

1 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1111
2 California Street; Approving Conditional Use with amended and additional conditions]

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4 **Motion disapproving decision of the Planning Commission by its Motion No. 18042,**
5 **approving Conditional Use Application No. 2008.1072C on property located at 1111**
6 **California Street; Motion authorizing conditional use subject to the conditions imposed**
7 **by the Planning Commission, by its Motion No. 18042, as amended by the Board on**
8 **May 4, 2010, and subject to additional conditions imposed by the Board of Supervisors**
9 **on May 4, 2010.**

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11 MOVED, That the decision of the Planning Commission by its Motion No. 18042, dated
12 March 4, 2010, approving Conditional Use Application No. 2008.1072C on property located at
13 1111 California Street to change the existing non-conforming entertainment use of the "Nob
14 Hill Masonic Center" to "Other Entertainment," pursuant to Planning Code Sections 182(B)(1)
15 and 723.48, and to add permanent food and beverage service for patrons of entertainment
16 and assembly events, pursuant to Planning Code Section 238(D), on a property within the
17 RM-4 (Residential Mixed, High-Density) District, the 65-A Height and Bulk District, and the
18 Nob Hill Special Use District, on property located at 1111 California Street, Lot No. 020 in
19 Assessor's Block No. 0253, is disapproved; and be it

20 FURTHER MOVED, That the Board of Supervisors hereby approves the issuance of
21 Conditional Use Application No. 2008.1072C on property located at 1111 California Street, Lot
22 No. 020 in Assessor's Block No. 0253, subject to the conditions imposed by the Planning
23 Commission in its Motion No. 18042, dated March 4, 2010, as amended by the Board of
24 Supervisors on May 4, 2010, and subject to the additional conditions imposed by the Board on
25 May 4, 2010, as set forth below:

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

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

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

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

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

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

- 23 • Increase traffic staffing inside the California Street garage entrance to increase
24 the rate of vehicular entry to the garage.

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- 1 • Position security personnel (including San Francisco Police Department services
- 2 when warranted) outside the garage to assist with controlling and directing traffic, including
- 3 directing patrons to other nearby garages if and when the Masonic Center garage is full.
- 4 • Convert the center lane of the existing garage entrance ramp to a second
- 5 inbound lane to increase queuing room within the garage.
- 6 • Event staff shall ensure u-turns are prevented and that the cable car lane is free
- 7 flowing.

8 Amending Condition 24: The Project Sponsor shall use the Pine Street loading dock

9 for all loading and unloading to the commercial kitchen and for normal building operation

10 supplies.

11 24(a) The Pine Street loading area shall be upgraded to enclose end of ramp

12 and improve access to passenger elevators.

13 Amending Condition 26: The Project Sponsor shall seek a special event “no parking”

14 permit from the Police Department whenever it anticipates loading or bus operations on

15 California Street and direct trucks to park in that zone. No double-parking of trucks shall be

16 permitted. The Project Sponsor may load and unload from the California Street curb only

17 stage sets, performance equipment, and related materials associated with specific events.

18 Pursuant to the regulations of the Department of Building Inspection, a sign shall be posted on

19 the access ramp during loading and unloading operations that notifies disabled persons of the

20 duration of the loading and provides specific information about alternative means of disabled

21 access into the building, which alternative access shall be maintained at all times during

22 loading and unloading operations on California Street.

23 26(a) Performers shall use the house system for primary sound and lights.

24 Amending Condition 28: Personnel conducting loading and unloading activities on

25 California Street shall be instructed to minimize the volume of conversation and prohibit the

1 playing of amplified music outside the building during loading and unloading, particularly
2 during nighttime hours.

3 28(a) There shall be no loading or unloading on California Street before 7:00
4 a.m.

5 28(b) Scheduled event loading on California Street shall be limited to 125 days
6 per year.

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

16 31(a) The Project Sponsor shall make commercially reasonable best efforts to
17 secure space in the closest parking garage to park the maximum number of performer buses
18 that can fit inside that garage and if space is secured from the garage owner, that number of
19 buses shall be parked inside the garage.

20 Amending Condition No. 36. Following the conclusion of the last intermission of an
21 event, a maximum of two publicly-accessible concession stands and one "VIP" concession
22 stand (not accessible by the general public) may serve alcoholic beverages. One hour prior to
23 the conclusion of an event, line markers shall be placed at the end of each of the lines. No
24 patron approaching a line for a concession stand after the placement of the line marker will be
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1 served an alcoholic beverage, with the intent that alcohol service will conclude 45 minutes
2 prior to the end of an event.

3 36(a) There shall be no minimum purchase required and a maximum of two
4 drinks served per order.

5 Amending Condition 39: The Planning Department shall report to the Planning
6 Commission on the status of compliance with these conditions of approval within 6 months
7 following the re-opening of the auditorium after construction is completed, and every 6 months
8 thereafter for the first four years of post-construction operations, and once a year after the first
9 4 years upon the request of the District Supervisor or the Chief of Police. If the Zoning
10 Administrator determines, or the Planning Commission requests, a public informational
11 hearing may be held on the compliance report. A copy of the Planning Department's report to
12 the Planning Commission shall be provided to the Project Sponsor, the San Francisco Police
13 Department, and the Nob Hill Association (or successor organization).

14 Adding Condition 42: Project Sponsor shall be required to comply with all noise
15 ordinance limits in Municipal Police Code 29, or any successor ordinance.

16 Adding Condition 43: If an event has presented a pattern of safety and security
17 problems in previous concert seasons or at other venues, then the Project Sponsor shall
18 consult with the Police Department to determine whether the Project Sponsor can provide
19 adequate safety and through utilization of its security personnel, contracted private security
20 and/or on-duty or off-duty Police officers. To the extent that the Chief of Police reasonably
21 determines, based entirely on the ability to provide safety and security and not on the
22 expressive content of the event, that the Project Sponsor cannot provide adequate safety and
23 security for any proposed event or that the event's historic pattern establishes that safety and
24 security issues cannot be adequately handled at this venue regardless of the Project
25 Sponsor's security plan, the Chief of Police may order that the event shall not be held. This

1 provision does not supersede any subsequent regulations regarding place of entertainment
2 permits.

3 Adding Condition 44: Project Sponsor shall comply with Administrative Code Section
4 10-B, and if off-duty officers are hired pursuant to subsections thereof, a minimum of two
5 officers be hired for events with 1,250 or more presold tickets; if SFPD determines that more
6 than two officers are required, the project sponsor shall provide the additional officers.

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

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