Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

A. 350 Bush Street LLC (the “Project Sponsor”) proposes to construct an approximately 400,000 square-foot office and retail building at 350 Bush Street (“Project”).

B. The Project would rehabilitate and reopen for public use the historic Mining Exchange Building by constructing a new, taller office and retail building cantilevered over the back of the Building which would incorporate the Mining Exchange room floor as a grand entry lobby.

C. An application for environmental review was filed on May 22, 2000.

D. Environmental review of the Project, including this proposed Planning Code amendment, was conducted pursuant to the California Environmental Quality Act, CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (“CEQA”).

E. The Planning Commission certified the Project’s Final Environmental Impact Report on September 13, 2001 in Planning Commission Resolution No. 16230, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 031100.
F. The Planning Commission adopted findings pursuant to CEQA set forth in Resolution No. 16230.

G. The Board of Supervisors by Resolution No. 672-03 adopted and endorsed the findings of the Planning Commission pursuant to CEQA.

H. The Downtown Element of the General Plan in Objective 12, Policy 3, provides

"Significant buildings in Category II can accommodate, because of their depth, more substantial alteration of the back of the building without affecting the building's architectural qualities or appearance or their ability to function as separate structures. Most of these buildings are on deep interior lots with non-architecturally treated side and rear walls. The alteration could be a rear addition to the building visible from the street, a new taller building cantilevered over the back of the building, or replacement of the rear of the building with a separate, taller structure."

I. Appendix B to Article 11 of the Planning Code lists the buildings designated as Category II and for each building the portion of the building beyond which such additions may be permitted and the reference point for establishing the limitation on the location of such height addition.

J. The first row of Appendix B: (1) designates the San Francisco Mining Exchange Building at 350 Bush Street as a Category II building; (2) references 60 feet as the setback from Bush Street beyond which an addition to height may be made; and 3) establishes the view of the Russ Building Courtyard as the reference point for such setback.

K. The San Francisco Mining Exchange Building is an historic unreinforced masonry building that has been vacant for over twenty years. The Building has fallen into a state of disrepair, is currently inaccessible to the public and, as an unreinforced masonry building, poses a danger to the health and safety of the public.
L. The Project would (1) preserve the prominence of the historic Bush Street elevation of the San Francisco Mining Exchange Building (Article 10 Landmark #113 and an Article 11 Significant – Category II building); (2) preserve the integrity of the Mining Exchange trading room floor and entry hall; (3) preserve the views of the Russ Building (an Article 11 Significant – Category I building) on the site adjacent to the Project site, by being angled back over the second story of the lot between the Mining Exchange Building and the Russ Building in a manner that preserves the views of the Russ Building Courtyard; (4) be set back from 60 to 30 feet over the Mining Exchange Building in a manner that differentiates the new construction from the Mining Exchange Building to preserve the prominence of the historic Bush Street elevation, allows two support columns for the new construction to be hidden in the small rooms to the side of the entry hall, and allows the only columns in the Mining Exchange trading room floor to be placed close to the wall of the room therefore limiting their impact; and (5) provide new construction with an attractive design that respects the character of the older development while distinguishing itself as being of its own time.

M. The Project would promote the public convenience and general welfare by allowing for the rehabilitation and seismic improvement of an historic structure in the manner that meets the goals of the General Plan.

N. The Planning Commission, by Planning Commission Motion No. 16272, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 031100, approved the proposed amendment to the Planning Code.

O. The proposed amendment is consistent with the objectives and policies of the General Plan as set forth in Planning Commission Motion No. 16272, the findings of which are hereby adopted and incorporated by reference.
Section 2. Priority Policies. The proposed Planning Code amendment meets the priority policies of Planning Code Section 101.1(b) as set forth in Planning commission Motion No. 16272, which findings are hereby adopted and, incorporated by reference.

Section 3. Article 11, Appendix B, of the San Francisco Planning Code is hereby amended, to read as follows:

<table>
<thead>
<tr>
<th>Address</th>
<th>Block</th>
<th>Lot</th>
<th>Name of Building</th>
<th>(In Feet)</th>
<th>Portion of Lot On Which An Addition To Height Visible When Viewing The Principal Façades Is Not Permitted (In Feet From Property Line At Street in First Column)</th>
<th>Reference Point For Establishing Limitation On Height Addition</th>
</tr>
</thead>
<tbody>
<tr>
<td>350 Bush</td>
<td>269</td>
<td>3</td>
<td>SF Mining Exchange</td>
<td>37.5</td>
<td>60 30</td>
<td>View of Russ Bldg. Courtyard</td>
</tr>
</tbody>
</table>

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

By: [Signature]
Virginia Darío Elizondo
Deputy City Attorney
Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

October 7, 2003  Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

October 21, 2003  Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Newsom
I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 21, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Oct 22, 2003
Date Approved

Mayor Willie L. Brown Jr.
Acting Mayor