



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18701 HEARING DATE: SEPTEMBER 13, 2012

Date: September 6, 2012
Case No.: **2012.0953C**
Project Address: **1195 EVANS AVENUE**
Zoning: PDR-2 (Core Production, Distribution and Repair)
 40-X Height and Bulk District
Block/Lot: 4602A/016
Project Sponsor: Forest Gray
 PO BOX 882724
 San Francisco, CA 94188
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 226(H) AND 303 OF THE PLANNING CODE TO EXPAND AN EXISTING BREWERY (D.B.A. SPEAKEASY ALES AND LAGERS) INTO AN ADJACENT WAREHOUSE SPACE WITHIN THE PDR-2 (CORE PRODUCTION, DISTRIBUTION AND REPAIR) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 26, 2012 Forest Gray (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 226(h) and 303 to expand an existing brewery (d.b.a. Speakeasy Ales and Lagers) into an existing warehouse space within the PDR-2 (Core Production, Distribution and Repair) District and a 40-X Height and Bulk District.

On September 13, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0953C.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption;

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. 2012.0953C, 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. **Site Description and Present Use.** The project is located on the southeast corner of Evans Avenue and Keith Street, Lot 016 in Assessor's Block 4602A. The property is improved with a building used for industrial purposes. Currently the Speakeasy Brewery occupies approximately 11,000 square feet of the 15,600 square foot building. The remaining 4,600 square feet is warehouse space not occupied by Speakeasy Ales and Lagers. The site also includes a loading area for trucks and 24 off-street parking spaces. Speakeasy Ales and Lagers has been at this location since 2000.
3. **Surrounding Properties and Neighborhood.** The subject property is located at the northern end of the Bayview/Hunters Point neighborhood. To the south and east of the subject property is the Hunter's View San Francisco Housing Authority site. To the north, northwest and west of the subject property is a United States Post Office as well as other commercial and light industrial properties. Residential properties are found further to the west of the subject property and to the south and east. PDR (Production, Distribution and Repair) Zoning districts surround the subject property to the north, west and southwest. Residential, Mixed, Low Density Districts (RM-1) are found to the south of the site. Overall, the site is located in a lightly developed, low residential density area of the Bayview/Hunters Point Neighborhood.
4. **Project Description.** The project proposes to expand a brewery into an adjacent warehouse space, increasing the floor area by approximately 4,600 square feet, for a total of 15,600 square feet. The new area will be utilized as storage space for the ales and lagers produced on site. There will be no other changes necessary for the project as the adjacent warehouse space and the existing brewery are separated by a party wall with a roll-up door. The warehouse space will be accessed through this roll-up door.

Speakeasy Ales and Lagers is an independently owned brewery employing approximately 20 individuals. The proposed expansion will facilitate the growth of Speakeasy, by increasing volume of sales and in number of employees.

5. **Public Comment.** The Planning Department has not received any public comment on the proposed project.
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. **Use.** Planning Code Section 226(h) requires Conditional Use authorization for a brewery use in the PDR-2 (Core Production, Distribution and Repair) Zoning District.

The Project Sponsor is proposing a significant expansion to the existing brewery use and is seeking Conditional Use authorization.

- B. **Off-Street Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 1,500 square-feet of occupied floor area, where the occupied floor area exceeds 7,500 square-feet.

The Subject Property provides 24 off-street parking spaces, meeting the minimum requirement as indicated by Planning Code Section 151.

- C. **Off-Street Freight Loading.** Planning Section 152 of the Planning Code requires one off-street freight loading space for every manufacturing uses with gross floor areas between 10,000 square feet and 60,000 square feet.

The Subject Property is approximately 15,600 square feet in size and provides one off-street freight loading spaces, meeting the minimum requirement as indicated by Planning Code Section 152.

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

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

The proposal to increase an existing brewery into an adjacent warehouse space, within the same building, is a desirable use that is compatible with the industrial character of the surroundings. The existing building is currently used for industrial purposes and the proposed project would continue and expand the current operation.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

There will be no exterior changes to the existing industrial building as the proposal is for an existing brewery to expand into an adjacent warehouse space within the building envelope.

- 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;

The site currently provides sufficient off-street parking and loading for the proposed brewery use at the proposed size.

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

The proposed expansion will be for the storage of bottled ales and lagers and as such it is not anticipated that any new offensive or noxious odors or noise, dust and glare will be created.

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

The site currently enjoys a 22 foot landscaped setback at the Evans Avenue frontage. This setback also partially wraps around to the Keith Street frontage. The off-street parking area is also landscaped or open ground is mulched.

- 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 all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will allow the expansion of an independent brewery and provide additional employment opportunities within the PDR-2 Zoning District, a district where industrial activity, such as a brewery, is intended to locate. The proposed project is subject to the performance standards as outlined in Exhibit A.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The proposed expansion will allow the brewery to remain in San Francisco as the brewery's overall operation and sales volume will benefit from the added warehouse space. Maintaining a PDR use such as an independent brewery that produces unique and recognized ales and lagers also contributes to a social and cultural climate that attracts particular businesses, residents and tourists, all of which enhance San Francisco as a firm location.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The proposed expansion in brewery size will allow for an expansion in sales and in the number of employees, including those in manufacturing and maintenance. These employment opportunities are suited for unskilled and semi-skilled workers.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY

Policy 4.2:

Promote and attract those economic activities with potential benefit to the City.

The proposed project is in an economic sector, food and hospitality, in which the City of San Francisco enjoys a regional comparative advantage. Supporting this endeavor will increase this comparative advantage and will do so at no cost to the public.

BAYVIEW HUNTERS POINTS AREA PLAN

Objectives and Policies

OBJECTIVE 9:

IMPROVE LINKAGES BETWEEN GROWTH IN BAYVIEW'S INDUSTRIAL AREAS AND THE EMPLOYMENT AND BUSINESS NEEDS OF THE BAYVIEW HUNTERS POINT COMMUNITY.

Policy 9.1:

Increase employment in local industries.

The proposed project will allow the brewery, a business located in the Bayview neighborhood of San Francisco, to expand the number of employment opportunities it offers.

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 proposed project will not adversely affect the neighborhood serving retail uses as the proposal is an interior expansion of a brewery use.

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

The proposal will not adversely affect the existing housing and neighborhood character as the proposal seeks an interior expansion of an existing brewery use. No exterior alterations are proposed.

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

The proposal will have no impact on the supply of affordable housing as the proposal is an interior expansion of a light manufacturing use.

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

The site provides ample off-street parking and the area surrounding the subject property is largely light industrial in nature, thereby negating any possible ill effects on 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 proposal will allow for expanded employment opportunities in the industrial sector.

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

The project will adhere to all seismic building codes so as to achieve the greatest possible preparedness against injury and loss of life in an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The proposal will have no negative impact on existing parks and open spaces as the proposal is an interior expansion of an existing light industrial use.

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. 2012.0953C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 15, 2012, 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. 18701. 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 September 13, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: September 13, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for Conditional Use to allow the expansion of an existing brewery (d.b.a. **Speakeasy Ales and Lagers**) located at 1195 Evans Avenue, Lot 016 in Assessor's Block 4206A pursuant to Planning Code Sections **226(h)** and **303** within the **PDR-2 (Core Production, Distribution and Repair)** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **June 15, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0953C** and subject to conditions of approval reviewed and approved by the Commission on **September 13, 2012** under Motion No. **18701**. 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 **September 13, 2012** under Motion No. **18701**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18701** 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

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

MONITORING

3. **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.

4. **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.

OPERATION

5. **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>
6. **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>
7. **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