

File No. 120295

Committee Item No. _____

Board Item No. 1

COMMITTEE/BOARD OF SUPERVISORS
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Committee _____

Date _____

Board of Supervisors Meeting

Date April 24, 2012

Cmte Board

- Motion
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OTHER (Use back side if additional space is needed)

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Completed by: Joy Lamug
Completed by: _____

Date April 19, 2012
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Adopting Findings Related to the Conditional Use Authorization - 1111 California Street].

2
3 **Motion adopting findings supporting the Board's decision to: 1) disapprove the**
4 **decision of the Planning Commission by its Motion No. 18520, approving Conditional**
5 **Use Authorization identified as Planning Case No. 2011.0471C on property located at**
6 **1111 California Street; and 2) to approve Conditional Use Authorization on property**
7 **located at 1111 California Street subject to conditions imposed by the Board of**
8 **Supervisors on April 3, 2012.**

9
10 The appellants, Stephen Gomez, on behalf of the Nob Hill Coalition, James Wall, on behalf
11 of the Nob Hill Association, William M. Terrell, Elizabeth Pomada, Donna Muse and Aldo
12 Caccamo, filed a timely appeal on February 12, 2012, protesting the approval by the Planning
13 Commission of an application for a conditional use authorization (Conditional Use Application No.
14 2011.0471C), approved by Planning Commission Motion No. 18520 dated January 19, 2012,
15 pursuant to Planning Code Sections 185(e) and 303, to continue the existing non-conforming
16 assembly and entertainment uses of the "Nob Hill Masonic Center", and to continue the existing
17 food and beverage service uses within the center, on a property within the RM-4 (Residential
18 Mixed, Medium Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use
19 District, on property located at 1111 California Street, Assessor's Block No. 0253, Lot No. 020.

20 On April 3, 2012, the Board of Supervisors conducted a duly noticed public hearing on
21 the appeal from the Planning Commission's approval of the conditional use authorization
22 referred to in the first paragraph of this motion. Following the conclusion of the public hearing
23 on April 3, 2012, the Board voted to disapprove the decision of the Planning Commission
24 (Planning Commission Motion No. 18520 dated January 19, 2012) and denied the issuance of
25 the requested Conditional Use Application No. 2011.0471C, by a vote of 11-0. The Board

1 then moved to authorize conditional use referred to in the first paragraph of this motion,
2 except that condition 34 "Number of Events" in said motion was stricken and the following
3 condition was imposed, as modified by the Board of Supervisors on April 3, 2012:

4 34. Number of Events. There shall be an annual maximum of 54 live
5 entertainment events, and an annual maximum of 176 events not involving
6 live entertainment, held at the Masonic Center. Notwithstanding these
7 limitations, there shall be no limitations on the number of events that are
8 attended by 250 patrons or fewer.

9 In considering the appeal of the approval of the requested conditional use
10 authorization, the Board reviewed and considered the written record before the Board and all
11 of the comments made in support of and in opposition to the appeal.

12 The Board took note that appellants Nob Hill Coalition, William Terrell, Donna Muse,
13 Elizabeth Pomada and Aldo Caccamo reached a written agreement with the project sponsor,
14 a copy of which is included in Board file No. 120183, and is incorporated as if fully set forth
15 herein.

16 The Board reviewed a memorandum of response to the appeal submitted by the
17 Planning Department dated March 19, 2012, a copy of which is included in Board file No.
18 120183, and is incorporated as if fully set forth herein. The Board also reviewed the
19 memorandum of the Planning Department regarding the Planning Department's "CEQA
20 Determination", dated March 19, 2012, a copy of which is included in Board file No. 120183,
21 and is incorporated as if fully set forth herein. In its March 19, 2012, memorandum, the
22 Planning Department restated its position that the activity that is the subject of Conditional
23 Use Authorization No. 2011.0471C is not a project under the California Environmental Quality
24 Act ("CEQA") and thus was not subject to CEQA. Collectively, for purposes of this motion,
25 these documents are referred to as the "Supplemental Memoranda".

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NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 18520 dated January 19, 2012.

FURTHER MOVED, The Board of Supervisors also adopts as its own findings and incorporates by reference herein, as though fully set forth, the analysis and determination set forth in the Supplemental Memoranda described above.

FURTHER MOVED, That the Board of Supervisors took notice that the activity that is the subject of Conditional Use Authorization No. 2011.0471C is not a project under the CEQA and thus was not subject to CEQA.