



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: NOVEMBER 14, 2013

*Date:* November 7, 2013  
*Case No.:* **2013.0834C**  
*Project Address:* **1111 California Street**  
*Zoning:* RM-4 (Residential Mixed, High Density) District  
65-A Height and Bulk District  
Nob Hill Special Use District  
*Block/Lot:* 0253/020  
*Project Sponsor:* California Masonic Memorial Temple  
c/o Allan Casalou  
1111 California Street  
San Francisco, CA 94108  
*Staff Contact:* Kevin Guy – (415) 558-6163  
kevin.guy@sfgov.org  
**Recommendation: Approval with Conditions**

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### BACKGROUND

The Nob Hill Masonic Center (“Center”) has operated since 1958, hosting activities associated with the Freemasons of California, as well as a variety of events that include music, comedy, and cultural performances, civic events (such as graduations and naturalization ceremonies), exhibitions, and corporate meetings. The assembly and entertainment functions of the Center became nonconforming in 1978, when the subject property was rezoned to the RM-4 District, which does not permit such activities. The Center had operated since the 1950's without substantial operational conditions, other than those imposed by the Planning Code and other applicable regulations.

In 2010, the Commission approved a Conditional Use Authorization to change the use of the Center to a conditionally-permitted “Other Entertainment” use (“Previous Project”, Case No. 2008.1072C). This Conditional Use authorization also approved included interior alterations to remove existing lower-level seating, which would have expanded the capacity of the main auditorium to 3,500 persons. The interior alterations also included reconfiguration of the auditorium stage, the installation of new sound and lighting systems, and the establishment of eight permanent food and beverage stations. The Commission imposed numerous conditions of approval that limited the hours of operation for events and for alcohol services, and set forth operational parameters for security, noise attenuation, parking, and loading. The Board approved this Conditional Use authorization on appeal, but imposed further restrictions on audience capacity (reduced to 3,300 persons), number of annual events, and other operating conditions.

Four lawsuits were filed challenging the approval of the Previous Project, and the San Francisco Superior Court issued two decisions in response to these lawsuits. The Superior Court voided the categorical exemption issued for the Previous Project, which also voided the Conditional Use authorization. As a

result of this decision, the City was required to prepare an Initial Study, followed by a Negative Declaration or an Environmental Impact Report (“EIR”), to comply with the requirements of the California Environmental Quality Act (“CEQA”) before the project approvals can be reconsidered. In the second decision, the Superior Court confirmed that the Masonic Center is a legal nonconforming use.

While the litigation was in process, the project sponsor filed a separate request for Conditional Use authorization to continue the existing non-conforming use of the Center, with no increase in patron capacity or numbers of events. The Commission approved this request in 2012, imposing conditions of approval that were intended to maintain the historic level of operating intensity and to minimize impacts to the surrounding neighborhood (Case No. 2011.0471C). The Board also approved this Conditional Use authorization on appeal, but imposed further restrictions on the number of annual events.

## **PROJECT DESCRIPTION**

The current request for Conditional Use authorization is similar to the request approved in 2010 to change the use of the Center to a conditionally-permitted “Other Entertainment” use, as well as perform interior upgrades to the Center. However, the current request reflects operational conditions that have been imposed in previous actions, improvements measures recommended in the Final EIR, and additional conditions agreed to as part of a settlement by parties associated with the litigation. Specifically, the current project would remove the existing main floor seating in the auditorium to provide a flexible range of audience configurations (tables and chairs, fixed seating or standing general admission), increasing the maximum audience capacity of the Auditorium from 3,166 persons to 3,300 persons. The project would upgrade the existing catering kitchen to a commercial kitchen to allow on-site food preparation, and would add five permanent accessory food and beverage concession areas for patrons of entertainment and assembly events. The project also includes a reconfiguration of the existing auditorium stage, as well as installation of new sound and lighting systems. The facility would host a maximum of 79 large live entertainment events per year (defined as events with more than 250 attendees). Of these 79 events, the facility would host a maximum of 54 music concerts per year.

## **SITE DESCRIPTION AND PRESENT USE**

The Project Site is located on the south side of California Street between Jones and Taylor Streets, Block 0253, Lot 020. The subject property is located within the RM-4 (Residential Mixed, High Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District. The Project Site gently slopes along the California Street frontage, but is steeply sloped along the Taylor Street frontage. The Center occupies nearly the entire site, and includes approximately 118,000 square feet of assembly and entertainment space, 17,000 square feet of administrative space utilized by the Freemasons, and a parking garage containing approximately 565 off-street parking spaces. The property measures 49,841 square feet, including a 25-foot wide flag portion fronting on Pine Street. This flag portion provides access to a loading area, and secondary access to the parking garage.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Project Site is located within the Nob Hill neighborhood, an area characterized by a mix of hotel, institutional, and high-density residential uses. Neighborhood-serving commercial uses are scattered at

various corners throughout the neighborhood, as well as along nearby commercial strips on Polk Street, California Street, Pacific Avenue, and the Chinatown neighborhood to the east. Several prominent institutional uses (including the Grace Cathedral and the Pacific Union Club) and hotels (the Fairmont, the Mark Hopkins, the Huntington, and the Stanford Court) are clustered in the immediate vicinity on California Street between Powell and Jones Streets.

The scale of existing buildings varies greatly in the vicinity of the Project Site. Taller buildings, some exceeding twelve stories in height, are clustered near the crest of Nob Hill. This cluster accentuates and exaggerates the underlying topography, creating a recognizable orientation point within the skyline of the City. Buildings are generally lower in the downslope areas, averaging four to five stories in height. The building immediately to the west is a 16-story residential tower, while the remainder of the block to the south is comprised of lower-scale residential uses.

## ENVIRONMENTAL REVIEW

On April 17, 2013, the Department published a draft Environmental Impact Report (EIR) for public review (Case No. 2011.0471E). The draft EIR was available for public comment until June 3, 2013. On May 23, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On October 31, 2013, the Department published a Responses to Comments document, responding to comments made regarding the draft EIR prepared for the Project. The Responses to Comments document contains no changes to the text of the draft EIR. The EIR did not identify any significant impacts, and all potential impacts were determined to be less than significant without mitigations. Therefore, no mitigation measures are required. The Commission will consider certification of the final EIR for the Project on November 14, 2013, at the same hearing as the requested Conditional Use authorization.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 25, 2013	October 25, 2013	20 days
Posted Notice	20 days	October 25, 2013	October 25, 2013	20 days
Mailed Notice	20 days	October 25, 2013	October 24, 2013	21 days

## PUBLIC COMMENT

To date, the Department has received no public comment on the current application.

## ISSUES AND OTHER CONSIDERATIONS

- **Legal Nonconforming Uses:** The existing Center was operated as a permitted use until 1978, when the subject property was rezoned to the RM-4 Zoning District. The RM-4 District does not permit entertainment and assembly uses, therefore, the Center became non-conforming with this rezoning. In 2012, the Planning Commission and the Board of Supervisors approved a Conditional Use authorization pursuant to Section 185(e) to allow the nonconforming uses to continue operation beyond the termination dates specified by the Planning Code.

The types of entertainment and assembly activities that occur within the Center meet the definition of an Other Entertainment use described in Section 790.38. Section 182(b)(1) permits a non-conforming use within a Residential District to change to another use which is permitted as a Conditional Use in an NC-1 District and in an Individual Area Neighborhood Commercial District ("NCD") within one-quarter of a mile, through the Conditional Use authorization process. The Project Site is located within one-quarter of a mile of the Polk Street NCD.

An Other Entertainment use is permitted as a Conditional Use within the NC-1 District (Section 710.48) and the Polk Street NCD (Section 723.48). The Project Sponsor is requesting Conditional Use authorization to change the existing non-conforming use of the Center to an Other Entertainment use, pursuant to Section 182(b)(1). In addition, the Project Sponsor is requesting Conditional Use authorization for eating and drinking uses within the Nob Hill SUD, pursuant to Section 238(d), to allow the five food and beverage concession stations proposed for the Center.

- **Operational Conditions:** The Masonic Center has hosted a variety of events since 1958, largely without substantial operational conditions, other than those imposed by the Planning Code and other applicable regulations. The proposed project would result in a relatively minor increase in the capacity of the venue, but would add five permanent food and beverage concessions (including alcohol sales). The Center is also expected to host more frequent events than in the past, including nighttime entertainment events (such as concerts), with some patrons attending on a general admission basis.

These changes in the operating parameters of the Center have the potential to cause a number of substantial impacts to the surrounding area. Accordingly, extensive conditions of approval have been added to the draft motion to limit the number of evening events and operating hours, promote safety and security, address parking and traffic control, set parameters for loading operations, limit hours for serving alcoholic beverages, and establish a program to monitor and enforce these conditions.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to change the existing nonconforming use to an "Other Entertainment" use (pursuant to Planning Code Sections 182(b)(1) and 723.48) and to allow eating and drinking uses within the Nob Hill SUD (pursuant to Planning Code Section 238(d)).

## BASIS FOR RECOMMENDATION

- *The project would allow the continued operation of the Masonic Center as a venue of regional cultural, entertainment, and civic importance.*
- *Extensive conditions of approval have been included with the draft motion to minimize impacts of the venue to the surrounding neighborhood.*
- *On balance, the conditions of approval will allow the venue to continue operating in a manner that is desirable for the community and the City as a whole, and is compatible with the area.*

- *The project implements policies of the General Plan Arts and Commerce and Industry Elements and the City's Music And Culture Sustainability Policy (Chapter 90A of the Administrative Code) to preserve and sustain performing arts venues.*

<b>RECOMMENDATION:</b> <i>Approval with Conditions</i>
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**Attachments:**

Block Book Map  
Sanborn Map  
Aerial Photograph  
Zoning Map  
Correspondence regarding Project  
Project Sponsor's Submittal Package

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>   |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map                  | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> RF Report   |
| <input checked="" type="checkbox"/> Context Photos              | <input type="checkbox"/> Community Meeting Notice  |
| <input checked="" type="checkbox"/> Site Photos                 | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

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*Case No.:* **2013.0834C**  
*Project Address:* **1111 California Street**  
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San Francisco, CA 94108  
*Staff Contact:* Kevin Guy – (415) 558-6163  
kevin.guy@sfgov.org

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION 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, TO MAKE ALTERATIONS TO THE INTERIOR OF THE FACILITY, TO ADD PERMANENT FOOD AND BEVERAGE SERVICE FOR PATRONS OF ENTERTAINMENT AND ASSEMBLY EVENTS, , PURSUANT TO PLANNING CODE SECTION 238(D), AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ON A PROPERTY WITHIN THE RM-4 (RESIDENTIAL MIXED, MEDIUM DENSITY) DISTRICT, THE 65-A HEIGHT AND BULK DISTRICT, AND THE NOB HILL SPECIAL USE DISTRICT.**

### PREAMBLE

On March 4, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting and approved a Conditional Use Authorization pursuant to Planning Code Section ("Section") 303 (Motion No. 18042), in connection with a proposal to change the existing non-conforming entertainment use of the "Nob Hill Masonic Center" to "Other Entertainment" pursuant to 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 located at

1111 California Street, Lot 020 in Assessor's Block 0253 ("Project Site"), within the RM-4 District, the 65-A Height and Bulk District, and the Nob Hill Special Use District. This approval also included interior changes to the existing facility, including seating reconfigurations to increase of the maximum capacity of the auditorium from 3,282 persons to approximately 3,500 persons, the addition of eight permanent food and beverage stations, and upgrades to the stage, lighting, and sound systems of the main auditorium. This motion also included conditions of approval limiting the number of annual live entertainment events, limiting the hours of operation for events and for alcohol services, and setting operational parameters for security, noise attenuation, parking, and loading (collectively, "Previous Project", Case No. 2008.1072C).

On May 4, 2010, the Board of Supervisors ("Board") conducted a duly noticed public hearing at a regularly scheduled meeting and considered an appeal of the Conditional Use Authorization granted for the Previous Project. The Board rejected the previous approval by the Commission, and approved the Conditional Use Authorization subject to additional conditions of approval beyond those adopted by the Commission. Specifically, the Board further reduced the annual number of live entertainment events that start at 7:00PM or later from 95 to 85, reduced the maximum patron capacity of the auditorium from 3,500 to 3,300 persons, and imposed additional conditions regarding security, noise attenuation, parking, and loading (Board Motion No. 10-72, File No. 100453).

Four lawsuits were filed challenging the approval of the Previous Project, and the San Francisco Superior Court issued two decisions in response to these lawsuits. On April 28, 2011, the Superior Court issued a Statement of Decision and a Writ of Mandate voiding the categorical exemption issued for the Previous Project, which voided the 2010 Conditional Use authorization. As a result of this decision, the City was required to prepare an Initial Study, followed by a Negative Declaration or an Environmental Impact Report ("EIR"), to comply with the requirements of the California Environmental Quality Act ("CEQA") before the project approvals can be reconsidered.

On January 19, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting and approved a Conditional Use Authorization pursuant to Sections 185(e) and 303 to continue the existing nonconforming assembly, entertainment, and food and beverage services uses with no modifications or intensification of use at the "Nob Hill Masonic Center" (Motion No. 18520, Case No. 2011.0471C).

On May 4, 2010, the Board conducted a duly noticed public hearing at a regularly scheduled meeting and considered an appeal of the Conditional Use Authorization granted by Motion 18520 (Case No. 2011.0471C). The Board rejected the previous approval by the Commission, and approved the Conditional Use Authorization subject to additional conditions of approval beyond those adopted by the Commission. Specifically, the Board further reduced the annual number of live entertainment events from 68 to 54, and reduced the annual number of events not associated with live entertainment from 219 to 176 (Board Motion No. 12-051, File No. 120295).

On June 12, 2013, Steven Vettel, acting on behalf of Allan Casalou, ("Project Sponsor", representing the California Masonic Memorial Temple), submitted a request with the Department for a new Conditional Use Authorization to change the existing non-conforming entertainment use of the "Nob Hill Masonic Center" to "Other Entertainment" pursuant to 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). The requested authorization also proposes interior changes to the existing facility, including audience reconfigurations to increase the maximum audience capacity of the auditorium from 3,166 persons to 3,300 persons, the addition of five permanent food and beverage concession areas, upgrades to the stage, lighting, and sound systems of the main auditorium, and upgrades to convert the existing catering kitchen to a commercial kitchen. The request proposes specific conditions of approval that are intended to incorporate improvement measures recommended in the Final EIR and other conditions agreed to in a settlement agreement between the Project Sponsor and neighborhood organizations and individuals. These proposed conditions would limit the facility to 79 live entertainment events per year with more than 250 attendees, which would include no more than 54 music concerts per year, and limit the number of food and beverage concession areas to 5. The proposed conditions would also limit the hours of operation for events and for alcohol services, and would set operational parameters for security, noise attenuation, parking, and loading.

On May 6, 2011, the Project Sponsor submitted an Environmental Evaluation Application with the Department, Case No. 2011.0471E. On April 17, 2013, the Department published a draft Environmental Impact Report ("DEIR" or "Draft EIR") for public review. The Draft EIR was available for public comment until June 3, 2013. On May 23, 2013, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit public comment regarding the Draft EIR.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-day public review period for the Draft EIR. This material was presented in a Draft Responses to Comments document, published on October 31, 2013, distributed to the Planning Commission and all parties who commented on the Draft EIR, and made available to others upon request at the Department. The Responses to Comments document contained no text changes to the draft EIR. A Final Environmental Impact Report ("FEIR" or "Final EIR") was prepared by the Department, consisting of the Draft EIR and the Responses to Comments document.

On November 14, 2013, the Commission reviewed and considered the Final EIR and found that the contents of said report and procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by Motion No. XXXXX, which is incorporated by reference as though fully set forth herein. The Final EIR found that implementation of the project described in the Draft EIR, which estimated 95 large live entertainment events annually and 8 food and beverage concession areas, would cause no significant environmental effects. The Final EIR also found that no mitigation measures are needed to avoid or substantially lessen any significant environmental effects, such that adoption of a mitigation measure reporting and monitoring program is unnecessary. The Final EIR did recommend certain improvement measures to lessen the project's less-

than-significant effects, and all of the recommended improvement measures are made conditions of approval and incorporated into the conditions listed in Exhibit A, Conditions of Approval.

The Project now proposed by the project sponsor and the subject of this conditional use authorization is generally described and analyzed in the Final EIR as "Alternative C: Reduced Number of Live Entertainment Events and Concession Areas." The less-than-significant impacts of the proposed project analyzed in the Final EIR are further reduced in Alternative C, and Alternative C was determined by the Final EIR to be the environmentally superior alternative. In adopting Alternative C, the Commission concurs with the conclusion of the Final EIR that the project described in the Draft EIR would have no significant environmental effects, and that those less-than-significant effects are further reduced in Alternative C, which is the currently proposed project.

The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case Nos. 2011.0471E and 2013.0834C, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On November 14, 2013, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0834C.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0834C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Nob Hill Masonic Center ("Center") has operated since 1958, hosting activities associated with the Freemasons of California, as well as a variety of events that include music, comedy, and cultural performances, civic events (such as graduations and naturalization ceremonies), exhibitions, and corporate meetings. The assembly and entertainment functions of the Center became nonconforming in 1978, when the subject property was rezoned to the RM-4 District, which does not permit such activities. The Center had operated since the 1950's without substantial operational conditions, other than those imposed by the Planning Code and other applicable regulations.

In 2010, the Commission approved a Conditional Use Authorization to change the use of the Center to a conditionally-permitted "Other Entertainment" use ("Previous Project", Case No. 2008.1072C). This Conditional Use authorization also approved included interior alterations to

remove existing lower-level seating, which would have expanded the capacity of the main auditorium to 3,500 persons. The interior alterations also included reconfiguration of the auditorium stage, the installation of new sound and lighting systems, and the establishment of eight permanent food and beverage stations. The Commission imposed numerous conditions of approval that limited the hours of operation for events and for alcohol services, and set forth operational parameters for security, noise attenuation, parking, and loading. The Board approved this Conditional Use authorization on appeal, but imposed further restrictions on audience capacity (reduced to 3,300 persons), number of annual events, and other operating conditions.

Four lawsuits were filed challenging the approval of the Previous Project, and the San Francisco Superior Court issued two decisions in response to these lawsuits. The Superior Court voided the categorical exemption issued for the Previous Project, which also voided the Conditional Use authorization. As a result of this decision, the City was required to prepare an Initial Study, followed by a Negative Declaration or an Environmental Impact Report ("EIR"), to comply with the requirements of the California Environmental Quality Act ("CEQA") before the project approvals can be reconsidered. In the second decision, the Superior Court confirmed that the Masonic Center is a legal nonconforming use.

While the litigation was in process, the project sponsor filed a separate request for Conditional Use authorization to continue the existing non-conforming use of the Center, with no increase in patron capacity or numbers of events. The Commission approved this request in 2012, imposing conditions of approval that were intended to maintain the historic level of operating intensity and to minimize impacts to the surrounding neighborhood (Case No. 2011.0471C). The Board also approved this Conditional Use authorization on appeal, but imposed further restrictions on the number of annual events.

The current request for Conditional Use authorization is similar to the request approved in 2010 to change the use of the Center to a conditionally-permitted "Other Entertainment" use, as well as perform interior upgrades to the Center. However, the current request reflects operational conditions that have been imposed in previous actions, improvement measures recommended in the Final EIR, and additional conditions agreed to as part of a settlement by parties associated with the litigation. Specifically, the current project would remove the existing main floor seating in the auditorium to provide a flexible range of audience configurations (tables and chairs, fixed seating or standing general admission), increasing the maximum audience capacity of the Auditorium from 3,166 persons to 3,300 persons. The project would upgrade the existing catering kitchen to a commercial kitchen to allow on-site food preparation, and would add five permanent accessory food and beverage concession areas for patrons of entertainment and assembly events. The project also includes a reconfiguration of the existing auditorium stage, as well as installation of new sound and lighting systems. The facility would host a maximum of 79 large live entertainment events per year (defined as events with more than 250 attendees). Of these 79 events, the facility would host a maximum of 54 music concerts per year.

3. **Site Description and Present Use.** The Project Site is located on the south side of California Street between Jones and Taylor Streets, Block 0253, Lot 020. The subject property is located

within the RM-4 (Residential Mixed, High Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District. The Project Site gently slopes along the California Street frontage, but is steeply sloped along the Taylor Street frontage. The Center occupies nearly the entire site, and includes approximately 118,000 square feet of assembly and entertainment space, 17,000 square feet of administrative space utilized by the Freemasons, and a parking garage containing approximately 565 off-street parking spaces. The property measures 49,841 square feet, including a 25-foot wide flag portion fronting on Pine Street. This flag portion provides access to a loading area, and secondary access to the parking garage.

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Nob Hill neighborhood, an area characterized by a mix of hotel, institutional, and high-density residential uses. Neighborhood-serving commercial uses are scattered at various corners throughout the neighborhood, as well as along nearby commercial strips on Polk Street, California Street, Pacific Avenue, and the Chinatown neighborhood to the east. Several prominent institutional uses (including the Grace Cathedral and the Pacific Union Club) and hotels (the Fairmont, the Mark Hopkins, the Huntington, and the Stanford Court) are clustered in the immediate vicinity on California Street between Powell and Jones Streets.

The scale of existing buildings varies greatly in the vicinity of the Project Site. Taller buildings, some exceeding twelve stories in height, are clustered near the crest of Nob Hill. This cluster accentuates and exaggerates the underlying topography, creating a recognizable orientation point within the skyline of the City. Buildings are generally lower in the downslope areas, averaging four to five stories in height. The building immediately to the west is a 16-story residential tower, while the remainder of the block to the south is comprised of lower-scale residential uses.

5. **Public Comment.** To date, the Department has received no public comment on the current application.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Uses.** Section 182(b)(1) permits a non-conforming use within a Residential District to change to another use which is permitted as a Conditional Use in an NC-1 District and in an Individual Area Neighborhood Commercial District ("NCD") within one-quarter of a mile, through the Conditional Use authorization process. Section 238(d) permits eating and drinking uses (except large fast-food restaurants) within the Nob Hill SUD, through the Conditional Use authorization process.

*The existing Center was operated as a permitted use until 1978, when the subject property was rezoned to the RM-4 Zoning District. The RM-4 District does not permit entertainment and assembly uses, therefore, the Center became non-conforming with this rezoning. The types of entertainment and assembly activities that occur within the Center meet the definition of an Other Entertainment use described in Section 790.38. The Project Site is located within one-quarter of a mile of the Polk Street NCD. An Other Entertainment use is permitted as a Conditional Use within the NC-1 District*

*(Section 710.48) and the Polk Street NCD (Section 723.48). The Project Sponsor is requesting Conditional Use authorization to change the existing non-conforming use of the Center to an Other Entertainment use, pursuant to Section 182(b)(1). In addition, the Project Sponsor is requesting Conditional Use authorization for eating and drinking uses, pursuant to Section 238(d), to allow a commercial kitchen and the five food and beverage concession stations proposed for the Center.*

- B. **Off-Street Parking.** Section 151 requires theater or auditorium uses to provide one parking space for every eight seats up to 1,000 seats, plus one space for each ten seats in excess of 1,000.

*The existing Masonic Center garage contains 565 parking spaces. However, 205 of these spaces are currently leased to monthly leaseholders. A condition of approval has been added requiring that the Center provide off-street parking spaces within the garage in perpetuity for the use of event patrons, in an amount which conforms to the requirements of Section 151. At a maximum patron capacity of 3,300 persons, 355 parking spaces would be required pursuant to the ratios specified in Section 151. This condition stipulates that the number of spaces may not be reduced or otherwise made unavailable due to monthly leases or other commitments of spaces within the garage.*

- C. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. An Other Entertainment use that measures between 100,001 to 200,000 square feet of gross floor area would be required to provide one off-street loading space.

*The assembly uses within the Center measure approximately 103,000 square feet. An existing loading dock is accessed via Pine Street and measures approximately 35 feet in length by 10 feet in width. This loading space fails to meet several aspects of the Planning Code as follows:*

1) *Enclosure: Pursuant to Section 155(p), a loading area within 50 feet of an "R" District shall be completely enclosed within a building if the area is used in regular night operation. Given the nature of the proposed Other Entertainment use, it is expected that this loading dock would be used at night. The dock is unenclosed and is located within an "R" District, and therefore fails to meet the enclosure requirement of the Planning Code.*

2) *Dual-Use of Loading Dock: According to the Project Sponsor, the loading dock area also partially serves as a secondary driveway for vehicles to access the Masonic Center parking garage.*

*Because the existing loading dock does not comply with these aspects of the Planning Code, the Center is considered to be a legal "noncomplying structure" as defined by Section 180(a)(2). The Planning Code calculates loading requirements based on the gross floor area of a structure. Because the Project would not increase the overall gross floor area of the structure, the Project is not considered an intensification that would increase the number of required loading spaces pursuant to the Planning Code or require the noncomplying elements of the existing loading dock to be modified.*

- D. **Hours of Operation.** Section 723.27 specifies that the hours of operation of uses authorized in the Polk Street NCD are principally permitted from 6:00 a.m. to 2:00 a.m., and conditionally permitted from 2:00 a.m. to 6:00 a.m.

*A Condition of approval has been added requiring that all weeknight events end by 11:00PM, and all weekend events end by 11:30PM. In addition, this condition would allow the Project Sponsor to seek authorization from the San Francisco Police Department, the Planning Department, and the Entertainment Commission for up to three events per year that extend until 1:00AM.*

7. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. On balance, the Project does comply with said criteria in that:

- A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

*The Center is a venue of regional cultural, entertainment, and civic importance that has hosted a wide variety of events since 1958. In addition to activities associated with the Freemasons, these events include music, comedy, and cultural performances, civic events (such as graduations and naturalization ceremonies), exhibitions, and corporate meetings. However, the operation of a venue with Citywide and regional significance, has the potential to cause a number of substantial impacts to the surrounding area.*

*The Center has operated since the 1950's without substantial operational conditions, other than those imposed by the Planning Code and other applicable regulations. While the Project would result in a relatively minor increase in the capacity of the venue, the Project would add new food and beverage concessions (including alcohol sales). The Project Sponsor has also indicated that the venue would host more frequent events, including nighttime entertainment events (such as concerts), with some patrons attending on a general admission basis. These changes in the operating parameters of the Center necessitate the imposition of conditions of approval that will allow the Center to continue operating as a important entertainment, cultural, and civic venue while minimizing impacts to the surrounding neighborhood. Conditions have been added that limit the number of evening events and operating hours, promote safety and security, address parking and traffic control, set parameters for loading operations, limit hours for serving alcoholic beverages, and establish a program to monitor and enforce these conditions. The Final EIR determined that the project will have no significant environmental effects provided such conditions of approval are implemented. On balance, these conditions will allow the venue to continue operating in a manner that is desirable for the community and the City as a whole, and is compatible with the area.*

*The Nob Hill Special Use District, which encompasses ten blocks at the top of Nob Hill, recognizes the mix of uses on the crest of the hill that go well beyond the primarily residential uses found in other RM-4 districts. These other uses include hotels, Grace Cathedral (another large assembly use directly across the street from the Center that also hosts ticketed entertainment events as well as religious*

*assemblies), private clubs, restaurants, and parking garages. The Center's ongoing entertainment and assembly uses are compatible with all of these commercial uses, as well as high-density residential uses, provided the Masonic is operated with enforceable conditions designed to minimize any external impacts associated with the influx of patrons to the area before and after large events.*

- B. The proposed use or feature will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The size and shape of the site and the size, shape, and arrangement of the building would not change. With the imposition of the conditions of approval for the Project, the site and the building are adequate for the proposed use.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading, including provision of car-share parking spaces, as defined in Section 166 of this Code;

*The Final EIR determined that the project would cause no significant transportation impacts associated with traffic, transit, pedestrians, bicyclists, loading or parking. The existing Masonic Center garage contains 565 parking spaces. However, 205 of these spaces are currently leased to monthly leaseholders. A condition of approval has been added requiring that the Center provide off-street parking spaces within the garage in perpetuity for the use of event patrons, in an amount which conforms to the requirements of Planning Code Section 151. In addition, the Grace Cathedral garage and the Crocker garage are each located within one-half block of the Project Site and offer a total of 495 parking spaces, and the Sutter-Stockton Garage, which has significant evening capacity, is located within several blocks. These garages could therefore accommodate parking needs which are not met within the Masonic Center garage, as confirmed by the Final EIR. Conditions of approval require that the Project Sponsor offer fixed-priced parking to patrons who purchase event tickets through an on-line ticket service. Through this arrangement, parking can be pre-purchased at the time that the patron orders tickets for an event, and would guarantee a space at the Masonic Center garage or at another parking facility in the vicinity.*

*The area is moderately well-served by transit, with four MUNI lines (1 - California, 27 - Bryant, and the California and Powell-Hyde Cable Car lines) available within two blocks of the Project Site. In addition, patrons have the option to arrive at the Center by taxi, walking, or bicycling.*

*Because the Pine Street loading dock is unsuitable for use by large delivery vehicles, such loading is proposed to occur from the curbside parking on California Street. The Planning Code does not specifically regulate curbside parking, however, several operational conditions of approval have been added to help minimize impacts related to this curbside loading activity. Specifically, the*

*Project Sponsor must seek approval from the San Francisco Police Department to designate a temporary truck and passenger loading zone on the south side of California Street, extending from the Masonic Center garage entrance approximately 185 feet to the west, prior to and during large events. This zone would serve multiple purposes, as enumerated and restricted by the conditions of approval, and as summarized below:*

*1) Large trucks would park within this zone during the transfer of stage equipment and other materials for events. After the unloading activities conclude, the delivery trucks would be stored off site for the duration of the event. The trucks would return to load the materials at the end of the event, and would not be parked overnight on California Street.*

*2) Up to two performer buses may park within this zone beginning at 1.5 hours prior to the beginning of an event, and may remain within the zone during the duration of the event. No performer buses shall be permitted to park within this zone overnight. The Project Sponsor shall be required to install shore power (following receipts of all necessary approvals) to provide electrical power to these performer buses and avoid the use of engines or generators. The sponsor must also research the viability of utilizing off-street parking facilities in the vicinity to park performer buses during events.*

*3) The remainder of the zone (not occupied by performer buses or delivery trucks) is intended for passenger drop-off, taxi loading, and queuing for vehicles entering the Masonic Center garage before and during events.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Final EIR determined that the project would have no significant noise, light and glare, air quality or odor impacts. All events scheduled for the Center would occur within the interior of the building. Therefore, all noise directly resulting from events such as concerts is attenuated and is not perceptible outside of the building. The majority of pedestrian queuing for events would occur within the interior of the building, in the main lobby area, reducing conversational noise from waiting patrons. Shore power will be installed adjacent to street parking spaces that will accommodate performer bus parking, so that engines or generators will not need to run continuously to power accessories within these parked vehicles. Rubber or vinyl mats and curb and ramp transition strips would be placed to reduce the noise generated by loading activities requiring dollies or other rolling conveyances. The project proposes no interior or exterior changes to the Center, therefore, the Project is not expected to generate new dust or glare. Conditions of approval require that the Project Sponsor appoint a Noise Control Officer to monitor loading procedures, perform crowd control, and limit excessive noise on the exterior terraces of the facility. Conditions of approval also require that, once a preliminary sound system is designed, an acoustical engineer shall review the design specifications to ensure that noise levels inside the auditorium remain inaudible at the exterior of the Center.*



- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The Project Site is completely built-out and no changes are proposed to the exterior with regards to landscaping, open spaces, lighting, or signs. Conditions of approval have been added to ensure that the parking, loading, and other functions associated with the events at the Center operate in a manner that minimizes impacts to the surrounding neighborhood.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with the applicable requirements of the Planning Code, and will not adversely affect the policies of the General Plan as discussed under Item #8 below.*

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **ARTS ELEMENT**

### **OBJECTIVE I-1:**

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

#### **Policy I-1.1**

Promote inclusion of artistic considerations in local decision-making.

#### **Policy I-1.2**

Officially recognize on a regular basis the contributions arts make to the quality of life in San Francisco.

#### **Policy I-1.4**

Provide access to the creative process and cultural resources for all neighborhoods, cultural communities, and segments of the city and its populations.

### **OBJECTIVE VI-1**

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

#### **Policy VI-1.4**

Preserve existing performing spaces in San Francisco.

*The Center is a venue of regional cultural, entertainment, and civic importance that has hosted a wide variety of events since 1958. Some of these events have been associated with the Freemasons, civic events, and exhibitions. However, the Center has a longstanding tradition of hosting performance arts events, including music of all genres, comedy, dance, and cultural performances. These events strengthen the recognition and reputation of San Francisco as a city that is supportive of the arts. Such activities strengthen the recreational and cultural vitality of San Francisco, bolster tourism, and support the local economy by drawing patrons from throughout the region. The Project would allow for the continued operation and viability of the Center as a venue to host performing arts events.*

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 8:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

#### Policy 8.1

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

*These policies includes guidelines that seek to avoid the negative impacts to residential uses resulting from entertainment venues. Conditions have been added that limit the number of evening events and operating hours, promote safety and security, address parking and traffic control, set parameters for loading operations, limit hours for serving alcoholic beverages, and establish a program to monitor and enforce these conditions. These conditions of approval will allow the Center to continue its existing operation while minimizing impacts to the surrounding neighborhood.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project would not displace any retail establishments or compromise employment opportunities in the area.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project would not displace any existing housing. The conditions of approval will ensure that the venue will operate in a manner that preserves and enhances the cultural and economic diversity of the neighborhood and the City, while minimizing negative impacts to the character of the area.*

- C. That the City's supply of affordable housing be preserved and enhanced.

*The Project will not result in the loss of any existing affordable housing units*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*For patrons who wish to drive private vehicles to events, adequate parking exists at the Masonic Center garage, and other nearby garages. The area is moderately well-served by transit, and patrons may choose to arrive to the event by a mode other than private vehicles (transit, taxis, walking, or bicycles).*

*Conditions of approval have been added to address parking and circulation of performer buses, equipment trucks, and patron vehicles. The Final EIR determined that the Project would have no significant impacts on MUNI transit service or neighborhood parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project does not include any commercial office space, and will enhance opportunities for service sector employment.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project does not involve any construction activities that would compromise the structural integrity of the existing building.*

- G. That landmarks and historic buildings be preserved.

*No exterior or interior changes are proposed for the Project. Any future alterations and signage would be required to comply with applicable preservation standards.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project, which does not include any physical expansion of the existing building envelope, would not impact any parks or open spaces or their access to sunlight.*

- 10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0834C**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 14, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 14, 2013.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 14, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is to allow a change from 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 a maximum of five permanent food and beverage service stations for patrons of entertainment and assembly events, pursuant to Planning Code Section 238(d). The authorization also includes interior changes to the existing facility, including seating reconfigurations to increase of the maximum audience capacity of the auditorium from 3,166 persons to 3,300 persons, upgrades to the stage, lighting, and sound systems of the main auditorium, and upgrades to convert the existing catering kitchen to a commercial kitchen; in general conformance with plans, dated November 14, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0834C and subject to conditions of approval reviewed and approved by the Commission on November 14, 2013 under Motion No XXXXXX. The Project Site is located at 1111 California Street within the RM-4 District, the 65-A Height and Bulk District, and the Nob Hill Special Use District; This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 14, 2013 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys

no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

**Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

**Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

**Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

## **PARKING AND TRAFFIC**

**Parking Requirement.** The Project Sponsor shall make available to the general public within the Masonic Center garage no less than number of off-street parking spaces required by Planning Code Section 151 for "theater or auditorium" uses (a minimum of 1 parking space per 8 patron occupancy for the first 1,000 patrons, plus 1 space per 10 patrons above 1,000 patrons in the Auditorium). The number of spaces shall not be reduced or otherwise be made unavailable for the use of the Masonic Center due to monthly leases or other arrangements.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

**Parking Fee.** There shall be a fixed parking fee for events with more than 1,250 ticketed attendees.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

**Pre-Paid Parking.** The Project Sponsor shall offer pre-paid parking to event attendees who purchase tickets in advance of the event date through an on-line ticket service. Such pre-paid parking passes shall specify the location of the garage for which the ticket has been paid (either the Masonic Center garage or any other nearby garage that enters into a cooperating agreement with the Project Sponsor for pre-paid parking) and the location of the garage's entrance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

**Bicycle Parking.** The Project Sponsor shall provide not less than 26 Class I or Class II bicycle parking spaces at the property. The project sponsor shall expand project websites that provide transportation information to include bicycle route maps and indicate to patrons and employees ways of access to the site via the California/Taylor (#310) and the Sutter/Post (#16) bicycle routes; and the project sponsor shall install signage indicating the location of the bicycle parking spaces at the Masonic Center garage.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*



**Pine Street Access.** The Project Sponsor shall allow access to the Masonic Center garage through the Pine Street loading dock prior to events for holders of pre-paid parking tickets in order to reduce vehicle queuing on California Street. The Pine Street loading dock shall also be used for exiting from the garage after events.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Service and Maintenance of the Pine Street Loading Dock.** The project sponsor shall be required to service and maintain the Pine Street loading dock ramp to prevent it from banging against the building structure when cars exit the existing garage after events.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Traffic Management.** The Project Sponsor shall minimize vehicular queuing on California Street by use of the following strategies events with more than 1,250 ticketed patrons:

- 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 that u-turns are prevented and that the cable car lane is free-flowing.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Overflow Parking.** The Project Sponsor shall consult with nearby public garages to inform arriving patrons that those garages can be used to park for performances and events when the Center's garage is full.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Transit Incentives.** The project sponsor shall update project websites that provide public transit travel information to include links to transit service providers, such as BART and Muni, and transit trip planning websites, such as 511.org that provide transit system services updates in real time , and shall

offer incentives for those patrons arriving to the event by public transportation, such as providing a free water or soda.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Loading Zone.** The Project Sponsor shall apply for designation of a truck and bus loading zone and passenger zone for drop-off by taxis and other vehicles and additional garage queuing for the approximately 185-foot long curb zone on California Street between the entrance to the Center garage and Gramercy Tower (1177 California Street) driveway, to be in effect only prior to and during events at the Masonic Center. The drop-off zone shall be sufficient to accommodate a minimum of three taxis or private vehicles dropping off passengers at one time. Except during the one and one-half hour period before and during events, the on-site Masonic Center Production Manager and staff shall direct trucks and performer buses to park as far east as possible within the 185-foot loading zone on California Street as shown in Figure 13 of the TIS to minimize conflicts with the 1177 California Street(Gramercy Tower) driveway and cross traffic onto California Street.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Loading on California Street.** 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. After the conclusion of unloading activities, trucks using the California Street curb loading zone shall depart the premises, park off-site, and not return for loading until near the conclusion of the performance. No overnight curb parking of trucks shall be permitted on California Street. There shall be no loading or unloading on California Street before 7:00 AM. Scheduled event loading on California Street shall be limited to 125 days per year.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Loading Noise.** To minimize noise during loading and unloading operations on California Street, the Project Sponsor shall install prior to loading and unloading activities a resilient surface material, such as rubber or vinyl, on truck ramps, pavement, sidewalk and the ramp and incorporate transition strips between different surfaces and shall direct that truck engines be turned off except when moving the vehicle or functions that require engine power are occurring, such as lowering or raising of hydraulic ramps. 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Pine Street Loading Dock.** The project sponsor shall prohibit the use of the California Street entrances and shall use the Pine Street loading dock as the sole access for all loading and unloading to the commercial kitchen food and beverage serving stations, for loading and unloading supplies and equipment related to and for normal, ongoing property repair and maintenance operations, and for said suppliers' entrance and egress to/from the property and for normal building operation supplies. The Pine Street loading area shall be upgraded to enclose end of ramp and improve access to passenger elevators.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Construction Debris Box Delivery, Loading and Removal.** The project sponsor shall require the construction contractor to fully incorporate the following requirements into all of the contractor and subcontractor agreement documents to be implemented by the construction contractor:

- Provide well maintained vehicles to deliver and pick-up debris boxes on-site.
- Schedule delivery and pick-up of debris boxes during periods of higher ambient noise levels – after 9AM and no later than scheduled construction hours as required by Noise Ordinance.
- Pick-up of debris boxes is prohibited in the evening hours after 6:00 PM.
- Train/educate personnel to load debris boxes as quietly as possible.
- As feasible, locate debris boxes within the 185-foot loading area in front of the Masonic Center as far away as possible from noise-sensitive receptors, such as the Gramercy Towers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Appointment of a Noise Control Officer(s).** The project sponsor shall appoint a “Noise Control Officer(s)” to monitor loading/unloading procedures as well as perform crowd control and monitor exterior terraces for excessive noise and compliance with these Conditions of Approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Performer Bus Parking.** 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**"Shore" Power.** The Project Sponsor shall provide electric power on the south side of California Street for event buses in order to ensure the quiet and clean powering of these vehicles and shall direct that all performer buses parking at this zone connect to this electric power and not run their engines or generators. The project sponsor shall seek permission from the appropriate City agency or adjacent property owners to install electric power adjacent to any other City-designated bus parking zone that is within ½ block of the property, if feasible, so that, if there is a feasible method of providing electric power, the Project Sponsor shall direct performer buses to connect to this electric power and not run their engines or generators.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Overnight Bus Parking Prohibited.** Overnight curb parking of buses or habitable trailers for performers, support staff, or other associated with the operations or productions at the property shall not be permitted on either side of California Street. The Project Sponsor shall include in any contract or agreement, or rules or guidance given to any performers, support staff, or others associated with the operations or productions at the property a requirement to abide by this condition. The Project Sponsor shall remain responsible for compliance with this condition, regardless of such notice or contractual provisions.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

**Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

**Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

**Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

**Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

**Installation of New Sound System.** Once the preliminary sound system design is completed, an acoustical engineer shall review the preliminary design specifications prior to installation to confirm that noise levels inside the auditorium will remain inaudible at the exterior of the Center and specify any needed modifications to the preliminary design necessary to assure noise is inaudible at the exterior. The project sponsor in consultation with the acoustical engineer shall be responsible for ensuring the sound system installed adheres to the recommendations of the acoustical engineer. Following installation of the new system, an acoustical engineer shall test the system to determine if any adjustments are necessary to assure noise levels inside the auditorium will remain inaudible at the exterior.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the

neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

**Entertainment and Assembly.** The entertainment and assembly functions shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission within a reasonable timeframe following project approval. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

**Exterior Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

1. **Sound and Lighting:** Performers shall use the house system for primary sound and lights. *For information about compliance, contact Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

**Event Operations Manual.** The Project Sponsor shall maintain, update over time, provide to event personnel, and make available to the Planning Department an event Operations Manual to include:

- A security plan to ensure neighborhood safety before, during and after performances, including in Huntington Park and near Grace Cathedral.
- A traffic control plan, including deployment of traffic control personnel outside the venue to assist patron unloading and loading, queuing into the garage, preventing queuing vehicles from blocking the Gramercy Towers driveway, and enforcement of the Parking and Traffic, Loading and Performer Bus Parking conditions set forth below.
- Trash pick-up program within two hours after each event in the four blocks bounded by Sacramento, Jones, Pine and Mason Streets.
- Direction to event personnel to assure compliance with these conditions of approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Patron Queuing.** All patron queuing for events with general admission attendance shall occur within the interior of the Masonic Center property, i.e., the main lobby area and the Exhibition Hall.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Food and Beverage Service.** Food and beverage service is limited to service to patrons of on-site assembly and entertainment events within the Nob Hill Masonic Center. There shall be no operations of a restaurant, either full-service or self-service, open to members of the public who are not patrons of assembly or entertainment uses within the Masonic Center.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Food and Beverage Concession Areas.** For any event with more than 2,000 attendees, up to five (5) full-service food and beverage concession stands shall be permitted in the following locations:

- One (1) in the Main Lobby;
- One (1) in the Balcony Lobby;
- One (1) in the Auditorium Concourse;
- One (1) in the Balcony Concourse; and
- One (1) in the VIP-access-only California Room;

For events with 2,000 or fewer attendees, alcoholic beverages may only be served in concession stands located in the Main Lobby, the Balcony Lobby, and the California Room, and not in the Auditorium or Balcony Concourse areas. Additional food and beverage concession stands and/or different configurations of existing food and beverage concession stands may be utilized for food and alcoholic beverage service for Private Rental Events, which for the purposes of this Authorization is any event conducted by or on behalf of an entity of defined membership that has rented the facility for the use of its members and guests and the annual Communication of the Masons of California, provided that under any circumstances, the Project Sponsor will remain in compliance with its ABC Type 47 license provisions.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Alcohol Sales.** Following the conclusion of the last intermission of an event, or one hour prior to the conclusion of an event within no intermission, a maximum of three concession areas (one concession area in the California Room, and two concession areas elsewhere in the facility) 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 patron approaching a line for a concession stand after the placement of the line marker will be served an alcoholic beverage, with the intent that alcohol service will conclude 45 minutes prior to the end of an



event. There shall be no minimum purchase of alcohol required, and a maximum of two alcoholic beverages may be served per order.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Police Department Review.** If an event has presented a pattern of safety and security problems in previous concert seasons or at other venues, then the Project Sponsor shall consult with the Police Department to determine whether the Project Sponsor can provide adequate safety and through utilization of its security personnel, contracted private security, and/or on-duty or off-duty Police officers. To the extent that the Chief of Police reasonably determines, based entirely on the ability to provide safety and security and not on the expressive content of the event, that the Project Sponsor cannot provide adequate safety and security for any proposed event or that the event's historic pattern establishes that safety and security issues cannot be adequately handled at the 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Off-Duty Police Officers.** 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **MAXIMUM OCCUPANCY AND EVENTS**

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Number of Events.** There shall be an annual maximum of 79 live entertainment events, and an annual maximum of 220 events not involving live entertainment, held at the Masonic Center. Notwithstanding these limitations, there shall be no limitations on the number of events that are attended by 250 patrons or fewer. The 79 live entertainment events with an attendance greater than 250 persons include Music Concerts (as defined below), comedy concerts and ethnic and cultural entertainment events.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

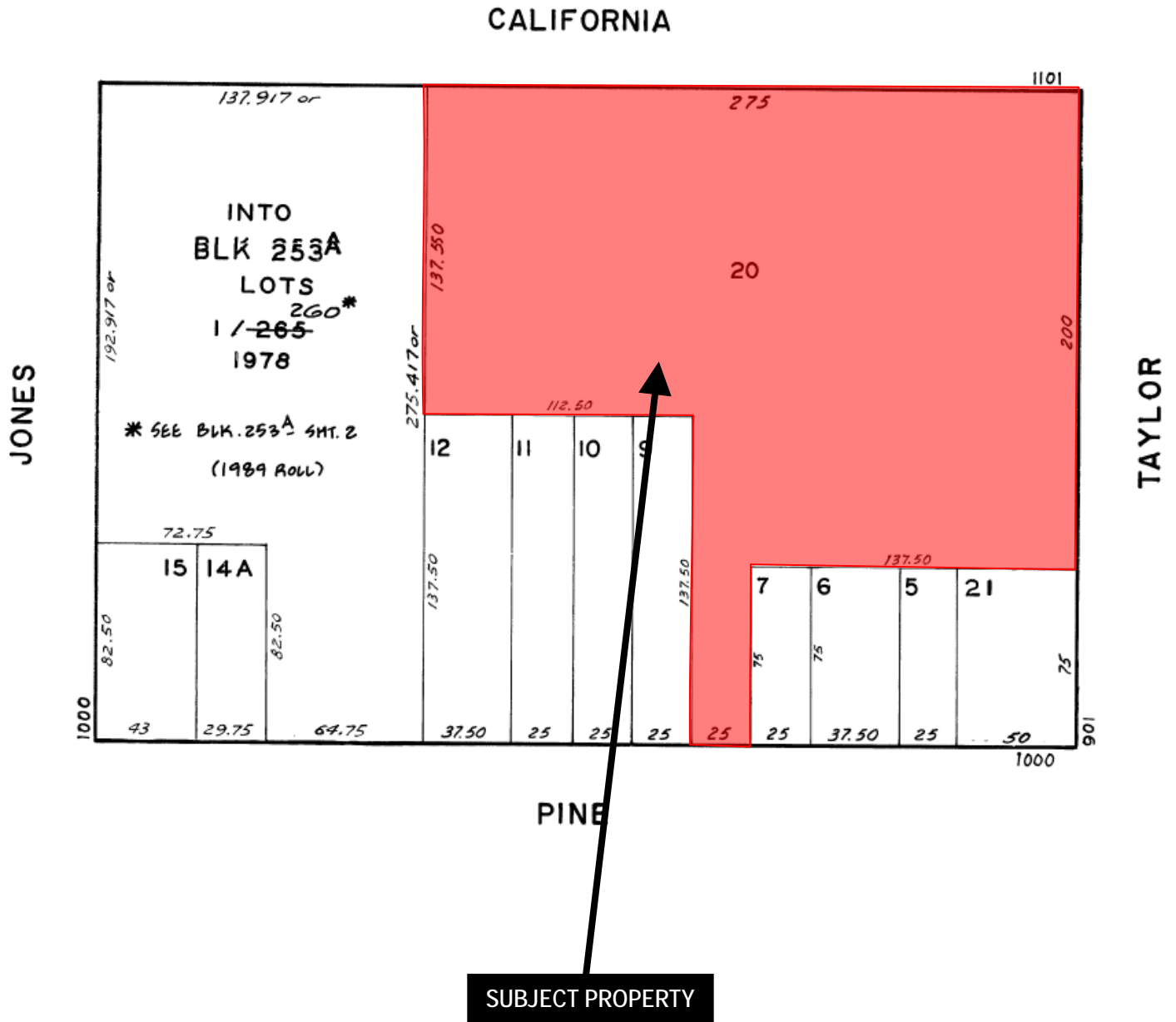
**Annual Maximum Number of Music Events.** Of the 79 annual large live entertainment events, there shall be an annual maximum of 54 “Music Concerts” with an attendance greater than 250 persons. For purposes of this Authorization, “Music Concerts” are defined as live, public music entertainment events, including electronic dance music with DJ (EDM).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Event Hours.** All events shall conclude by 11:00PM on weeknights (non-holiday Sunday-Thursday evenings) and 11:30PM on weekends (Friday, Saturday, and holiday evenings). Up to three events per year may extend until 1:00AM (Friday, Saturday, and 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 an event.

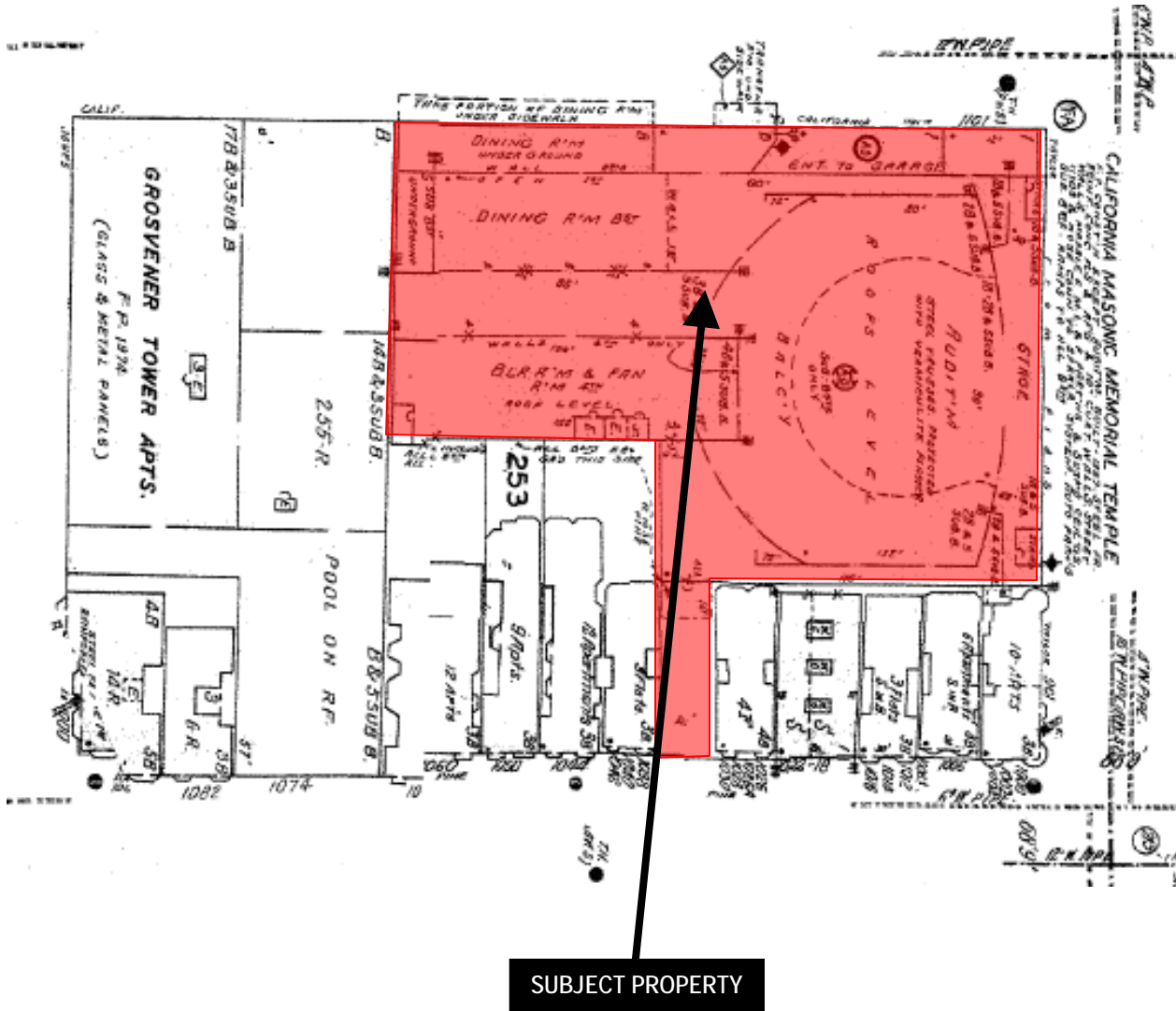
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Parcel Map



Conditional Use Hearing  
 Case Number 2013.0834C  
 1111 California Street

# Sanborn Map\*

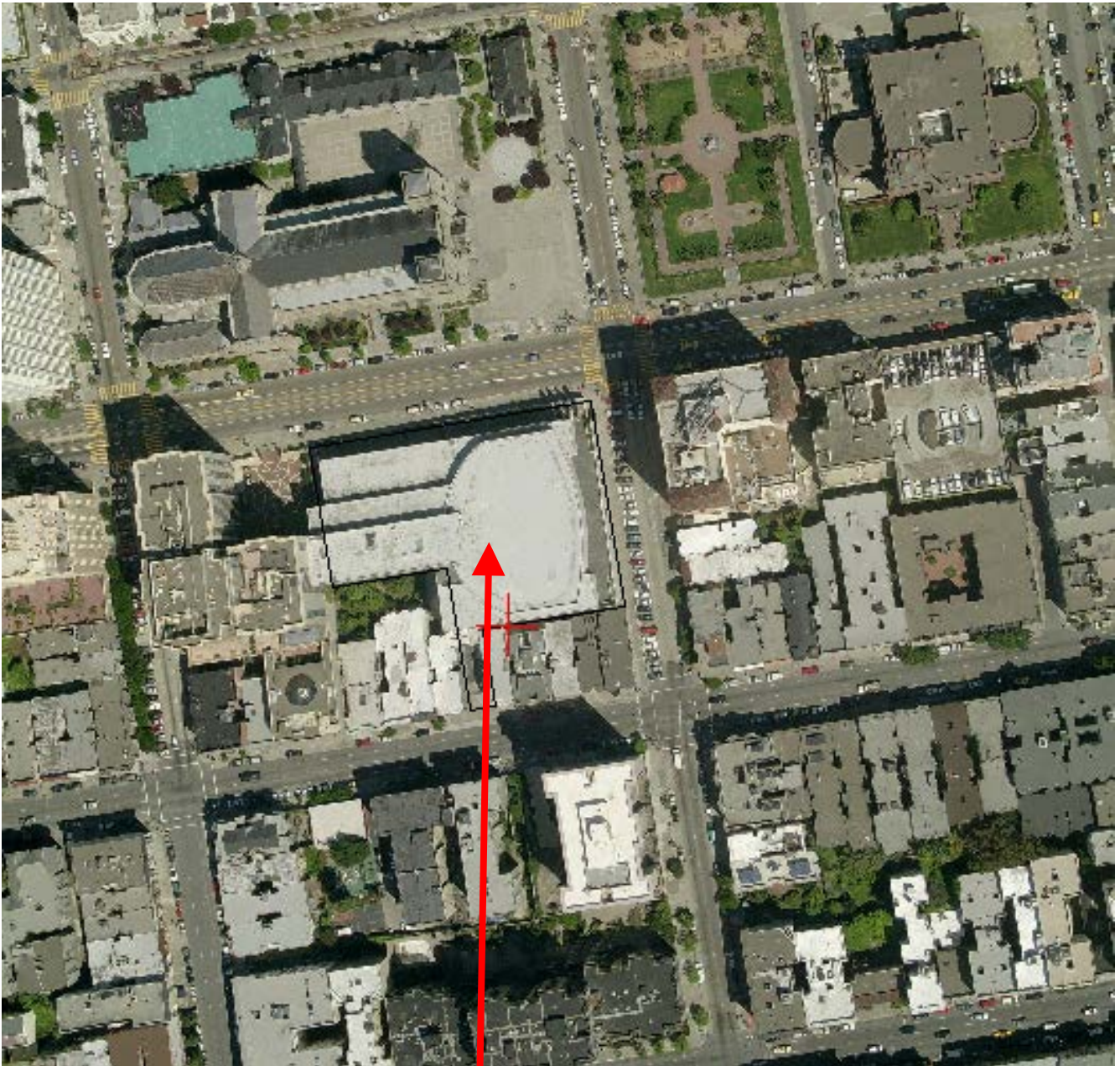


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
Case Number 2013.0834C  
1111 California Street

# Aerial Photo

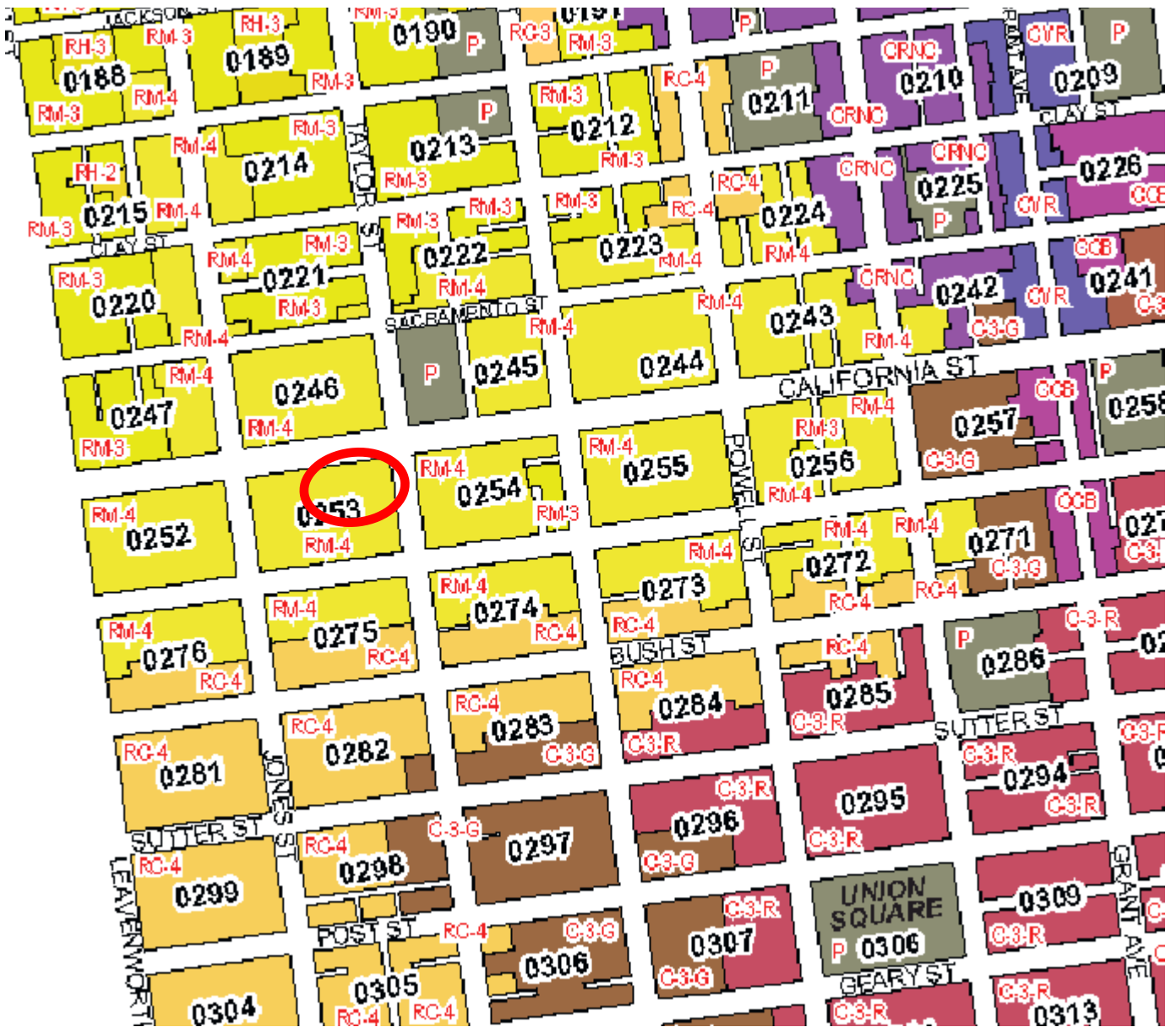


SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2013.0834C  
1111 California Street

# Zoning Map



Conditional Use Hearing  
Case Number 2013.0834C  
1111 California Street



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November 6, 2013

Hon. Rodney Fong, President  
San Francisco Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

Re: Nob Hill Masonic Center  
Certification of Final EIR (Case No. 2011.0471E)  
Conditional Use Authorization (Case No. 2013.0834C)  
Hearing Date: November 14, 2013

Dear President Fong and Commissioners:

I am writing on behalf of the California Masonic Memorial Temple ("CMMT"), the non-profit charitable corporation that owns the Nob Hill Masonic Center at 1111 California Street (the "Masonic") and Live Nation, which leases and operates the Masonic for CMMT. Before you on November 14 is certification of the Final EIR and conditional use authorization for the renovation (including a new stage, sound and lighting systems) and a slight intensification of the assembly and entertainment uses of the Masonic, increasing the capacity of the auditorium from 3,166 attendees to 3,300 attendees. The EIR concludes that the proposed intensification of the Masonic will have no significant environmental impacts and requires the imposition of no mitigation measures; the EIR does recommend several improvements measures, all of which are incorporated into the conditions of approval in the draft motion.

Earlier this year, CMMT and Live Nation reached a final settlement agreement with the Nob Hill Association, the Nob Hill Coalition, and the 9 individual neighbors who had participated in litigation against the City and CMMT after your 2010 approval of a similar conditional use. Most importantly, CMMT, Live Nation and the neighborhood associations and individuals have agreed to a strict limit of 79 large live entertainment events at the Masonic each year, only 54 of which may be "Music Events," and a limit of 5 concession areas within the venue. In contrast, the 2010 approval allowed up to 85 large live entertainment events annually and 8 concession areas. "Alternative C: Reduced Number of Live Entertainment Events and Concession Areas" in the EIR conforms to the terms of the settlement agreement, as does the conditional use application before you. We ask that you adopt Alternative C and the proposed conditions of approval to implement the settlement



agreement. (A few neighbors who did not participate in our negotiations remain opposed to this conditional use, including Linda Chapman, but we believe their numbers are small.)

**Procedural History.** The Masonic is comprised of the 3,166-person capacity Masonic Auditorium; 1,392-person capacity Exhibition Hall and California Rooms on the ground floor; approximately 9,600 square feet of third floor offices; and a 565-space parking garage. The Masonic has been in continuous operation as an entertainment and assembly venue since its completion in 1958. The Planning Commission in March 2010 granted conditional use authorization to convert the legal nonconforming status of the Masonic to a permitted conditional use and to authorize certain renovations, including tiering the main floor of the Auditorium to increase its capacity to 3,500 attendees (reduced by the Board of Supervisors to 3,300 attendees), and adding 8 permanent food and beverage concession areas, in reliance on a Class 32 Categorical Exemption. The Board of Supervisors upheld your actions in May 2010.

In 2011, however, the San Francisco Superior Court found the Class 32 Exemption inappropriate, ordered preparation of a new CEQA document, and voided the 2010 conditional use authorization. We and the City chose not to appeal that ruling; instead, the Planning Department prepared an EIR, the draft of which was published on April 17, 2013. Responses to Comments on the Draft EIR were published on October 31, 2013, and we urge you to now certify the Final EIR to comply with the Superior Court's order. Significantly, in 2011 the Superior Court also upheld the Zoning Administrator's 2009 determination that the Masonic was constructed in 1958 as a commercial assembly and entertainment venue, and the opponents in that case did not appeal that Superior Court determination.<sup>1</sup>

In 2012, the Commission approved and the Board of Supervisors upheld on appeal a conditional use authorization to continue the legal nonconforming use of the Masonic beyond its 50-year expiration with no intensification until this EIR was completed and you could consider this final conditional use authorization that does include a modest intensification. The currently proposed conditional use will supersede the 2012 approval.

**Current Lawful Status of Masonic.** As noted above, the Zoning Administrator (2009), Board of Appeals (2010) and the Superior Court (2011) have all determined that the Masonic was constructed in 1958 as a commercial venue, not a private Masonic Lodge. The 2009 Letter of Determination also determined that, because the Masonic was a principally permitted use in a Commercial zoning district, there were no conditions of approval imposed on its operations when it was entitled and built.

The Masonic's existing and historic operations have fluctuated over the years, but there is no dispute that a wide variety of concerts, ceremonies, exhibitions, corporate meetings and other special events have been hosted there since 1958. During the period 2002-2007, there were an average of about 229 total event-days per year distributed by type and time, with a

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<sup>1</sup> The City and CMMT did appeal one element of the Superior Court's 2011 decision, which held that a rezoning would be necessary before the Planning Commission could consider this conditional use application. The California Court of Appeal reversed the Superior Court on that point on April 9, 2013.





wide variety of attendee figures. Of those 229 annual events, an average of 54 were live entertainment concerts. This data is the most representative of the Masonic's existing operating level before event reservations were curtailed in anticipation of construction of the proposed renovation plans that were delayed from 2009 to 2010 while the Categorical Exemption Determination was prepared, and then delayed further in 2011 when the Court voided the 2010 project approvals. In the past, alcoholic beverages were served at some events and not at others, depending on the type of event (concert vs. exhibitions, for example), the promoter, and caterer. The data indicate such service was provided at 88% of live entertainment events and 34% of all events.

The proposal before you maintains the prior average number of music events as the new *maximum* number of large Music Events, allows 25 additional live entertainment events, a slight increase in audience capacity from 3,166 to 3,300 attendees, and the approves installation of 5 permanent food and beverage concession areas (down from 8), while imposing vigorous operating conditions of approval. In contrast, the Opera House and Davies Symphony Hall, the other two comparably sized concert halls in the City, each averages 200-250 live entertainment events a year and each has significantly more than 5 concession areas.

**Conditions of Approval.** The draft motion contains 43 separate conditions of approval, including all of the conditions originally imposed in 2010, further Improvement Measures recommended in the EIR, and all of the additional conditions set forth in our settlement agreement with our neighbors. They include conditions to limit the number of events (including the limit of 54 Music Events per year), to manage traffic, parking and loading, noise reduction, neighborhood safety and security, alcoholic beverage service limitations, and limits on hours of operation. Live Nation, who has managed all events at the Masonic since late 2008, has successfully implemented many of these operating conditions already, and there have been no material incidents of violence or other unruly behavior or significant traffic, parking or loading issues at or near the venue during events since Live Nation took over event management.

**City Policy Strongly Favors Permitting the Masonic to Continue to Operate.** Approval of this conditional use is necessary and desirable because it will directly contribute to the City's express goal of preserving performing arts spaces in the City and fostering, promoting, and sustaining music and culture, while the conditions of approval will assure there are no significant external impacts, as confirmed by the EIR. City policy includes:

- ◆ The General Plan Arts Element Policy VI-1.4 states: "Preserve existing performing spaces in San Francisco."
- ◆ The Music and Culture Sustainability Policy set forth in Chapter 90A of the Administration Code states: "San Francisco's music and performance venues and indoor and outdoor cultural events should be preserved and protected from displacement."



Hon. Rodney Fong, President

November 6, 2013

Page 4

A successful Masonic is crucial to the health of the Nob Hill hotel industry, supports the visitor and tourism industry, employs union workers, and sustains the City's role as the cultural center of the region. The project enjoys broad support from business, labor, the visitor industry, Nob Hill institutions and music lovers. And, with our settlement agreement in place, all of the established Nob Hill neighborhood associations and individual litigants have withdrawn their prior opposition.

We urge the Commission to certify the Final EIR and grant this conditional use to permit the Masonic at long last to be modernized in response to current venue requirements, while imposing operating conditions of approval appropriate for this ongoing use. Please contact me or our community liaison Jessica Berg (788-1000) in advance of the November 14 hearing if we can provide you with any further information or if you would like to meet or tour the facility.

Sincerely,

Steven L. Vettel

cc: Kevin Guy, Planning Department  
Allan Casalou, CMMT  
Matt Prieshoff, Live Nation  
Jessica Berg

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