



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

June 28, 2017

Mr. Eric Jacobs
Gary Bell & Associates
201 Noe Street
San Francisco, CA 94114

Site Address:	900 North Point Street
Assessor's Block/Lot:	0452/003
Zoning District:	C-2 (Community Business)
Staff Contact:	Nicholas Foster, (415) 575-6167 or nicholas.foster@sfgov.org
Record No.:	2017-007828ZAD

Dear Mr. Jacobs:

This letter is in response to your request for a Letter of Determination regarding the property ("Property") at 900 North Point Street. This parcel is located in the C-2 (Community Business) Zoning District, 40-X Height and Bulk District, and Northeast Waterfront Plan Area. Your letter requested a determination as to whether a "gastropub-brewery" or "brewpub" (d.b.a. "San Francisco Brewing Company") is a permitted use at the Property.

Per the Planning Code ("Code"), a brewpub would constitute a Restaurant Use (a Retail Sales and Service Use) that serves prepared foods for on- or off-site consumption that may also provide on-site beer, wine and/or liquor sales for drinking on the premises (with one of the following ABC license types: 41, 47, 49, 59, or 75). However, for a Restaurant to operate with one of the aforementioned ABC license types, it must do so operating as a Bona Fide Eating Place, as defined by Code Section 102. ABC license type 75 ("Brewpub") allows for the sale of beer, wine, and distilled spirits for on-site consumption only in conjunction with a Restaurant Use operating as a Bona Fide Eating Place. The license permits minors onsite, however, the license does not authorize off-site sales.

Per your May 5, 2017 letter, you stated that the San Francisco Brewing Company plans to secure an ABC type 75 license and that the proposed brewpub would include space dedicated to the following: beer production; a tasting room; and a large dining room served by a full-service kitchen. Your letter also stated that the brewpub would occupy approximately 2,000 square feet, with brewery activities occupying less than 1/3 of the of the total occupied floor area. The Code distinguishes accessory uses from principal uses. Code Section 204 defines an accessory use as follows:

"a related minor use that is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use; or (b) appropriate, incidental, and subordinate to any such use; and (c) in the case of Internet Services Exchange as defined in Section 102, which use does not

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900 North Point Street

exceed 25,000 gross square feet of floor area or use more than two megawatts of back-up power generators, shall be permitted as an accessory use when located on the same lot.”

Further, pursuant to Code Section 204.3, accessory uses are: 1) limited to 1/3 of the total occupied floor area of the accessory and principal or conditional use; and 2) are prohibited from involving or requiring any noise, vibration, or unhealthful emissions extending beyond the premises of the use.

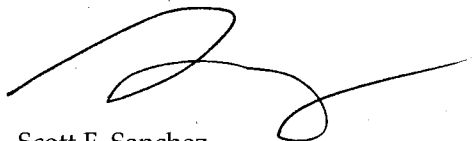
Based on available information, it is my determination that a brewpub is a permitted use at the Property if the following conditions are met: 1) brewing production, as an accessory use to Restaurant Use, are necessary to the operation or enjoyment of a lawful principal use (Restaurant Use), or, are appropriate, incidental, and subordinate to any such use (Restaurant Use); 2) the floor area of the brewing production (accessory use) does not exceed 1/3 of the total occupied floor area; and 3) the brewpub operates as a Bona Fide Eating Place, operating with an ABC type 75 license.

Per your May 5, 2017 letter, you also requested a determination about limitations on annual beer production, or and permitted production capacity. Given that brewing production is assumed to be an accessory use to Restaurant Use (occupying less than 1/3 of the total occupied floor area) under an ABC type 75 license, specific limitations on annual beer production, or permitted production capacity are not required. However, if the brewpub fails to operate in a manner consistent with the accessory use provisions, definition of Restaurant Use or the requirements of the ABC type 75 license, then the use may be considered to be operating as a Food, Fiber and Beverage Processing 1 Use (an Industrial Use). Pursuant to Code Section 210.1, Industrial Uses are not permitted in the C-2 Zoning District, and therefore would not be permitted at the Property.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Nicholas Foster, Planner
Property Owner
Neighborhood Groups
BBN Requestor (if any)

Gary Bell & Associates Inc
Construction Managers
Permit Expeditors

June 6th, 2017

C/O ZA Scott Sanchez
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, California, 94108

RECEIVED

JUN 12 2017

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION

R # 2017-007828 ZAD
CK # 1204 \$ 664. -
M. LUELLEN (NE)

Sent Via Email 6/6/17

RE: GHIRARDELLI SQUARE - SF BREWING COMPANY
SUB: REQUEST FOR LETTER OF DETERMINATION

900 NORTH POINT (0452/052 & 003)

Dear Mr. Sanchez:

This request for Determination seeks clarification of permitted uses as listed in the Planning Code for C-2 (Community Business) District and to understand Sf Planning's parameters for the operation of a brewery and restaurant in the heart of Ghirardelli Square. The Square is actively involved in renovations, landscape improvements, and courting of new businesses that serve San Francisco residents and increase local draw to the historic center.

This Letter of Determination is requested on behalf of the San Francisco Brewing Company, Operator, and Jamestown LLP, owner, of the subject property, 0452/003, at 900 North Point. Ghirardelli Square has long been a center for industry with SF's oldest standing factory, The Woolen Mill, producing Union Army uniforms during the civil war. It is the intention of SF Brewing Company and Jamestown to promote use of this property in a manner consistent with the zoning and the history of the building by revitalizing the tradition of production at Ghirardelli.

We believe this to be consistent with the requirements of Planning Code section 210 Community Business district, and that San Francisco Brewing Company's use aligns with the Retail Sales and Services Uses as well as Entertainment and Recreation uses. San Francisco Brewing Company will allow visitors to learn about craft brewing, experience the brewery environment, and taste locally produced beers while enjoying restaurant offerings.

We propose to convert the building space to a brewery and tasting room (under ABC Type 75 license). Brewery production will occupy roughly 2000 square feet for beer making (including mashing, fermenting, ingredient storage; an additional tasting room will consume 500 square feet (for serving in the brewery); while the on-site gastro pub will include a large dining room and full service kitchen. Brewery Activities will occupy less than 1/3 of the tenant's leased space.

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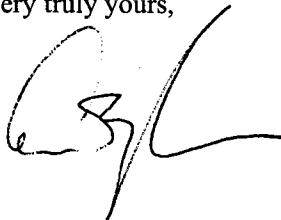
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Annual beer production is expected to reach 5,000 barrels and we'd like the Planning Department to provide a permitted production capacity for the operation. No permanent bottling or canning equipment will be installed at this location. If bottling or canning of beer is to be completed at this space, it will be done by temporary equipment brought in three to five times a year (a number to be determined acceptable by the Planning Dept).

Based on the above, we seek a determination that the gastropub-brewery, composed of retail sales, storage, production, and office is a principally permitted at this C2-zoned location under retail and service use and retail sales under Planning Code 210, and as defined in section 202.2(a).

Very truly yours,

A handwritten signature in black ink, appearing to read 'EJL', written over a faint horizontal line.

Eric Jacobs

Sent via email

Gary Bell & Associates

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