Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18042, approving Conditional Use Application 2008.1072C on property located at 1111 California Street.

WHEREAS, the Planning Commission issued a decision by Motion No. 18042 dated March 4, 2010, approving Conditional Use Application No. 2008.1072C on property located at 1111 California Street to change the existing non-conforming entertainment use of the "Nob Hill Masonic Center" to "Other Entertainment," pursuant to Planning Code Sections 182(B)(1) and 723.48, and to add permanent food and beverage service for patrons of entertainment and assembly events, pursuant to Planning Code Section 238(D), on a property within the RM-4 (Residential Mixed, High-Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, on property located at 1111 California Street, Lot No. 020 in Assessor's Block No. 0253; and

WHEREAS, said determination was timely appealed to the Board of Supervisors on April 5, 2010, by William Terrell, Aldo Caccamo, Chris Freeman, Enrique Landa, Elizabeth Pomada, and Donna Muse);

WHEREAS, on May 4, 2010, the Board conducted a duly noticed public hearing on the appeal from the Planning Commission's approval referred to in the first paragraph of this motion. Following the conclusion of the public hearing on May 4, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 18042 dated March 4, 2010) and approved the issuance of requested Conditional Use Application No. 2008.1072C, subject to the conditions imposed by the Planning Commission in its Motion No.
18042, as amended by the Board on May 4, 2010, and subject to additional conditions imposed by the Board of Supervisors. The amended and additional conditions imposed by the Board are as follows:

Amending Condition No. 9: No more than 3,300 patrons shall be permitted for events in the auditorium on the main floor level and mezzanine level of the Masonic Center.

Amending Condition No. 10: There shall be an annual maximum of 85 live entertainment events held at the Masonic Center that start at 7:00 p.m. or later, of which no more than 60 live entertainment events may utilize general admission attendance without assigned seating for patrons in the lower (floor) level of the auditorium. There shall be an annual maximum of 20 events not involving live entertainment held at the Masonic Center that start at 7:00 p.m. or later.

Amending Condition No. 13: All events shall conclude by 11:00 p.m. on weeknights (non-holiday Sunday-Thursday evenings) and 11:30 p.m. on weekends (Friday, Saturday, and pre-holiday evenings). Up to three events per year may extend until 1:00 a.m. on weekends (Friday, Saturday, and pre-holiday evenings), subject to prior consultation with and approval by the San Francisco Police Department, the San Francisco Planning Department, and the Entertainment Commission a minimum of 30 days prior to the date of such event.

Amending Condition No. 14: All patron queuing for events with general admission attendance shall occur within the interior of Masonic Center property, i.e. the main lobby area and Exhibition Hall.

Amending Condition No. 17: There shall be a fixed parking fee for events with more than 1,250 ticketed attendees.

Amending Condition No. 20: The Project Sponsor shall minimize vehicular queuing on California Street by use of the following strategies events with more than 1,250 ticketed patrons:

Clerk of the Board
BOARD OF SUPERVISORS
• Increase traffic staffing inside the California Street garage entrance to increase
the rate of vehicular entry to the garage.

• Position security personnel (including San Francisco Police Department services
when warranted) outside the garage to assist with controlling and directing traffic, including
directing patrons to other nearby garages if and when the Masonic Center garage is full.

• Convert the center lane of the existing garage entrance ramp to a second
inbound lane to increase queuing room within the garage.

• Event staff shall ensure u-turns are prevented and that the cable car lane is free
flowing.

Amending Condition 24: The Project Sponsor shall use the Pine Street loading dock
for all loading and unloading to the commercial kitchen and for normal building operation
supplies.

24(a) The Pine Street loading area shall be upgraded to enclose end of ramp
and improve access to passenger elevators.

Amending Condition 26: The Project Sponsor shall seek a special event “no parking”
permit from the Police Department whenever it anticipates loading or bus operations on
California Street and direct trucks to park in that zone. No double-parking of trucks shall be
permitted. The Project Sponsor may load and unload from the California Street curb only
stage sets, performance equipment, and related materials associated with specific events.

Pursuant to the regulations of the Department of Building Inspection, a sign shall be posted on
the access ramp during loading and unloading operations that notifies disabled persons of the
duration of the loading and provides specific information about alternative means of disabled
access into the building, which alternative access shall be maintained at all times during
loading and unloading operations on California Street.

26(a) Performers shall use the house system for primary sound and lights.
Amending Condition 28: Personnel conducting loading and unloading activities on California Street shall be instructed to minimize the volume of conversation and prohibit the playing of amplified music outside the building during loading and unloading, particularly during nighttime hours.

28(a) There shall be no loading or unloading on California Street before 7:00 a.m.

28(b) Scheduled event loading on California Street shall be limited to 125 days per year.

Amending Condition No. 31: During the one and one-half hour period prior to the start of events, no more than two performer buses shall park on the south side of California Street, so that the remainder of the 185-foot long curbside area is available for attendee unloading and loading and vehicle queuing into the garage. The Project Sponsor shall direct any additional buses to park in other bus parking zone(s) the City chooses to designate near the corner of California and Taylor Streets, such as on Taylor Street adjacent to Huntington Park or on the north side of California Street. The Project Sponsor shall make best available efforts to evaluate and demonstrate to the Zoning Administrator the physical and operational feasibility of storing performer buses at nearby off-street parking facilities during events.

31(a) The Project Sponsor shall make commercially reasonable best efforts to secure space in the closest parking garage to park the maximum number of performer buses that can fit inside that garage and if space is secured from the garage owner, that number of buses shall be parked inside the garage.

Amending Condition No. 36. Following the conclusion of the last intermission of an event, a maximum of two publicly-accessible concession stands and one "VIP" concession stand (not accessible by the general public) may serve alcoholic beverages. One hour prior to the conclusion of an event, line markers shall be placed at the end of each of the lines. No
1 patron approaching a line for a concession stand after the placement of the line marker will be
2 served an alcoholic beverage, with the intent that alcohol service will conclude 45 minutes
3 prior to the end of an event.
4
5 36(a) There shall be no minimum purchase required and a maximum of two
6 drinks served per order.
7
8 Amending Condition 39: The Planning Department shall report to the Planning
9 Commission on the status of compliance with these conditions of approval within 6 months
10 following the re-opening of the auditorium after construction is completed, and every 6 months
11 thereafter for the first four years of post-construction operations, and once a year after the first
12 4 years upon the request of the District Supervisor or the Chief of Police. If the Zoning
13 Administrator determines, or the Planning Commission requests, a public informational
14 hearing may be held on the compliance report. A copy of the Planning Department’s report to
15 the Planning Commission shall be provided to the Project Sponsor, the San Francisco Police
16 Department, and the Nob Hill Association (or successor organization).
17
18 Adding Condition 42: Project Sponsor shall be required to comply with all noise
19 ordinance limits in Municipal Police Code 29, or any successor ordinance.
20
21 Adding Condition 43: If an event has presented a pattern of safety and security
22 problems in previous concert seasons or at other venues, then the Project Sponsor shall
23 consult with the Police Department to determine whether the Project Sponsor can provide
24 adequate safety and through utilization of its security personnel, contracted private security
25 and/or on-duty or off-duty Police officers. To the extent that the Chief of Police reasonably
26 determines, based entirely on the ability to provide safety and security and not on the
27 expressive content of the event, that the Project Sponsor cannot provide adequate safety and
28 security for any proposed event or that the event’s historic pattern establishes that safety and
29 security issues cannot be adequately handled at this venue regardless of the Project...
Sponsor’s security plan, the Chief of Police may order that the event shall not be held. This provision does not supersede any subsequent regulations regarding place of entertainment permits.

Adding Condition 44: Project Sponsor shall comply with Administrative Code Section 10-B, and if off-duty officers are hired pursuant to subsections thereof, a minimum of two officers be hired for events with 1,250 or more presold tickets; if SFPD determines that more than two officers are required, the project sponsor shall provide the additional officers.

Adding Condition 45: Project Sponsor shall encourage the use of public transit through its on-line marketing sites, including links to transit providers.

WHEREAS, in reviewing the appeal of the approval of the requested conditional use authorization, the Board of Supervisors reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal;

NOW, THEREFORE, BE IT MOVED, that the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 18042 dated March 4, 2010, approving Conditional Use Application No. 2008.1072C;

FURTHER MOVED, that the Board of Supervisors finds that the additional and amended conditions imposed by the Board May 4, 2010, further support the findings made by the Planning Commission in its Motion No. 18042 dated March 4, 2010, approving Conditional Use Application No. 2008.1072C, as follows:

Planning Commission Finding 7.D. Hours of Operation, is further supported because the conditions of approval have been amended to allow the Project Sponsor to seek authorization from the San Francisco Police Department, the Planning Department, and the Entertainment Commission for up to only three events per year that extend until 1:00AM, as
opposed to the original condition, which allowed up to five events per year that extended until 2:00 a.m.

Planning Commission Finding 8.E(i) Not to be open between 2:00 a.m. and 6:00 a.m., is further supported because the conditions of approval have been amended so that the Center is not allowed to host events between 1:00 a.m. and 6:00 a.m., as opposed to the original condition, which provided the Center was not allowed to host events between the hours of 2:00 a.m. and 6:00 a.m.

Planning Commission Finding 8.E(ii) Not use electronic equipment between midnight and 6:00 a.m. is further supported because the conditions of approval have been amended to allow the Project Sponsor to seek authorization from the San Francisco Police Department, the Planning Department, and the Entertainment Commission for up to only three events per year that extend until 1:00AM, as opposed to the original condition, which allowed up to five events per year that extended until 2:00 a.m.

FURTHER MOVED, That the Board of Supervisors took notice that Planning found the Project categorically exempt from environmental review under the California Environmental Quality Act (CEQA) on March 4, 2010. Specifically, the Planning Department found the project exempt pursuant to section 15332 of the CEQA Guidelines. The Board considered, on May 4, 2010, an appeal of said determination and affirmed the determination by Planning that the Project is categorically exempt from review under CEQA. The Board finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the determination that the Project is categorically exempt from environmental review under CEQA.
File Number: 100588  Date Passed: May 18, 2010

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18042, approving Conditional Use Application 2008.1072C on property located at 1111 California Street.

May 18, 2010 Board of Supervisors - AMENDED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

May 18, 2010 Board of Supervisors - APPROVED AS AMENDED
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell and Mirkarimi
Noes: 2 - Alioto-Pier and Dufty

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 5/18/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board