adjacent Burger King drive-through.

The proposed parking garage includes a visible and audible warning signal at the driveway entry to alert pedestrians to approaching/exiting vehicles and caution signage inside and outside the garage. In addition, the project sponsor has agreed to implement the Planning Department's vehicle queue abatement condition of approval. If needed to abate recurring vehicle queues into the parking garage, the sponsor would employ abatement methods that include, but are not limited to, the following:

¹ San Francisco Planning Department Zoning Administrator, *Letter of Determination 830 Eddy Street/825 Van Ness Avenue*, January 26, 2016. This document (and all other documents cited in this report, unless otherwise noted) is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File 2015-009460ENV.

employment of parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities; use of parking occupancy sensors and signage; and parking demand management strategies.

Project Variant A

A project variant also analyzed in this CEQA exemption determination would include the reconfiguration of the 4,940-sf ground floor retail space at the base of the 815 Van Ness commercial building that is currently occupied by a Burger King restaurant, which has a drive-through entering onto the 830 Eddy Street property and exiting onto Van Ness Avenue from the 815 Van Ness property. This variant would eliminate the drive-through, alter the existing drive-through tunnel into a pedestrian only walkway, and remove the 10-foot-wide drive-through exit curb cut on Van Ness Avenue. The Burger King space would be subdivided to provide approximately 3,420 sf of restaurant space and 1,520 sf for general retail use. Under the project variant, the proposed parking structure would be only two levels underground (instead of three), accommodating 97 vehicles, and would require excavation up to 20-25 feet below the Eddy Street elevation. Level B1 would accommodate 26 spaces for new residents and one car-share space. Level B2 would be essentially the same as the proposed project, with 30 spaces for the commercial use at 815 Van Ness Avenue; 37 spaces for new residents, one space for the new retail use; and two car share spaces (70 spaces total). The variant garage would not have a third level. In addition, the project variant would provide 13 Class II bicycle parking spaces. Dwelling unit count and mix for the project variant are identical to the proposed project, as are the parking garage warning signals and the queue abatement condition of approval.

Project Variant B

An additional loading variant could be implemented for either the proposed project or Project Variant A. The loading variant would provide an off-street loading space on Eddy Street just west of the main driveway entrance, reducing the building lobby area. To accommodate off-street loading, the existing curb cut on Eddy Street would need to be widened from 23 feet to 35 feet, 10 inches, and would remove one on-street parking space.

Project Setting

The project site is located within the Residential-Commercial, High Density (RC-4) zoning district, a mixed-use urban area with a mixture of commercial and residential buildings. The project is also located within an Automotive Special Use District, which permits the sale of automobiles, automotive parts, and other automotive uses. Nearby land uses include residential buildings, motels, offices, automobile showrooms and repair facilities, restaurants, and retail uses. Buildings adjacent to the north and east are six and seven-story residential and office buildings; across Eddy Street to the south are a two-story automobile facility, several two and three-story homes and an eight-story apartment building; adjacent to the west are two and three-story motels.

Cumulative Projects in Vicinity

Other proposed new developments within several blocks of the project site include the following:

- 950 Gough Street, at the southeast corner of Eddy and Gough Streets – an 80-foot mixed use building with 95 residential units, a church and community space;

- 807 Franklin, between Eddy Street and Turk Street – an 8-story (80-ft-tall) residential development with 45 units;
- 1001 Van Ness, at the northwest corner of Van Ness Avenue and O’Farrell Street – a 14-story, 130-foot-tall, mixed use development with 239 residential units over ground floor retail;
- 600 Van Ness, at the northeast corner of Van Ness Avenue and Golden Gate Avenue – a 9-story (130-ft-tall) mixed use building with residential dwellings over ground floor retail; and
- 555 Golden Gate Avenue, between Van Ness Avenue and Polk Street – an 11-story (120 ft-tall), mixed use building with 60 dwelling units;

The project site is located one-half block west of Van Ness Avenue. The Van Ness Avenue Bus Rapid Transit (BRT) project² began construction in 2016 and includes transit, pedestrian, and bicycle improvements as well as water utility upgrades. BRT service is expected to begin in 2019. One block to the east, the Polk Streetscape³ project will provide transit, pedestrian, and bicycle safety improvements; construction of the Polk Streetscape project began in October 2016.

Project Approvals

The proposed project would require the following approvals (approving bodies in parentheses):

- **Conditional Use Authorization** (San Francisco Planning Commission)
- **Building Permit** – for demolition of the existing 830 Eddy parking structure (Department of Building Inspection)
- **Building Permit** – for new construction of the proposed 830 Eddy residential building (Department of Building Inspection)

The proposed project would require a Conditional Use Authorization and a Planned Unit Development pursuant to Planning Code Sections 303 and 304 for approval of the new construction of a building greater than 50 feet in height in the Van Ness Special Use District (Planning Code Section 253.2). The project is seeking exceptions as a Planned Unit Development to the Planning Code’s requirements for rear yard (Section 134), decorative architectural projections over the public right-of-way (Section 136(c)(1), dwelling unit exposure (Section 140), street frontage (Section 145.1), off-street loading (Section 152), and bulk (Section 270).

Approval Action: The Conditional Use Authorization from the Planning Commission is the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

² For more information visit <https://www.sfmta.com/projects-planning/projects/van-ness-improvement-project>.

³ For more information visit <https://www.sfmta.com/sites/default/files/projects/2015/FAQ%20Draft%203.2.2015.pdf>.

EXEMPT STATUS (CONTINUED):

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The *San Francisco General Plan* establishes objectives and policies to guide land use decisions related to the physical development of San Francisco and is composed of ten elements, each of which address a particular topic that applies citywide: air quality; arts; commerce and industry; community facilities; community safety; environmental protection; housing; recreation and open space; transportation; and urban design. The Plan provides general policies to guide land use decisions, and contains some policies that relate to physical environmental issues. The proposed project is consistent with applicable general plan designations and policies. The project site is in a RC-4 (Residential-Commercial, High Density) zoning district within the Downtown/Civic Center neighborhood. The proposed project would construct a 12-story, residential building with 126 dwelling units occupying the 2nd through 12th floors; these uses are permitted or conditionally authorized within the RC-4 zoning district. The property is located in the 130-V height and bulk district, which allows a maximum 130 feet of building height. The proposed 120-foot tall building would be within the 130-foot height limit. The total amount of off-street parking complies with Planning Code requirements, as the Code allows a maximum of 113 accessory off-street parking spaces for the combination of office, retail, and residential uses, and the project includes a total of 105 off-street parking spaces. The project's bulk, off-street loading, dwelling unit exposure, decorative architectural projections, and street frontage exceptions would be allowed with a conditional approval of the Planned Unit Development. The proposed project would be consistent with all applicable *General Plan* policies and zoning designations.

- b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The approximately 21,980 square foot (0.5-acre) project site, which includes the 815 Van Ness commercial building, is located within a fully developed area of San Francisco. The surrounding properties encompass commercial and residential uses. The proposed project, therefore, would be properly characterized as infill development of less than five acres, completely surrounded by urban uses.

- c) *The project site has no habitat for endangered, rare or threatened species.*

The proposed building site is within a developed urban area and largely occupied by the existing concrete garage. There is an undeveloped strip of land on the west side of the garage, approximately 30 feet wide, between Willow and Eddy Streets that contains various small trees and ruderal vegetation; it contains no sensitive habitat or value for rare, threatened, or endangered species.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic

On March 3, 2016, in anticipation of the future certification of revised CEQA Guidelines pursuant to Senate Bill 743, the San Francisco Planning Commission adopted the State Office of Planning and Research's (OPR's) recommendation in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*⁴ to use the Vehicle Miles Traveled (VMT) metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution No. 19579). Accordingly, this categorical exemption does not contain a separate discussion of automobile delay (i.e., traffic) impacts. Instead, VMT and induced automobile travel impact analyses are provided. The topic of automobile delay, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

VMT and Induced Vehicle Travel

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City, expressed geographically through transportation analysis zones (TAZs), have lower VMT ratios than other areas of the City. The Planning Department has prepared a Geographic Information System database (the Transportation Information map) with current and projected 2040 per capita VMT figures for all TAZs in the City, in addition to regional daily average figures.⁵

A project would have a significant effect on the environment if it would cause substantial additional VMT. OPR's *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*⁶ ("proposed transportation impact guidelines") recommend screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based-Screening is used to determine if a project site is

⁴ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

⁵ San Francisco Planning Department *Transportation Information Map*, accessed August 10, 2016 at: <http://sftransportationmap.org>.

⁶ Governor's Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, January 20, 2016. Accessed August 10, 2016 at: https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_-_Proposal_January_20_2016.pdf.

located within an area that exhibits low levels of VMT, defined as 15 percent or more below the regional average. Small Projects are projects that would generate fewer than 100 vehicle trips per day. The Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio (FAR) of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

As shown in Table 1, the existing average daily household VMT per capita is 2.6 for the project site's TAZ (TAZ 682). The existing average daily VMT per retail employee is 7.5 for TAZ 682.⁷ These average VMT rates are approximately 85 percent and 49 percent below the existing regional averages of 17.2 and 14.9, respectively. Given that the project site is located in an area where existing VMT is more than 15 percent below the existing regional average for both residents and retail employees, the proposed project's residential use and the project variant's retail uses would not result in substantial additional VMT and impacts would be less-than-significant. Furthermore, the project site meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project's uses would not cause substantial additional VMT.⁸

TABLE 1: DAILY VEHICLE MILES TRAVELED PER CAPITA

Land Use	Bay Area				TAZ 682	
	Existing		2040		Existing	2040
	Regional Average	Regional Average minus 15%	Regional Average	Regional Average minus 15%		
Residential¹	17.2	14.6	16.1	13.7	2.6	2.3
Retail²	14.9	12.6	14.6	12.4	7.5	7.7

Notes:

1. Applies to both Proposed Project and Variant A
2. Applies only to Variant A, which includes retail uses.

Source: San Francisco Transportation Information Map, <http://sftransportationmap.org>, accessed April, 2016; Fehr & Peers, 2016

⁷ San Francisco Planning Department, *Eligibility Checklist for CEQA Section 21099: Modernization of Transportation Analysis*, 830 Eddy Street, April 5, 2016.

⁸ Ibid.

Induced Automobile Travel

In regards to induced automobile travel, a project would have a significant effect on the environment if it would substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network. The proposed project would not increase physical roadway capacity. However, the proposed project would include features that would alter the transportation network. The project proposes removing approximately three parking spaces to install an approximately 59-foot-long bulb-out with benches and landscaping in keeping with the City's *Green Connections Plan*.⁹ Two existing driveways (and curb cuts) would also be removed. The proposed project would also include the installation of 13 Class 2 bicycle parking facilities on the Eddy Street sidewalk. If the Burger King retail space is developed (as described in Variant A), the project would remove the existing Burger King drive-through from Eddy Street to Van Ness Avenue, and the curb cut on Van Ness Avenue. These features are among those included in OPR's proposed transportation impact guidelines that would not likely lead to a substantial or measureable increase in VMT. Therefore, impacts would be less than significant.

Construction Traffic

Construction of the proposed project is expected to take about 19 months. Construction staging would occur primarily on the project site. Any temporary sidewalk, parking, or traffic lane closures on Eddy Street or Willow Street would be subject to review and approval by the City's Transportation Advisory Staff Committee, which consists of representatives from the Fire Department, Police Department, San Francisco Municipal Transportation Agency (SFMTA) Traffic Engineering Division, and Public Works. In addition, the contractor is required to follow "Regulations for Working in San Francisco Streets" (the Blue Book), including required permits for working in or modifying the public right-of-way.¹⁰ The Blue Book provides rules and guidance so that construction work can be done both safely and with the least possible interference with pedestrians, bicycle, transit, and vehicular traffic. According to the Blue Book, the project site is considered to be on a major MUNI route; therefore, any construction activities affecting traffic lanes would be required to cease on weekdays between 4 p.m. and 7 p.m. The contractor would also be required to coordinate with MUNI's Street Operations and Special Events Office to reduce any impacts on transit operations, including potential disruptions to the catenary wires along Eddy Street that are critical to the function of the MUNI 31 bus line.

Throughout the construction period, there would be construction-related trucks entering and exiting the project site. Due to the slower movement and larger turning radii of trucks, there would be a temporary reduction in the capacities of local streets. Construction activities would generate construction worker trips to and from the project site and a temporary demand for parking and public transit. Construction workers would be directed to park their vehicles in nearby off-street parking facilities. It is anticipated that the addition of worker-related vehicle or transit trips would not substantially affect traffic conditions at local intersections or the transit network.¹¹ Due to the temporary and limited duration and intensity,

⁹ San Francisco Planning Department, *Green Connections Final Plan*, March 2014. Available at: <http://sf-planning.org/green-connections>.

¹⁰ SFMTA, Blue Book 7th Edition, available at: <https://www.sfmta.com/services/streets-sidewalks/construction-regulations>.

¹¹ Fehr & Peers, *Circulation Study, 830 Eddy Street*. November 15, 2016.

construction-related traffic impacts would not be substantial, and there would not be a significant impact on traffic in the project area as a result of the project construction.

Noise

Ambient noise levels in the vicinity of the project site are typical of neighborhoods in San Francisco, which are dominated by vehicular traffic, including Muni vehicles, trucks, cars, emergency vehicles, and land use activities, such as commercial businesses. An acoustical study¹² was conducted and noise level measurements were taken over a 48-hour period, with noise level readings collected every 15 minutes at three locations: on Eddy Street, Franklin Street, and Van Ness Avenue. The noise study found the day-night average sound level to be 76 decibels (dBA)¹³ on Eddy Street, 77 dBA on Franklin Street, and 80 dBA on Van Ness Avenue. The closest noise-sensitive receptors include residences adjacent to the east, the motel adjacent to the west, and residences across Eddy Street.

Construction Noise

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). Section 2907 of the Police Code requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the San Francisco Public Works (SFPW). Section 2908 of the Police Code prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by SFPW.

Construction of the proposed project would temporarily increase noise levels in the project vicinity. Daily construction would occur during the working hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. The main sources of construction noise on this project would be engines from construction equipment, typically diesel engines. The initial construction phases of demolition and excavation, approximately six months in duration, would tend to be the noisiest with noise generated by bulldozers, loaders, graders and trucks. The large equipment movements would vary day to day until the foundation system is completed. The construction of the main building structure would include electric aerial lifts for floor access, forklifts, concrete mixer trucks, and pumps which would be more stationary and around the site perimeter. The daily variations in noise beyond the site would diminish as the building envelope is completed and construction would consist of interior and exterior finishes. Delivery trucks would be the main source of noise over the remaining phases of construction. Although some increase in noise levels would be associated with project construction, construction noise would be intermittent and limited to the duration of construction, which is estimated to last about 19 months. Compliance with the Noise Ordinance would minimize noise from construction activities. For these reasons, construction of the proposed project would result in less-than-significant noise impacts.

¹² Charles M. Salter Associates, Inc., 1567 California Street San Francisco California, *Environmental Noise Study*, CSA Project Number: 15-0051. April 9, 2015.

¹³ The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA). A 10-dB (decibel) increase in noise level is generally perceived to be twice as loud.

Operational Noise

Residential uses are considered sensitive receptors for the purpose of noise impact analysis. As discussed above, there are residential uses on adjacent properties. The proposed project would include mechanical equipment, such as heating and ventilation systems, that could produce operational noise and potentially disturb nearby sensitive receptors. The proposed residential building includes common open spaces and private decks. Residents using these open spaces could generate some occasional noise that may be considered an annoyance by occupants of nearby properties. Also, project-related traffic would contribute to vehicular noise in the vicinity.

The San Francisco Noise Ordinance prohibits unwanted, excessive, and avoidable noise in order to protect public health from elevated community noise. Section 2909 of the Noise Ordinance establishes a noise limit from mechanical sources, such as the proposed project's building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the source must not cause a noise level more than 5 dBA in excess of ambient noise levels; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient noise levels; for noise on public property, including streets, the limit is 10 dBA in excess of ambient noise levels. In addition, the Noise Ordinance provides for a separate fixed-source noise limit at residential interiors of 45 dBA at night (from 10:00 p.m. until 7:00 a.m.) and 55 dBA during the day and evening hours (from 7:00 a.m. until 10:00 p.m.). The proposed project's mechanical systems would be required to meet these standards in the Noise Ordinance and would therefore not result in significant noise impacts. Additionally, in the project vicinity, vehicular traffic is the primary source of noise. Noise from the rooftop HVAC equipment would be unlikely to be noticeable above the background noise levels in the vicinity. Further, noise levels would attenuate between the equipment and nearby residences, and would be reduced by at least 25 dBA (with windows closed) due to standard building construction materials which provide noise insulation.

With respect to project-generated traffic noise, the traffic volume at a given location would need to double in order to produce a 3-dB increase in ambient noise levels, which would be barely perceptible to most people.¹⁴ The proposed project would generate approximately 470 daily vehicle trips to the local street network.¹⁵ Existing traffic levels in the vicinity include more than 40,000 vehicles per day on Van Ness Avenue and over 4,800 vehicles per day on Eddy Street.¹⁶ Therefore, vehicle trips attributable to the proposed project would not result in a perceptible increase in ambient noise levels near the project site.

For these reasons, operation of the proposed project would result in less-than-significant noise impacts.

¹⁴ United States Department of Transportation, Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, December 2011, p. 9. Available online at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.

¹⁵ Average daily vehicle trips is estimated to be approximately ten times the p.m. peak vehicle trips.

¹⁶ San Francisco Municipal Transportation Agency, *SFMTA Traffic Count Data 1993-2013*, March 25, 2014. Traffic data collected at the Eddy Street/Gough Street intersection.

Air Quality

Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011) has developed screening criteria for numerous land use types to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants (CAPs) within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant CAP impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether CAP emissions would exceed significance thresholds. The proposed project's 126 dwelling units would not exceed the CAP screening criteria for operation or construction of a high-rise apartment building of 510 and 249 dwelling units, respectively, due to the relatively limited scale of development.¹⁷ However, because project construction would involve extensive material transport (e.g., greater than 10,000 cubic yards of soil export) requiring a considerable amount of truck activity, additional air quality analyses were performed to evaluate the potential impact of CAP emissions.

The total CAP emissions from construction and operational activities were quantified using the California Emissions Estimator Model (CalEEMod®) prepared for the California Air Pollution Control Officers Association).¹⁸ Model inputs were based on the construction phasing schedule, equipment lists, and trip information provided by the project sponsor. The estimated total construction emissions, including off-road diesel equipment and on-road mobile sources (worker and hauling trips) would be well below established BAAQMD criteria air pollutant thresholds.^{19,20} Average daily construction emissions of reactive organic gases (ROG), nitrogen oxides (NO_x), and fine particulate matter (PM_{2.5}) are estimated to be 5.8, 21.9, and 1.0 pounds per day, respectively, which is below the BAAQMD significance threshold of 54 pounds per day. Coarse particulate matter (PM₁₀) emissions of 1.0 pound per day would be below the 82 pounds per day threshold. Operational emissions from the project include emissions from area sources (e.g. landscaping equipment, use of consumer products, etc.), energy sources (e.g. fuel combustion), mobile sources (e.g. project vehicle trips), and an emergency backup generator. Operational emissions of ROG, NO_x, PM_{2.5}, and PM₁₀ are estimated to be 6.4, 4.9, 1.2, and 4.0 pounds per day, respectively, which would be below BAAQMD significance thresholds. Therefore, project air quality impacts resulting from CAP emissions would be less than significant.

¹⁷ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

¹⁸ CalEEMod®, Version 2013.2, July 2013.

¹⁹ San Francisco Planning Department, Air Quality Technical Memorandum, 830 Eddy Street (Case No. 2015-009460), July 1, 2016.

²⁰ BAAQMD CEQA Guidelines, May 2011.

Fugitive Dust

Project-related demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil. In addition, dust can be an irritant that causes watering eyes or irritation to the lungs, nose, and throat. In response to this issue, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective August 29, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and avoid orders to stop work by the Department of Building Inspection (DBI). The Construction Dust Control Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from the DBI. The Director of the DBI may waive this requirement for activities on sites less than one-half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director of the DBI. As discussed in the Project Description, the existing parking structure would be demolished and approximately 14,500 cubic yards of soil would be excavated during construction. Therefore, implementation of dust control measures pursuant to the Construction Dust Control Ordinance would be required. Compliance with the regulations and procedures set forth in the Construction Dust Control Ordinance would ensure that potential air quality impacts related to construction dust would be less than significant.

Health Risks

Individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants, including diesel particulate matter, that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would add emissions to areas already adversely affected by poor air quality. The proposed project is not within an Air Pollutant Exposure Zone.

Construction of the proposed project is expected to take about 19 months. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to and would comply with California regulations limiting idling to no more than five minutes,²¹ which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction-generated TAC emissions would not result in a significant health risk impact.

The proposed project would include a backup emergency generator, likely a 400 kW diesel generator or similar equipment.²² Emergency generators are regulated by the BAAQMD through its New Source Review (Regulation 2, Rule 5) permitting process. The project applicant would be required to obtain applicable permits to operate the emergency generator from the BAAQMD. Although emergency generators are intended only to be used in periods of power outages, monthly testing of the generator would be required. The BAAQMD limits testing to no more than 50 hours per year. Additionally, as part of the permitting process, the BAAQMD would limit the excess cancer risk from any facility to no more than ten per one million population and requires any source that would result in an excess cancer risk greater than one per one million population to install Best Available Control Technology for Toxics (BACT). Therefore, operation of the proposed project would not result in significant operational health risk impacts.

Water Quality

The project would not result in substantial additional wastewater or result in wastewater discharges that would have the potential to degrade water quality or contaminate public water supply. Project-related wastewater and stormwater would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit prior to discharge. Project construction activities must comply with the Construction Site Runoff Ordinance, which would reduce the discharge of pollution to the local storm drain system. In accordance with this requirement, the project sponsor or its construction contractor is required to prepare an Erosion and Sediment Control Plan (ESCP) that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The ESCP would specify construction best management practices and erosion and sedimentation control measures to prevent sediment from entering the City's combined stormwater/sewer system during project construction.

For these reasons, the proposed project would not result in significant water quality impacts.

- e) *The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area that is adequately served by all required utilities and public services. Prior to receiving a building permit, the project would be reviewed by the City to ensure compliance with City and State fire and building code regulations. Implementation of the proposed project would increase the population on the project site by 280 residents, resulting in a modest increase

²¹ California Code of Regulations, Title 13, Division 3, Section 2485. This regulation applies to on-road, heavy-duty vehicles and not off-road equipment.

²² Build, Project Information, May 20, 2016

in the demand for fire protection, emergency medical, and police protection services.²³ This increase in demand would not be substantial given the overall demand for such services on a citywide basis. The proposed project would be adequately served by all required utilities and public services, therefore, no expansion of utilities or public services is anticipated and this impact would be less than significant.

DISCUSSION OF OTHER ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. As discussed below, none of the established exceptions apply to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under “Cumulative Impacts,” there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed in this certificate of exemption, the proposed project would not have a significant effect on traffic, noise, air quality and water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including those discussed below.

CEQA Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Although the project site is one of the sites included on such a list, for the reasons discussed below under “Hazardous Materials,” there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

Transportation and Circulation

Trip Generation

The information provided in this section is based on the Circulation Memorandum prepared for the proposed project.²⁴ The Circulation Memo estimated net new trips generated by the project by travel mode.

Table 2 summarizes the weekday p.m. peak hour travel demand by mode for the net new trips generated by the proposed project. The proposed project would generate 181 net new person trips. Of these trips, 33 percent (60 person trips) would be by auto, 40 percent (72 person trips) would be by transit, 25 percent (45 person trips) would be by walking, and 2 percent (4 person trips) would be by other modes, including bicycle. The proposed project would generate 47 net new p.m. peak hour vehicle trips.

²³ Association of Bay Area Governments, *Projections 2013*, p. 74. The average household size for San Francisco in 2015 is 2.27 persons per unit.

²⁴ Fehr & Peers, *830 Eddy Street Circulation Study*, November 15, 2016.

TABLE 2: PROPOSED PROJECT TRIP GENERATION BY MODE - PM PEAK HOUR

Land Use	Person Trips					Vehicle Trips		
	Auto	Transit	Walk	Other	Total	In	Out	Total
Residential	60	72	45	4	181	37	10	47
Mode Share	33%	40%	25%	2%	100%	79%	21%	100%

Source: *SF Guidelines, Appendix C, 2002; Fehr & Peers, 2016*

Table 3 summarizes the weekday p.m. peak hour travel demand for Project Variant A, which would remove the existing Burger King restaurant and drive-through, and provide a restaurant and retail space. The project variant would generate 140 net new person trips by the following modes: 37 auto trips; 60 transit trips; 41 walk trips; and 4 trips by other modes. Project Variant A would generate 28 net new p.m. peak hour vehicle trips.

TABLE 3: VARIANT A TRIP GENERATION BY MODE - PM PEAK HOUR

Land Use	Person Trips					Vehicle Trips		
	Auto	Transit	Walk	Other	Total	In	Out	Total
Residential	60	72	45	4	181	37	10	47
Restaurant / Retail	65	34	11	2	112	28	28	56
Mode Share	125 (42%)	106 (36%)	56 (19%)	6 (2%)	293	65 (63%)	38 (37%)	103
Existing Land Use Trip Credit								
Fast Food ¹	-88	-46	-15	-2	-151	-37	-38	-75
Net Total	37	60	41	4	140	28	0	28

Source: *Appendix E, Appendix F, SF Guidelines, 2002; Fehr & Peers, 2016*

1. Trips represent counts collected at the Burger King site on Tuesday, September 27, 2016.

Transit

The project site is located in an area well-served by transit. Eleven MUNI bus routes, including the Clement-2, Jackson-3, Fulton-5, Fulton 5R Rapid, Noriega Express-7X, Polk-19, Balboa-31, Geary-38, Geary-38R Rapid, Van Ness-47, and the Van Ness/Mission-49, are located within 1/3- mile of the project site. The proposed project would generate 72 p.m. peak-hour transit trips which would be dispersed among the transit routes in the vicinity. The net transit trip generation for Project Variant A, at 60 trips, would be less than the estimated 73 p.m. peak hour trips for the proposed project. The existing transit

facilities would be able to accommodate added ridership associated with the proposed project.²⁵ Therefore, no significant impacts on transit would occur as a result of the proposed project.

Pedestrians

The project site fronts sidewalks on both Eddy Street and Willow Street and includes sidewalk improvements on both frontages. At the sidewalk level on Willow Street, the building would be set back three feet from the property line, extending the existing sidewalk from 7 feet to 10 feet in width. This would enable the sidewalk in front of the building to meet the *Better Streets Plan*²⁶ recommended width of 9 feet and would improve pedestrian conditions. On Eddy Street, the sidewalk width would remain at a width of 15 feet, meeting the *Better Streets Plan* recommended width. In addition, the project proposes removing approximately three parking spaces to install a 65-foot-long bulb-out with benches and landscaping in keeping with the *Green Connections Plan*.²⁷ Eddy Street is part of the Green Connections Network Route 3, from Market to the beach. The proposed project would remove two curb cuts, reducing the number of pedestrian/vehicle conflict locations. The Project Variant A would remove three curb cuts. Generally, these improvements would improve pedestrian conditions along the project frontage. The loading variant (Project Variant B) would extend the Eddy Street driveway by approximately 13 feet, but with the removal of three driveways would still reduce the number of pedestrian/vehicle conflict locations overall.

The proposed project would generate 117 p.m. peak hour walk trips (that is, 45 p.m. peak-hour walk-trips and 72 p.m. peak-hour transit trips, which include walk trips). The project variant would generate 101 p.m. peak hour walk trips using the same methodology. The increase in daily pedestrian person-trips generated by the proposed project or variant would not substantially overcrowd sidewalks in the project vicinity or otherwise interfere with pedestrian accessibility to the site and adjoining areas.

The proposed project would provide vehicular access to the new garage through an existing driveway on Eddy Street; the driveways on Willow Street and at the western edge of the site on Eddy Street would be removed. As discussed in the project description, the proposed garage would be utilized by both the proposed residential building and the existing office building at 815 Van Ness, and the existing driveway would continue to be used for access to the Burger King drive through. Under this scenario, it is estimated that the Eddy Street driveway would be used by approximately 102 vehicles during the p.m. peak hour. With the removal of the Burger King drive-through proposed under the project variant, vehicular traffic at the driveway would be approximately 42 vehicles in the p.m. peak hour.²⁸ Due to the increased number of driveway movements, there is a higher potential for pedestrian conflicts at the driveway than under existing conditions. To reduce potentially hazardous conditions between pedestrians and vehicles entering and exiting the curb cut, the project includes a visible and audible warning signal at the driveway entry to alert pedestrians to approaching/exiting vehicles and caution signage inside and outside the garage.

²⁶ San Francisco Planning Department, *Better Streets Plan*, December 2010. Available at: <http://www.sf-planning.org/ftp/BetterStreets/>.

²⁷ San Francisco Planning Department, *Green Connections Final Plan*, March 2014. Available at: <http://sf-planning.org/green-connections>

²⁸ Fehr & Peers, *830 Eddy Street Circulation Study*, November 15, 2016.

The loading zone proposed for the project would be located on the opposite side of Willow Street from the building entrance. Users would unload on the north sidewalk and walk across the travel lane to access the building. Traffic on Willow Street is generally light and low speed, approximately one vehicle every two minutes, and is not considered a hazard for pedestrians crossing from the loading zone to the building.²⁹

For these reasons, no significant impacts related to pedestrian conditions would occur.

Bicyclists

Three bicycle routes (#16 – Post/Sutter, #16, #25 - Polk, and #20 – McAllister/Grove) are within a ½ mile of the project site. The proposed project would provide 126 Class I bicycle parking spaces and 13 Class II bicycle parking spaces, as required by the Planning Code. The proposed project would generate 4 p.m. peak-hour other trips, some of which would be bicycle trips. The minimal increase of bicycle trips generated by the proposed project would be accommodated by the existing bicycle network and the proposed project would not create potentially hazardous conditions for bicyclists; therefore, no significant impacts related to bicycle transportation would occur.

Loading

The proposed project would not include an off-street loading space within the garage. The project proposes to convert an existing on-street metered parking space into a new 20-foot on-street passenger loading zone, located adjacent to an existing 30-foot on-street commercial loading zone on the north side of Willow Street. Project Variant B proposes an off-street commercial loading zone in the garage and a passenger loading zone on Eddy Street, east of the bulbout. The proposed zones would meet the loading demand for the proposed project; therefore, loading and delivery impacts of the project would not be significant.

Parking and Circulation

The proposed project would include an automobile lift to convey vehicles from Level B1 to Levels B2 and B3. The lift typically takes approximately 55 seconds to transport a vehicle one floor, and approximately 65 seconds to transport a vehicle two floors. The Circulation Memorandum found that, while there may be occasions where more vehicles wish to access the stackers at the same time than can be accommodated causing a small amount of queueing, the inbound lane of the driveway contains space for up to three vehicles to queue without blocking the right-of-way on Eddy Street. Therefore, no significant hazardous conditions would occur as a result of the proposed project's parking facilities. The project also proposes to implement the vehicle queue abatement measure as described in the Project Description, and which will be included as Conditions of Project Approval.

Wind

A wind assessment was prepared for the proposed 120-foot-tall development at 830 Eddy Street.³⁰ San Francisco Planning Code Section 243(c)(15), Reduction of Ground-level Wind Currents, outlines wind

²⁹ Ibid

³⁰ BMT Fluid Mechanics, Wind Microclimate Study, 830 Eddy Street, Project No. 431971, October 12, 2016.

reduction criteria for projects in the Van Ness Special Use District. The Planning Code sets criteria for comfort and hazards and requires buildings to be shaped so as not to cause ground-level wind currents to exceed defined comfort and hazard criteria. The Planning Code wind comfort criteria requires that equivalent wind speeds resulting from the project not exceed 11 miles per hour (mph) in areas of pedestrian use and 7 mph in public seating areas more than 10 percent of the time between 7:00 a.m. and 6:00 p.m.; the hazard criteria requires that equivalent wind speeds do not reach or exceed 26 mph for a single hour of the year.³¹

The Planning Department uses the hazard criterion as the threshold for determining significant wind effects under CEQA; the proposed project's effects related to the comfort criterion are presented for informational purposes. The wind study first assessed the existing wind conditions in the area then, on the basis of wind tunnel modelling, predicted future wind conditions for two scenarios: introduction of the proposed project only; and, introduction of the proposed project and other cumulative development expected to occur in the vicinity. The wind assessment indicates that existing and future wind speeds at ground level along Eddy Street, Willow Street, and Van Ness Avenue are well below the hazard criterion at all locations. In terms of comfort criteria, the existing average wind speed is 7.7 mph and wind speeds are generally lower than 11 mph more than 90 percent of the time. The pedestrian comfort criterion is exceeded at a single location (of 60 sample locations in the vicinity). With the proposed development, the average wind speed increases to 7.9 mph; however, wind speeds would continue to remain lower than 11 mph more than 90 percent of the time and the pedestrian comfort criterion would be exceeded at three locations.

In sum, the proposed project would not result in a building that would cause ground level wind speeds to exceed the wind hazard criterion (26 mph) and would not alter wind in a manner that substantially affects public areas. Therefore, no significant wind impacts would occur.

Shadow

Planning Code Section 295 requires a shadow analysis for any building over 40 feet in height with the potential to cause new shadows in parks and open spaces under the control of the Recreation and Park Department (RPD). Recreational facilities in the project vicinity include Jefferson Square Park, which is under the control of the RPD, and other public parks: the James P. Lange Field and the Margaret S. Hayward Playground, both located to the south of Jefferson Square Park. Because the proposed building would be 120 feet tall, with a 16-foot-tall elevator and stair penthouses above the 120-foot-high roof, and could have the potential to shade nearby RPD facilities and other nearby parks and open spaces, a shadow analysis was prepared.³² According to the shadow analysis, the proposed project would not cast new shadows on Jefferson Square Park or other public parks in the vicinity at any time during the year.³³ Therefore, the shadow effects of the proposed project would be less than significant.

³¹ Planning Code Section 243 (c)(15) defines "equivalent wind speed" as an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

³² Prevision Design, *Shadow Analysis Report for the Proposed 830 Eddy Street per SF Planning Code Section 295 and CEQA Standards*, October 13, 2016.

³³ The existing square-foot-hours of shadow for Jefferson Square Park expressed as a percentage of the theoretical annual available sunlight over a period of one year is 1.2787 percent.

Biological Resources

As discussed above, the project site contains an undeveloped strip of land on the west side of the garage, approximately 30 feet wide, between Willow and Eddy Streets. Removal of scrub vegetation, trees, and structures during project construction activities could destroy active bird nests or disrupt nesting efforts due to adverse effects such as noise and visual disturbance. However, nesting migratory or native birds are protected under the federal Migratory Bird Treaty Act and the California Fish and Game Code. Thus, the loss of any active nest must be avoided under federal and California law. In accordance with these regulations, removal of trees, scrub vegetation and structures would occur outside bird nesting season (February 1 to August 30) to the extent feasible. If removal of trees, scrub vegetation, or structures cannot be fully avoided, the project sponsor would retain a qualified biologist to conduct preconstruction nesting bird surveys within seven days prior to the start of such activities. If active nests are identified during the preconstruction nesting bird survey and the wildlife biologist determines that construction may affect the active nest, the biologist would establish a no disturbance buffer appropriate to the bird species until the birds have fledged. In addition, the proposed project would be required to comply with Planning Code Section 139 standards for bird-safe buildings. Compliance with these federal, state and local regulations would prevent significant impacts on nesting birds.

Hazardous Materials

The project site is not located on a site which is included on any list of hazardous substances sites compiled pursuant to Section 65962.5 of the Government Code; however, the site is located in an area subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment to evaluate the potential presence of petroleum hydrocarbons and hazardous materials in soil and/or groundwater prior to construction. Accordingly, a Phase I assessment was conducted for the 830 Eddy Street site.³⁴ The study found that the site was developed with residential buildings prior to the construction of the parking garage in the mid-1980s. Although no evidence of recognized environmental conditions was identified onsite, the study found there was the potential to encounter subsurface contaminants resulting from a large number of past and present off-site commercial uses in the vicinity that may have used, generated, or stored hazardous materials.

Based on that information, the project sponsor prepared a Site Mitigation Plan in compliance with Article 22A, which included a subsurface investigation consisting of eight exploratory borings to depths of 10 to 30 feet and analysis of 32 soil samples for a wide variety of contaminants. Total petroleum hydrocarbons (TPH) as diesel and motor oil were detected in 19 soil samples at concentrations ranging from 1.2 to 41 parts per million (ppm) and 5.7 to 500 ppm, respectively. No TPH as gasoline, volatile organic compounds, pesticides, polychlorinated biphenyls (PCBs), or asbestos were detected. Only four of the TPH-motor oil detections exceeded the California Regional Water Quality Control Board's Environmental Screening Levels (ESLs) for residential use.³⁵ ESLs are levels of commonly-found contaminants below which the presence of the chemical in soil, soil gas, or groundwater can be assumed not to pose a

³⁴ John Carver Consulting, *Phase I Environmental Site Assessment, 830 Eddy Street, San Francisco, California*, September 18, 2014.

³⁵ Langan Treadwell Rollo, *Site Mitigation Plan, 830 Eddy Street, San Francisco, California*, March 24, 2016.

significant threat to human health, water resources, or the environment under most circumstances.³⁶ No soil samples exceeded hazardous waste criteria. Because the project would excavate soil to depths ranging from 20 to 35 feet, all soils with elevated concentrations of TPH-motor oil would be removed from the site. The Site Mitigation Plan requires preparation of a health and safety plan and soil management procedures to reduce potential harmful effects of exposure to hazardous materials during construction. The project applicant is enrolled in the Maher program and the DPH has reviewed the sponsor's Site Mitigation Plan and concluded that it is compliant with Article 22A of the Health Code. The DPH also will require review of the project's Dust Control Plan and the Health and Safety Plan prior to construction.³⁷ Project operation would not include the use of hazardous chemicals other than routine housekeeping supplies. Therefore, with compliance with the Maher Ordinance, environmental impacts related to hazardous materials would be less than significant.

Hydrology and Water Quality

The proposed project would involve disturbance of 5,000 square feet or more of the ground surface; thus the project would require a Stormwater Control Plan in accordance with the San Francisco Stormwater Management Ordinance. According to the San Francisco Stormwater Design Guidelines, large projects in a combined sewer area and with existing imperviousness of greater than 50 percent must implement a stormwater management approach that reduces existing stormwater runoff flow rate and volume by 25 percent from the pre-development conditions for the two-year, 24-hour design storm. Development projects with proven site challenges and limitations may apply for a Modified Compliance Program.³⁸ Given the site's constraints that limit the types of best management practices that may be installed on the site, the project was approved for modified compliance which requires a peak flow reduction of 40 percent and a volume reduction of 10 percent for the two-year, 24-hour design storm. To achieve this reduction in stormwater flow and volume, the proposed design utilizes bioretention flow-through planters on the podium-level courtyard and a cistern in the underground garage to store and reuse rainwater for podium.³⁹ With compliance with these regulations, the project would have a less-than-significant effect with respect to stormwater volume and runoff rates.

Cumulative Impacts

Cumulative impact analyses are based on information and a geographic scope that are applicable to the environmental topic analyzed. For example, the Planning Department uses citywide growth projections when assessing cumulative impacts to VMT and transit. In contrast, cumulative wind and shadow impacts are limited to a proposed project's nearby vicinity and an analysis of a project's incremental contribution to these impacts would be based on known projects in the area.

³⁶ San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs), Interim Final*, February 2016.

³⁷ San Francisco Department of Public Health, Environmental Health, *SFHC Article 22A Compliance, 830 Eddy Street, San Francisco, EHB-SAM Case Number 1414*, September 24, 2016.

³⁸ San Francisco Public Utilities Commission, *Stormwater Design Guidelines*, January 2010. Available at: www.sfwater.org/index.aspx?page=446.

³⁹ Build:, Stormwater Control Plan Project Narrative, June 13, 2016.

The Project Description identifies five residential or mixed use development projects in various stages of the planning process in the vicinity of the proposed project. The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact with regards to Transportation and Circulation, Noise, Air Quality, Wind, Shadow, Biological Resources, and Hazards and Hazardous Materials for the reasons discussed below.

Transportation and Circulation

As with project-specific analysis of the proposed project's potential impacts to VMT, the cumulative VMT analysis relies upon future, population-based projections of VMT (to 2040). According to the Transportation Information Map, the future 2040 average daily VMT per capita is 2.3 for the project site's TAZ (TAZ 682). This is 86 percent below the future 2040 regional daily VMT per capita of 16.1. The future 2040 average daily VMT per retail employee is 7.7 for TAZ 683. This is 48 percent below the future 2040 regional average daily work-related VMT per retail employee of 14.6. Given the project site is located in an area where the projected 2040 VMT is more than 15 percent below the 2040 regional average for both residential and retail uses, the proposed project's residential uses and the project variant's retail uses would not result in substantial additional VMT and cumulative VMT impacts would be less than significant.

As noted under Transit (above), the proposed project would contribute 72 p.m. peak hour transit trips to the transit network. Analysis of cumulative transit impacts focuses on cumulative transit patronage during the p.m. peak hour. While regional transit ridership is expected to increase by the year 2040, several projects are proposed to improve transit service in the project area. The Van Ness BRT project is expected to reduce travel time on the corridor up to 33 percent and the MUNI Forward Program is designed to make MUNI service more frequent and reliable. Therefore, the proposed project in combination with cumulative projects would not result in a cumulative transit impact.

As noted under Pedestrians (above), the proposed project would generate 117 p.m. peak hour walk trips. Development of cumulative projects and implementation of transportation demand management measures could increase the number of pedestrians accessing transit surrounding the project site over time, although not to the level which would result in overcrowding of sidewalks under cumulative conditions, nor would increased vehicle traffic create potentially hazardous conditions for pedestrians.⁴⁰ Accordingly, the project in combination with cumulative projects would not result in a cumulative pedestrian impact.

The proposed project would not interfere with bicycle accessibility in the project vicinity or contribute to potentially hazardous conditions for bicycles. Therefore, the project would not contribute considerably to any potential cumulative bicycle impacts (less than significant).

Noise

The projects listed above would be subject to the same provisions of the Noise Ordinance as the proposed project. Therefore, compliance with Noise Ordinance Sections 2907 and 2908 would ensure that significant cumulative noise impacts would not occur should construction periods for the proposed

⁴⁰ Fehr & Peers, 830 Eddy Street Circulation Study, November 15, 2016.

project and the projects listed above overlap. Similarly, compliance with Section 2909 would reduce the combined effects of operational noise from fixed mechanical equipment associated with the proposed project and the projects listed above to a less-than-significant level. With regards to traffic noise, the proposed project would not generate traffic noise at levels that would be perceptible and therefore would not have potential to contribute considerably to cumulative traffic noise impacts. Therefore, the proposed project would not result in a considerable contribution to any cumulative noise impacts.

Air Quality

By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.⁴¹ The thresholds for criteria air pollutants are set at levels below which a project is determined not to contribute to existing cumulative air quality impacts. The project would result in criteria air pollutant emissions below these significance thresholds and thus would not contribute considerably to a cumulative air quality impact.

The proposed project and cumulative development projects in the vicinity would all be subject to the Construction Dust Control Ordinance and be required to minimize construction dust emissions. The Construction Dust Ordinance has a mandate for "no visible" dust. Therefore, compliance with the ordinance effectively reduces construction dust impacts and cumulative impacts from fugitive dust would be less than significant.

In regards to health risks from TACs, the proposed project is not located in an APEZ, an area with high levels of air pollution. Given the limited duration of construction activity and infrequent operation of backup generators for testing purposes, the proposed project would not increase TAC emissions substantially or contribute considerably to pollutant concentrations.

Wind

For the proposed project plus cumulative projects, the wind tunnel analysis found that wind speeds around the site would be the same as existing conditions, with wind speeds averaging 7.7 mph. Under cumulative conditions, all locations analyzed would meet the pedestrian comfort criterion, a slight improvement over the existing conditions where one location currently exceeds the pedestrian comfort criterion. The pedestrian wind assessment also concluded that the proposed project would not result in any exceedance of the wind hazard criterion for the project plus cumulative conditions. Therefore, the proposed project in combination with cumulative projects would not result in a significant wind impact.

Shadow

The proposed project would not cast shadows on any open space subject to Planning Code Section 295 or other public recreational facilities or open spaces. Accordingly, the proposed project would not contribute to any potential cumulative shadow conditions. Therefore, cumulative shadow impacts would be less than significant.

⁴¹ Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, May 2011, page 2-1.

Biological Resources

The project area has been intensively developed for over a century and does not provide riparian corridors, estuaries, marshes, or wetlands that could serve as habitat for special-status plant and animal species. The proposed project and cumulative projects consist of infill development in a developed urban area and would not result in a cumulative impact on biological resources.

Hazardous Materials

Impacts related to hazardous materials tend to be site-specific and limited to the project site and immediate vicinity. Because the proposed project and other cumulative development projects would be subject to the requirements of the Maher Ordinance for investigation and remediation of subsurface hazardous materials, no cumulative impact related to hazardous materials would result. Proposed project operations would not involve the generation, storage, or use of hazardous materials other than small quantities of janitorial cleaning supplies. The potential cumulative impacts from hazardous materials would be less than significant.

The proposed project in combination with reasonably foreseeable cumulative projects would not result in a significant cumulative impact for the resource topics above or any other resource topics analyzed under CEQA.

PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on July 15, 2016 to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. No issues or concerns were raised regarding the project’s physical environmental effects. Two respondents requested copies of the environmental document or other notices regarding the project.

CONCLUSION

The proposed project satisfies the criteria for exemption under the above-cited classification. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

Free Recording Requested Pursuant to
Government Code Section 27383

When recorded, mail to:
San Francisco Planning Department
1650 Mission Street, Room 400
San Francisco, California 94103
Attn: Director

Lot 058 in Assessor's Block 3749

**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN
THE CITY AND COUNTY OF SAN FRANCISCO AND 830 EDDY INVESTMENTS,
LLC, RELATIVE TO THE DEVELOPMENT KNOWN AS 830 EDDY STREET**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS ("Agreement") dated for reference purposes only as of this ____ day of _____, 2016, is by and amongst the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the "City"), acting by and through its Planning Department, and 830 EDDY INVESTMENTS, LLC, a California limited liability company ("Developer") with respect to the project approved for 830 Eddy Street (the "Project"). City and Developer are also sometimes referred to individually as a "Party" and together as the "Parties."

RECITALS

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter "Costa-Hawkins Act") imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). Pursuant to Civil Code Section 1954.52(b), the City's Board of Supervisors has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a private developer to memorialize the concessions and incentives granted to the developer and to provide an exception to the Costa-Hawkins Act for the inclusionary units included in the developer's project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco at Assessor's Block 0738, Lots 018, 022-044, located on Eddy Street between Willow Street and Van Ness Street (hereinafter "Property"). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to demolish the existing parking structure and construct a 12-story building containing 126 dwelling units with 22 studios, 65 one bedrooms, 38 two-bedrooms, and 1 three-bedroom. There will be 131 Class I bicycle parking spaces, 8 Class II bicycle parking spaces, 103 below-grade automobile parking spaces and 2 car share spaces. The project will also provide 9 units that have terraces that satisfy private open space requirements and 7,125 square feet of common open space at roof deck ("Project").

On December 8, 2016, pursuant to Motion No. _____, the Planning Commission approved a Conditional Use Authorization for the Project as a Planned Unit Development to seek exceptions from the requirements for (a) Rear Yard (Planning Code Section 134), (b) Obstructions over the public right-of-way (Planning Code Section 136), (c) Dwelling Unit Exposure (Planning Code Section 140), (d) Street Frontage (Planning Code Section 145.1), (e) Off-Street Loading (Planning Code Section 152), and (f) Bulk (Planning Code Sections 270 and 271) under Planning Code Sections 303 and 304 (the "Conditional Use Authorization") Authorization"). A Notice of Special Restrictions containing Conditions of Approval of the Conditional Use Authorization was recorded against the Property on, _____ 2016 (NSR No. _____).

The Conditional Use Authorization is referred to herein as the "Project Approval". The dwelling units that are the subject of this Agreement are the Project's on-site inclusionary units representing fourteen and a half percent (14.5%) of the Project's dwelling units, which assuming that 126 dwelling units are constructed, would total 18 inclusionary units (the "Inclusionary Units"). The dwelling units in the Project that are not Inclusionary Units, representing eighty five and one half percent (85.5%) of the Project's dwelling units, which assuming that 126 units are constructed would total 108 units, are referred to herein as the "Market Rate Units."

This Agreement is not intended to impose restrictions on the Market Rate Units, any portions of the Project other than the Inclusionary Units, or any future development at the Property that is not a part of the Project. This Agreement relates solely to the Inclusionary Units and shall have no legal effect in the event that the Project is not constructed. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq. (the "Affordable Housing Program") provides that developers of any housing project consisting of ten or more units must pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative means of entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code, for concessions and incentives, pursuant to which the developer covenants to provide affordable on-site units as an alternative to payment of the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City's concessions and incentives.

E. Developer's Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units in lieu of payment of the Affordable Housing Fee in satisfaction of its obligation under the Affordable Housing Program and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

F. Compliance with All Legal Requirements. It is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), Chapter 4.3 of the California Government Code, the Costa-Hawkins Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. Project's Compliance with CEQA. Pursuant to section 15183 of the CEQA Guidelines, California Public Resources Code Section 21083.3, and Chapter 31 of the San Francisco Administrative Code, the Planning Department published a Certificate of Exemption ("Categorical Exemption") from Environmental Review for the Project on November 28, 2016. The Planning Commission subsequently reviewed and concurred with the information contained in the Categorical Exemption at a noticed public hearing on December 8, 2016 (Motion No. _____).

H. CEQA and General Plan Findings. This Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in Planning Commission Motion No. _____.

AGREEMENT

The Parties acknowledge the receipt and sufficiency of good and valuable consideration and agree as follows:

1. GENERAL PROVISIONS

1.1 Incorporation of Recitals and Exhibits. The preamble paragraph, Recitals, and Exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement as if set forth in full.

2. CITY'S DENSITY BONUS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.

2.1 Exceptions, Concessions and Incentives. The Developer has received the following exceptions, concessions and incentives for the production of the Inclusionary Units on-site.

2.1.1 Project Approval and Density Bonus. The Project Approval includes the Conditional Use Authorization for the Project as a Planned Unit Development to seek exceptions from the requirements for (a) Rear Yard (Planning Code Section 134), (b) Obstructions over the

public right-of-way (Planning Code Section 136), (c) Dwelling Unit Exposure (Planning Code Section 140), (d) Street Frontage (Planning Code Section 145.1), (e) Off-Street Loading (Planning Code Section 152), and (f) Bulk (Planning Code Sections 270 and 271) This Project Approval permitted development of the Project at a greater density than would otherwise have been permitted under the Planning Code.

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

2.2.1 Inclusionary Units. The parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the Costa-Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

3. **COVENANTS OF DEVELOPER**

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approval, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide fourteen and a half percent (14.5%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 126 units comprising the Project, a total of 18 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the developer of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties

also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and incentives specified in Section 2. Developer acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

3.4 No Obligation to Construct. By entering into this Agreement, Developer is not assuming any obligation to construct the Project, and the covenants of Developer hereunder become operative only in the event Developer (i) elects to proceed with construction of the Project and then (ii) obtains a certificate of final completion and occupancy for the Project.

4. MUTUAL OBLIGATIONS

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approval.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approval, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City hereby acknowledges and agrees that, in the event that the City adopts changes to the Affordable Housing Program after the date this Agreement is executed by both Parties, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify

Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Property to the terms of this Agreement, and that all other persons holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of California. Developer has all requisite power and authority to acquire and own property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents to the best of its knowledge that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement which Developer is a party to in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. To the best of Developer's knowledge, no consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.4 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.5 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the

City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

6. AMENDMENT; TERMINATION

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of the Project Approval shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment). Notwithstanding the foregoing, in the event of any direct conflict between the terms of this Agreement any amendment to the Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE

7.1 Agreement Runs With The Land. City acknowledges that Developer may assign or transfer its rights, duties and obligations under this Agreement and/or convey any interest it owns in the Property to another person or entity without City consent, provided such entity is the legal and equitable fee owner or lessee of the Property ("Transferee"). Developer acknowledges that the Project Approval is dependent on this Agreement, and that any party that wishes to develop some or all of the Project on the Property must assume all of Developer's rights and obligations under this Agreement. As provided in Section 9.2, this Agreement runs with the land and any Transferee shall benefit from and be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses or similar agreements to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting one or more leasehold interests in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the Project Approval shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer's Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer's obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an "Assignment and Assumption Agreement"), but not thereafter. The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City's enforcement of performance of such obligation that is attributable to Developer's breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer's transfer or assignment of all or a portion of the Property or any interest therein, including the Developer's

rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this Agreement by the Developer prior to the date of transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

7.5 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.5.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.5.2 Subject to the provisions of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approval and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of default and notice of sale in compliance with Section 2924b of the California Civil Code (a

“Request for Special Notice”) with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, but no obligation, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee’s agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer’s or any Mortgagee’s rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority. Nothing in this Agreement shall impair the foreclosure rights of any mortgagee.

7.6 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. .

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

9. MISCELLANEOUS PROVISIONS

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, following recordation of this Agreement all of its provisions shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal

action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or the Project Approval shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.

9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The development proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning any of said improvements. The Developer shall exercise full dominion and control over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approval.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

To City:

John Rahaim

Director of Planning
San Francisco Planning Department
1650 Mission Street
San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.
City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Attn: Land Use Team

To Developer:

830 Eddy Management, LLC
315 Linden Street
San Francisco, CA 94102
Tel: (415) 551-7613
Attn: Lou Vasquez

and a copy to:

Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Tel: (415) 567-9000
Fax: (415) 399-9480
E-mail: cangelis@reubenlaw.com
Attn: Chloe Angelis

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement. This Agreement shall remain in effect for the life of the Project.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CITY

CITY AND COUNTY OF SAN
FRANCISCO,
a municipal corporation

Approved as to form:
Dennis J. Herrera, City Attorney

By: _____
John Rahaim
Director of Planning

By:  _____
Deputy City Attorney

DEVELOPER

830 EDDY INVESTMENT, LLC
A California limited liability company

By: 830 Eddy Management, LLC

By:  _____

Name: Louis Vasquez

Its: Manager

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF San Francisco

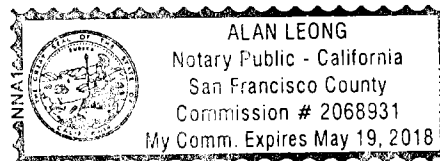
On 11-29-16 before me, Alan Leong

a Notary Public, personally appeared, Louis Antonio Vasquez
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in (his)/her/their authorized capacity(ies) and by (his)/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary Public



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF _____

On _____ before me, _____

a Notary Public, personally appeared, _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies) and by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF _____

On _____ before me, _____

a Notary Public, personally appeared, _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies) and by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

EXHIBIT A

Legal Description of Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at a point on the Northerly line of Eddy Street, distant thereon 109 feet and 9 inches Westerly from the Westerly line of Van Ness Avenue; running thence Westerly along said line of Eddy Street 110 feet; thence at a right angle Northerly 120 feet to the Southerly line of Willow Street; thence at a right angle Easterly along said line of Willow Street 110 feet; thence at a right angle Southerly 120 feet to the point of beginning.
Being a portion of West em Addition Block No. 80.

For APN/Parcel ID(s): Lot 018, Block 0738

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

10/13/16
Date

I, Katie O'Brien,
do hereby declare as follows:

- A** The subject property is located at (address and block/lot):

830 Eddy Street
Address
0738 / 018, 22-44
Block / Lot

- B** The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

The Planning Case Number and/or Building Permit Number is:

2015.009460
Planning Case Number

Building Permit Number

This project requires the following approval:

- ☒ Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
☐ This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Brittany Bendix
Planner Name

Is this project an UMU project within the Eastern Neighborhoods Plan Area?

☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

This project is exempt from the *Inclusionary Affordable Housing Program* because:

- ☐ This project is 100% affordable.
☐ This project is 100% student housing.

- C** This project will comply with the Inclusionary Affordable Housing Program by:

- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5).
☒ On-site Affordable Housing Alternative (Planning Code Sections 415.6).
☐ Off-site Affordable Housing Alternative (Planning Code Sections 415.7).
☐ Land Dedication

D If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☒ **Rental.** Exemption from Costa Hawkins Rental Housing Act.¹ The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
- ☐ Direct financial contribution from a public entity.
- ☒ Development or density bonus, or other public form of assistance.
- ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

F Affordability Levels:

No. of Affordable Units:	% Affordable Units:	AMI Level:
18	14.5%	55%
No. of Affordable Units:	% Affordable Units:	AMI Level:

G The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

H I am a duly authorized agent or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

San Francisco

Location

10/13/16

Date

Sign Here

Katie O'Brien

Signature

Katie O'Brien, VP Development, BuildIt

Name (Print), Title

415-551-7628

Contact Phone Number

E The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

¹ California Civil Code Section 1954.50 and following.

cc: Mayor's Office of Housing and
Community Development
Planning Department Case Docket

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
126	0	22	65	38	1

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below. If using more than one AMI to satisfy the requirement, please submit a separate sheet for each AMI level.

☒ **On-site Affordable Housing Alternative** Planning Code Section 415.6): calculated at 14.5 % of the unit total.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
126	0	3	9	6	0

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7): calculated at % of the unit total.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Mention No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

☐ **Combination** of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

3. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Mention No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

Build Inc., Authorized Representative, 830 Eddy Investment, LLC

Company Name

Katie O'Brien

Name (Print) of Contact Person

315 Linden Street

Address

415.551.7628

Phone / Fax

San Francisco, CA 94102

City, State, Zip

Katie@bldsf.com

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Katie O'Brien, Build Inc.

Name (Print), Title:

Katie O'Brien, VP Development

Contact Information and Declaration of Sponsor of OFF-SITE PROJECT (If Different)

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:

The Project contains: 126 UNITS	The zoning of the property is: RC-4	Complete EEA was submitted on: 7/15/15
---	---	--

CHART A: Inclusionary Requirements for San Francisco, excluding UMU Zoning Districts.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
Fee or Off-site					
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects at or below 120'	20.0%	25.0%	27.5%	30.0%	33.0%
25+ unit projects over 120' in height *	20.0%	33.0%	33.0%	33.0%	33.0%
On-site					
10-24 unit projects	12.0%	12.0%	12.0%	12.0%	12.0%
25+ unit projects	12.0%	13.0%	13.5%	14.5%	25.0%

* except buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet.

CHART B: Inclusionary Requirements for UMU Districts. Please note that the Middle Income Incentive Alternative regulated in Planning Code Section 419 was not changed by Code amendment (Ord. No. 76-16). Also, certain projects in the SOMA Youth and Family SUD rely upon UMU requirements as stipulated by the Planning Code.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
On-site UMU					
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%
Tier A 25+ unit projects	14.4%	15.4%	15.9%	16.4%	25.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	16.0%	17.0%	17.5%	18.0%	25.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	17.6%	18.6%	19.1%	19.6%	25.0%
Fee or Off-site UMU					
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	23.0%	28.0%	30.5%	33.0%	33.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	25.0%	30.0%	32.5%	33.0%	33.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	27.0%	32.0%	33.0%	33.0%	33.0%
Land Dedication in UMU or Mission NCT					
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier A 25+ unit > 30K	30.0%	35.0%	37.5%	40.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	45.0%	47.5%	50.0%	40.0%
Tier B 25+ unit > 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	50.0%	52.5%	55.0%	45.0%
Tier C 25+ unit > 30K	40.0%	45.0%	47.5%	50.0%	40.0%

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: 830 Eddy Investment, LLC		TELEPHONE: (415) 551-7628
PROPERTY OWNER'S ADDRESS: 315 Linden Street San Francisco, CA 94102		EMAIL: Katie@bldsf.com

APPLICANT'S NAME: Same as Above <input checked="" type="checkbox"/>	
APPLICANT'S ADDRESS: 	TELEPHONE: () EMAIL:

CONTACT FOR PROJECT INFORMATION: Katie O'Brien, Build Inc.		TELEPHONE: (415) 551-7628
ADDRESS: 315 Linden Street San Francisco, CA 94102		EMAIL: Katie@bldsf.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input checked="" type="checkbox"/>	
ADDRESS: 	TELEPHONE: () EMAIL:

2. Location and Project Description

STREET ADDRESS OF PROJECT: 830 Eddy Street		ZIP CODE: 94109
CROSS STREETS: Van Ness and Franklin		
ASSESSORS BLOCK/LOT: 0738 / 018, 22-44	ZONING DISTRICT: Re-4 / Van Ness SUD	HEIGHT/BULK DISTRICT: 130-V

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction	0	126	126
<input checked="" type="checkbox"/> Demolition			
<input checked="" type="checkbox"/> Alteration			
<input type="checkbox"/> Other: _____			

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? ☐ YES ☒ NO

1a. If yes, in which States? _____

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? ☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? ☐ YES ☐ NO

If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
Mullane Ahern at (415)252-2514 or mullane.ahern@sfgov.org

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: Katie O'Brien

Date: 10/13/16

Print name, and indicate whether owner, or authorized agent:

Katie O'Brien, Build Inc.
Owner ☒ Authorized Agent (circle one)

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

- ☐ Anti-Discriminatory Housing Policy Form is **Complete**
☐ Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):	DATE FILED:
RECORD NUMBER:	DATE FILED:
VERIFIED BY PLANNER:	
Signature: _____ Date: _____	
Printed Name: _____ Phone: _____	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS 830 Eddy Street		BLOCK/LOT(S) 0738 / 018, 22-44
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE) 2015.009460	MOTION NO. (IF APPLICABLE)
PROJECT SPONSOR 830 Eddy Investment LLC	MAIN CONTACT Katie O'Brien	PHONE 415.551.7628
ADDRESS 315 Linden Street		
CITY, STATE, ZIP San Francisco, CA 94102		EMAIL katie@bldsf.com
ESTIMATED RESIDENTIAL UNITS 123	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS 120' / 12 Floors
ANTICIPATED START DATE		ESTIMATED CONSTRUCTION COST \$40,800,000

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input checked="" type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input checked="" type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
NOTES: <ul style="list-style-type: none">If you checked C, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.If you checked A or B, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.orgIf the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.	

Continued...



830 EDDY STREET + 815 VAN NESS AVENUE

SAN FRANCISCO, CA

PLANNING COMMISSION HEARING

12.08.2016

BARarchitects

901 Battery Street, Suite 300 | San Francisco, CA
94111 | 415 293 5700 | www.bararch.com

MILLER COMPANY
landscape architects

 **BKF**
ENGINEERS / SURVEYORS / PLANNERS

B U I L D I N G

PROJECT DESCRIPTION

The project site incorporates two parcels that were once part of a single development site and lot that was later subdivided. One parcel, located at 815 Van Ness Avenue, comprises an existing six story commercial building. The second parcel, located at 830 Eddy street, includes a two level parking structure with 62 parking spaces accessory to the commercial building at 815 Van Ness. The project proposes to retain the existing commercial building at 815 Van Ness and eliminate 22 of the 62 accessory parking spaces and construct a new 12-story, 126-unit residential building at 830 Eddy, with pedestrian and lobby access provided from both Eddy and Willow streets. The new building at 830 Eddy will provide a total of 105 underground parking spaces, of which 40 spaces will remain dedicated to the existing commercial building at 815 Van Ness, with 63 spaces dedicated to the new residential units, at the principally permitted ratio of 0.5 spaces per residential unit and 2 car share spaces. The project sponsor is exploring the acquisition of the retail space at the base of the 815 Van Ness commercial building. The current use is a Burger King restaurant with a drive-thru entering on the 830 Eddy property and exiting on Van Ness avenue on the 815 Van Ness property. The acquisition of the Burger King would result in a more efficient and aesthetically pleasing ground floor for the entire project site and eliminate a curb cut on Van Ness Avenue. The acquisition of the Burger King and associated ground floor plan revisions are referred to throughout as the project variant.

PROPERTY SUMMARY

ADDRESS:830 EDDY STREET AND 815 VAN NESS AVE

SUPERVISOR:DISTRICT 5 / LONDON BREED

BLOCK/LOT:0738/018, 0738/022-044

LOT SIZE:21,980 SF

ZONING:RC-4

OVERLAY:VAN NESS SPECIAL USE DISTRICT
AUTOMOTIVE SPECIAL USE DISTRICT

HEIGHT/BULK:130-V

PROJECT DIRECTORY

■ OWNER:

BUILD INC.
315 LINDEN STREET
SAN FRANCISCO, CA 94102
TEL: 415.551.7626
CONTACT: KATE O'BRIEN
EMAIL: katie@bldsf.com

■ ARCHITECT:

BAR ARCHITECTS
901 BATTERY STREET, SUITE 300
SAN FRANCISCO, CA 94111
TEL: 415.293.5700
CONTACT: WILLIAM DUNCANSON
EMAIL: WDuncanson@bararch.com

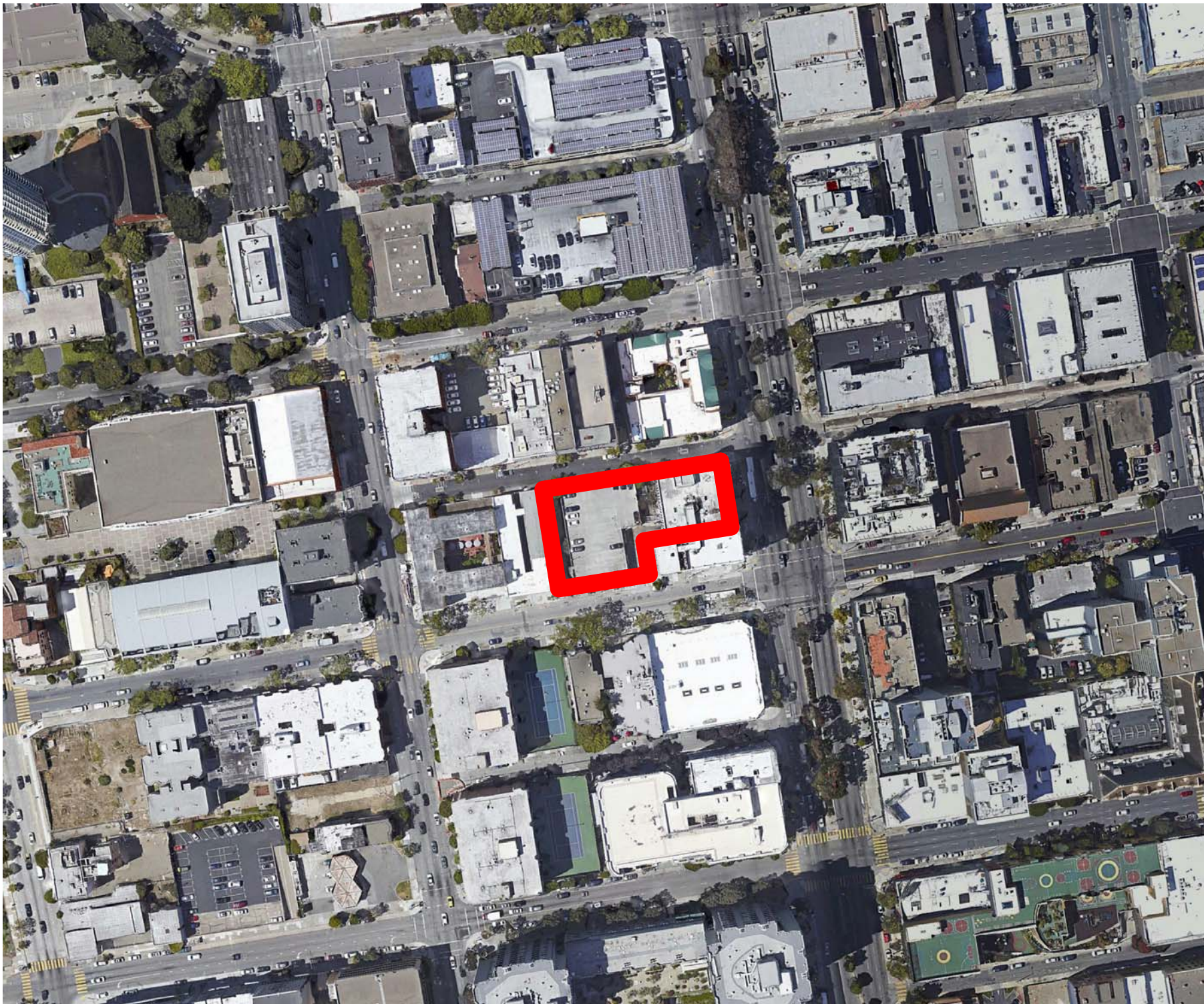
■ CIVIL ENGINEER

CONSULTANT TO OWNER
BKF ENGINEERS
150 CALIFORNIA STREET, SUITE 650
SAN FRANCISCO, CA 94111
TEL: 415.930.7900
CONTACT: MIKE O'CONNELL, PE
EMAIL: moconnell@bkf.com

■ LANDSCAPE ARCHITECT:

MILLER COMPANY LANDSCAPE ARCHITECTS
1585 FOLSOM STREET
SAN FRANCISCO, CA 94103
TEL: 415.252.7288
CONTACT: MAYA NAGASAKA
EMAIL: nagasaka@millercomp.com

VINCINITY MAP

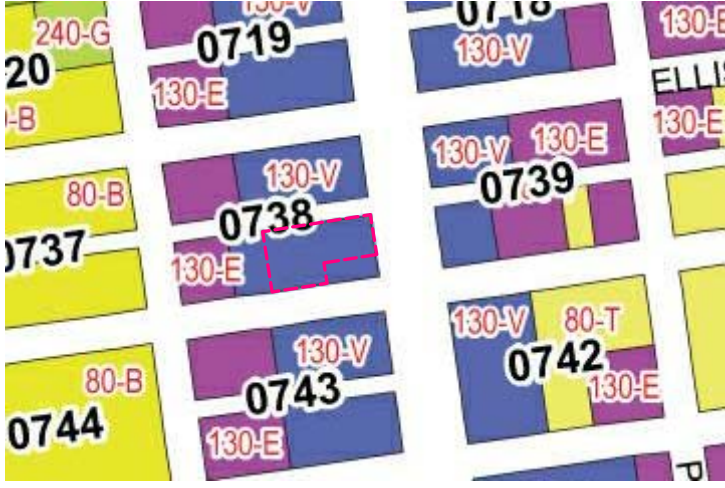


ZONING MAP



* MAPS FROM WWW.SF-PLANNING.ORG

HEIGHT/BULK MAP



PROPERTY AREA			
PARCEL	AREA (SF)	AREA (ACRES)	FAR MAX
815 VAN NESS AVE	8,780	0.202	61,460 SF
830 EDDY STREET	13,200	0.303	92,400 SF
	21,980	0.505	153,860 SF

SHEET INDEX				
PPA+EE	CONDITIONAL USE	PUD	PAGE NUMBER	SHEET NUMBER
			0	0
•	•	•	1	G000
•	•	•	2	A100
•	•	•	3	R1.0
•	•	•	4	G100
•	•	•	5	G110
•	•	•	6	G110-V
•	•	•	7	G200
			8	A307.5
		•	9	A307.1
		•	10	A307.2
		•	11	A307.3
		•	12	A307.4
		•	13	A 321
		•	14	A 322
			15	A 323
		•	16	A 324
•	•	•	17	A301
		•	18	A302
		•	19	A306
•	•	•	20	A303
•	•	•	21	A101
		•	22	A101-V
•	•	•	23	A200B2-3
•	•	•	24	A200B1
		•	25	A200B1-V
		•	26	A201M
		•	27	A201M-V
			28	A202
•	•	•	29	A203
		•	30	A208
		•	31	A212
•	•	•	32	A213
		•	33	A304.1-V
		•	34	A304.2-V
		•	35	A304.3-V
		•	36	L1.1
		•	37	L1.1VARIANT
		•	38	L2.1
		•	39	L1.2
			40	L2.2

830 EDDY STREET | SAN FRANCISCO, CA

SHEET INDEX + PROJECT DESCRIPTION

830 EDDY STREET | SAN FRANCISCO, CA

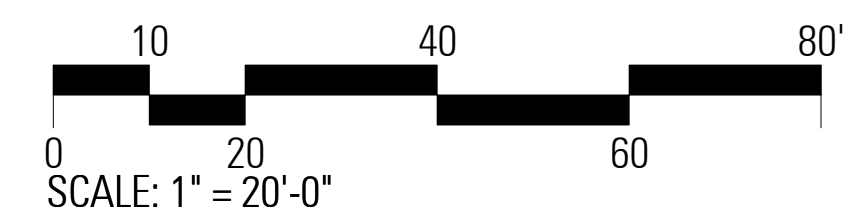
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15024

12/08/16

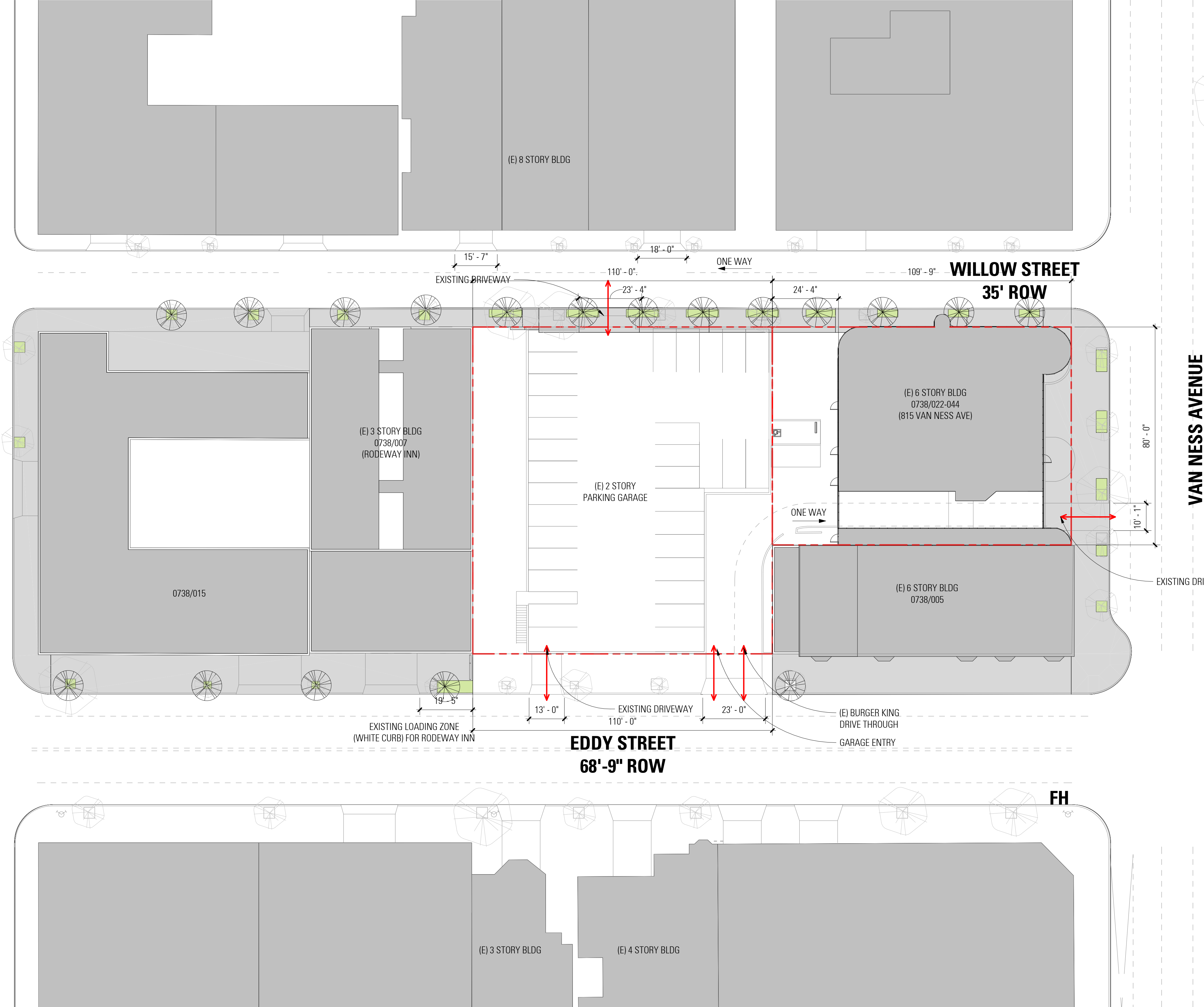


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2

FRANKLIN STREET

ONE WAY

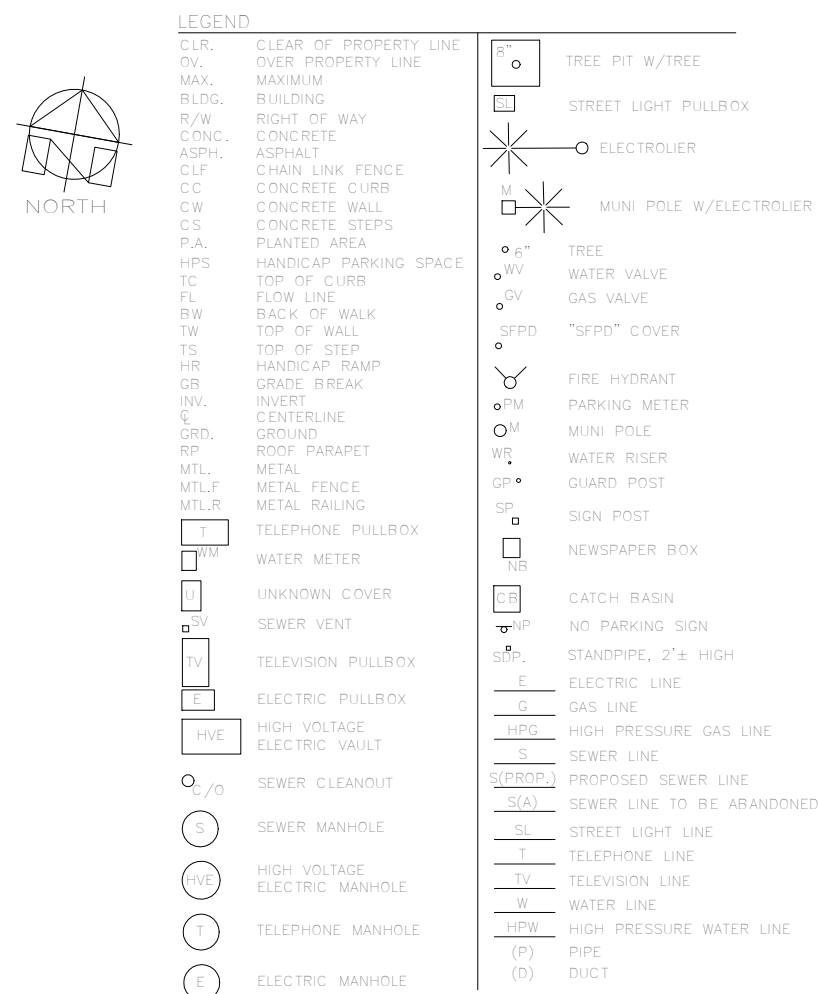


VAN NESS AVENUE

FH

- VEHICULAR SITE ACCESS
- PEDESTRIAN SITE ACCESS
- REFUSE AREA
- CLASS 1 BIKE RACK (5 STALLS)
- × CLASS 2 BIKE RACK (13 STALLS)
- FH (E) FIRE HYDRANT

EXISTING SITE PLAN



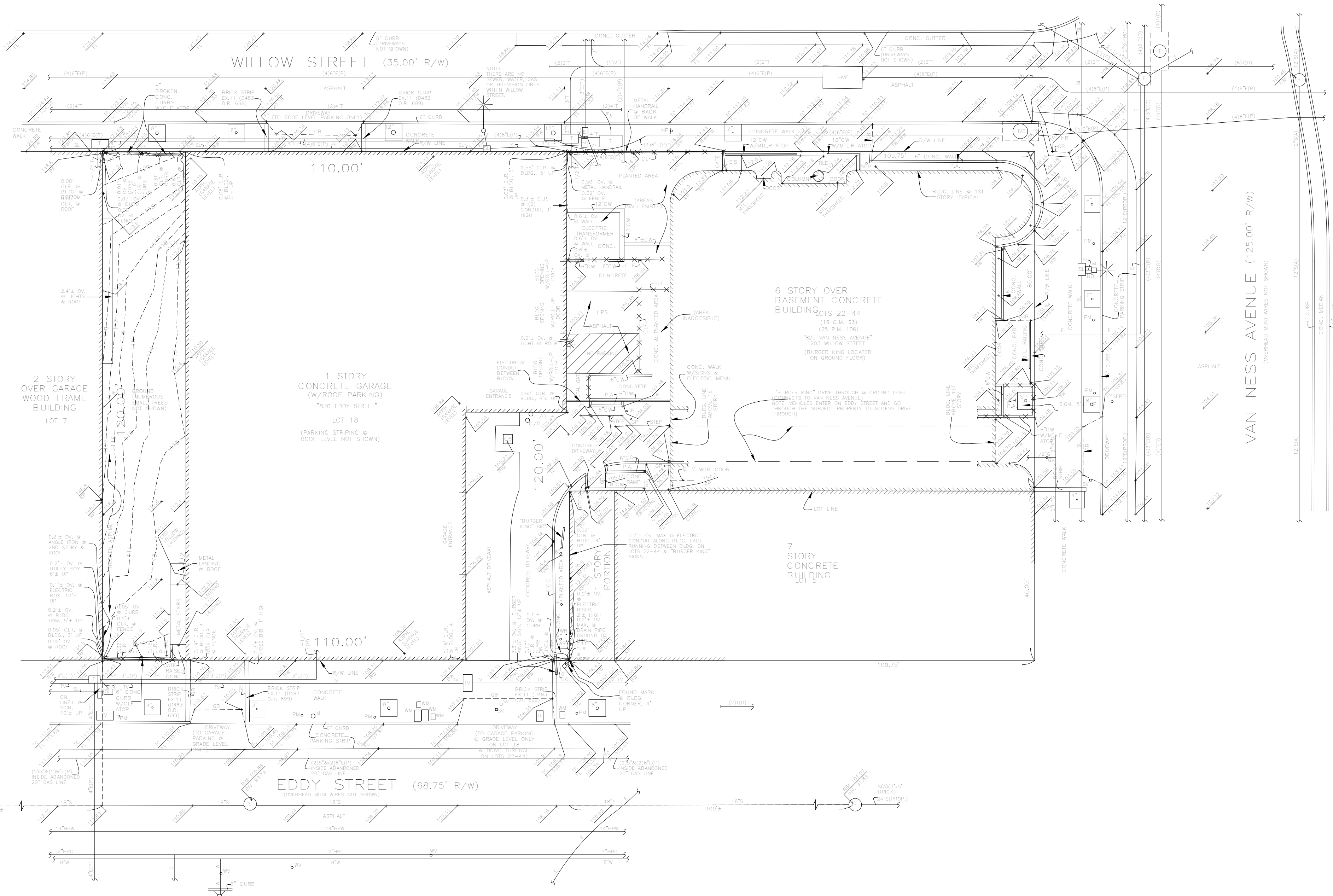
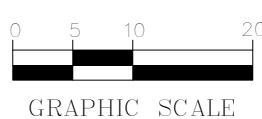
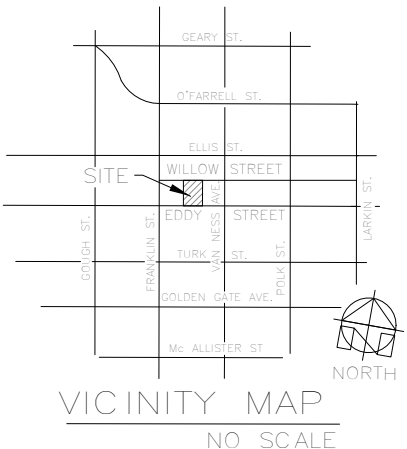
LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF
SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

OLD REPUBLIC TITLE COMPANY PRELIMINARY REPORT NO. 0224027478-AN,
DATED AUGUST 8, 2014, UPDATED.

1. ELEVATIONS ARE ON SAN FRANCISCO CITY DATUM.
2. DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.
3. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
4. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

BASIS OF SURVEY
CITY OF SAN FRANCISCO MONUMENT MAP NO. 16 ON FILE IN THE OFFICE
OF THE CITY AND COUNTY SURVEYOR



SITE AREA = 13,200 SQ.FT.

SITE SURVEY
OF A PORTION OF ASSESSOR'S BLOCK NO. 738
FOR
BUILD INC.

SAN FRANCISCO		CALIFORNIA	
SCALE: 1/16" = 1'-0"	ARTIN M. RON ASSOCIATES LAND SURVEYORS 850 HARRISON STREET, SUITE 200 SAN FRANCISCO, CA 94107 (415) 543-4500		SURV: DD
DATE: 11-11-11			DES:
SHEET: 1			DRW: JP
OF: 1			CHK: BR
JOB NO. S-8791			REV NO.

830 EDDY STREET | SAN FRANCISCO, CA

SURVEY - 830 EDDY+ 815 VAN NESS

BUILDING

15024

12/8/2016

SCALE: 1/16" = 1'-0"

R1.0

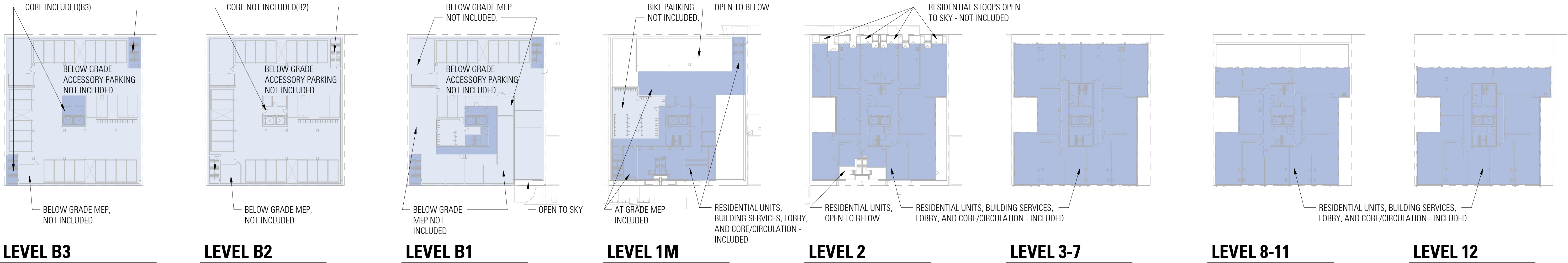
3

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FAR AREA SUMMARY



PARKING SUMMARY				PARKING COUNT	
	DU/AREA	TOTAL ALLOWABLE	TOTAL PROVIDED	PARKING SPACE TYPE	# CARS
PERMITTED RESIDENTIAL	0.5:1	63	63	STANDARD 8'X18"	9
REPLACED COMMERCIAL PARKING	1:1000 SF	-	30	TRIPLE STACKER	0
REPLACED RETAIL PARKING			10	ACCESSIBLE	1
CITY CAR SHARE	2 REQUIRED	5 MAX	2	VAN ACCESSIBLE	0
TOTALS			105	B1	10
				STANDARD 8'X18"	3
				TRIPLE STACKER	66
				ACCESSIBLE	0
				VAN ACCESSIBLE	1
				B2	70
				STANDARD 8'X18"	25
				TRIPLE STACKER	0
				ACCESSIBLE	0
				VAN ACCESSIBLE	0
				B3	25
				TOTALS	105

CLASS 1 BICYCLE STORAGE SUMMARY			
	UNITS	TOTAL REQUIRED	PROVIDED
RESIDENTIAL			
UNITS 1-100 @ 1:1	126	126	126
COMMERCIAL			
	5	5	5
TOTALS			131
CLASS 2 BICYCLE STORAGE SUMMARY			
	UNITS	TOTAL REQUIRED	PROVIDED
RESIDENTIAL			
-----	126	6	6
COMMERCIAL			
	7	7	7
TOTALS			13

PROJECT TABULATION	830 EDDY										825 VAN NESS	
	FAR CONTRIBUTING FLOOR AREA					NON-FAR CONTRIBUTING FLOOR AREA					FAR CONTRIBUTING FLOOR AREA EXISTING	
LEVEL	NET LEASEABLE	GROSS LEASEABLE	CIRCULATION / COMMON	BUILDING SERVICE	TOTAL FAR / FLOOR	BUILDING SERVICE	PARKING ACCESSORY	BIKE PARKING	TOTAL NON-FAR / FLOOR	TOTAL AREA / FLOOR (FAR & NON-FAR)	OFFICE / RESTAURANT	
ROOF	0 SF		810 SF	656 SF	1,465.8 SF			0 SF	0.0 SF	1,465.8 SF	0 SF	
LEVEL 12	7,468 SF	7,478 SF	1,225 SF	193 SF	8,896.0 SF			0 SF	0.0 SF	8,896.0 SF	0 SF	
LEVEL 11	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896.0 SF			0 SF	0.0 SF	8,896.0 SF	0 SF	
LEVEL 10	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896.0 SF			0 SF	0.0 SF	8,896.0 SF	0 SF	
LEVEL 9	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896.0 SF			0 SF	0.0 SF	8,896.0 SF	0 SF	
LEVEL 8	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896.0 SF			0 SF	0.0 SF	8,896.0 SF	0 SF	
LEVEL 7	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933.4 SF			0 SF	0.0 SF	10,933.4 SF	0 SF	
LEVEL 6	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933.4 SF			0 SF	0.0 SF	10,933.4 SF	5,962 SF	
LEVEL 5	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933.4 SF			0 SF	0.0 SF	10,933.4 SF	5,962 SF	
LEVEL 4	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933.4 SF			0 SF	0.0 SF	10,933.4 SF	5,962 SF	
LEVEL 3	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933.4 SF			0 SF	0.0 SF	10,933.4 SF	5,962 SF	
LEVEL 2	8,055 SF	8,060 SF	1,705 SF	193 SF	9,958.1 SF			0 SF	0.0 SF	9,958.1 SF	5,962 SF	
LEVEL 1M	985 SF	985 SF	2,979 SF	2,188 SF	6,152.5 SF			1,521 SF	1,521.3 SF	7,673.8 SF	0 SF	
LEVEL 1	0 SF	0 SF	0 SF	0 SF	0.0 SF			0 SF	0.0 SF	0.0 SF	4,940 SF	
LEVEL B1	0 SF	0 SF	1,387 SF	0 SF	1,387.4 SF	2,023 SF	6,217 SF	491 SF	11,163.0 SF	12,550.5 SF	0 SF	
LEVEL B2	0 SF	0 SF	0 SF	0 SF	0.0 SF	4,455 SF	11,342 SF	284 SF	12,643.8 SF	12,643.8 SF	0 SF	
LEVEL B3	0 SF	0 SF	778 SF	162 SF	939.7 SF	1,017 SF	10,845 SF	284 SF	11,704.2 SF	12,643.8 SF	0 SF	
TOTAL	93,042 SF	93,191 SF	20,731 SF	5,129 SF	119,050.4 SF	575 SF	28,404 SF	2,580 SF	37,032.3 SF	156,082.7 SF	34,750 SF	
						8,071 SF						

PROPERTY AREA			
PARCEL	AREA (SF)	AREA (ACRES)	FAR MAX
815 VAN NESS AVE	8,780	0.202	61,460 SF
830 EDDY STREET	13,200	0.303	92,400 SF
	21,980	0.505	153,860 SF

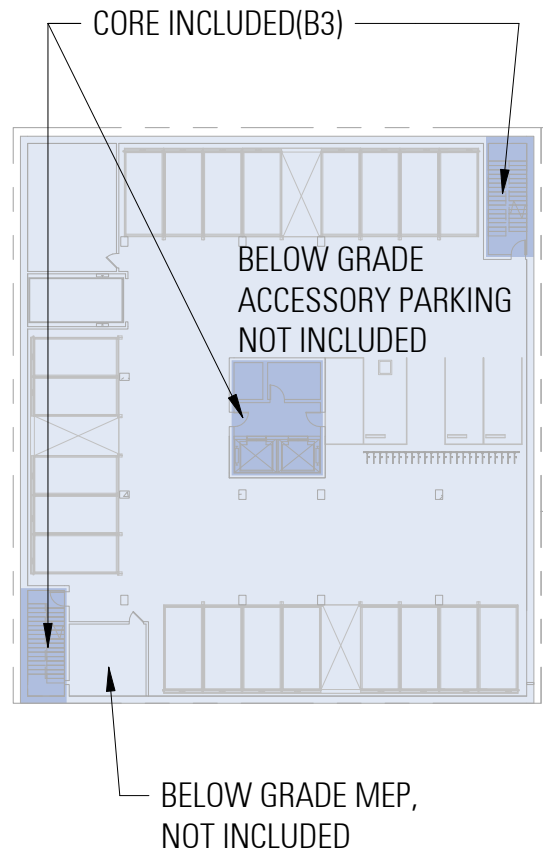
UNIT MIX					
LEVEL	ST	1 BED	2 BED	3 BED	TOTAL
LEVEL 12	1	3	3	1	8
LEVEL 11	1	6	3		10
LEVEL 10	1	6	3		10
LEVEL 9	1	6	3		10
LEVEL 8	1	6	3		10
LEVEL 7	3	6	4		13
LEVEL 6	3	6	4		13
LEVEL 5	3	6	4		13
LEVEL 4	3	6	4		13
LEVEL 3	3	6	4		13
LEVEL 2	2	6	3		11
LEVEL 1M	----	2	----		2
TOTALS	22	65	38	1	126

UNIT RATIO		
TYPE	RATIO	COUNT
1 BED	57%	65
2 BED	21%	38
3 BED	7%	1
STUDIO	14%	22
	100%	126

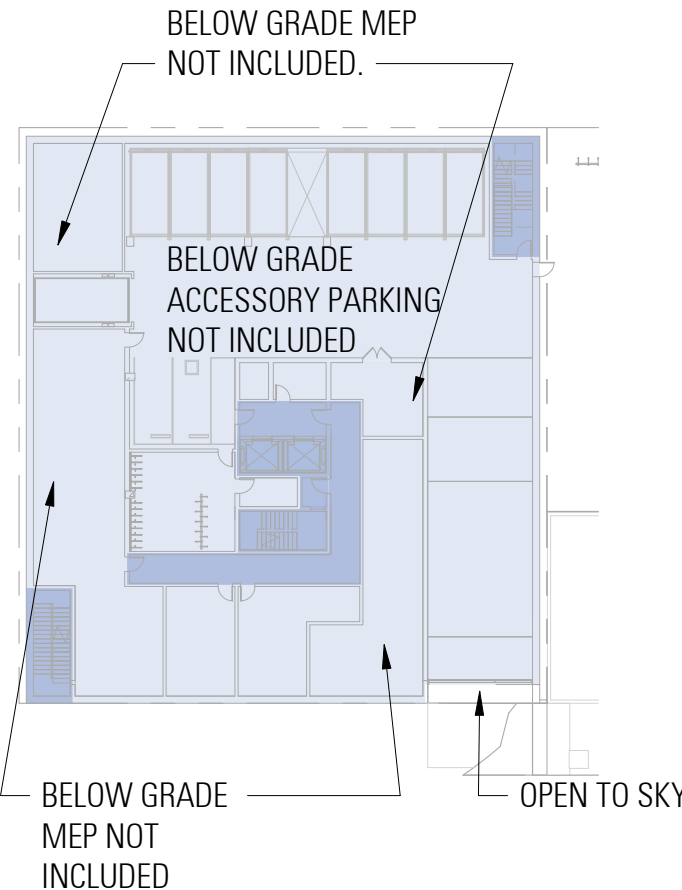
830 EDDY STREET | SAN FRANCISCO, CA

PROJECT DATA

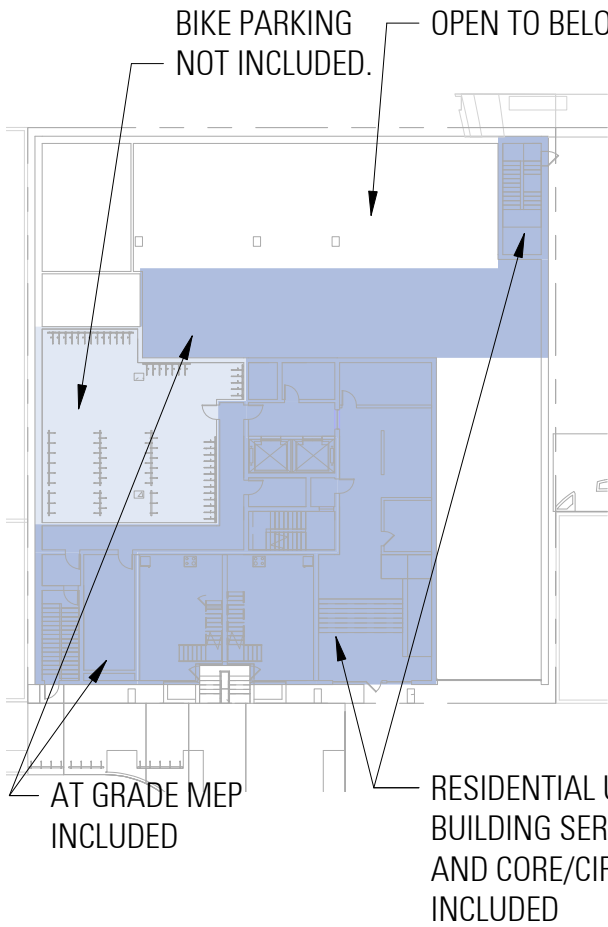
FAR AREA SUMMARY



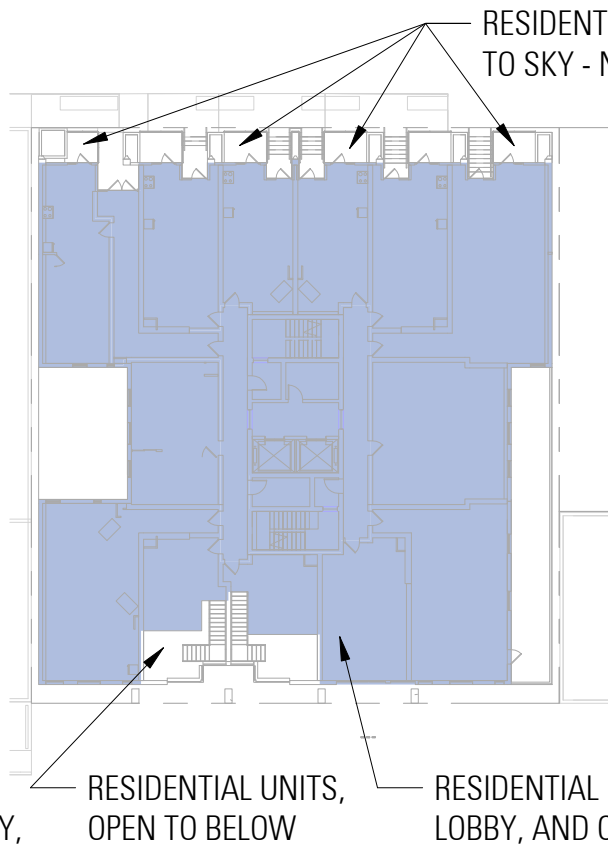
LEVEL B2



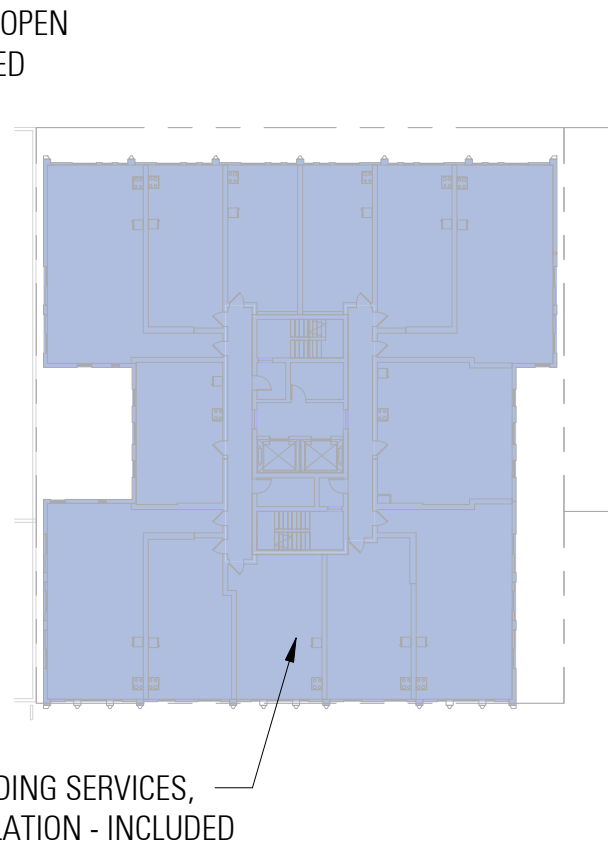
LEVEL B1



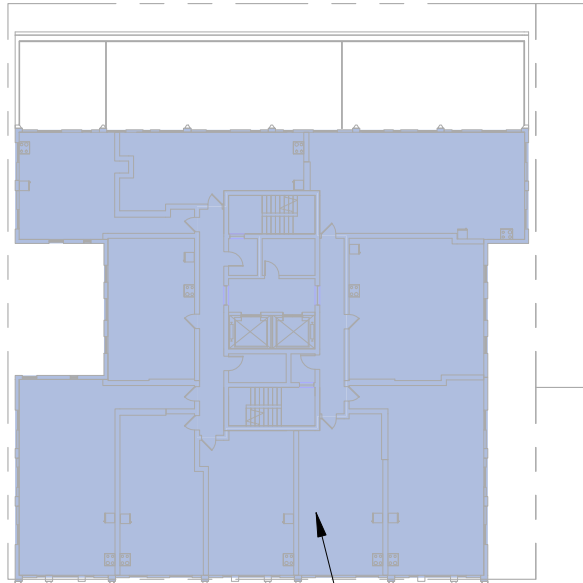
LEVEL 1M



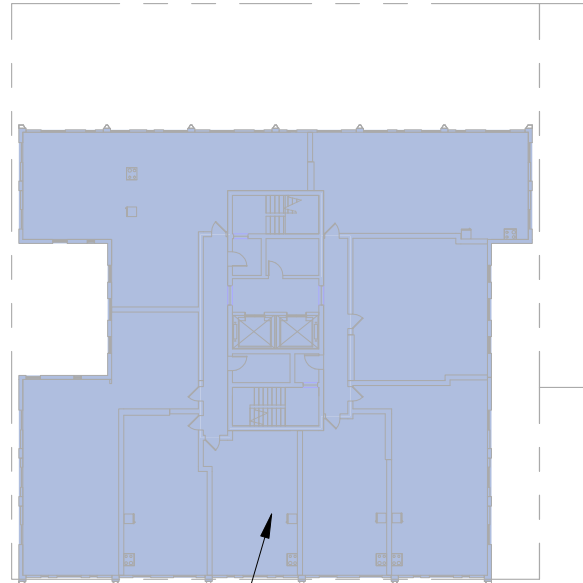
LEVEL 2



LEVEL 3-7



LEVEL 8-11



LEVEL 12

PARKING SUMMARY				PARKING COUNT VARIANT	
	DU/AREA	TOTAL ALLOWABLE	TOTAL PROVIDED	PARKING SPACE TYPE	# CARS
PERMITTED RESIDENTIAL	0.5:1	63	63	STANDARD 8'X18"	1
REPLACED COMMERCIAL PARKING	1:1000 SF	-	30	TRIPLE STACKER	25
REPLACED RETAIL PARKING			2	ACCESSIBLE	1
CITY CAR SHARE	2 REQUIRED	5 MAX	2	VAN ACCESSIBLE	0
TOTALS			97	B1	27
				STANDARD 8'X18"	3
				TRIPLE STACKER	66
				ACCESSIBLE	0
				VAN ACCESSIBLE	1
				B2	70
				STANDARD 8'X18"	0
				TRIPLE STACKER	0
				ACCESSIBLE	0
				VAN ACCESSIBLE	0
				B3	0
				TOTALS	97

PROJECT TABULATION	830 EDDY										825 VAN NESS	
		FAR CONTRIBUTING GROSS FLOOR AREA VARIANT				NON-CONTRIBUTING GROSS FLOOR AREA VARIANT					FAR CONTRIBUTING FLOOR AREA - VARIANT	
LEVEL	NET LEASEABLE	GROSS LEASEABLE	CIRCULATION / COMMON	BUILDING SERVICE	TOTAL GFA	BUILDING SERVICE	PARKING ACCESSORY	BIKE PARKING	TOTAL NON-FAR / FLOOR	TOTAL AREA / FLOOR (FAR & NON-FAR)	OFFICE / RESTAURANT	
ROOF	0 SF		810 SF	656 SF	1,466 SF			0 SF	0 SF	1,465.8 SF	0 SF	
LEVEL 12	7,468 SF	7,478 SF	1,225 SF	193 SF	8,896 SF			0 SF	0 SF	8,896.0 SF	0 SF	
LEVEL 11	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896 SF			0 SF	0 SF	8,896.0 SF	0 SF	
LEVEL 10	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896 SF			0 SF	0 SF	8,896.0 SF	0 SF	
LEVEL 9	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896 SF			0 SF	0 SF	8,896.0 SF	0 SF	
LEVEL 8	7,433 SF	7,443 SF	1,260 SF	193 SF	8,896 SF			0 SF	0 SF	8,896.0 SF	0 SF	
LEVEL 7	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933 SF			0 SF	0 SF	10,933.4 SF	0 SF	
LEVEL 6	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933 SF			0 SF	0 SF	10,933.4 SF	5,962 SF	
LEVEL 5	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933 SF			0 SF	0 SF	10,933.4 SF	5,962 SF	
LEVEL 4	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933 SF			0 SF	0 SF	10,933.4 SF	5,962 SF	
LEVEL 3	9,360 SF	9,379 SF	1,361 SF	193 SF	10,933 SF			0 SF	0 SF	10,933.4 SF	5,962 SF	
LEVEL 2	8,055 SF	8,060 SF	1,705 SF	193 SF	9,958 SF			0 SF	0 SF	9,958.1 SF	5,962 SF	
LEVEL 1M	985 SF	985 SF	2,979 SF	2,188 SF	6,153 SF			1,521 SF	1,521 SF	7,673.8 SF	0 SF	
LEVEL 1	0 SF	0 SF	0 SF	0 SF	0 SF			0 SF	0 SF	0.0 SF	4,940 SF	
LEVEL B1	0 SF	0 SF	1,387 SF	0 SF	1,387 SF	4,455 SF	6,217 SF	491 SF	11,163 SF	12,550.5 SF	0 SF	
LEVEL B2	0 SF	0 SF	778 SF	162 SF	940 SF	575 SF	10,845 SF	284 SF	11,704 SF	12,643.8 SF	0 SF	
TOTALS	93,042 SF	93,191 SF	20,731 SF	5,129 SF	119,050 SF	5,031 SF	17,062 SF	2,296 SF	24,388 SF	143,438.9 SF	34,750 SF	

UNIT MIX					
LEVEL	ST	1 BED	2 BED	3 BED	TOTAL
LEVEL 12	1	3	3	1	8
LEVEL 11	1	6	3		10
LEVEL 10	1	6	3		10
LEVEL 9	1	6	3		10
LEVEL 8	1	6	3		10
LEVEL 7	3	6	4		13
LEVEL 6	3	6	4		13
LEVEL 5	3	6	4		13
LEVEL 4	3	6	4		13
LEVEL 3	3	6	4		13
LEVEL 2	2	6	3		11
LEVEL 1M	----	2	----		2
TOTALS	22	65	38	1	126

CLASS 1 BICYCLE STORAGE SUMMARY			
	UNITS	TOTAL REQUIRED	PROVIDED
RESIDENTIAL			
UNITS 1-100 @ 1:1	126	126	126
COMMERCIAL			
	5	5	5
TOTALS			131
CLASS 2 BICYCLE STORAGE SUMMARY			
	UNITS	TOTAL REQUIRED	PROVIDED
RESIDENTIAL			
-----	126	6	6
COMMERCIAL			
	7	7	7
TOTALS			13

PROPERTY AREA			
PARCEL	AREA (SF)	AREA (ACRES)	FAR MAX
815 VAN NESS AVE	8,780	0.202	61,460 SF
830 EDDY STREET	13,200	0.303	92,400 SF
	21,980	0.505	153,860 SF

UNIT RATIO		
TYPE	RATIO	COUNT
1 BED	57%	65
2 BED	21%	38
3 BED	7%	1
STUDIO	14%	22
	100%	126

830 EDDY STREET | SAN FRANCISCO, CA

PROJECT DATA



8. VIEW OF WILLOW STREET LOOKING TOWARDS VAN NESS AVE



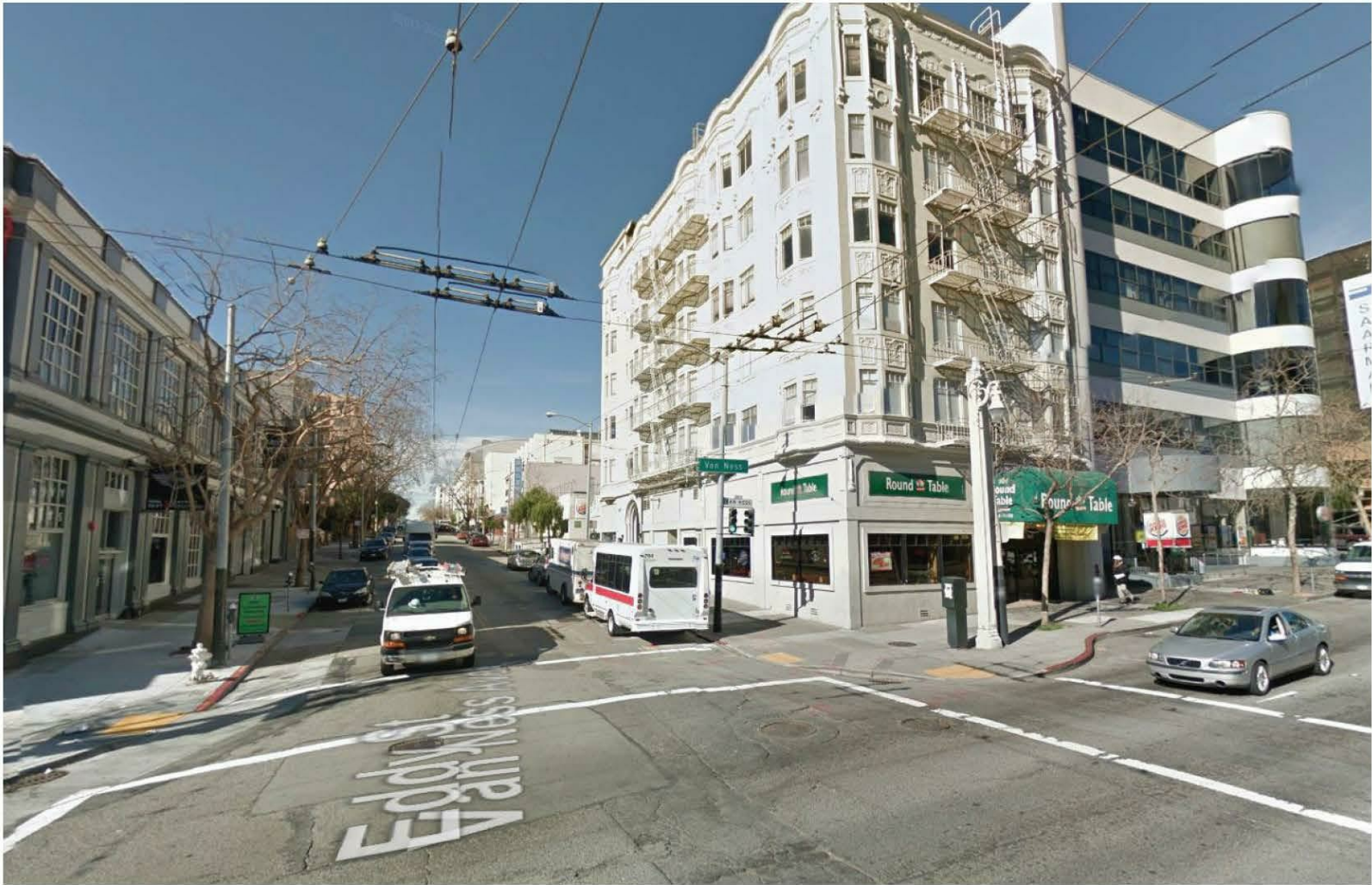
8. VIEW OF WILLOW STREET LOOKING TOWARDS FRANKLIN STREET



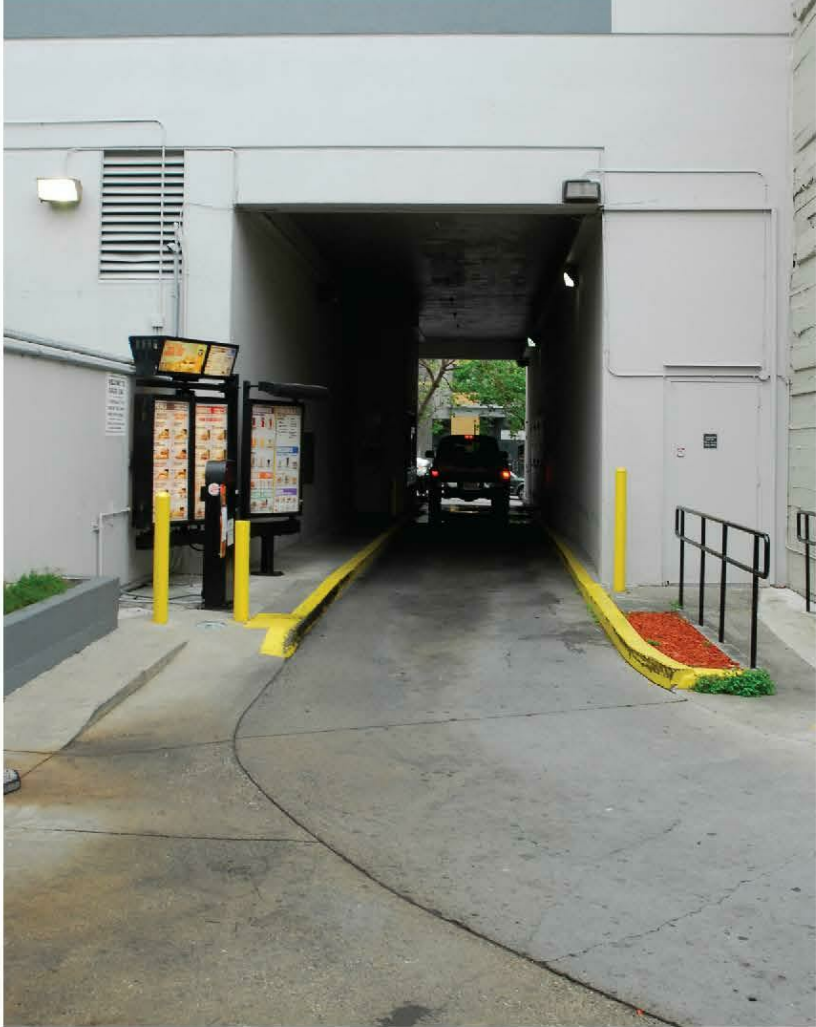
KEY MAP



7 VIEW FROM VAN NESS AVE AND EDDY STREET LOOKING NE



6. VIEW FROM VAN NESS AVE AND EDDY STREET LOOKING NW



5. VIEW OF BURGER KING DRIVE-THRU



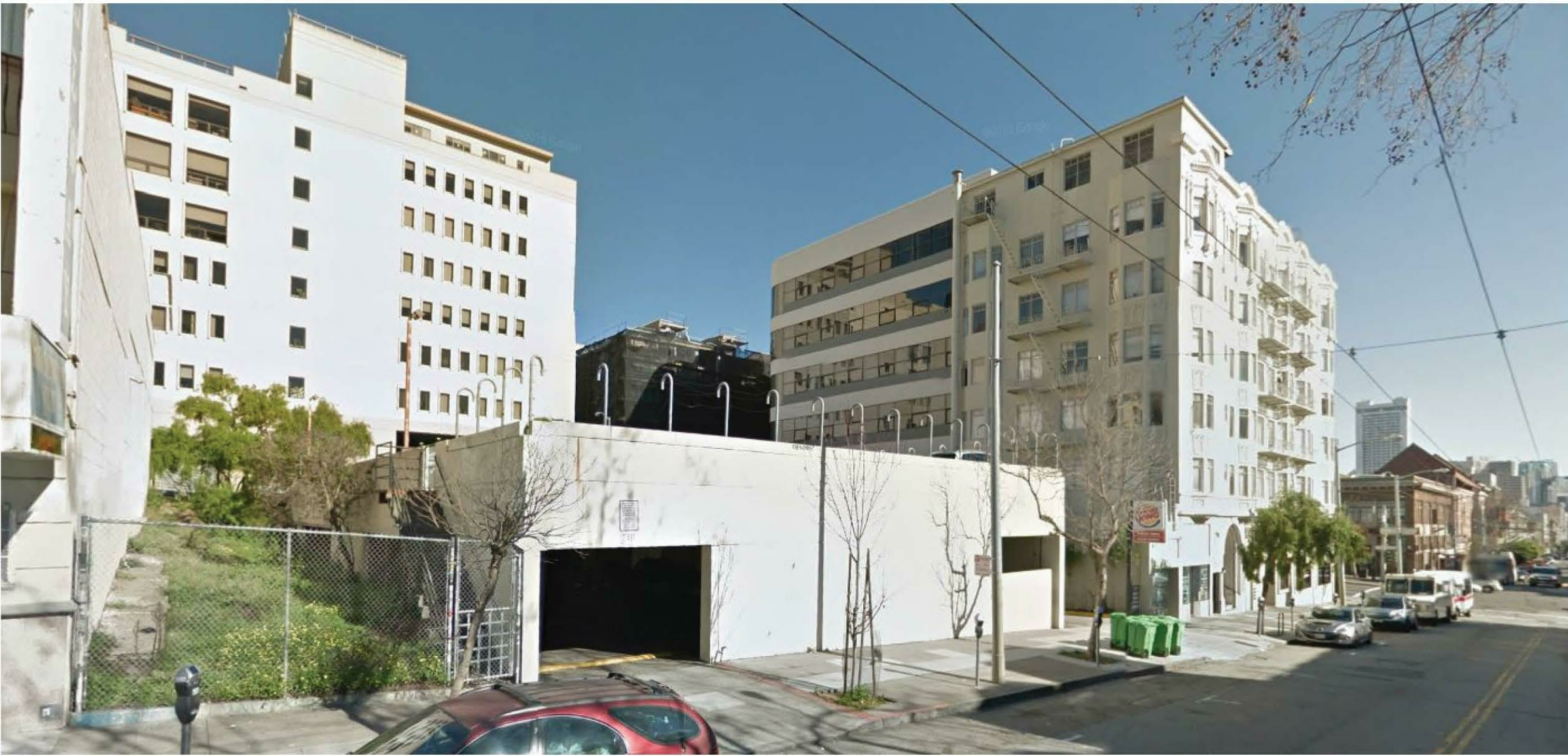
4. VIEW OF DRIVEWAY ENTRY



3. VIEW FROM 830 EDDY STREET LOOKING SE



2. VIEW FROM 830 EDDY STREET LOOKING SW



1. VIEW FROM EDDY STREET LOOKING NE

830 EDDY STREET | SAN FRANCISCO, CA

CONTEXT PHOTOS



830 EDDY STREET | SAN FRANCISCO, CA

AERIAL VIEW

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B U I L D I N G

15024

12/08/16

SCALE:

A307.5



830 EDDY STREET | SAN FRANCISCO, CA

PERSPECTIVE - EDDY STREET

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11/29/2016
12:24:40 PM



830 EDDY STREET | SAN FRANCISCO, CA

PERSPECTIVE - EDDY STREET

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B U I L D I N G

15024

12/08/16

SCALE:

A307.2 10



830 EDDY STREET | SAN FRANCISCO, CA

PERSPECTIVE - WILLOW STREET

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11/29/2016 12:24:52 PM



830 EDDY STREET | SAN FRANCISCO, CA

PERSPECTIVE - WILLOW STREET

BARarchitects

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www.bararch.com

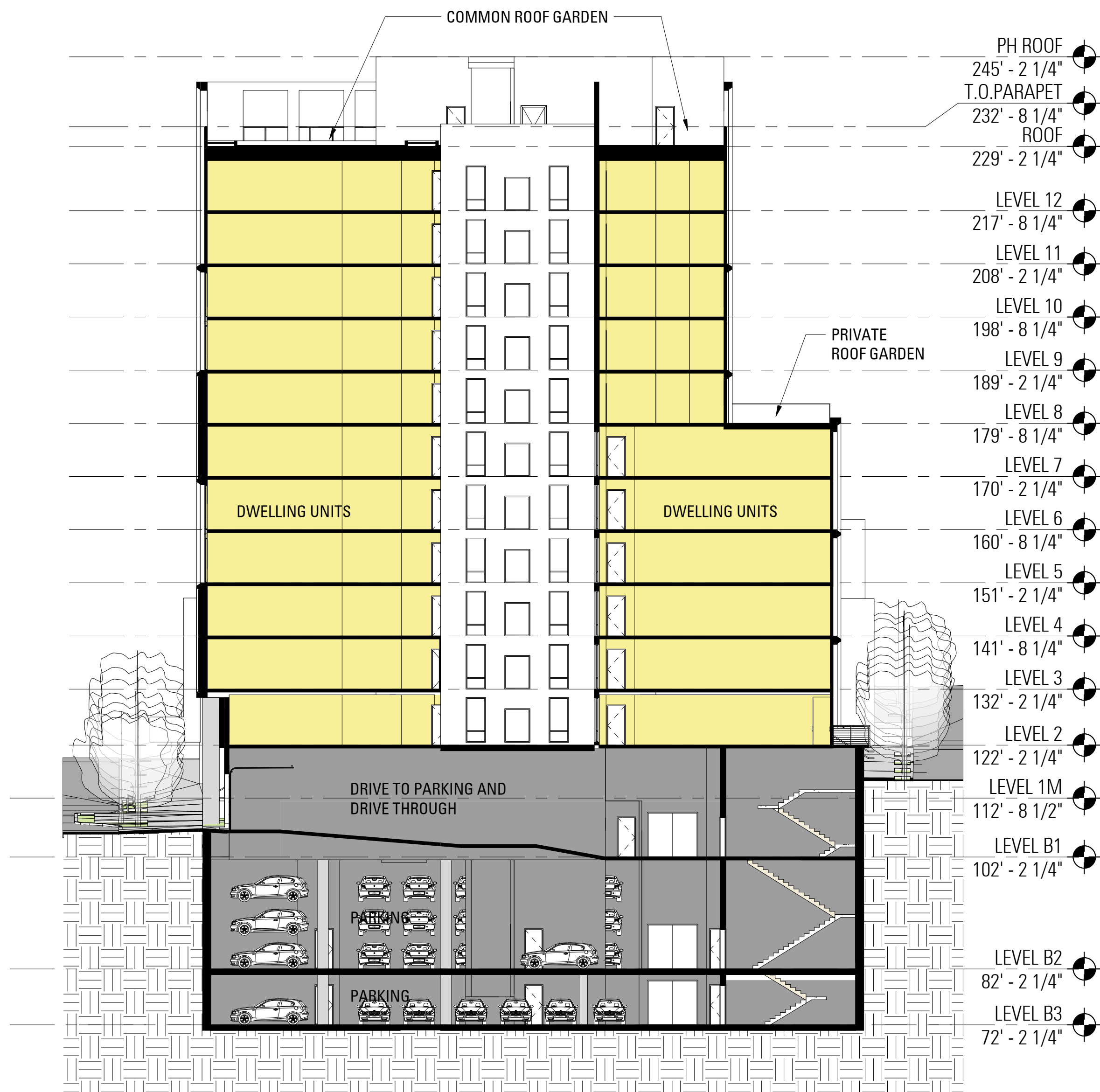
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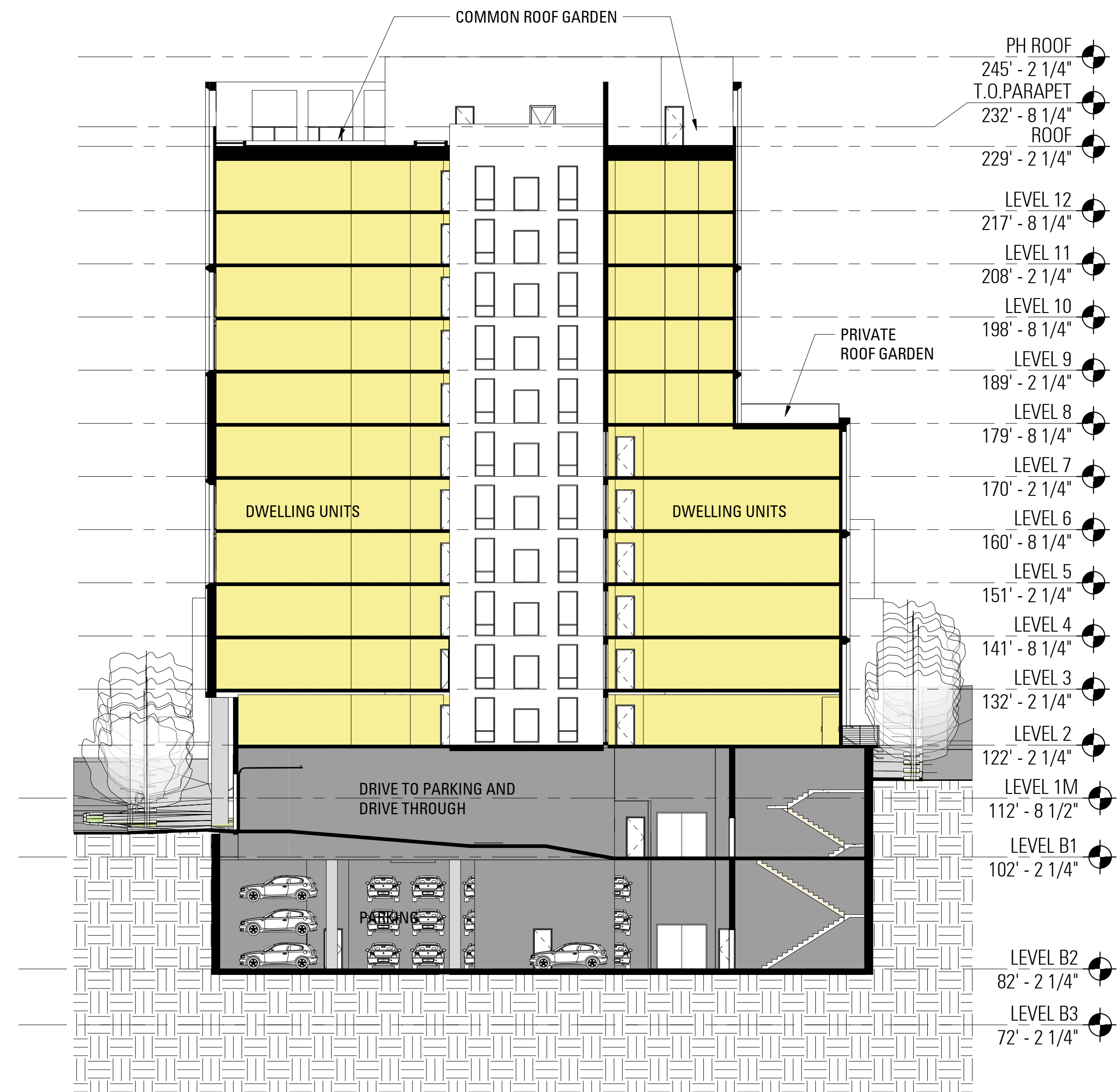
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A307.4 12



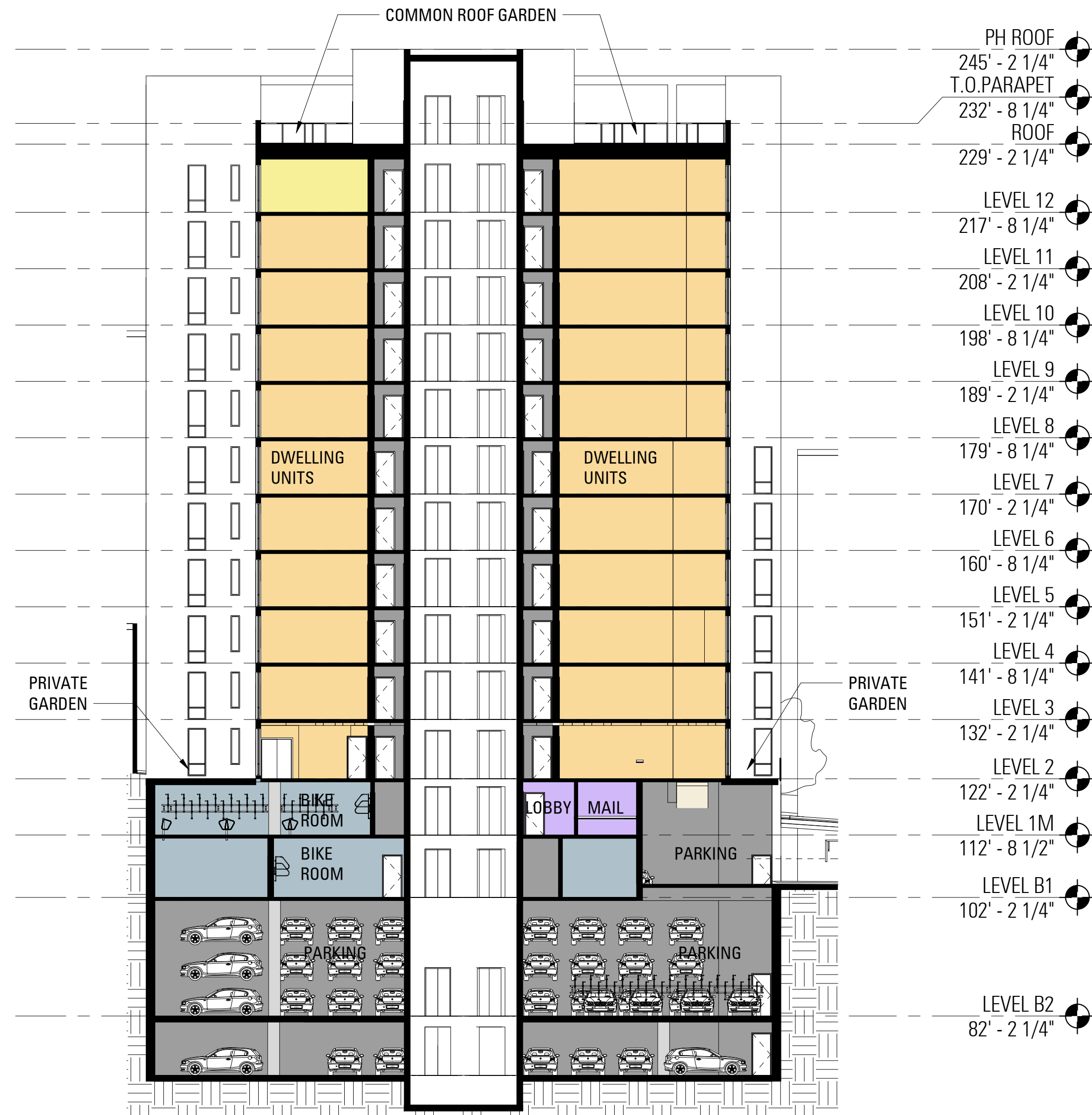
1 SECTION N-S 1
A 321 1/16" = 1'-0"



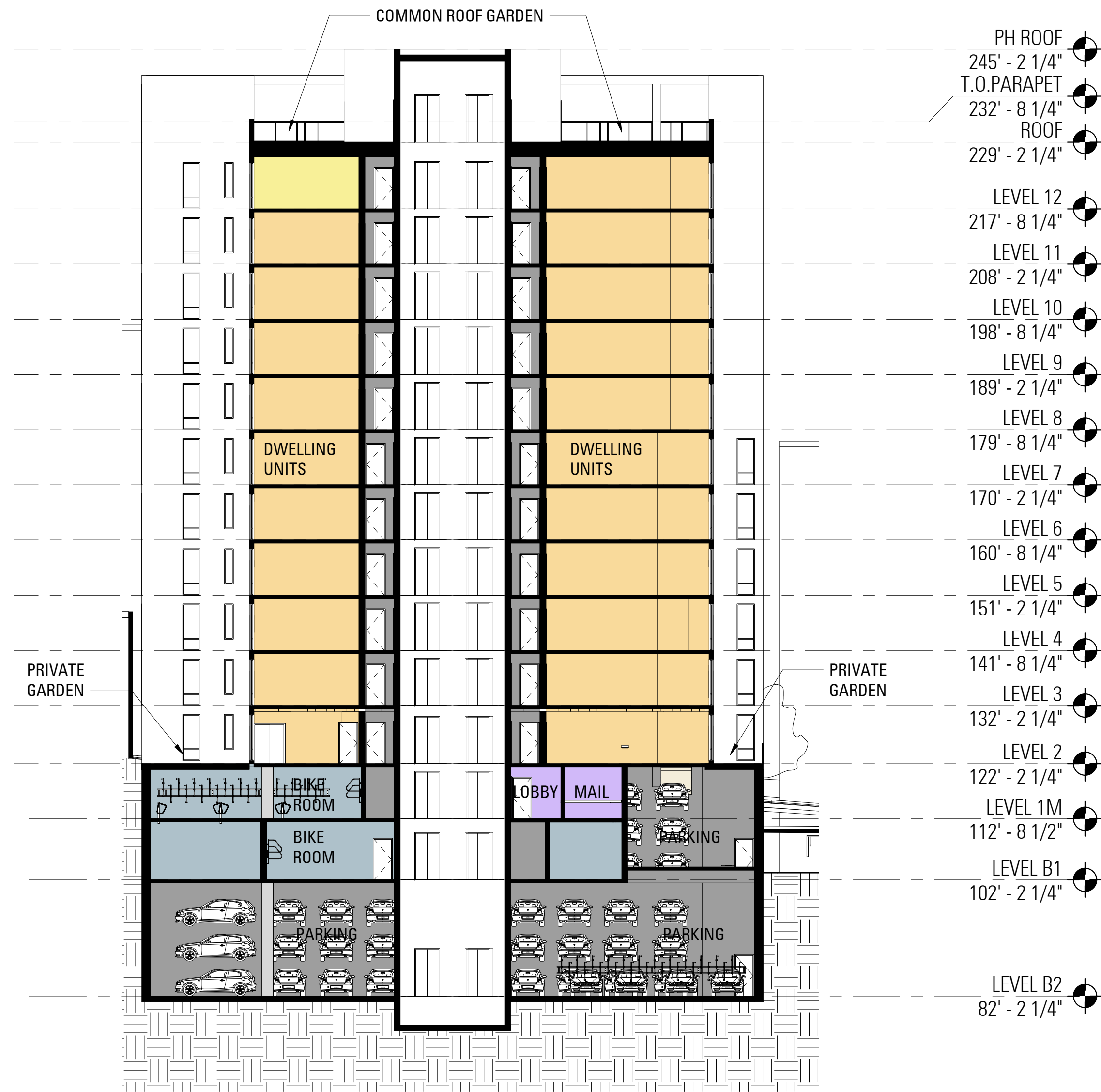
2 SECTION N-S 1 VARIANT
A 321 1/16" = 1'-0"

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BUILDING SECTIONS



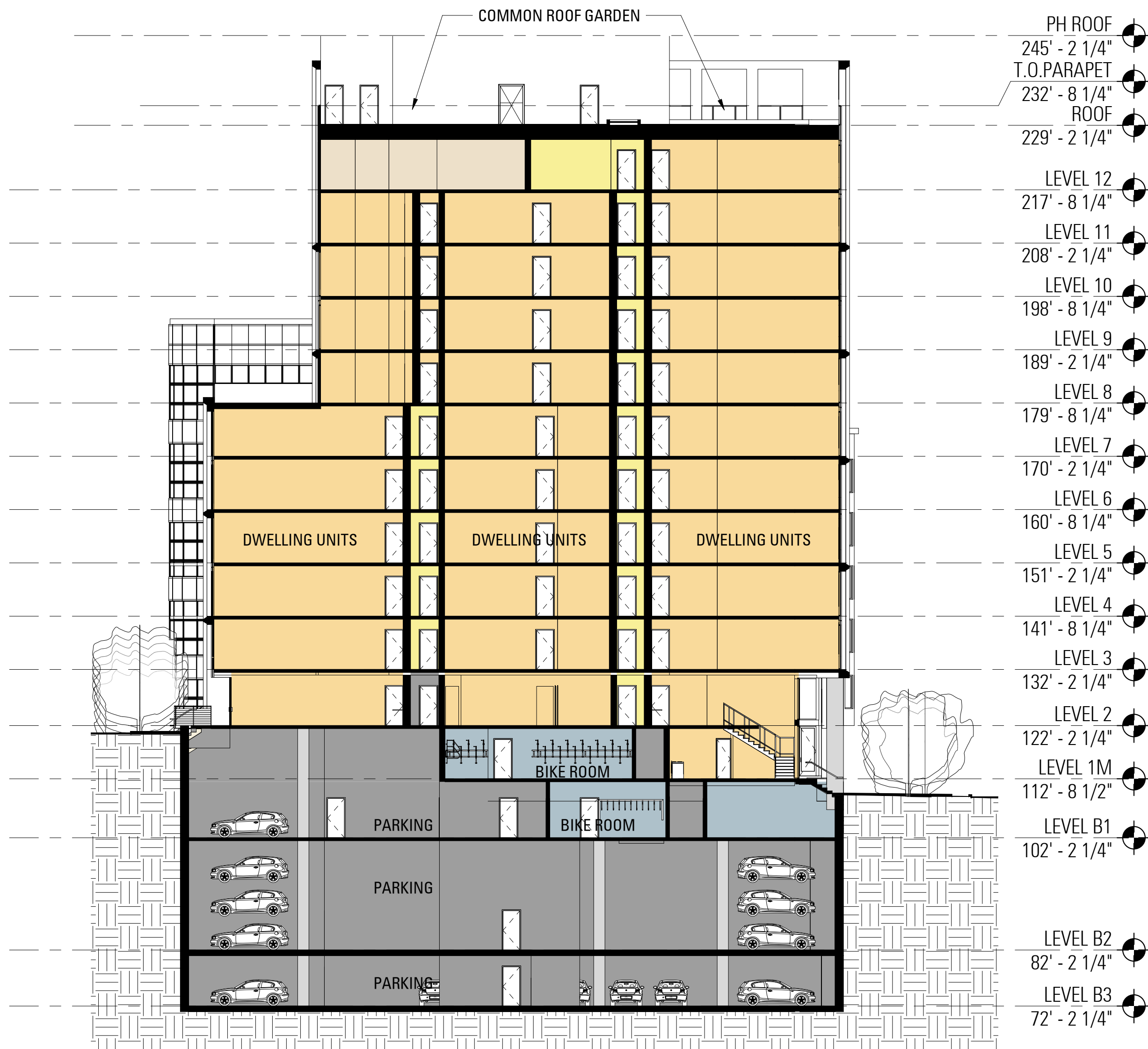
1
A 322 SECTION E-W 1
1/16" = 1'-0"



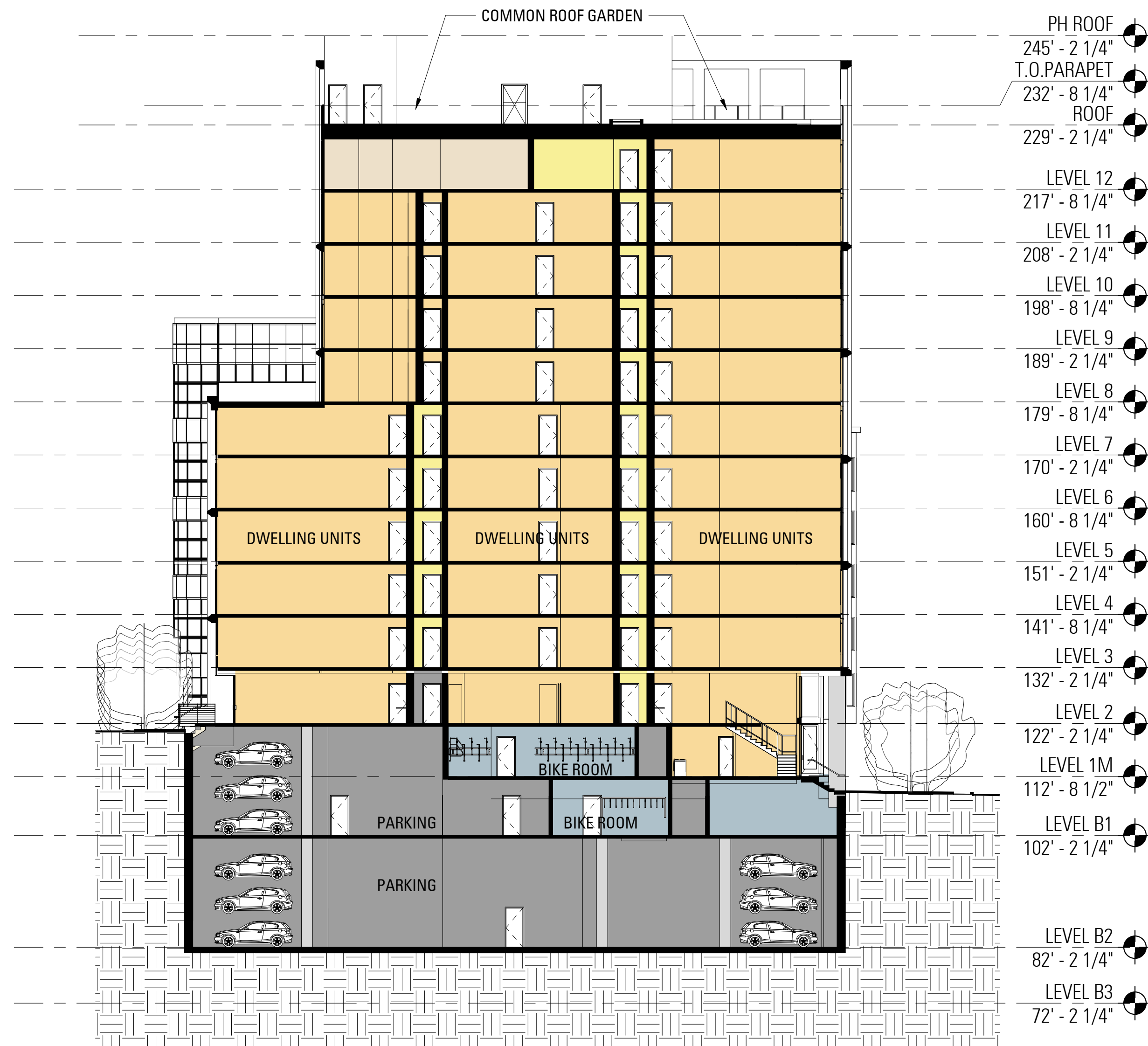
2
A 322 SECTION E-W 1 VARIANT
1/16" = 1'-0"

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BUILDING SECTIONS



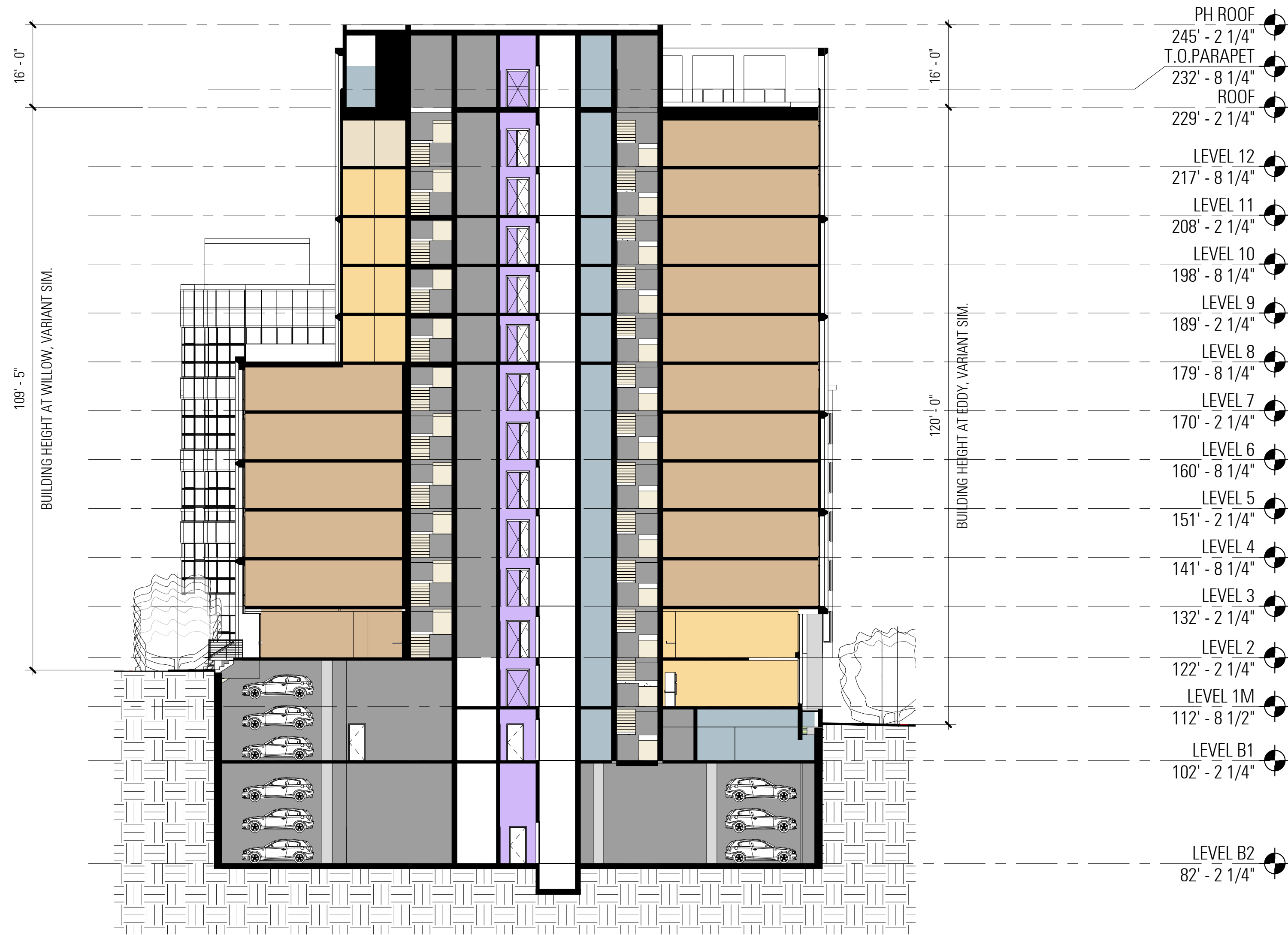
1 SECTION N-S 2
A 323 1/16" = 1'-0"



2 SECTION N-S 2 VARIANT
A 323 1/16" = 1'-0"

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BUILDING SECTIONS

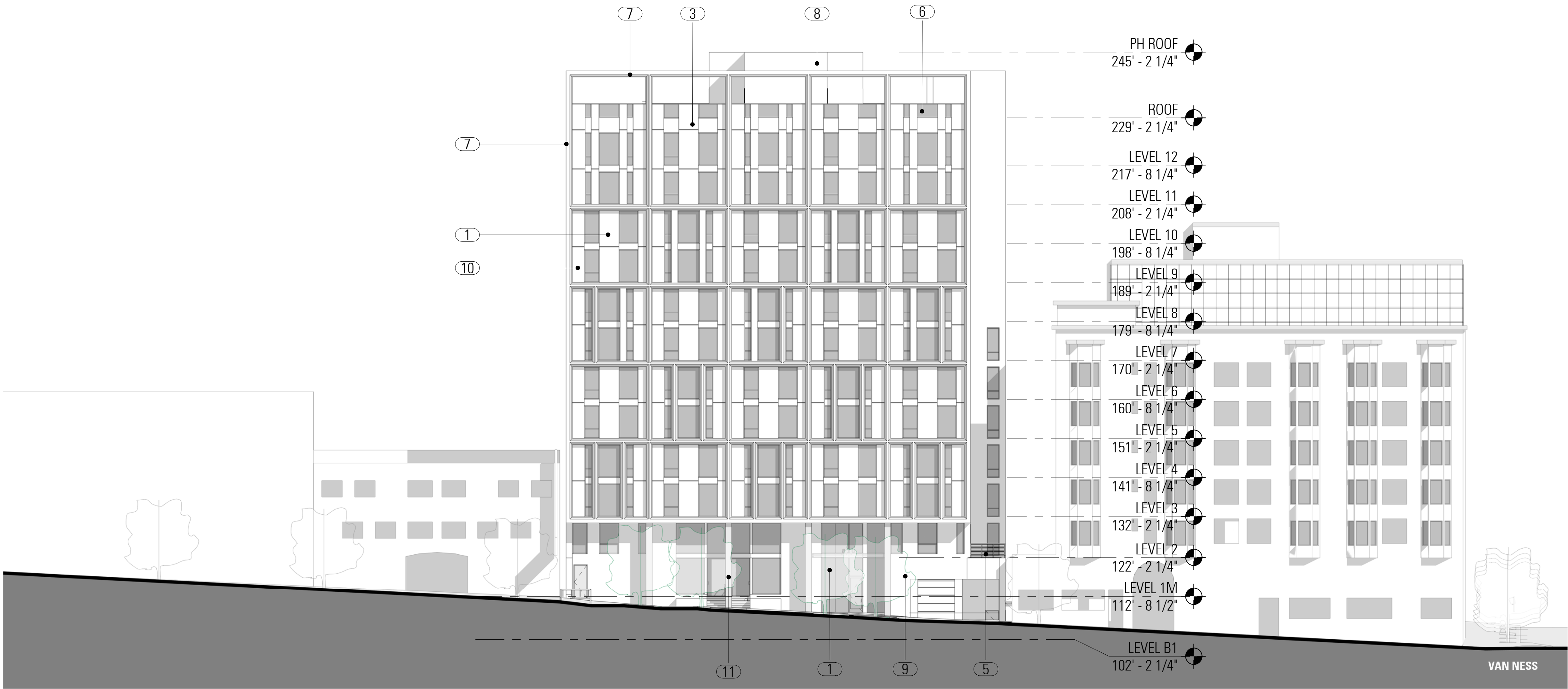


1 SECTION N-S 3
A 324 1/16" = 1'-0"

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BUILDING SECTIONS

- MATERIAL KEYNOTES
- 1. WINDOW WALL GLAZING SYSTEM
 - 2. PRE-FINISHED METAL PANEL
 - 3. SPANDREL (OPAQUE) PANEL
 - 4. PRE-FINISHED METAL LOUVER
 - 5. METAL GUARDRAIL
 - 6. GLASS GUARDRAIL
 - 7. PRE-CAST CONCRETE PANEL FIN
 - 8. EIFS
 - 9. HORIZONTAL FAUX WOOD SIDING
 - 10. RAINSCREEN PANEL
 - 11. ARCHITECTURAL CONCRETE

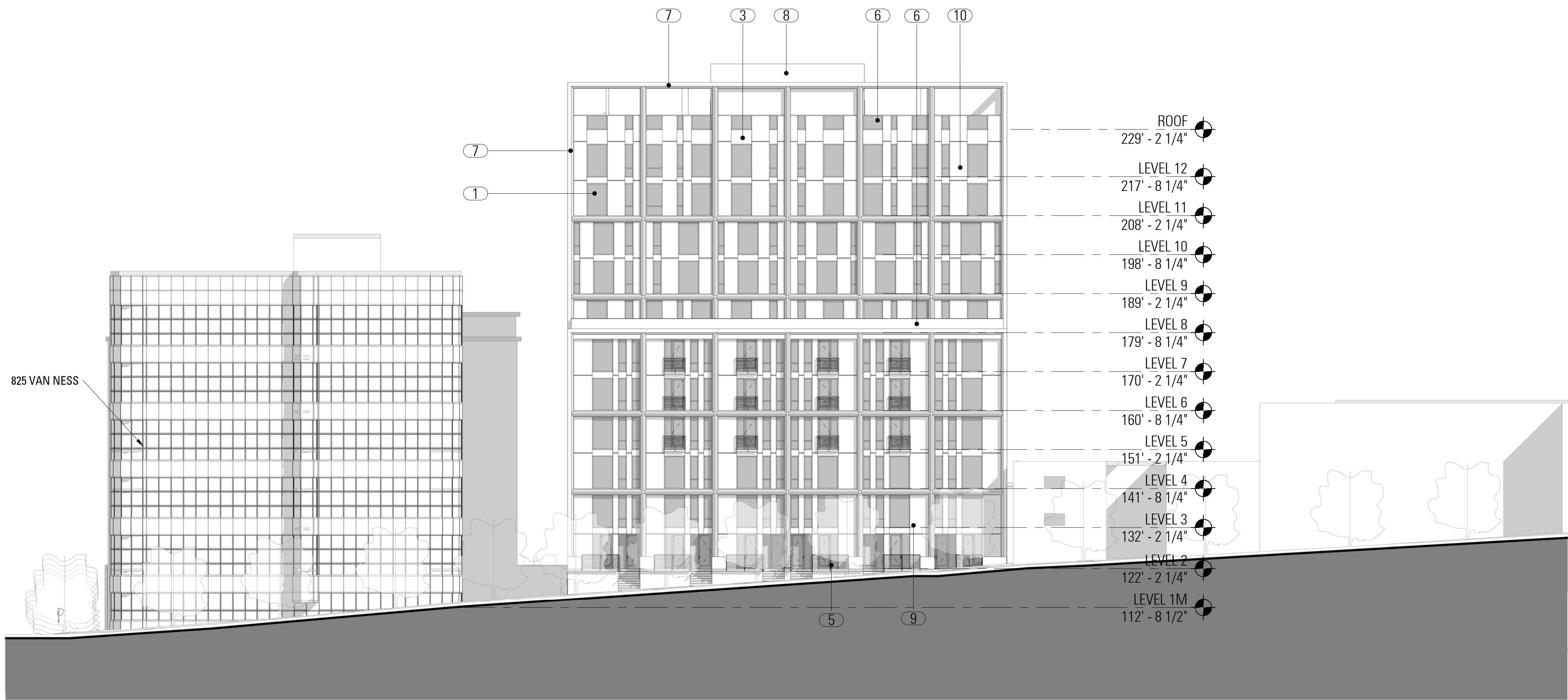


SOUTH ELEVATION

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EXTERIOR ELEVATIONS

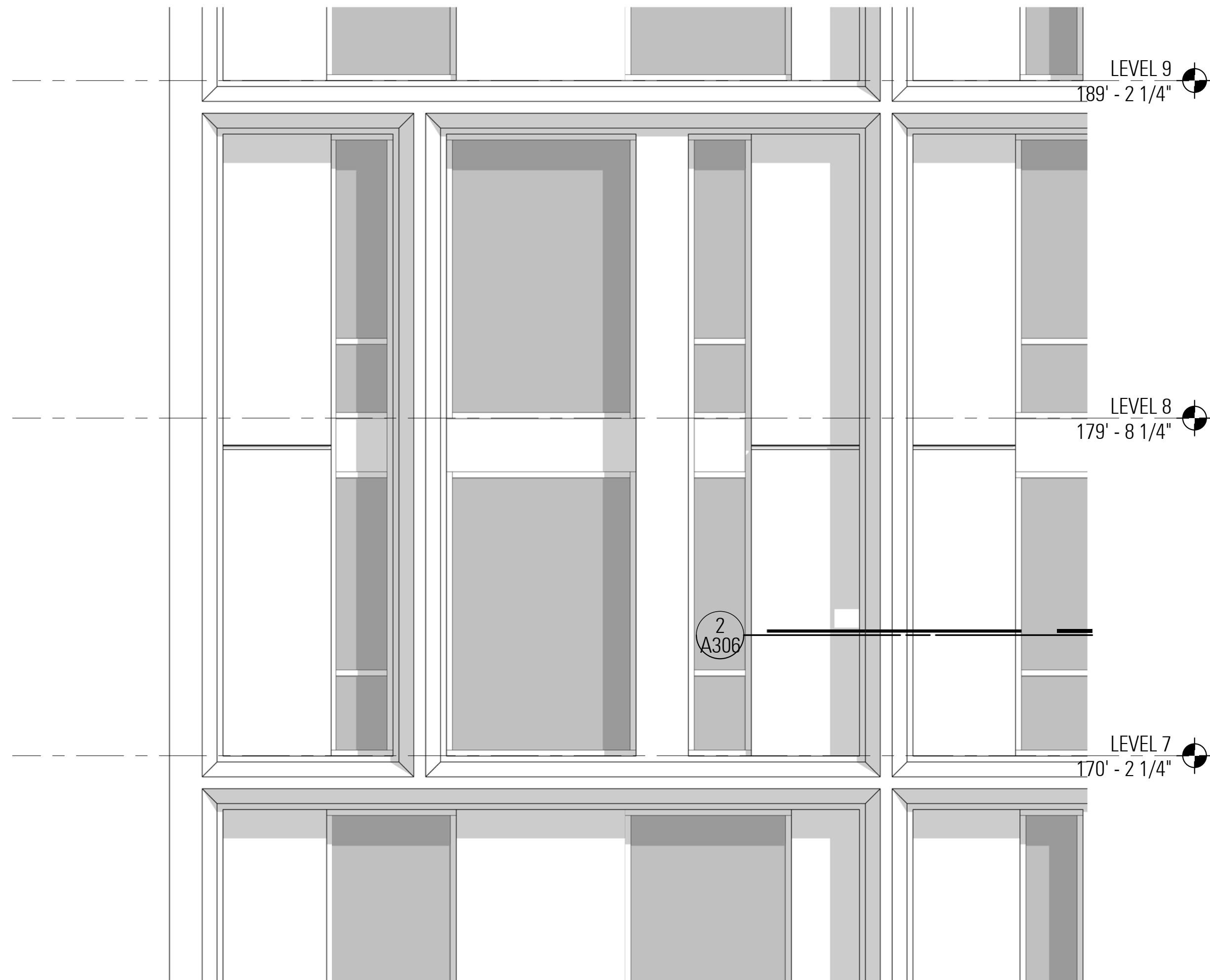
- MATERIAL KEYNOTES**
- 1. WINDOW WALL GLAZING SYSTEM
 - 2. PRE-FINISHED METAL PANEL
 - 3. SPANDREL (OPAQUE) PANEL
 - 4. PRE-FINISHED METAL LOUVER
 - 5. METAL GUARDRAIL
 - 6. GLASS GUARDRAIL
 - 7. PRE-CAST CONCRETE PANEL FIN
 - 8. EIFS
 - 9. HORIZONTAL FAUX WOOD SIDING
 - 10. RAINSCREEN PANEL
 - 11. ARCHITECTURAL CONCRETE



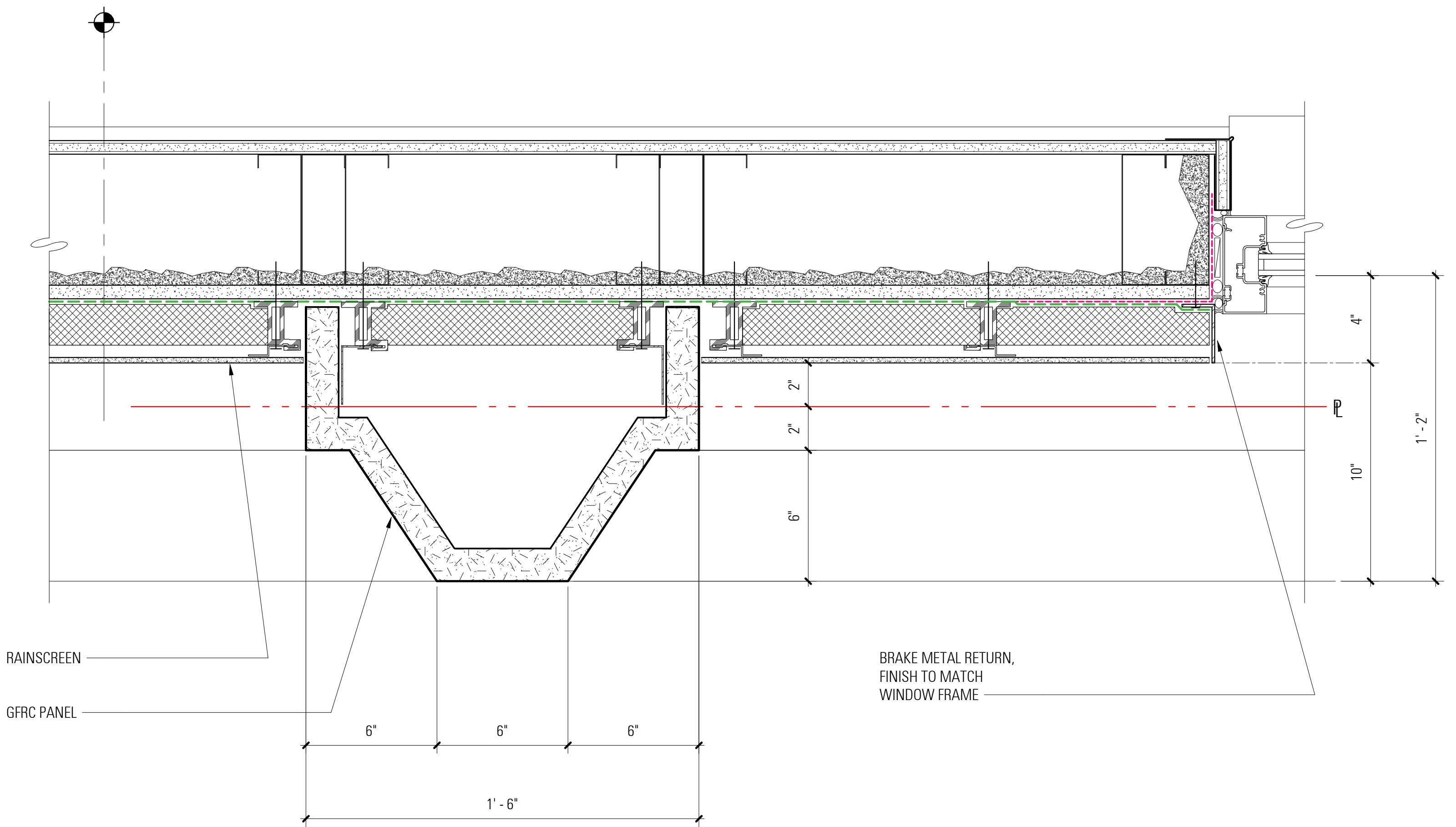
NORTH ELEVATION

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EXTERIOR ELEVATIONS



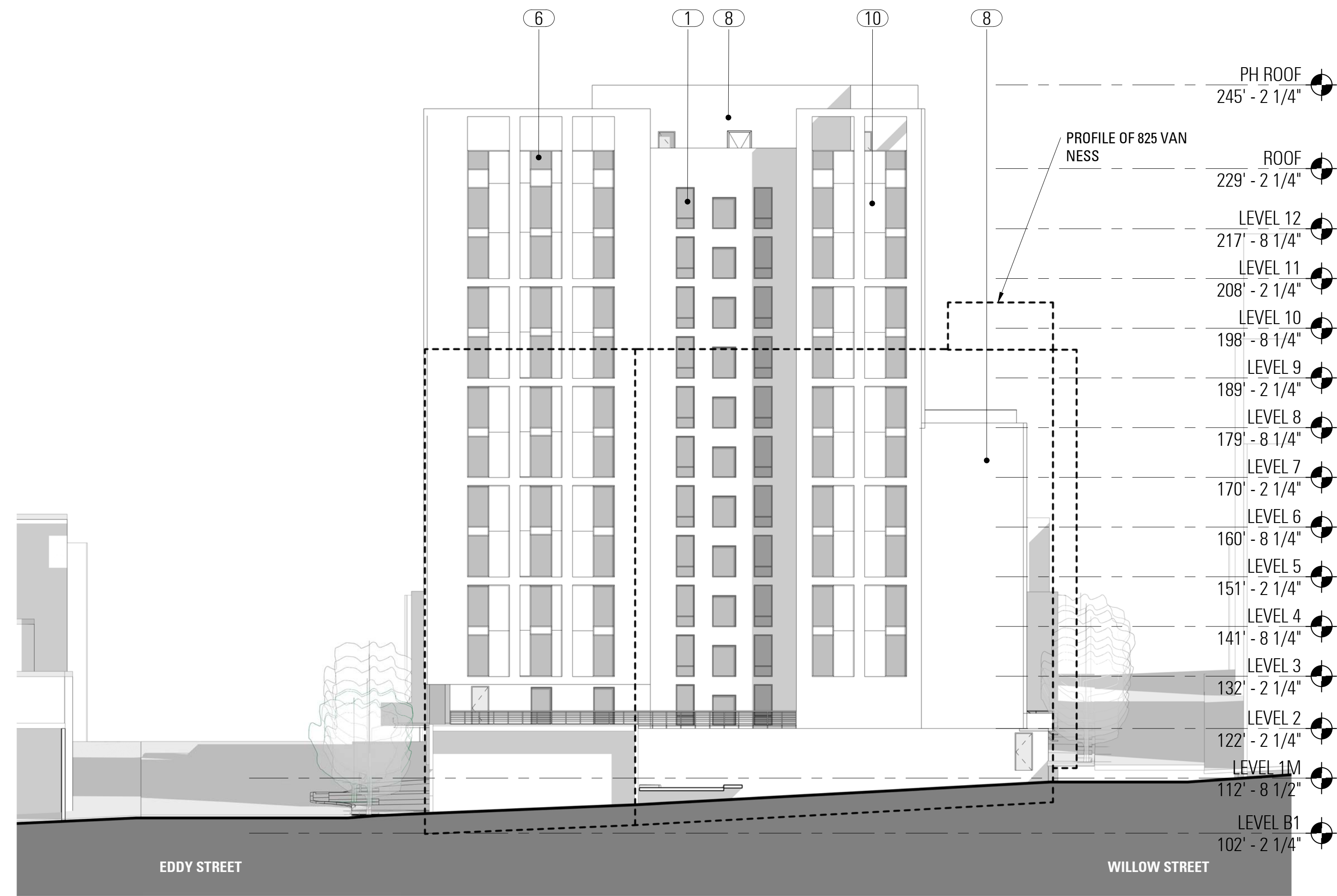
1
A306
EDDY STREET FENESTRATION - ENLARGED ELVATION
3/8" = 1'-0"



2
A306
EDDY STREET FENESTRATION - DETAIL
3" = 1'-0"

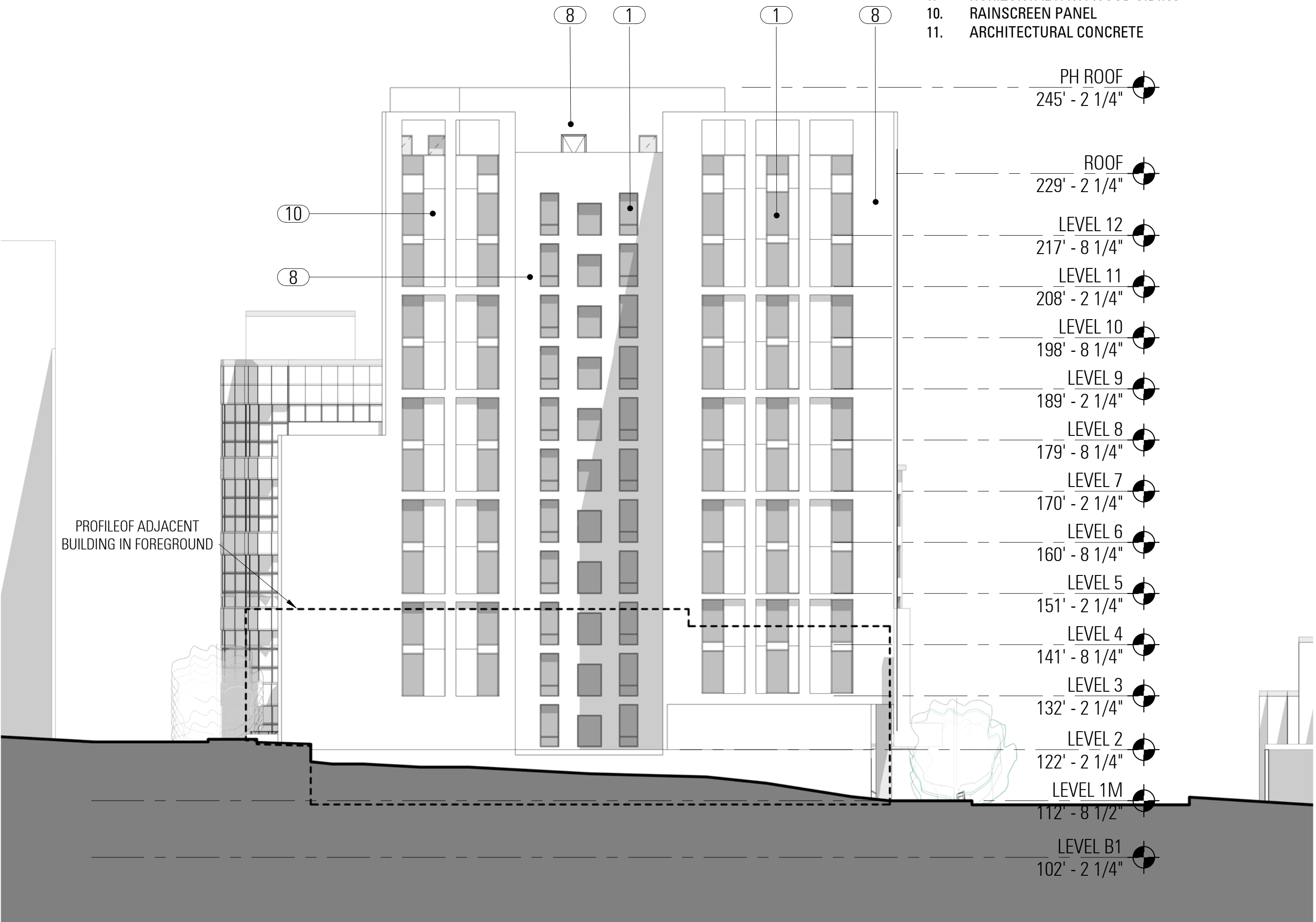
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"EXO-GRID" FACADE DETAILS



EAST ELEVATION

1/16" = 1'-0"



WEST ELEVATION

1/16" = 1'-0"

- MATERIAL KEYNOTES**
1. WINDOW WALL GLAZING SYSTEM
 2. PRE-FINISHED METAL PANEL
 3. SPANDREL (OPAQUE) PANEL
 4. PRE-FINISHED METAL LOUVER
 5. METAL GUARDRAIL
 6. GLASS GUARDRAIL
 7. PRE-CAST CONCRETE PANEL FIN
 8. EIFS
 9. HORIZONTAL FAUX WOOD SIDING
 10. RAINSCREEN PANEL
 11. ARCHITECTURAL CONCRETE

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EXTERIOR ELEVATIONS

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SCALE: As indicated

A303 20

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PROPOSED SITE PLAN

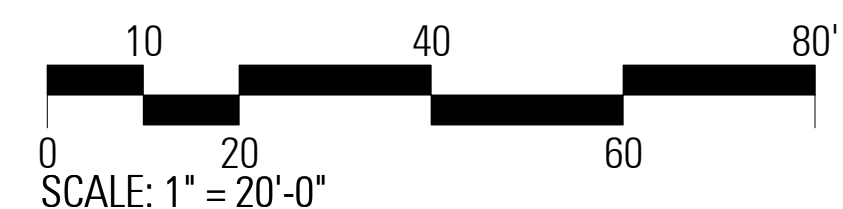
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12/08/16



A101 21

FRANKLIN STREET

ONE WAY



VAN NESS AVENUE

- VEHICULAR SITE ACCESS
- PEDESTRIAN SITE ACCESS
- REFUSE AREA
- CLASS 1 BIKE RACK (5 STALLS)
- CLASS 2 BIKE RACK (13 STALLS)
- FH (E) FIRE HYDRANT

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PROPOSED SITE PLAN - VARIANT

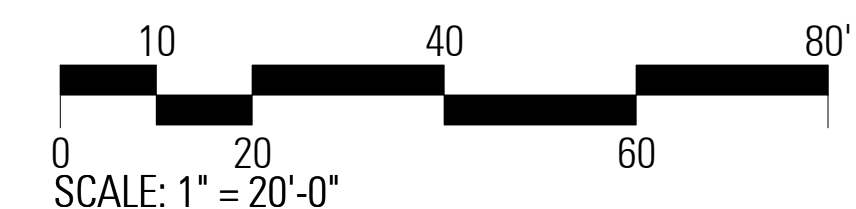
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A101-V 22

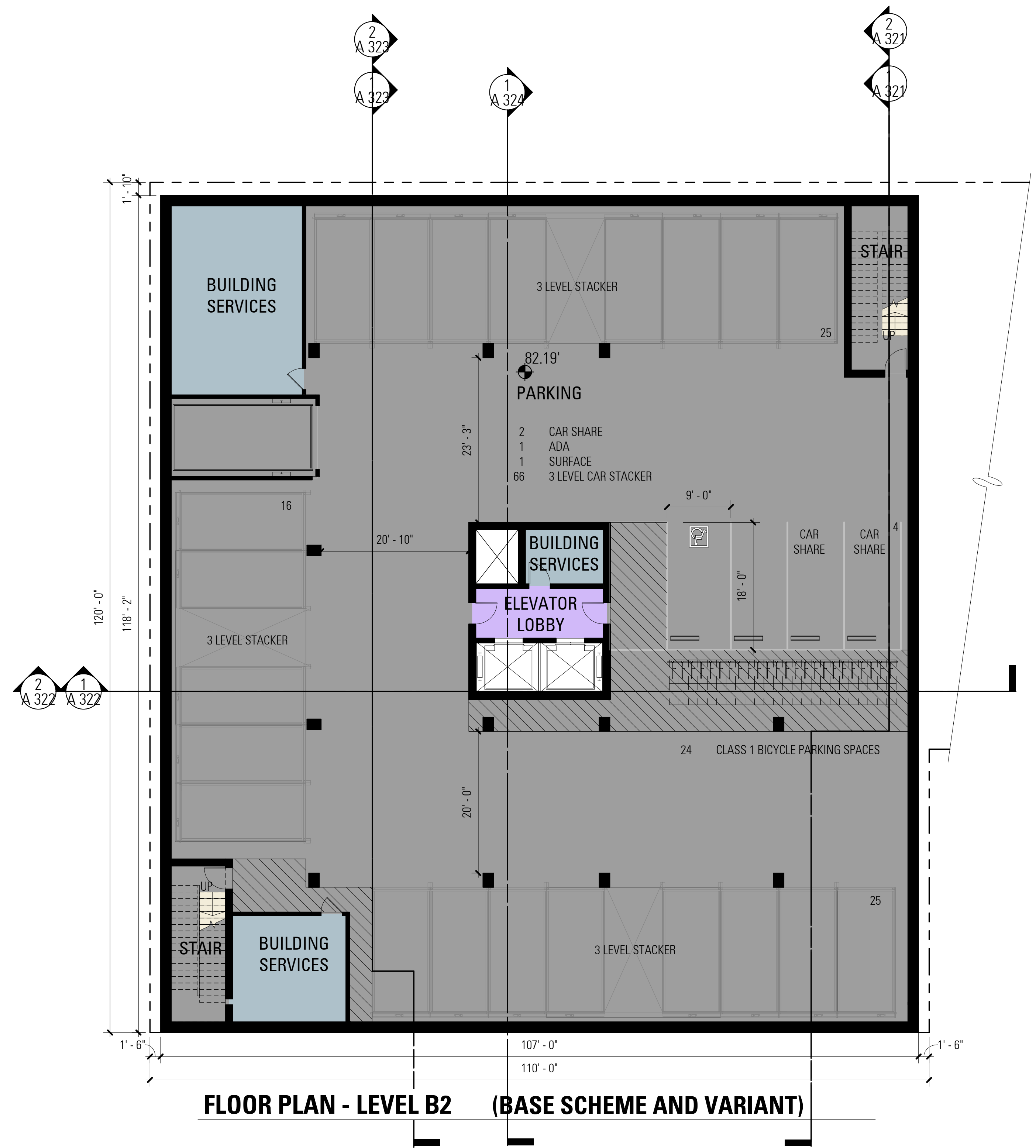
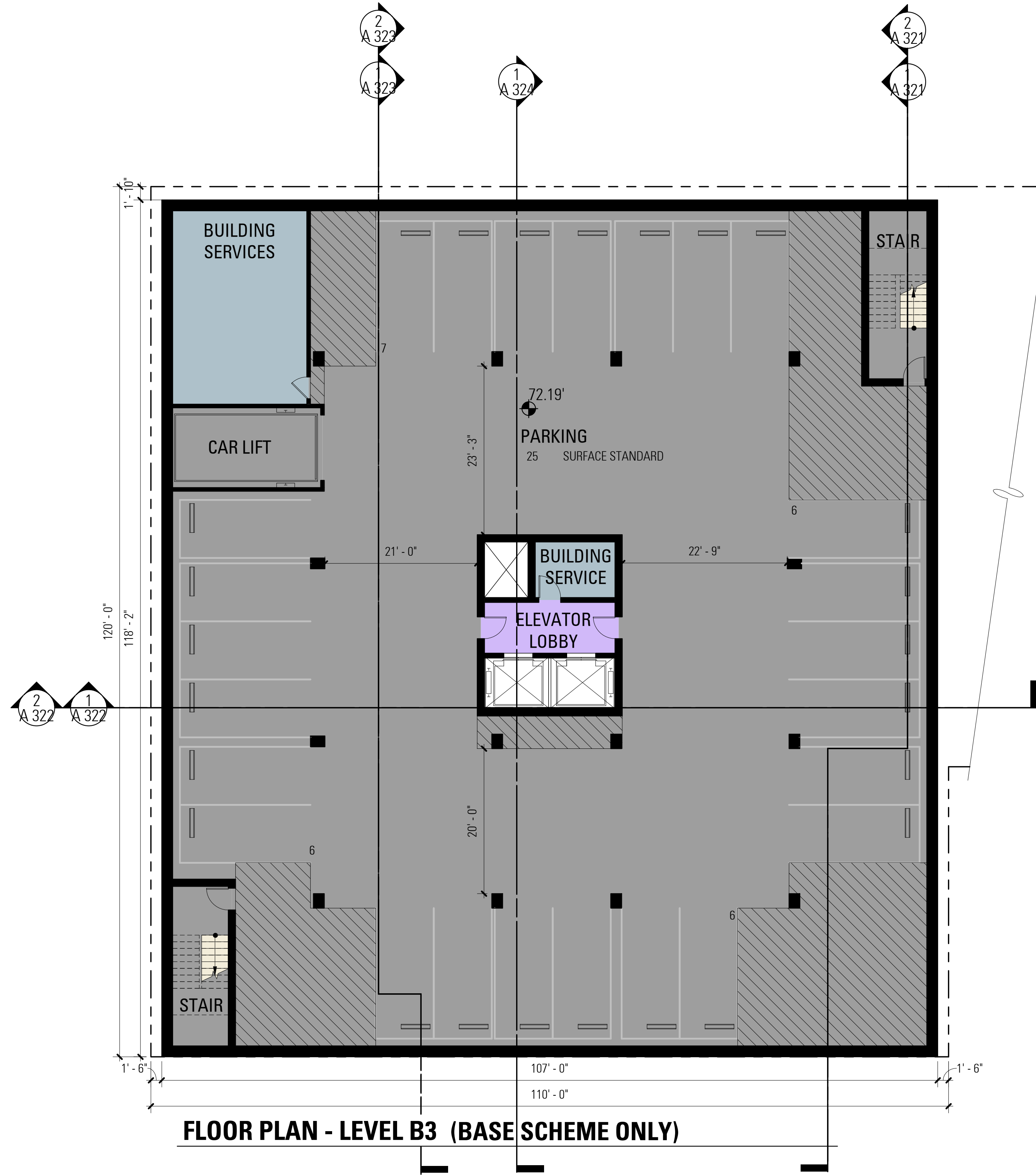
FRANKLIN STREET

ONE WAY



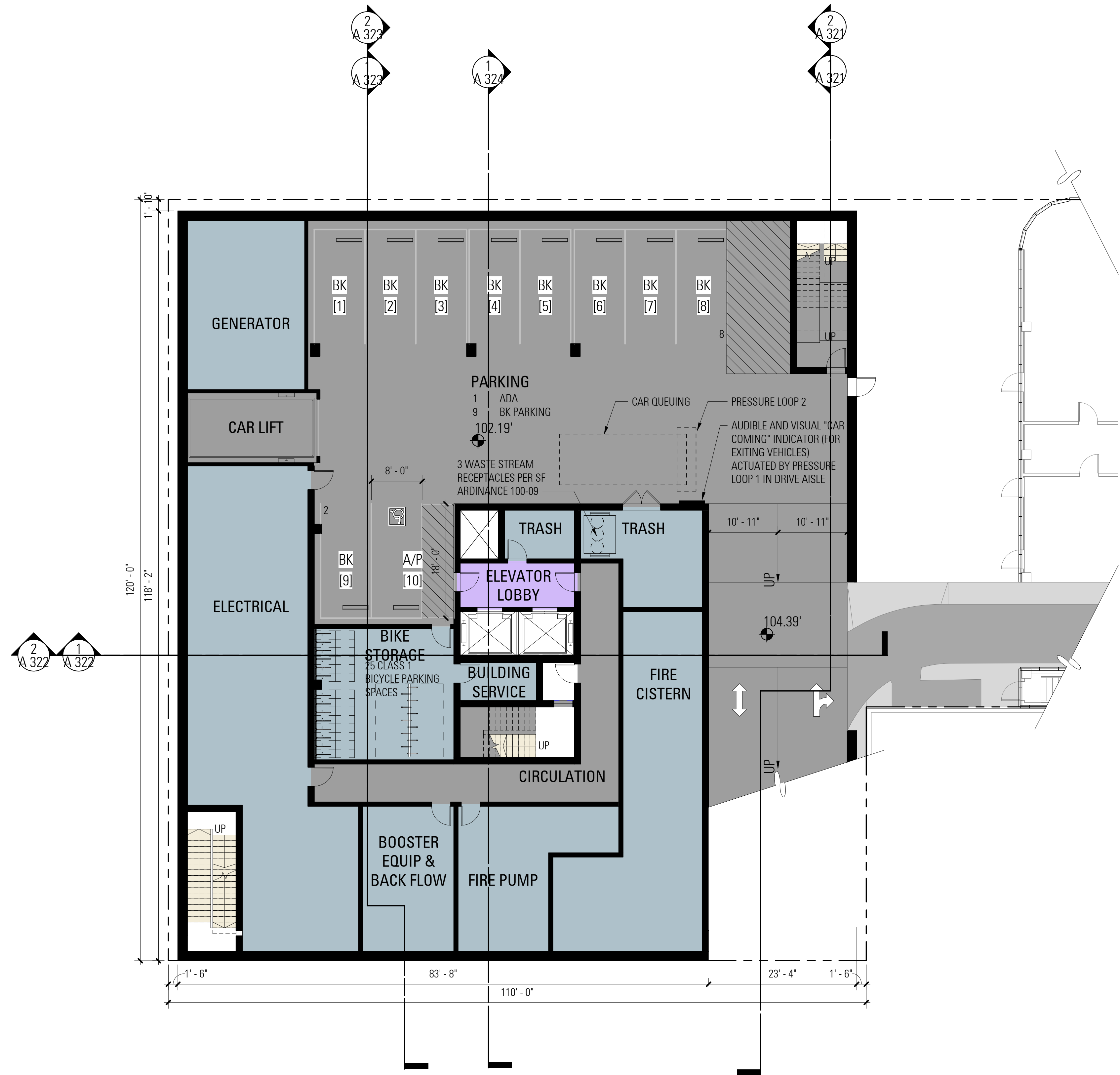
VAN NESS AVENUE

- VEHICULAR SITE ACCESS
- PEDESTRIAN SITE ACCESS
- REFUSE AREA
- CLASS 1 BIKE RACK (5 STALLS)
- × CLASS 2 BIKE RACK (18 STALLS)
- FH (E) FIRE HYDRANT



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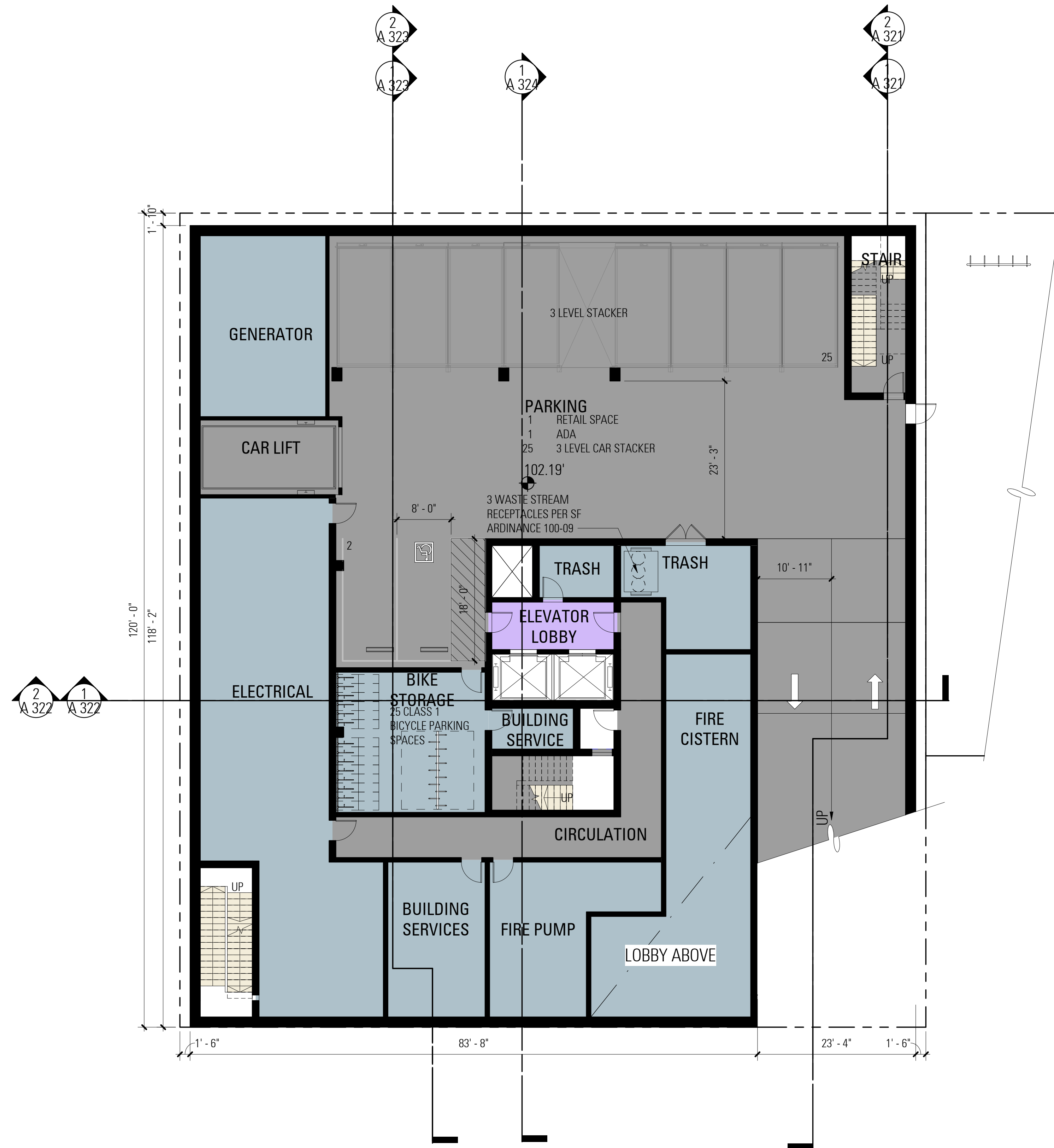
FLOOR PLAN - BASEMENTS



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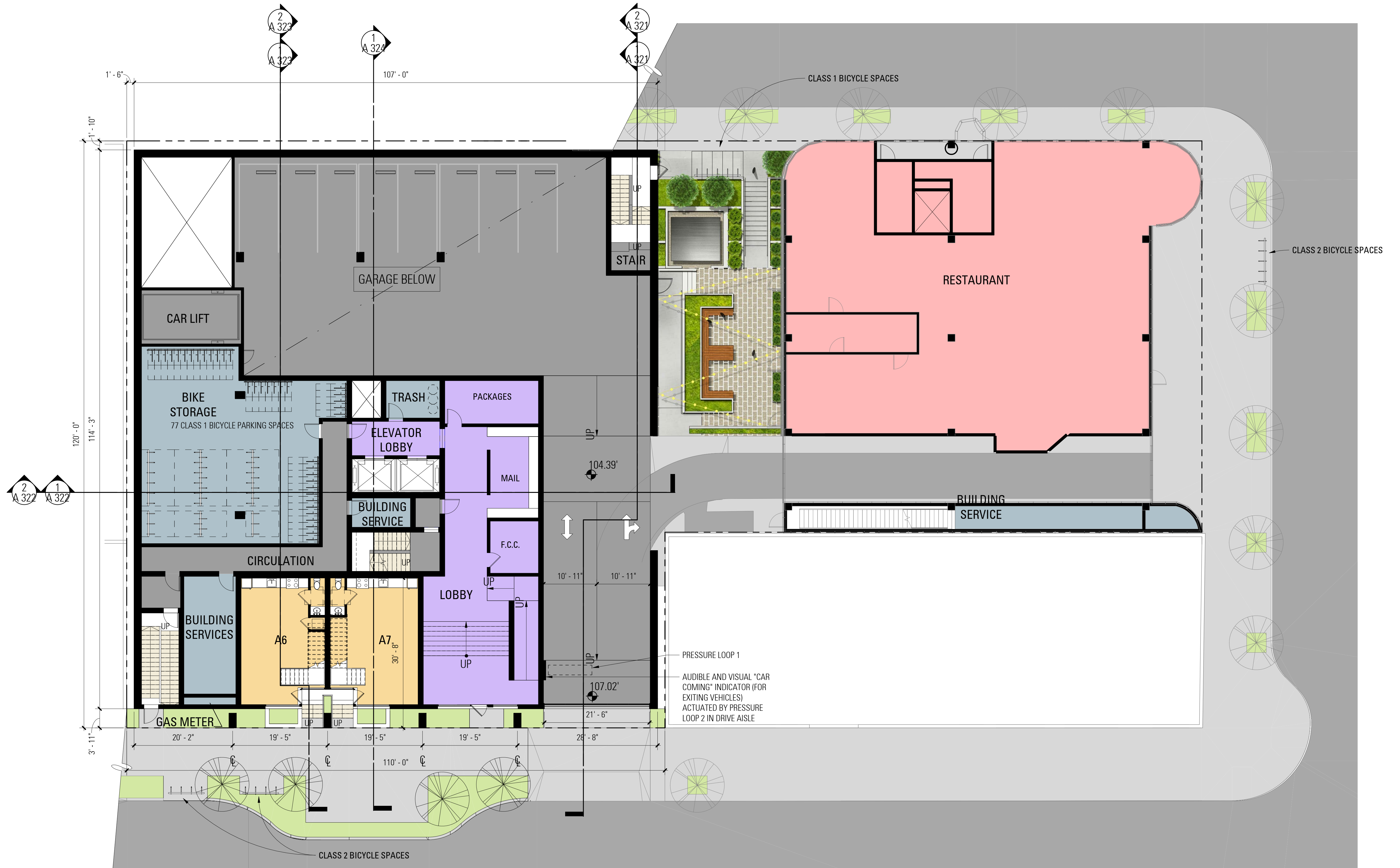
FLOOR PLAN - BASEMENT 1





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FLOOR PLAN - BASEMENT 1 - VARIANT



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FLOOR PLAN - LEVEL 01M

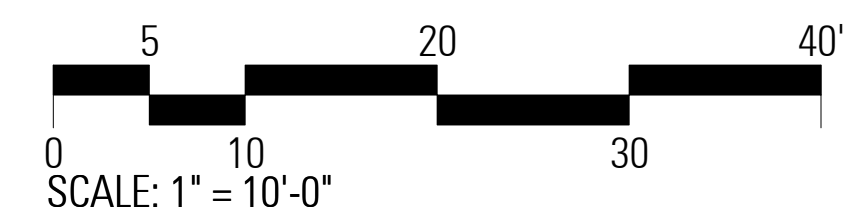
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A201M 26







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FLOOR PLAN - LEVEL 03-07

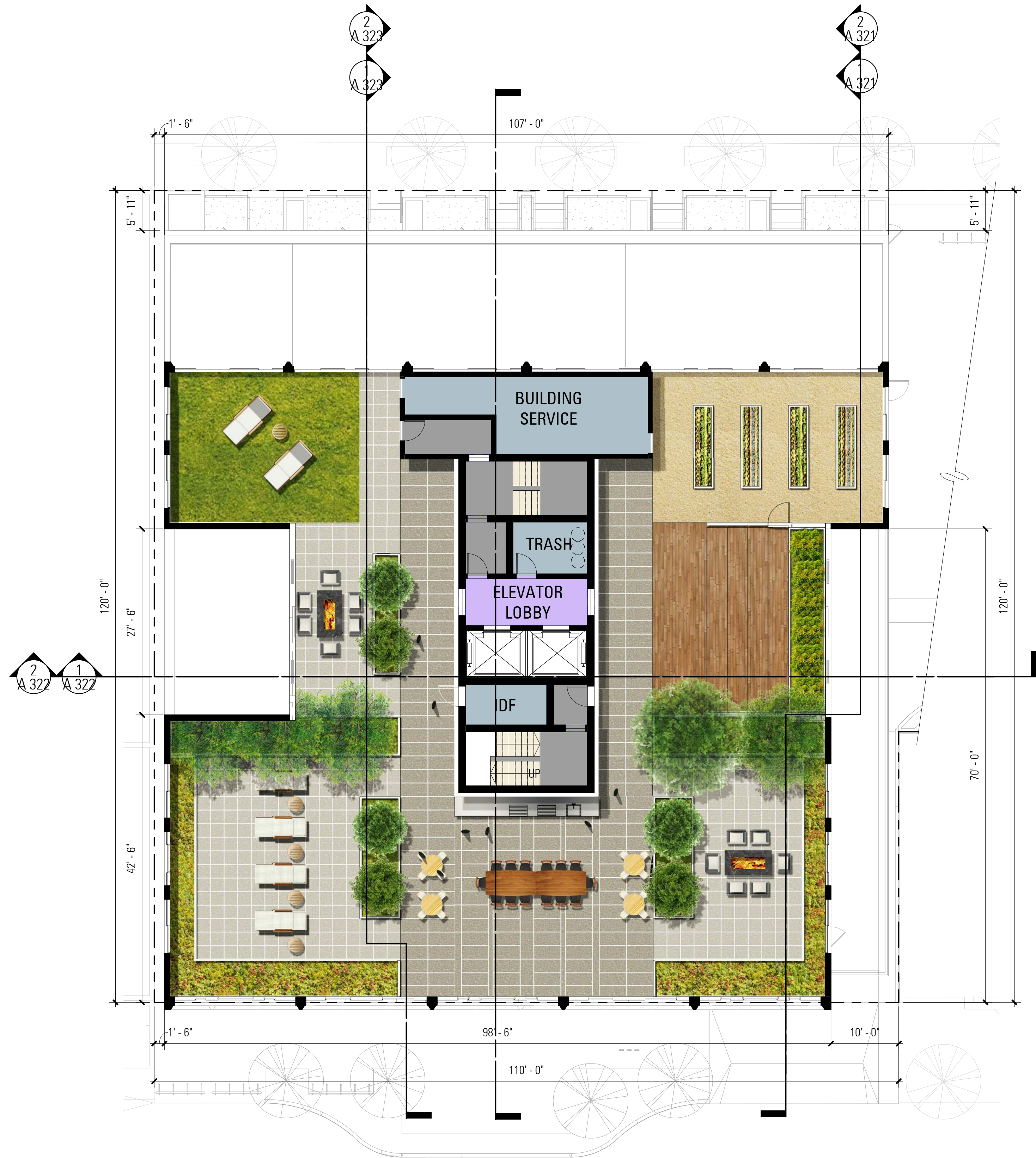




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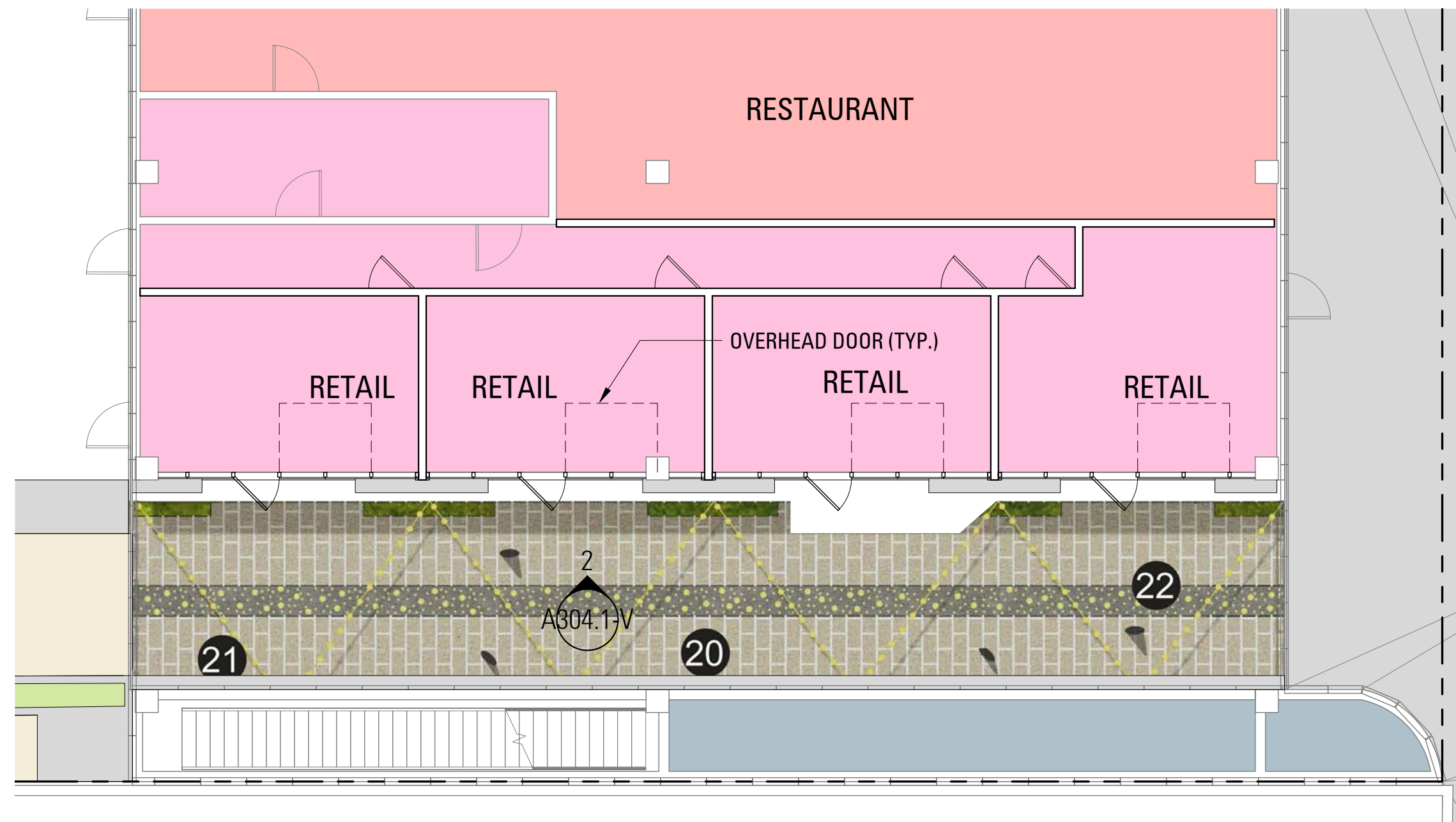
FLOOR PLAN - LEVEL 08-11





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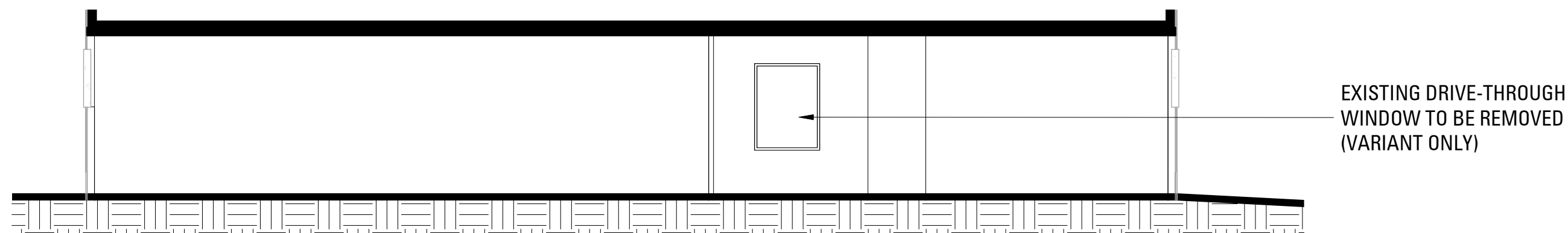
FLOOR PLAN - ROOF PLAN



1 **ENLARGED PROPOSED RETAIL FLOOR PLAN**
A304.1-V 1/8" = 1'-0"



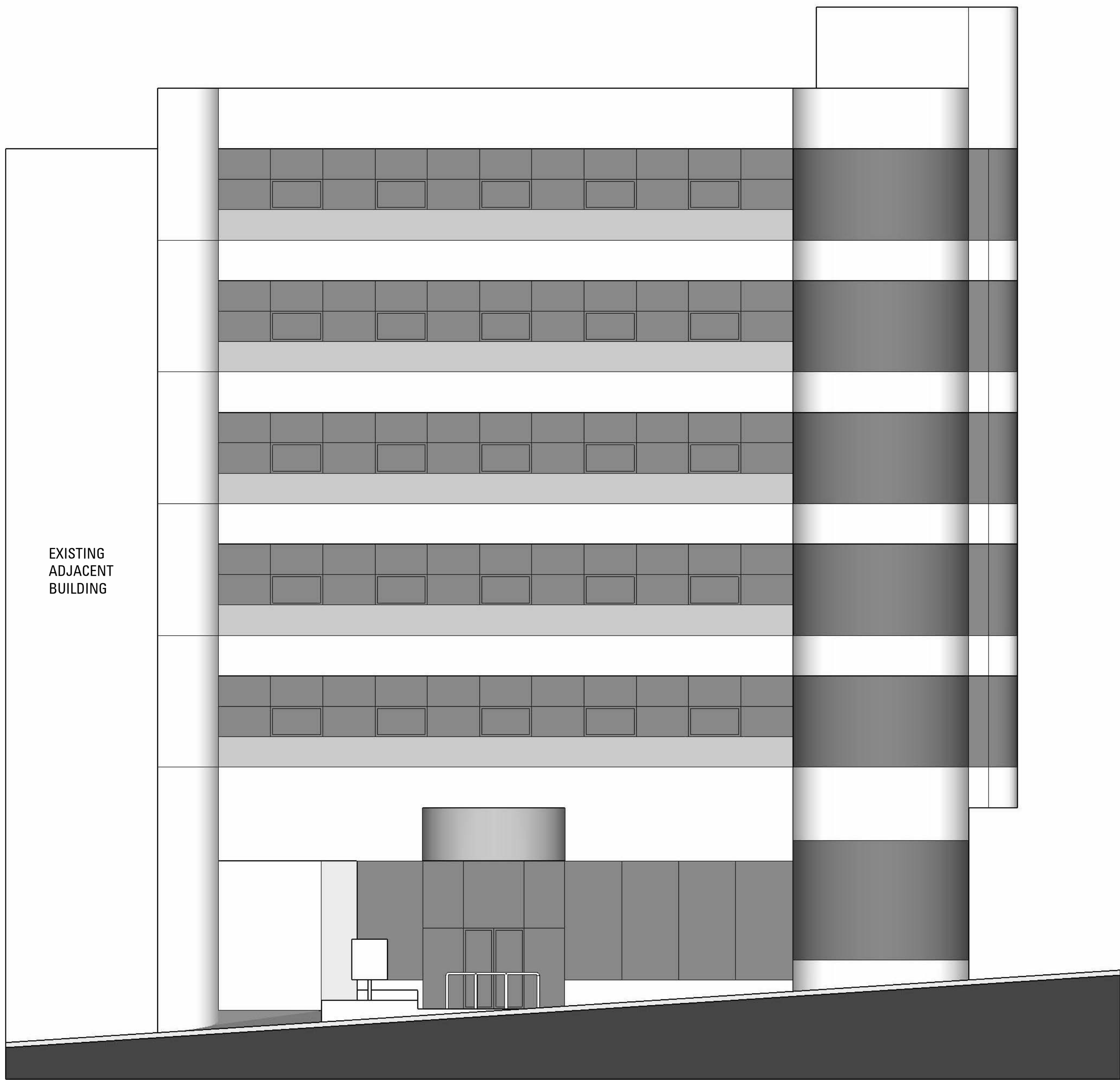
2 **ENLARGED PROPOSED RETAIL ELEVATION**
A304.1-V 1/8" = 1'-0"



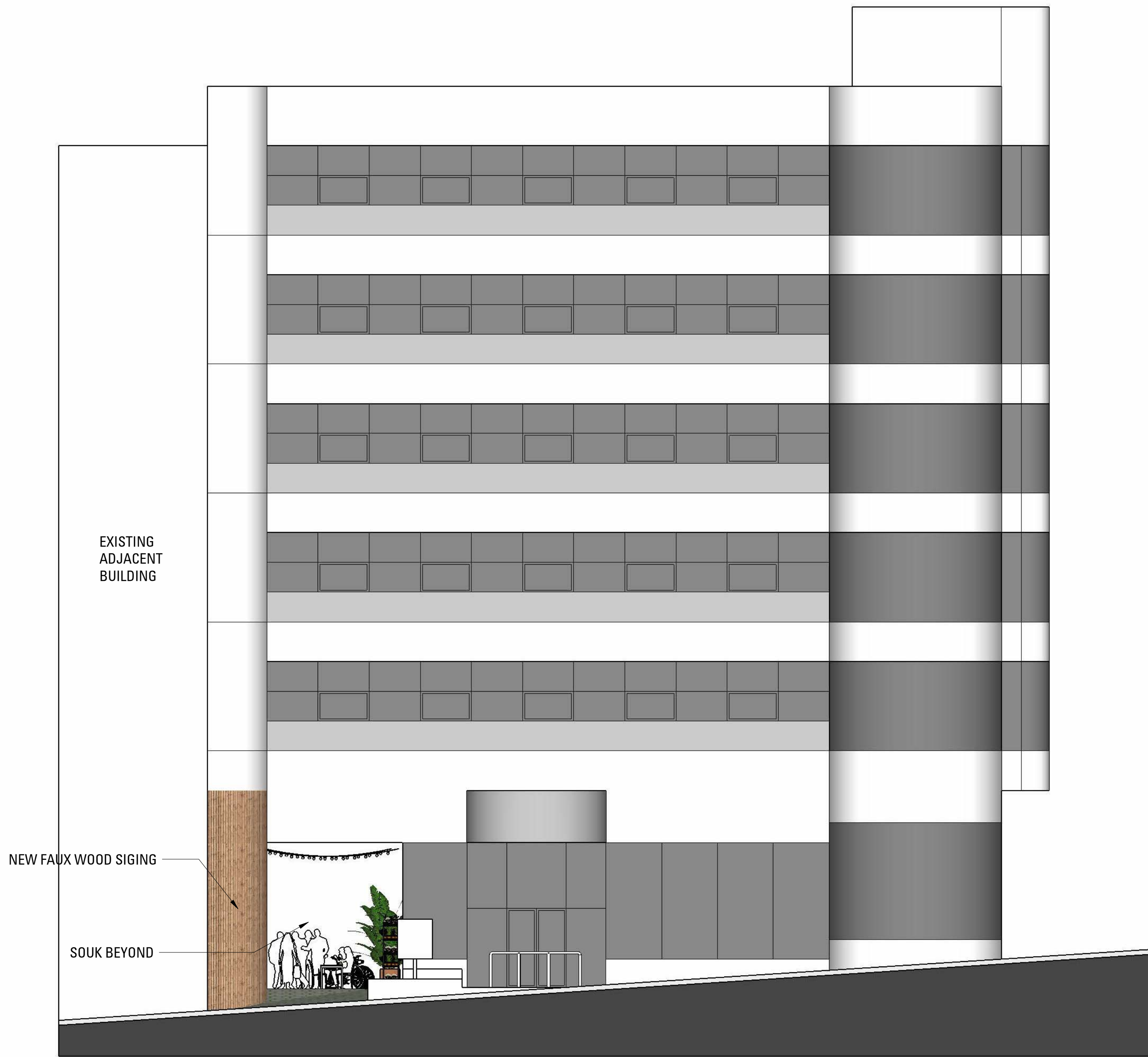
4 **ENLARGED RETAIL EXISTING ELEVATION**
A304.1-V 1/8" = 1'-0"

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DRIVE-THRU RETAIL CONVERSION (VARIANT)



2 EXISTING RETAIL - VAN NESS ELEVATION
A304.2-V 1/8" = 1'-0"



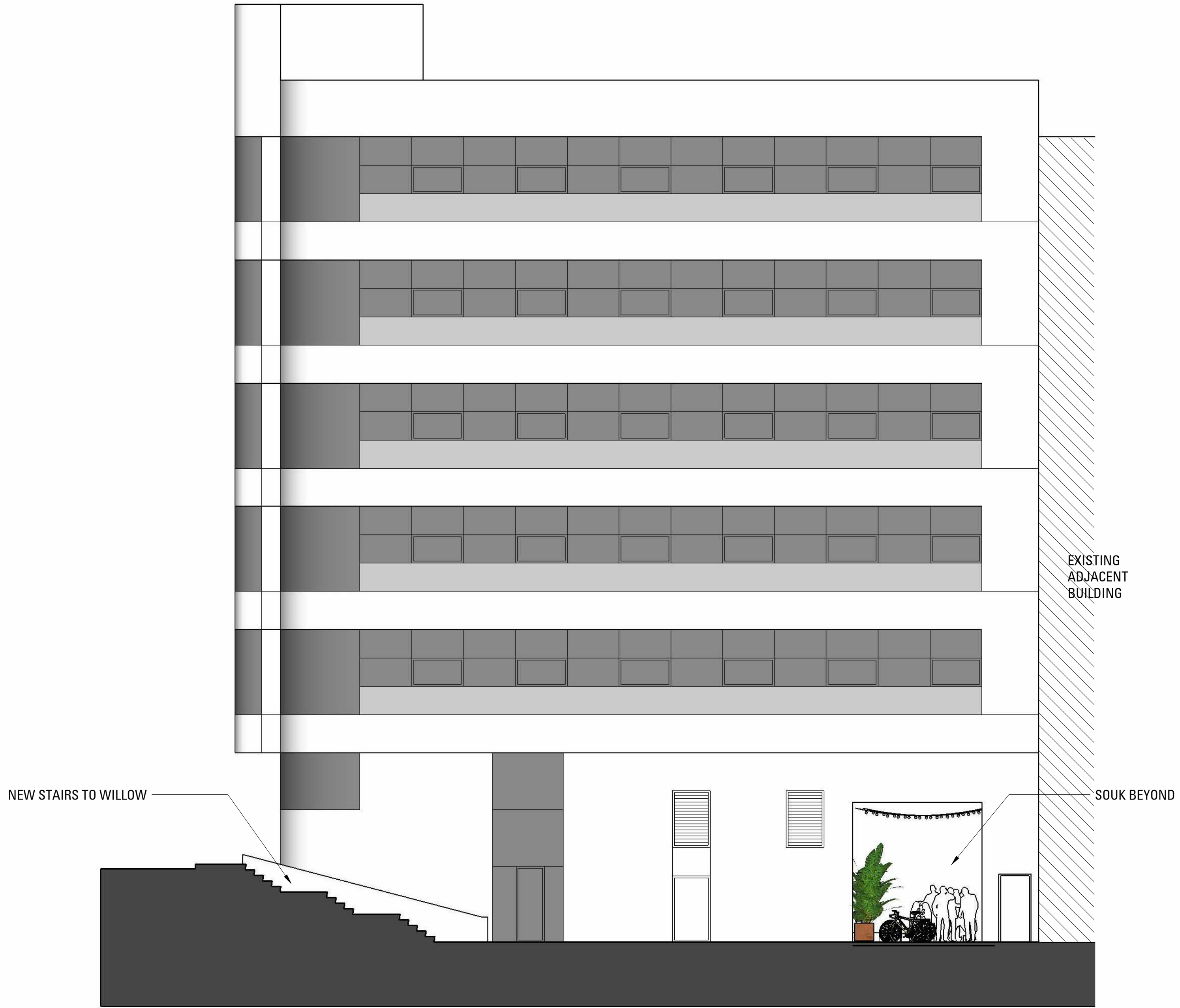
1 PROPOSED RETAIL - VAN NESS ELEVATION
A304.2-V 1/8" = 1'-0"

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DRIVE-THRU (VARIANT) - VAN NESS



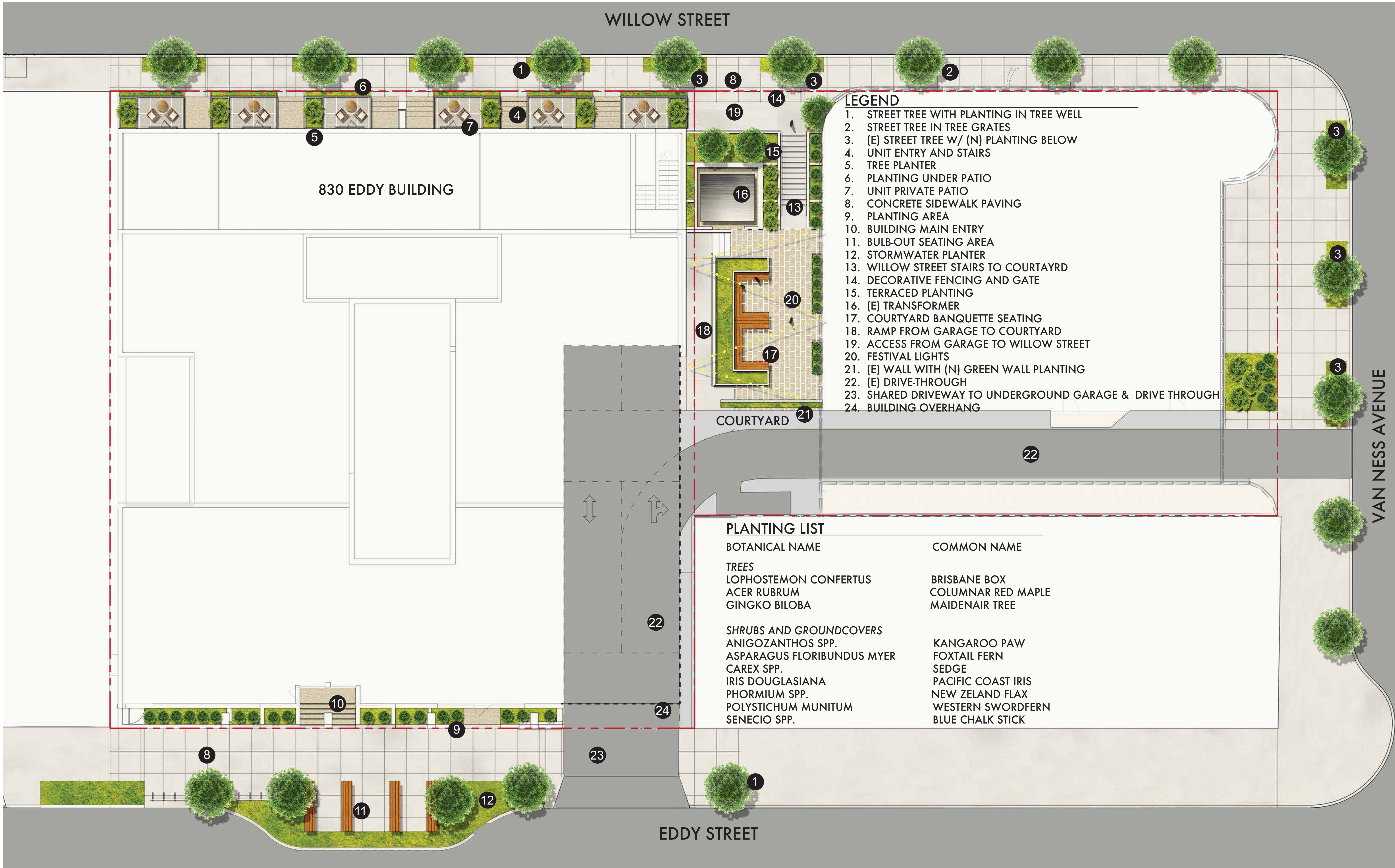
2 EXISTING RETAIL - COURT ELEVATION
A304.3-V 1/8" = 1'-0"



1 PROPOSED RETAIL - COURT ELEVATION
A304.3-V 1/8" = 1'-0"

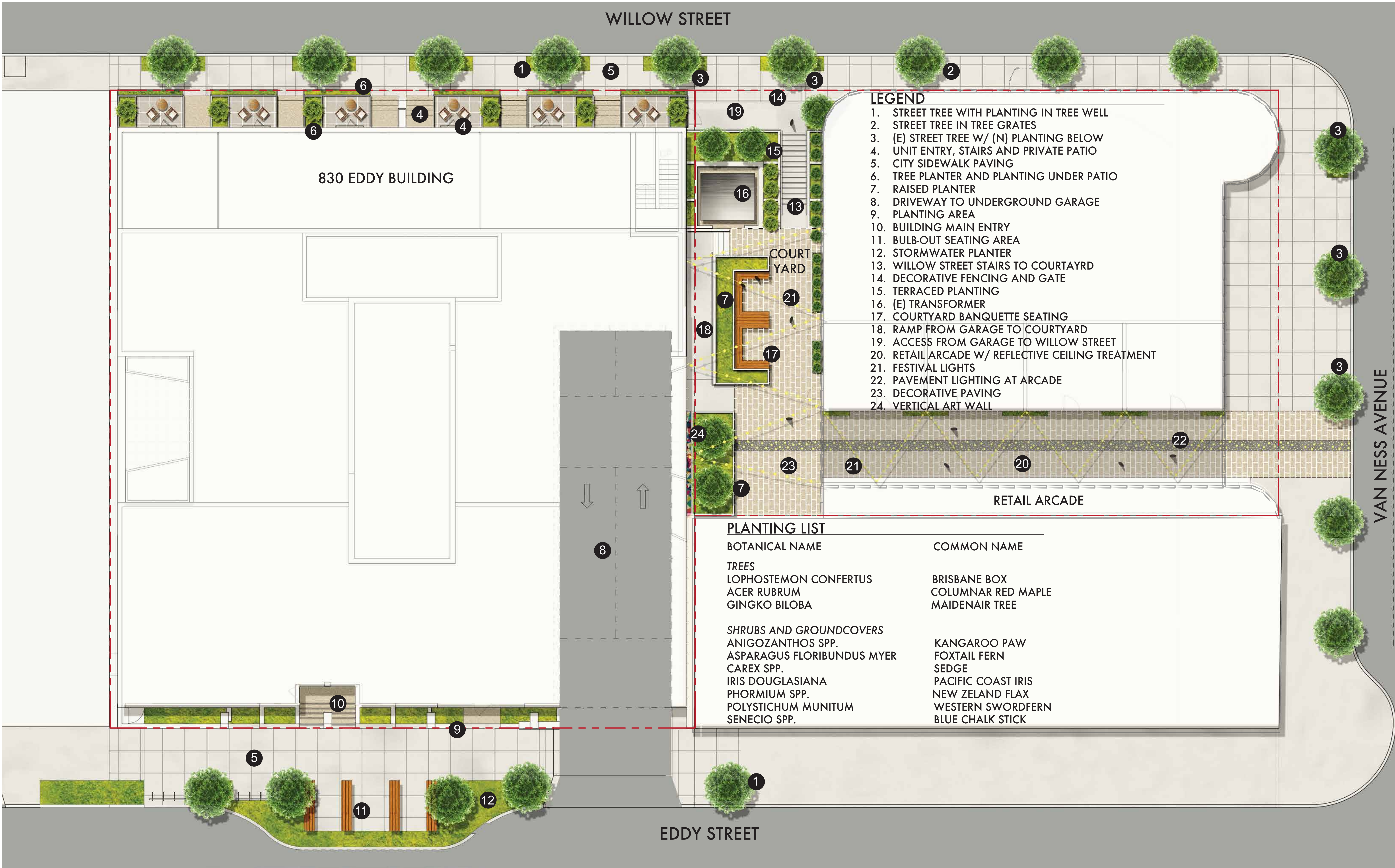
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DRIVE-THRU (VARIANT) - COURT



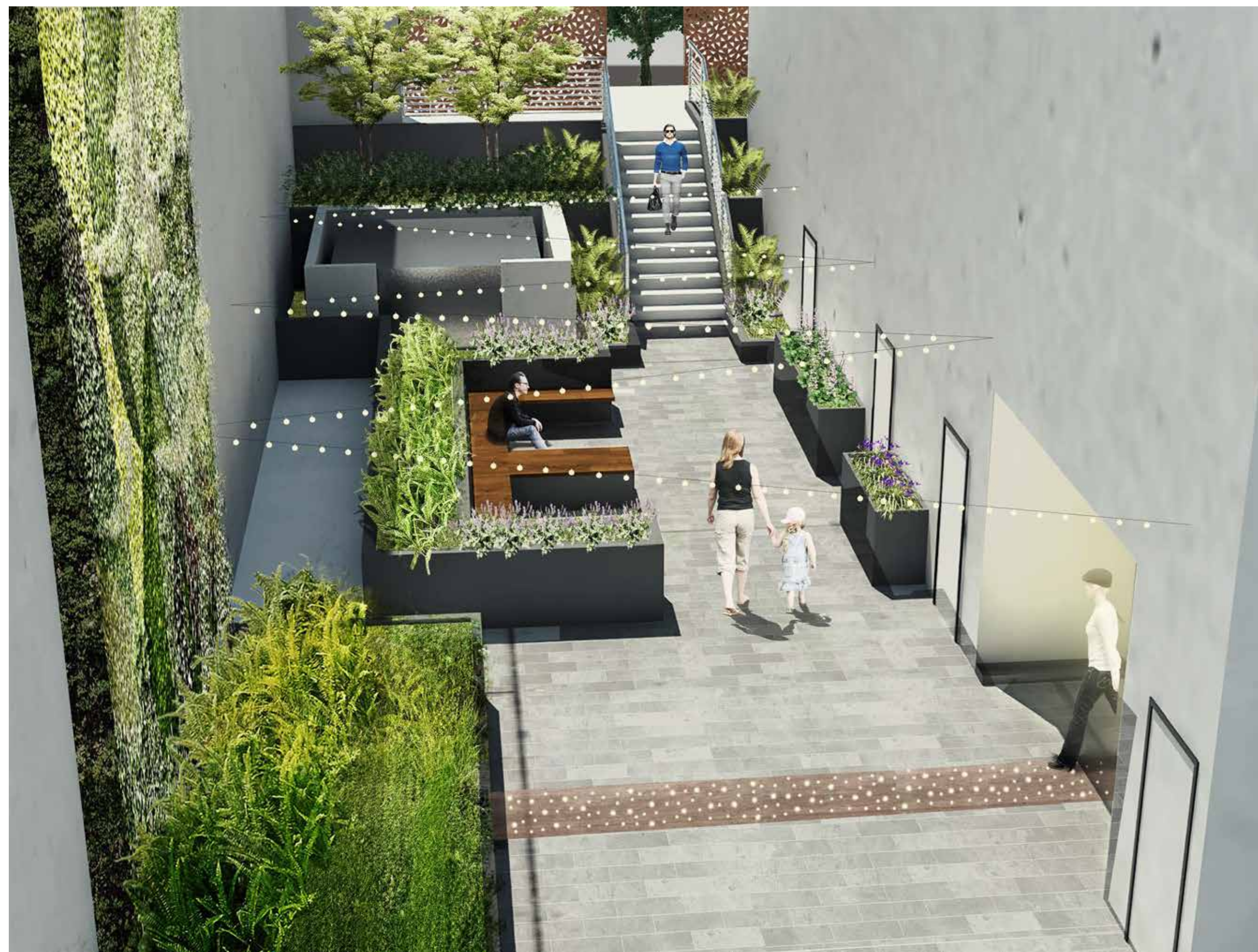
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LANDSCAPE STREETScape + COURTYARD PLAN - BASE



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LANDSCAPE STREETScape + COURTYARD PLAN - VARIANT



VIGNETTE:
GROUND FLOOR COURTYARD



SECTION B: WILLOW STREET



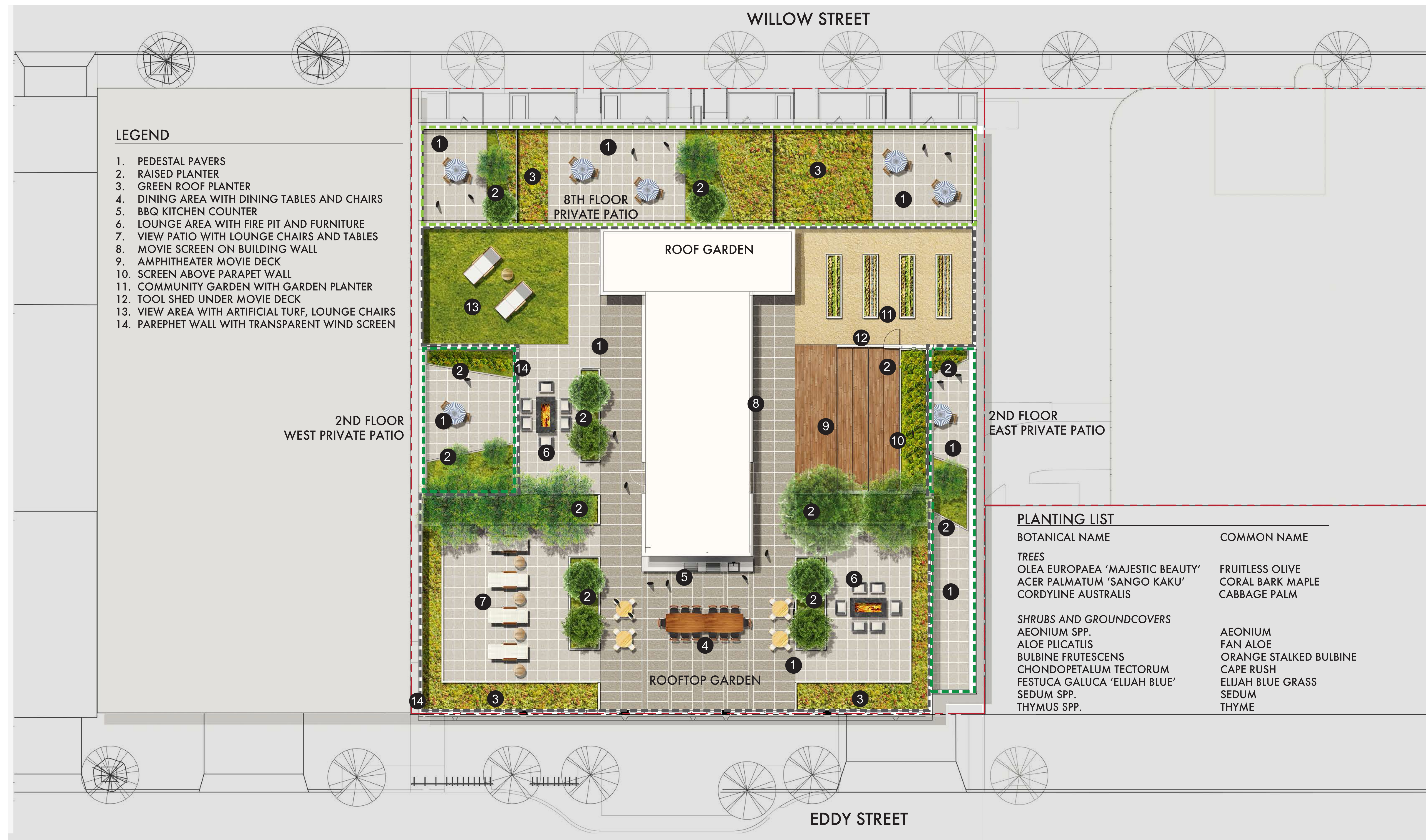
VIGNETTE:
EDDY STREET BULB-OUT



KEY PLAN

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SECTIONS AND VIGNETTES



830 EDDY STREET | SAN FRANCISCO, CA LANDSCAPE COMPOSITE PLAN - ROOF + 2ND + 8TH FLOOR GARDEN



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ROOFTOP GARDEN VIGNETTE

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landscape architects

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L2.2 40

PUD SUBMISSION



LOPHOSTEMON CONFERTUS
Brisbane Box



ACER RUBRUM
Red Maple



OLEA EUROPAEA 'Majestic Beauty'
Fruitless Olive Tree



GINGKO BILOBA
Maidenhair Tree



BANQUETTE SEATING AT COURTYARD



PAVEMENT LIGHTING AT ARCADE



ANIGOZANTHOS SPP.
Kangaroo Paw



PHORMIUM SPP.
New Zealand Flax



ASPARAGUS DENSIFLORUS 'Myers'
Foxtail Fern



REFLECTIVE LIGHTS ON ARCADE CEILING



DINING AREA AT ROOF GARDEN



SENECIO SPP.
Blue Chalk Stick



LOTUS BERTHELOTII
Parrot's Beak



THYMUS SPP.
Thyme



MOVIE SCREEN AND RAISED DECK



LOUNGE AREA ON ARTIFICIAL TURF AT ROOF GARDEN



CAREX SPP.
Sedge



HUECHERA SPP.
Alum Root



IRIS DOUGLASIANA
Pacific Coast Iris



POLYSTICHUM MUNITUM
Western Swordfern



BENCH



BIKE RACK

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MATERIALS AND PLANTING PALETTE