

1 [CEQA Findings for the office projects for 350 Bush Street and 500 Pine Street, including the  
2 expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 –  
3 Category II Buildings of the Planning Code.]

4 **Resolution adopting environmental findings (and a statement of overriding**  
5 **considerations) pursuant to the California Environmental Quality Act ("CEQA") and**  
6 **state guidelines in connection with the office projects for 350 Bush Street and 500 Pine**  
7 **Street, including the expansion of Saint Mary's Square Park and the amendment to**  
8 **Appendix B to Article 11 – Category II Buildings of the Planning Code.**

9  
10 WHEREAS, 500 Pine Street LLC ("Pine LLC") is the owner of certain real property  
11 located at the corners of Pine and Kearny Streets (the "Pine Property"); and,

12 WHEREAS, Pine LLC obtained approval from the San Francisco Planning Commission  
13 (the "Planning Commission") to build a four and one-half story building on the Pine Property  
14 (the "Pine Project"); and,

15 WHEREAS, 350 Bush Street LLC ("Bush LLC"), an affiliate of Pine LLC, is the owner of  
16 certain real property located on Bush and Pine Streets between Montgomery and Kearny  
17 Streets (the "Bush Property"); and,

18 WHEREAS, Bush LLC obtained approval from the Planning Commission to build a 19-  
19 story office building on the Bush Property (the "Bush Project"); and,

20 WHEREAS, Bush LLC and Pine LLC propose to convey approximately 6127 square  
21 feet of space on the roof of the Pine Building (the "Square Expansion") to the City as an  
22 expansion of the Saint Mary's Square Park, which conveyance will partially satisfy the open  
23 space requirements of the Pine Project and the Bush Project and mitigate the impact of the  
24 Bush Project shadow on St. Mary's Square Park to a level of insignificance and the  
25 Recreation and Park Commission, by Resolution No. 0305-014 urged the Board of

1 Supervisors to authorize acceptance of the conveyance and associated actions including  
2 execution of certain documentation; and,

3 WHEREAS, Pursuant to a request to initiate an amendment to the Planning Code, the  
4 Planning Commission, by Resolution No. 16275, a copy of which is on file with the Clerk of  
5 the Board of Supervisors in File No. 031099, recommended to the Board of Supervisors  
6 an amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code to  
7 allow the Bush Project to incorporate the Mining Exchange Building with a setback of between  
8 60 and 30 feet over the Mining Exchange Building, all as more specifically described in said  
9 Resolution; and,

10 WHEREAS, A preliminary Negative Declaration was prepared by the Planning  
11 Department for the Pine Project, and a final Negative Declaration was issued on February 26,  
12 2001 (the “Negative Declaration”), a copy of which is on file with the Clerk of the Board of  
13 Supervisors in File No. 031099; and,

14 WHEREAS, On March 15, 2001, the Planning Commission by its Motion No. 16113, a  
15 copy of which is on file with the Clerk of the Board of Supervisors in File No. 031099,  
16 reviewed the final Negative Declaration, determined, in accordance with the provisions of the  
17 California Environmental Quality Act (“CEQA”), the state CEQA Guidelines (Title 14, California  
18 Code of Regulations §§ 15000 et seq.) and Chapter 31 of the Administrative Code that the  
19 Pine Project would not cause significant impacts such that an environmental impact report  
20 would be required; and,

21 WHEREAS, The Planning Department prepared a Final Environmental Impact Report  
22 No. 2000.541E (“FEIR”) for the Bush Project including the Square Expansion and the  
23 Planning Code amendment, which consists of the Draft Environmental Impact Report  
24 prepared by the Planning Department, the comments received during the review period, any  
25

1 additional information that became available and the Summary of Comments and Responses,  
2 all as required by law; and,

3 WHEREAS, On September 13, 2001, the Planning Commission reviewed and  
4 considered the FEIR and, by Motion No. 16230, a copy of which is on file with the Clerk of the  
5 Board of Supervisors in File No. 031099, found that the contents of said report and the  
6 procedures through which the FEIR was prepared, publicized and reviewed complied with the  
7 provisions of CEQA and certified the completion of the FEIR in compliance with CEQA, and  
8 further found that the FEIR was adequate, accurate and objective, reflected the independent  
9 judgment and analysis of the Commission and that the summary of Comments and  
10 Responses contained no significant revisions to the FEIR; and,

11 WHEREAS, In certifying the FEIR in Motion 16230, the Planning Commission found  
12 that the Bush Project will have a project-specific unavoidable significant environmental impact  
13 on the setting of the historic Mining Exchange Building, resulting from the size, extent,  
14 massing and scale of the new construction being larger than that of the historic building; and,

15 WHEREAS, Pursuant to CEQA, the Planning Commission in its Motion No 16272, a  
16 copy of which Motion is on file with the Clerk of the Board of Supervisors in File No. 031099  
17 found, among other overriding considerations, that the Project would rehabilitate, seismically  
18 reinforce and adaptively reuse the historic Mining Exchange Building with new construction  
19 set back and differentiated from the original structure in a manner that would not seem out of  
20 scale when viewed within the context of the existing downtown environment and would use  
21 the least invasive placement and design of the support columns within the Mining Exchange  
22 Building; and,

23 WHEREAS, Pursuant to CEQA, the Planning Commission considered alternatives to  
24 the Bush Project described in the FEIR, which would reduce or avoid the project-specific  
25 impact of the Bush Project, and rejected them as infeasible for the reasons set forth in its

1 Motion No. 16272 approving construction of structures in a C-3 District pursuant to Planning  
2 Code Section 309; and,

3 WHEREAS, After balancing unavoidable significant and other adverse effects on the  
4 environment and the benefits of the Bush Project, the Planning Commission concluded in its  
5 Motion No. 16272 that the benefits of the Bush Project outweigh any unavoidable adverse  
6 effects on the environment, which it found to be acceptable, and that the social, economic,  
7 and environmental benefits of the Bush Project constituted overriding considerations justifying  
8 its approval; and,

9 WHEREAS, In Motion No. 16272, the Planning Commission adopted a Mitigation  
10 Monitoring and Reporting Program for the Bush Project; and,

11 WHEREAS, The Negative Declaration, the FEIR and Planning Commission Motion  
12 Nos. 16113, 16230 and 16272 have been reviewed and considered by the Board of  
13 Supervisors and have been available for review by the public, and those materials are part of  
14 the record before the Board of Supervisors; now, therefore, be it

15 RESOLVED, that pursuant to CEQA, the Board of Supervisors has reviewed and  
16 considered the CEQA findings adopted by the Planning Commission in its Motion No. 16113  
17 and the mitigation measures for the Pine Project included in the Negative Declaration, and  
18 hereby endorses and adopts them as its own and incorporates the same herein by reference;  
19 and, be it

20 FURTHER RESOLVED, That pursuant to CEQA, the Board of Supervisors has  
21 reviewed and considered the CEQA findings adopted by the Planning Commission in its  
22 Motions No. 16230 and 16272, including the Mitigation Monitoring and Reporting Program for  
23 the Bush Project, the mitigation measures, and the statement of overriding considerations and  
24 hereby endorses and adopts them as its own and incorporates the same herein by reference;  
25 and, be it

1 FURTHER RESOLVED, That since the Planning Department adopted the Negative  
2 Declaration, there have been (1) no substantial changes to the Pine Project that would require  
3 major revisions to the Negative Declaration due to the involvement of new significant  
4 environmental effects or a substantial increase in the severity of previously identified  
5 significant impacts, (2) no substantial changes to the circumstances under which the Pine  
6 Project is undertaken that would require major revisions to the Negative Declaration due to  
7 the involvement of new significant environmental effects or a substantial increase in the  
8 severity of previously identified significant impacts, and (3) no new information of substantial  
9 importance has become available which would change the conclusions of the Negative  
10 Declaration; and, be it

11 FURTHER RESOLVED, That since the Planning Commission certified the Bush  
12 Project FEIR, there have been (1) no substantial changes to the project that would require  
13 major revisions to the FEIR due to the involvement of new significant environmental effects or  
14 a substantial increase in the severity of previously identified significant impacts; (2) no  
15 substantial changes to the circumstances under which the Bush Project is undertaken that  
16 would require major revisions to the FEIR due to the involvement of new significant  
17 environmental effects or a substantial increase in the severity of previously identified  
18 significant impacts, and (3) no new information of substantial importance has become  
19 available which would indicate (a) the Bush Project will have significant effects not discussed  
20 in the FEIR; (b) significant environmental effects will be substantially more severe; (c)  
21 mitigation measures or alternatives found not feasible which would reduce one or more  
22 significant effects have become feasible; or (d) mitigation measures or alternatives which are  
23 considerably different from those in the FEIR would substantially reduce one or more  
24 significant effects on the environment.  
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# City and County of San Francisco

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

## Tails

## Resolution

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**File Number:** 031099

**Date Passed:**

Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act ("CEQA") and state guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.

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October 7, 2003 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

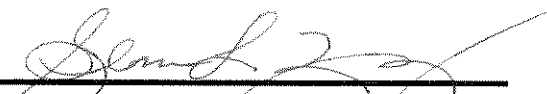
File No. 031099

I hereby certify that the foregoing Resolution was ADOPTED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

OCT 17 2003

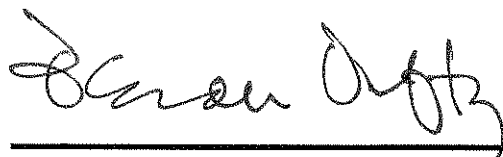
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Date Approved



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Gloria L. Young  
Clerk of the Board



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Mayor Willie L. Brown Jr.