

1 [Planning Code Amendment--Mining Exchange Building Setback]

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

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strikethrough italics Times New Roman*~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

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

- 12 A. 350 Bush Street LLC (the "Project Sponsor") proposes to construct an approximately
13 400,000 square-foot office and retail building at 350 Bush Street ("Project").
- 14 B. The Project would rehabilitate and reopen for public use the historic Mining Exchange
15 Building by constructing a new, taller office and retail building cantilevered over the
16 back of the Building which would incorporate the Mining Exchange room floor as a
17 grand entry lobby.
- 18 C. An application for environmental review was filed on May 22, 2000.
- 19 D. Environmental review of the Project, including this proposed Planning Code
20 amendment, was conducted pursuant to the California Environmental Quality Act,
21 CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code ("CEQA").
- 22 E. The Planning Commission certified the Project's Final Environmental Impact Report on
23 September 13, 2001 in Planning Commission Resolution No. 16230, a copy of which is
24 on file with the Clerk of the Board of Supervisors in File No. 031100.
- 25

- 1 F. The Planning Commission adopted findings pursuant to CEQA set forth in Resolution
2 No. 16230.
- 3 G. The Board of Supervisors by Resolution No. 672-03 adopted and endorsed the
4 findings of the Planning Commission pursuant to CEQA.
- 5 H. The Downtown Element of the General Plan in Objective 12, Policy 3, provides
6 "Significant buildings in Category II can accommodate, because of their depth, more
7 substantial alteration of the back of the building without affecting the building's
8 architectural qualities or appearance or their ability to function as separate structures.
9 Most of these buildings are on deep interior lots with non-architecturally treated side
10 and rear walls. The alteration could be a rear addition to the building visible from the
11 street, a new taller building cantilevered over the back of the building, or replacement
12 of the rear of the building with a separate, taller structure."
- 13 I. Appendix B to Article 11 of the Planning Code lists the buildings designated as
14 Category II and for each building the portion of the building beyond which such
15 additions may be permitted and the reference point for establishing the limitation on the
16 location of such height addition.
- 17 J. The first row of Appendix B: (1) designates the San Francisco Mining Exchange
18 Building at 350 Bush Street as a Category II building; (2) references 60 feet as the
19 setback from Bush Street beyond which an addition to height may be made; and 3)
20 establishes the view of the Russ Building Courtyard as the reference point for such set
21 back.
- 22 K. The San Francisco Mining Exchange Building is an historic unreinforced masonry
23 building that has been vacant for over twenty years. The Building has fallen into a
24 state of disrepair, is currently inaccessible to the public and, as an unreinforced
25 masonry building, poses a danger to the health and safety of the public.

- 1 L. The Project would (1) preserve the prominence of the historic Bush Street elevation of
2 the San Francisco Mining Exchange Building (Article 10 Landmark #113 and an Article
3 11 Significant – Category II building); (2) preserve the integrity of the Mining Exchange
4 trading room floor and entry hall; (3) preserve the views of the Russ Building (an Article
5 11 Significant – Category I building) on the site adjacent to the Project site, by being
6 angled back over the second story of the lot between the Mining Exchange Building
7 and the Russ Building in a manner that preserves the views of the Russ Building
8 Courtyard; (4) be set back from 60 to 30 feet over the Mining Exchange Building in a
9 manner that differentiates the new construction from the Mining Exchange Building to
10 preserve the prominence of the historic Bush Street elevation, allows two support
11 columns for the new construction to be hidden in the small rooms to the side of the
12 entry hall, and allows the only columns in the Mining Exchange trading room floor to be
13 placed close to the wall of the room therefore limiting their impact; and (5) provide new
14 construction with an attractive design that respects the character of the older
15 development while distinguishing itself as being of its own time.
- 16 M. The Project would promote the public convenience and general welfare by allowing for
17 the rehabilitation and seismic improvement of an historic structure in the manner that
18 meets the goals of the General Plan.
- 19 N. The Planning Commission, by Planning Commission Motion No. 16272, a copy of
20 which is on file with the Clerk of the Board of Supervisors in File No. 031100,
21 approved the proposed amendment to the Planning Code.
- 22 O. The proposed amendment is consistent with the objectives and policies of the General
23 Plan as set forth in Planning Commission Motion No. 16272, the findings of which are
24 hereby adopted and incorporated by reference.
- 25

1 Section 2. Priority Policies. The proposed Planning Code amendment meets the
2 priority policies of Planning Code Section 101.1(b) as set forth in Planning commission Motion
3 No. 16272, which findings are hereby adopted and, incorporated by reference.

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

6

7 **CATEGORY II BUILDINGS**

8 Address	Block	Lot	Name of Building	(In Feet)	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)	Reference Point For Establishing Limitation On Height Addition
9 350 Bush	269	3	SF Mining Exchange	37.5	60 30	View of Russ Bldg. Courtyard

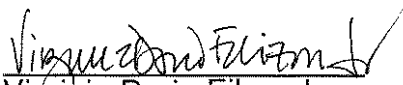
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14 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

15 By: 
16 Virginia Dario Eilzondo
17 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 031100

Date Passed:

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

File No. 031100


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

October 22, 2003

Date Approved



Mayor Willie L. Brown Jr.

Acting Mayor