



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <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 Motion No. 18042

HEARING DATE: MARCH 4, 2010

Date: February 26, 2010
Case No.: **2008.1072C**
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: Allan Casalou
1111 California Street
San Francisco, CA 94108
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: Approval with Conditions

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, AND TO ADD PERMANENT FOOD AND BEVERAGE SERVICE FOR PATRONS OF ENTERTAINMENT AND ASSEMBLY EVENTS, PURSUANT TO PLANNING CODE SECTION 238(D), ON A PROPERTY WITHIN THE RM-4 (RESIDENTIAL MIXED, MEDIUM DENSITY) DISTRICT, THE 65-A HEIGHT AND BULK DISTRICT, AND THE NOB HILL SPECIAL USE DISTRICT.

RECITALS

1. On September 10, 2008, Steven Vettel, acting on behalf of Allan Casalou, ("Project Sponsor", representing the California Masonic Memorial Temple), submitted a request with the City and County of San Francisco Planning Department ("Department") for a Conditional Use authorization (Case No. 2008.1072C) to add eating and drinking uses at the Nob Hill Masonic Center ("Center") located at 1111 California Street ("Project Site"), within the RM-4 Zoning District and the Nob Hill Special Use District ("SUD"), pursuant to Planning Code Section ("Section") 238(d).
2. On November 5, 2008, Ilene Dick, acting on behalf of the Project Sponsor submitted a request with the Department for Environmental Evaluation of the addition of eating and drinking uses at the

Center (Case No. 2008.1072E). The addition of food and beverage service is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption (Minor Alteration of an Existing Use).

3. On March 10, 2009, Ilene Dick, acting on behalf of the Project Sponsor submitted a request with the Department for Environmental Evaluation of the removal of existing fixed seating within the auditorium of the Center, resulting in an increase of the maximum capacity of the auditorium from 3,282 persons to 3,500 persons (Case No. 2009.0183E). On February 18, 2010, the increase in the capacity of the auditorium was determined to be exempt from CEQA as a Class 32 Categorical Exemption (Infill Development Project) under CEQA, as described in the determination contained in the Planning Department files for this case.
4. On September 28, 2009, Steven Vettel, acting on behalf of the Project Sponsor, submitted an amendment to the Conditional Use authorization request (Case No. 2008.1072C), 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. This amendment also proposed to remove some of the existing fixed seating within the auditorium of the Center, resulting in an increase of the maximum capacity of the auditorium from 3,282 persons to approximately 3,500 persons. The amended Conditional Use authorization request includes the initial proposal to add eating and drinking uses at the Center, pursuant to Planning Code Section ("Section") 238(d) (collectively, "Project").
5. On March 4, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.1072C, at which time the Commission reviewed and discussed the findings for approval prepared for its review by Department staff.
6. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.
7. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby grants the approval requested in Application No. 2008.1072C, as modified herein, subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference, based on the following findings

FINDINGS

Having reviewed the materials identified in the recitals 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 proposal is to modify the configuration of the auditorium within the Center, add food and beverage service, and change the existing non-conforming entertainment

use of the Center to an "Other Entertainment" use through Conditional Use authorization. The existing fixed seats would be removed from the main floor of the auditorium to provide a flexible range of audience configurations, including general admission events (with no seating), "cabaret seating" (with tables and chairs), and temporary seating. These modifications would which would increase the maximum capacity of the auditorium from 3,282 persons to 3,500 persons during general admission events. The existing fixed seats in the balcony would be retained. A total of eight concession areas serving food and/or beverages would be situated throughout the Center. In addition, the existing catering kitchen at the ground floor would be upgraded to a full commercial kitchen to allow for on-site food preparation. The project also proposes to modify from the existing "thrust" stage configuration to a rectangular configuration, and to install an upgraded sound and lighting system. The renovated Center would be structured to host a variety of events, including concerts, banquets, ceremonies, exhibitions, and meetings. The project would not alter the exterior of the Center.

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 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 commercial strips on Polk 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 and the Mark Hopkins Intercontinental) are clustered in the immediate vicinity on California Street between Mason 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 to the 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. **Environmental Review.** The project is categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Class 1, Minor Alteration to an Existing Use) and Section 15332 (Class 32, Infill Development Project).
6. **Public Comment.** Staff has received a large number of communications regarding the project. A significant number of individuals, neighborhood organizations, and business owners in the area

have expressed concerns over the traffic, noise (from patron activity and loading operations), parking impacts (from patrons, tour buses, and equipment trucks), and crime, vandalism, and public drunkenness from lingering patrons. Staff has also received letters in support of the project, primarily from event promoters and civic organizations. These organizations stress the importance of the Center for promoting the entertainment and cultural life of the City, as well as a venue for civic functions (such as graduation and naturalization ceremonies).

7. **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 the eight food and beverage concession stations proposed for the Center.

- B. **Off-Street Parking.** Section 151 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 removal of fixed seats in the lower level of the auditorium would result in a maximum event capacity of 3,500 patrons during general admission events. Although the off-street parking requirements of Section 151 are based on the number of "seats", the intent is to calculate the required number of spaces based on the capacity of the venue. Applying the same parking ratio to the number of patrons, the project would be required to provide 375 off-street parking spaces.

The existing Masonic Center garage contains 565 parking spaces. However, 205 of these spaces are currently leased to monthly leaseholders. Therefore, only 360 spaces are available for use by the general public. Under the present arrangement, the Project would fall short of the required off-street parking by 15 spaces. A condition of approval has been added requiring that the project provide off-street parking spaces in perpetuity for the use of patrons of the Center, pursuant to the calculations of Planning Code Section 151. This calculation would require a minimum of 375 parking spaces,

therefore, the Center would therefore need to cancel approximately 15 of the monthly leases for parking spaces to meet the requirements of the Planning Code and the cited condition of approval.

- 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 gross floor area of the Center measures approximately 113,300 square feet of gross floor area. 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 "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 proposed changes to the interior configuration of the Center will 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.

- D. **Hours of Operation.** 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 Individual Area NCD with 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. Section 182(b)(1) requires that such uses comply with the use limitations of the Individual Area NCD, including hours of operation. The Polk Street NCD requires Conditional Use authorization to operate between the hours of 2:00AM and 6:00AM.

Conditions of approval have been added requiring that all weeknight events end by 11:00PM, and all weekend events end by 11:30PM. In addition, these conditions would allow the Project Sponsor to seek authorization from the San Francisco Police Department, the Planning Department, and the Entertainment Commission for up to five events per year that extend until 2:00AM.

8. **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. 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.

- 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;

While the Project would increase the frequency of events and slightly increase the capacity of the venue, 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 Transportation Study for the Project estimates that an event attended by 3,500 patrons would require approximately 520 parking spaces within the vicinity of the project. The amount of parking provided pursuant to the Planning Code would fall short of meeting this demand by

approximately 145 parking spaces. The Grace Cathedral garage and the Crocker garage are each located within one-half block of the Project Site and offer a total of 330 parking spaces. These garages could therefore accommodate parking needs which are not met within the Masonic Center garage. The Project Sponsor proposes to offer fixed-priced parking for larger events, with parking that can be pre-purchased at the time that the patron orders tickets for an event.

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. The Transportation Study estimates that approximately 64% of patrons would arrive to the event by a mode other than private vehicles (transit, taxi, walking, or bicycling).

The Transportation Study for the project concludes that the size, configuration, and accessibility of the loading dock make it unsuitable for larger trucks needed to deliver stage equipment and other large items. In addition, there is no direct freight elevator connection between this loading dock and the auditorium, complicating the use of this dock for delivery of stage equipment. However, the conditions of approval require that all deliveries associated with the kitchen (food, beverages, catering supplies, etc.) will be made from the loading dock. The maximum loading demand for these types of deliveries would be approximately five deliveries per day.

The Transportation Study estimates that concert events typically require one or two large trucks to deliver stage equipment. Some events do not require any large trucks for such equipment deliveries. As part of the Project, permanent sound and lighting equipment will be upgraded in the auditorium, which should reduce the amount of ancillary equipment that will need to be delivered for use during individual performances. While the number of delivery trucks per event is expected to be reduced, the frequency of events will increase compared to existing conditions. The Center currently hosts an average of 47 evening events annually, however, the conditions of this approval will allow a maximum of up to 95 live-entertainment evening events annually, as well as 20 evening events that do not involve live entertainment.

Because the Pine Street loading dock is unsuitable for use by the 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 Municipal Transportation Agency (SFMTA) to designate a "white" zone on the south side of California Street, extending from the Masonic Center garage entrance approximately 185 feet to the west. 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. All loading activities must be completed within 90 minutes after the conclusion of an event.*

2) Performer buses may park within this zone beginning at to 1.5 hours prior to the beginning of an event, and may remain within the zone during the duration of the event. No more than two performer buses may park within this zone at any time, and 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.

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

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. The Project would upgrade the existing sound and lighting equipment within the auditorium, reducing noise associated with outside deliveries of such equipment for each event. 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 exterior changes to the Center, therefore, the Project is not expected to generate new dust or glare.

- 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. These conditions are discussed further under item 8(B)(ii) above.

- 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 #9 below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

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") with one-quarter of a mile. The Project Site is located within one-quarter mile of the Polk Street NCD, which allows "Other Entertainment" uses through the Conditional Use authorization process. The Polk Street NCD providing convenience and specialty goods, services, and entertainment activities to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The NCD is further described in Section 723.1, which states that commercial uses are generally located on the ground floor of buildings. The regulations of Section 723 are intended to, "...limit new eating, drinking, and other entertainment...uses, which can produce parking congestion, noise, and other nuisances or displace other types of local-serving convenience goods and services."

The Polk Street NCD does not expressly prohibit entertainment uses, but instead requires Conditional Use authorization to allow such venues that can be located and operated properly without detracting from residential livability. The Project would not displace any local-serving convenience uses, and would allow the continued operation of the existing venue. Extensive conditions of approval have been added to address the impacts to the surrounding neighborhood that could result from the continued operation and intensification of the Center, including limitations on the number of nighttime events that are allowed annually.

- E. With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning categories .46, .47, and .48, that such use or feature will:

- i. Not be open between 2:00AM and 6:00AM.;

The conditions of approval do not allow the Center to host events between the hours of 2:00AM and 6:00AM.

- ii. Not use electronic amplification between midnight and six a.m.;

The majority of events, including those utilizing electronic amplification, would end by 11:00PM on weeknights and 11:30PM on weekend. Pursuant to the conditions of approval, the Project Sponsor may seek authorization from the San Francisco Police Department, the Planning Department, and the Entertainment Commission for up to five events per year that extend until 2:00AM. However, all events scheduled for the Center would occur within the interior of the building, and noise from the electronic amplification would not be audible from outside the building.

- iii. 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.

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. Conditions of approval have been added to address noise resulting from sources associated with the event activities at the Center, as discussed in item #8(B)(iii).

9. **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 events 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

Neighborhood Commerce

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the City's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.9

Regulate uses so that traffic impacts and parking problems are minimized.

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. While the subject property is not located within an NCD, Section 182(b)(1) allows the existing non-conforming use to be changed to an "Other Entertainment" use, which is permitted as through the Conditional Use authorization process, because this use is conditionally permitted within the nearby Polk Street NCD.

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 that will allow the Center to renovate and continue operating, while minimizing impacts to the surrounding neighborhood.

10. **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.

The Transportation Study prepared for the project demonstrates that adequate parking exists at the Masonic Center garage, and other nearby garages to accommodate patrons who wish to drive private vehicles to events. The area is moderately well-served by transit, and it is expected that approximately 64% of patrons would 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 and catering trucks, and patron vehicles.

- 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 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 changes are proposed for the Project. Any future storefront 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.

11. 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.

12. 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. 2008.1072C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 18042. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 4, 2010.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Olague

NAYS: Lee, Moore

ABSENT: Sugaya

ADOPTED: March 4, 2010

Exhibit A

Conditions of Approval

GENERAL CONDITIONS

1. 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 eight permanent food and beverage service stations for patrons of entertainment and assembly events, pursuant to Planning Code Section 238(d), located at 1111 California Street, in general conformity with plans labeled Exhibit B; dated March 4, 2010.
2. A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required site or building permits within three years of the date of this approval or this authorization may be null and void. Construction, once commenced, shall be pursued diligently to completion.
3. The operator of the establishment shall obtain all necessary approvals from the San Francisco Entertainment Commission prior to hosting live entertainment events on-site, but no later than 18 months from the date of this Conditional Use authorization.
4. Noise and odors shall be regulated so as not to be a nuisance to nearby businesses or residents.
5. The Project Sponsor shall work with staff to ensure that all future exterior alterations, including signage, are consistent with the Secretary of Interior's Standards for Treatment of Historical Properties. Signage size shall be appropriate for the scale of the historic building, and materials and lighting shall be compatible with the historical character of the building.
6. An enclosed waste storage area shall be provided within the establishment. All trash and recycling containers shall be kept within the building until pick-up by the disposal company.
7. 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 are subsequently reported to the Zoning Administrator 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 in accordance with the hearing notification and conduct

procedures as set forth in Sections 174, 306.3, and 306.4 of the code to consider revocation of this conditional use authorization.

8. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.

MAXIMUM OCCUPANCY AND EVENTS

9. No more than 3,500 patrons shall be permitted for events in the auditorium on the main floor level and mezzanine of the Masonic Center.
10. There shall be an annual maximum of 95 live entertainment events held at the Masonic Center that start at 7:00PM or later, of which no more than 70 live entertainment events may utilize general admission attendance without assigned seating for patrons in the lower (floor) level of the auditorium. There shall be an annual maximum of 20 events not involving live entertainment held at the Masonic Center that start at 7:00PM or later.
11. There shall be an annual maximum of 50 daytime events held at the Masonic Center that end at 7:00PM, and an additional maximum of 50 daytime events held at the Masonic Center that end at 5:00PM.
12. Notwithstanding the limitations in conditions #10 and #11 above, there shall be no limitations on the number and seating method of events that are attended by 250 patrons or fewer.
13. 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 five events per year may extend until 2:00AM, 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.
14. All patron queuing for events with general admission attendance shall occur within the Masonic Center property, including the main lobby and in the plaza fronting on California Street.

SECURITY AND SAFETY

15. 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, 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.

PARKING AND TRAFFIC

16. 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.
17. There shall be a fixed parking fee for events with more than 1,500 ticketed attendees.
18. 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.
19. The Project Sponsor shall allow access to the Masonic Center garage through the Pine Street loading dock prior to events 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.
20. The Project Sponsor shall minimize vehicular queuing on California Street by use of the following strategies events with more than 1,500 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.
21. 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.
22. 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.

23. The Project Sponsor shall provide not less than 26 Class I or Class II bicycle parking spaces at the property, consistent with Planning Code Section 155.2.

LOADING

24. The Project Sponsor shall use the Pine Street loading dock for all loading and unloading to the commercial kitchen and for normal building operation supplies.
25. The Project Sponsor shall provide fixed sound and lighting systems for the Masonic Auditorium to reduce the need for performers to load and unload sound and lighting equipment into the building.
26. The Project Sponsor shall seek a special event "no parking" permit from the Police Department whenever it anticipates loading or bus operations on California Street and direct trucks to park in that zone. No double-parking of trucks shall be permitted. The Project Sponsor may load and unload from the California Street curb only stage sets, performance equipment, and related materials associated with specific events. Pursuant to the regulations of the Department of Building Inspection, a sign shall be posted on the access ramp during loading and unloading operations that notifies disabled persons of the duration of the loading and provides specific information about alternative means of disabled access into the building, which alternative access shall be maintained at all times during loading and unloading operations on California Street.
27. 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.
28. Personnel conducting loading and unloading activities on California Street shall be instructed to minimize the volume of conversation and prohibit the playing of amplified music outside the building during loading and unloading, particularly during nighttime hours.
29. 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.
30. All loading activities shall be completed no more than 90 minutes following the conclusion of an event.

PERFORMER BUS PARKING

31. During the one and one-half hour period prior to the start of events, no more than two performer buses shall park on the south side of California Street, so that the remainder of the 185-foot long curbside area is available for attendee unloading and loading and vehicle queuing into the garage. The Project Sponsor shall direct any additional buses to park in other bus parking zone(s)

the City chooses to designate near the corner of California and Taylor Streets, such as on Taylor Street adjacent to Huntington Park or on the north side of California Street. The Project Sponsor shall make best available efforts to evaluate and demonstrate to the Zoning Administrator the physical and operational feasibility of storing performer buses at nearby off-street parking facilities during events.

32. 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.
33. 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.
34. 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.

FOOD AND BEVERAGE SERVICE

35. This Conditional Use authorization for eating and drinking uses is limited to service to patrons of on-site assembly and entertainment events within the Nob Hill Masonic Center. This authorization allows for the operation of a maximum of eight concessions stands selling food and beverages. 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.
36. Following the conclusion of the last intermission of an event, a maximum of two publicly-accessible concession stands and one "VIP" concession stand (not accessible by the general public) may serve alcoholic beverages. One hour prior to the conclusion of an event, line markers shall be placed at the end of each of the lines. No 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.

PERFORMANCE AND ENFORCEMENT

37. The Project Sponsor shall make best efforts to continue to meet with neighbors of the Masonic Center to collaborate on issues of concern, including, but not limited to, traffic, loading (including the use of the Pine Street loading dock), safety and crowd control, and parking. The Zoning Administrator shall verbally present the status of these efforts to the Planning Commission within three weeks of this approval.

38. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties and shall give written notice of the name, business address and telephone number of the community liaison officer to the Zoning Administrator and the owners of properties in the area bounded by Sacramento Street, Mason Street, Pine Street and Jones Street. The telephone number of the community liaison shall be monitored for a reasonable period of time prior to, during and after events until patrons have disbursed from the neighborhood.
39. The Planning Department shall report to the Planning Commission on the status of compliance with these conditions of approval within 6 months following the re-opening of the auditorium after construction is completed, and every 6 months thereafter for the first two years of post-construction operations. A copy of the Planning Department's report to the Planning Commission shall be provided to the Project Sponsor, the San Francisco Police Department, and the Nob Hill Association (or successor organization). A public informational hearing regarding the compliance report may be held upon the determination of the Zoning Administrator or at the request of the Planning Commission.
40. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Sections 176 and 176.1 of the Planning Code and actions to abate violations of this conditional use authorization in accordance with Section 303(f).
41. Should monitoring of these Conditions of Approval be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1) of the Planning Code.