



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.: 2013.0973E  
 Project Address: **150 Van Ness Avenue**  
 155 Hayes Street  
 101 Hayes Street/69 Polk Street  
 131-135 Hayes Street  
 125 Hayes Street  
 Zoning: C-3-G (Downtown General Commercial) Zoning District  
 Van Ness and Market Downtown Residential Special Use District  
 120-R-2 Height and Bulk District  
 Block/Lot: 0814/001, 014, 015, 016, and 021  
 Lot Size: Five lots totaling 46,490 square feet (approximately 1.07 acres)  
 Plan Area: Market and Octavia Area Plan  
 Project Sponsor: Marc Babsin – Emerald Fund Inc. – (415) 489-1313  
Marc@emeraldfund.com  
 Staff Contact: Sandy Ngan – (415) 575-9102  
Sandy.Ngan@sfgov.org

### PROJECT DESCRIPTION

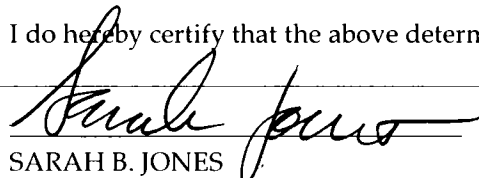
The project site is located on five parcels (Assessor’s Block 0814; Lots 001, 014, 015, 016, and 021) bordered by Hayes Street to the north, Polk Street to the east, adjacent properties to the south, and Van Ness  
(Continued on next page.)

### EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

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

  
 SARAH B. JONES  
 Environmental Review Officer

March 12, 2015  
 Date

cc: Marc Babsin, Project Sponsor  
 Supervisor Jane Kim, District 6  
 Gonzalo Mosquera, Current Planner  
 Pilar LaValley, Preservation Planner

Historic Preservation Distribution List  
 Distribution List  
 Virna Byrd, M.D.F.  
 Exemption/Exclusion File

**PROJECT DESCRIPTION (continued)**

Avenue to the west. The five parcels comprising the project site total 46,490 square feet in size (approximately 1.07 acres) and are located in a C-3-G (Downtown General) Zoning District, the Van Ness and Market Downtown Residential Special Use District, and a 120-R-2 Height and Bulk District, within the Market and Octavia Area Plan.

The project site is currently occupied by a vacant office development (150 Van Ness Avenue, a seven-story, 95-foot-tall building on Lot 014, and 155 Hayes Street, an eight-story, 108-foot-tall building addition to the 150 Van Ness Avenue building, on Lot 015) totaling 149,049 square feet and four surface parking lots (Lots 001, 015, 016, and 021) with 99 off-street parking spaces. The surface parking lots are currently used for construction staging for the 100 Van Ness Avenue project.

The proposed 150 Van Ness Avenue project would demolish the on-site office development [150 Van Ness Avenue (constructed in 1925) and the 155 Hayes Street building addition to 150 Van Ness Avenue (constructed in 1958)] and surface parking lots, merge the five parcels, and construct a 13-story-over-basement-level, 120-foot-tall (excluding elevator, stair, and mechanical penthouses), 450,577 gross square feet (gsf) mixed-use building on the project site. As part of the demolition of the existing building, the pedestrian bridge over Hayes Street connecting the on-site 155 Hayes Avenue building addition to the adjacent 150 Hayes Street building (north of Hayes Street) would also be demolished.

The proposed building would include an approximately 25-foot-tall elevator penthouse, a 10-foot-tall stair penthouse, a 10-foot-tall mechanical and stair penthouse, and a 20-foot-tall mechanical penthouse screen above the proposed building's roof. The building height, as measured from the top of the curb to the elevator and mechanical penthouse, would be 145 feet (including the elevator and mechanical penthouse). Additionally, a diesel powered emergency generator (meeting Tier 2 emission standards and equipped with Level 3 verified diesel emissions control strategy equipment) and four natural gas boilers would be located on the roof.

The proposed 450,577-gsf mixed-use building would include 375,808-gsf of residential use, including 420 dwelling units; 1,220-gsf for three hotel guest suites for use by visitors of residents; 14,326-gsf for residential lobby and ground floor amenities use; 9,000-gsf of retail use, and 50,223-gsf of parking. The proposed building would have 420 dwelling units, three ground-floor hotel guest suites, and approximately 9,000 square feet of ground-floor retail, including a restaurant fronting Van Ness Avenue and Hayes Street.

The proposed project would include a basement-level parking garage (accessible from Hayes Street) for 216 vehicle parking spaces (including 210 residential spaces, two service vehicle spaces, and four car share spaces). About 201 of the 216 parking spaces would be provided through mechanical parking (stackers) and the remaining spaces would be provided as standard stalls. The proposed project would also provide a total of 230 Class 1 bicycle parking spaces (including 228 residential spaces and two retail spaces) on the ground and basement levels, 33 Class 2 bicycle parking spaces (including 21 residential spaces and 12 retail spaces) on the sidewalk adjacent to the project site along Hayes Street, and one off-street loading space (accessible from Hayes Street) at the ground-level of the building.

There are currently four curb cuts along the project site on Hayes Street and Polk Street that provide access to the on-site office building and surface parking lots. The proposed project would remove all four curb cuts and construct a new, approximately 34-foot-wide curb cut along Hayes Street to accommodate the proposed basement-level parking garage and loading dock. The ramp to the parking garage would also serve the below grade parking garage in the adjacent 100 Van Ness building so that the existing curb

cut for that garage on Van Ness Avenue can be removed. The proposed project would include an on-street passenger-loading zone (white curb) adjacent to the building lobby, just east of the garage driveway, and an on-street loading space. The proposed project would also convert one (1) metered parking space on the south side of Hayes Street (approximately 20 feet east of the Van Ness Avenue / Hayes Street intersection) into a shared on-street loading space (between 9:00 AM and 4:00 PM) and passenger loading space (from 7:00 PM until the closing time of the restaurant space). The adjacent existing two (2) existing metered, loading spaces on the south side of Hayes Street would also be available for passenger loading from 7:00 PM until the closing of the proposed restaurant.

The proposed project would have 16,368 square feet of common open space for the proposed residential uses, including approximately 5,470 square feet for a pool terrace and 10,898 square feet for a roof terrace. The total includes 864 square feet of open space on the proposed 150 Van Ness building roof for 18 units at the adjacent 100 Van Ness Avenue project.

Project construction is anticipated to start in September 2015 and occur over 24 months. The proposed project would entail up approximately 46,490 cubic yards of soil excavation and removal. It is not anticipated that any soil would be imported to the project site. Ground improvements, such as drilled displacement columns and soil-cement columns, would be used to densify the subsurface soils prior to the installation of the proposed mat foundation. Project excavation and ground improvements would take place up to a depth of 26 feet. Pile-driving techniques would not be used to construct the proposed project.

## PROJECT APPROVAL

The proposed 150 Van Ness Avenue project would require the approvals listed below.

### Actions by the Planning Commission

- Approval of an application for a Section 309 Downtown Project Authorization. As part of the Section 309 process, the proposed project would require exceptions to ground-level wind currents (Planning Code Section 148), off-street parking (Section 151.1), and rear yard-lot coverage (Section 249.33). This is considered the Approval Action for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.
- Approval of a conditional use authorization to exempt floor area attributed to inclusionary affordable housing units from the Floor Area Ratio (Section 124) and to authorize three guest suites as hotel rooms (Section 216).

### ACTIONS BY OTHER CITY DEPARTMENTS

- **Zoning Administrator.** Approval of a variance for dwelling unit exposure (Section 140), curb cut width (Sections 145.1 and 155), and a height exemption from the elevator (Section 260).
- **Department of Building Inspection (DBI).** Approval of site (building) permit, demolition, and grading, permits for the demolition of the existing buildings and construction of the new building.
- **Department of Public Works (DPW).** Approval of a lot merger and condominium map.

- **San Francisco Municipal Transportation Agency (SFMTA).** Approval of the proposed curb modifications and parking garage operations plan.
- **Bureau of Street Use and Mapping, DPW.** Street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to commencing construction, and compliance with post-construction stormwater design guidelines—including a stormwater control plan—required for projects that result in ground disturbance of an area greater than 5,000 square feet.
- **Bay Area Air Quality Management District (BAAQMD).** Issuance of permits for installation and operation of the emergency generator and boilers.

## COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 150 Van Ness Avenue project described above, and incorporates by reference information contained in the Programmatic EIR for the Market and Octavia Area Plan (Market and Octavia PEIR)<sup>1</sup>. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion 17406.<sup>2,3</sup> The PEIR analyzed amendments to the San Francisco General Plan to create the Market and Octavia Area Plan element of the General Plan and amendments to the Planning Code and Zoning Maps, including the creation of the Van Ness and Market Downtown Residential Special Use District (SUD). The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Area Plan and SUD. Since the 150 Van Ness Avenue project includes the demolition

<sup>1</sup> San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document is available online at [www.sf-planning.org/index.aspx?page=1714](http://www.sf-planning.org/index.aspx?page=1714) or at the Planning Department, 1650 Mission Street, Suite 400.

<sup>2</sup> Ibid.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/index.aspx?page=1714>, accessed December 3, 2014.

of the existing office building and four surface parking lots and construction of a mixed-use building on the project site consistent with the Market and Octavia Area Plan and the SUD, the project's density and use were included in the analysis of the PEIR.

The Van Ness and Market Downtown Residential SUD is comprised of parcels zoned C-3-G in the Market and Octavia Plan area. This SUD is comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Streets, along with parcels on both sides of Market and Mission Streets between 10<sup>th</sup> and 12<sup>th</sup> Streets. This district is intended to be a transit-oriented, high-density, mixed-used neighborhood with a significant residential presence. This area is encouraged to transit from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and services as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3 Zoning Districts. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the City's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan.

Subsequent to the certification of the PEIR, in May 2008, the Board of Supervisors approved and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable "whole" neighborhoods meeting everyday needs. The Market and Octavia Area Plan, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 150 Van Avenue project.

Individual projects that could occur in the future under the Market and Octavia Area Plan will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 150 Van Ness Avenue is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 150 Van Ness Avenue project, and identified the mitigation measures applicable to the 150 Van Ness Avenue project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>4,5</sup> Therefore, no further CEQA evaluation for the 150 Van Ness Avenue project is required. Overall, the Market and Octavia PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

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<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 150 Van Ness Avenue, February 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 150 Van Ness Avenue, February 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

## PROJECT SETTING

The project site is located at the edge of the Downtown/Civic Center neighborhood, and the project area is characterized by office and institutional uses, residential uses, and neighborhood commercial uses, including restaurants, bars, cafés, hotels, fitness studios, and a variety of retail establishments. The project site is on the northern portion of the block on five parcels with frontages on Van Ness Avenue, Hayes Street, and Polk Street. The project site is approximately 46,490 square feet in size and is located within a C-3-G Zoning District, the Van Ness and Market Downtown Residential Special Use District, and a 120-R-2 Height and Bulk District. Parcels surrounding the project site are within C-3-G and P (Public) Zoning Districts and a mixture of 70-X, 80-X, 85-X, 96-X, 120-X, 120-R-2, 130-G, 200-R-2, and 400 R-2 Height and Bulk districts, providing a number of two to twenty-nine-story mixed-use buildings.

The project site is near the junction of three of the city's roadway grid systems: the north of Market, south of Market, and Mission grids meet at Market Street. Major roadways in the project vicinity include Franklin, Gough, Fell, Oak, Grove, Fulton, Hayes, Polk, Mission, Tenth, and Eleventh Streets, and Van Ness and South Van Ness Avenues. Interstate 80 and U.S. Highway 101 provide regional access to the project vicinity. The closest Bay Area Rapid Transit District (BART) stop is at Civic Center, approximately 0.5 mile east of the site; and the closest San Francisco Municipal Railway (Muni) Metro stop is at Van Ness Avenue and Market Street, a block south of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; streetcar Line F, as well as Muni bus lines N Owl, 5/5L, 6, 9/9L, 14/14L, 16X, 19, 21, 47, and 49.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archaeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 150 Van Ness Avenue project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the Market and Octavia Plan area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 150 Van Ness Avenue project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified significant impacts related to archaeology, transportation, air quality, wind, shadow, geology, and hazardous materials. Mitigation measures were identified for the above impacts and reduced all impacts to less than significant, with the exception of those related to transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; ~~project-level and cumulative transit impacts on the 21 Hayes Muni line~~), and shadow impacts on two open spaces (War Memorial and United Nations Plaza). The proposed 150 Van Ness project would result in the demolition of the existing on-site building and four surface parking lots with 99 parking spaces on the site and construction of 420 dwelling units, three ground-floor hotel guest suites, and 9,000-gsf of retail space. The proposed project would involve the demolition of a building that was determined not to be a historic resource by Preservation staff<sup>6</sup>; therefore, demolition of the existing on-site building would

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<sup>6</sup> San Francisco Planning Department, 2014. Historic Resources Evaluation Response for 150 Van Ness Avenue. September 22. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

not result in a significant impact on historic resources. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Market and Octavia PEIR. A shadow study was prepared for the proposed project and determined that the proposed building would not shade any Planning Code Section 295 resources. The proposed project would shade nearby sidewalks, but at levels commonly expected in urban areas. A wind assessment was prepared for the proposed project, which determined that the number of exceedances of the comfort criterion would be overall reduced and the number of exceedances of the hazard criterion would remain the same, as under existing conditions

The Market and Octavia PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and transportation. **Table 1** below lists the mitigation measures identified in the Market and Octavia PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Market and Octavia PEIR Mitigation Measures**

Mitigation Measure	Applicability
<b>A. Shadow</b>	
A1: Parks and Open Space not Subject to Section 295	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
<b>B. Wind</b>	
B1: Buildings in Excess of 85 feet in Height	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
B2: All New Construction	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses penthouse) mixed-use building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
<b>C. Archaeological</b>	
C1: Soil Disturbing Activities in Archaeologically Documented Properties	Not Applicable: project site is not an archaeologically documented property.

Mitigation Measure	Applicability
C2: General Soil Disturbing Activities	Applicable: project site would involve general soil disturbing activities.
C3: Soil Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: project site would not include soil disturbing activities in the street or open space improvements.
C4: Soil Disturbing Activities in the Mission Dolores Archaeological District	Not Applicable: project site is not located within the Mission Dolores Archaeological District.
<b>D. Transportation</b>	
D3: Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not applicable: plan level mitigation required by San Francisco Municipal Transportation Agency (SFMTA). In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
D4: Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak-hour)	Not applicable: plan level mitigation required by SFMTA. In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
D5: Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not applicable: Not applicable: plan level mitigation required by SFMTA. In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not applicable: Not applicable: plan level mitigation required by SFMTA. In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
<b>E. Air Quality</b>	
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: project would comply with the San Francisco Dust Control Ordinance.
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: The project is located in an Air Pollutant Exposure Zone.
<b>F. Hazardous Materials</b>	
F1: Program or Project Level Mitigation Measures	Not applicable: This mitigation measure has been superseded by the San Francisco Dust Control Ordinance and State Asbestos Airborne Toxic Control Measures (ATCM) for



Mitigation Measure	Applicability
	Construction, Grading, Quarrying, and Surface Mining Operations.
<b>G. Geology, Soils, and Seismicity</b>	
G1: Construction Related Soils Mitigation Measure	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building.

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the Market and Octavia PEIR.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on August 28, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. No comments from the public were received.

## CONCLUSION

As summarized above and further discussed in the Community Plan Exemption (CPE) Checklist<sup>7</sup>:

1. The proposed project is consistent with the development density established for the project site in the Market and Octavia Area Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Market and Octavia PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Market and Octavia PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Market and Octavia PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Market and Octavia PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

<sup>7</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0973E.