

PLANNING COMMISSION

Case No. 2005.1055C

881 Innes Avenue, The Albion Brewery  
Assessor's Block 4654 and Lot 013

Subject to:

- Inclusionary Housing
- Childcare Requirement
- Park Fund
- Art Fund
- Public Open Space Fund
- Jobs Housing Linkage Program
- Transit Impact Development Fee
- First Source Hiring
- Other: \_\_\_\_\_

**SAN FRANCISCO**

**PLANNING COMMISSION**

**MOTION NO. 17191**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 178(d), TO ALLOW THE RE-ESTABLISHMENT OF A BREWERY / BOTTLING PLANT USE, IN AN RH-1(S) (HOUSE, ONE-FAMILY WITH MINOR SECONDARY UNIT) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.**

Preamble

On November 10, 2005 Kathleen A. Smith, authorized agent (hereinafter "Applicant,") (hereinafter "Project Sponsor,") made an application (hereinafter "Application") for Conditional Use authorization on the property at 881 Innes Avenue, Lot 013 in Assessor's Block 4654 (hereinafter "Property") to allow for the re-establishment of the historic brewery use, within a RH-1(s) (House, one-family with minor secondary unit) District and a, 40-X Height and Bulk District , in general conformity with Plans filed with the Application and labeled "Exhibit B" (hereinafter "Project").

On February 23, 2006, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.1055C. Conditional Use authorization is required for re-establishing the abandoned brewery / bottling plant use as a Conditional Use; conditional-use status of the bottling plant was established by Planning Commission Motion No. 14235.

The proposed Conditional Use application was determined by the San Francisco Planning Department (hereinafter "Department") to be exempt from environmental review pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility) and Section 15331 (Class 31 - Historic Resource Rehabilitation).

Findings

Having reviewed all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. The above recitals are accurate and also constitute findings of this Commission.

2. **Site Condition.** The proposed site is located on the southwest side of Innes Avenue in the India Basin Neighborhood. The San Francisco Bay is across Innes from the site. The site is improved with a historic brewery structure, City Landmark No. 60, historically known as the Hunters Point Springs and Albion Brewery. Constructed in a Norman style, the structures consist of a two story stone structure with a three-story tower element. The subject site also features tunnels within the hillside that are used to store water. The site is 75-feet wide along Innes and 125-feet deep. It slopes upward from Innes Avenue with the structures sited up the slope from Innes leaving a generous front setback. The property includes one dwelling unit.
3. **Proposal.** The proposal is to re-establish a brewery / bottling plant use by constructing a new roof and skylight over the brewery building and by constructing a new grain silo at the front of the property along with making other improvements. The grain silo would be approximately 20-feet tall with a diameter of 7-feet; it would be setback approximately 8-feet from the front property-line.
4. **Past History And Actions.** On November 14, 1996, the Planning Commission adopted Motion No. 14235, allowing the bottling plant at 895 Innes Avenue to continue indefinitely through Conditional Use authorization. The bottling plant use was established at 895 Innes Avenue, 888 Innes and the subject site, 881 Innes Avenue. The Motion explicitly states that the allowance for the use to continue as a Conditional Use was for all three properties. Previously, the use was considered legally non-conforming within an RH-1(S) District and had a termination date when it was scheduled to lose its right as a legal use.
5. **Support or opposition to project.** Department staff has not heard any opposition to this project. It is supported by the India Basin Neighborhood Association.
6. **RH-1 Use District and Provisions for Nonconforming and Conditional Uses.** The proposed use is within an RH-1(s) District, which generally restricts uses to single-family homes with allowances for minor secondary units. Commercial uses are generally not permitted. Commercial uses that pre-exist the RH-1 designation are generally permitted to legally remain up to an established termination date; these uses are called legal "nonconforming use" (defined by Planning Code Section 180(a)(1)). Through Planning Code 185(e), such uses are allowed to have these termination dates removed by way of Conditional Use authorization. In turn, however, if Conditional Uses are abandoned for more than three-years, they must seek a new Conditional Use authorization to re-establish themselves.
7. **Planning Code Compliance.** The Commission finds that project meets the provisions of the Planning Code in the following manner:

- a. Floor Area Ratio (FAR). Planning Code Section 124 restricts non-residential building area to no more than 1.8 square feet of floor area for every square feet of lot area, or 16,800 square feet for the subject lot. The square feet of the built portion of the lot would be well below this threshold.
  - b. Front Setback. Planning Code Section 132 requires a front setback equal to the average of the adjacent two buildings. Buildings on both sides do not have setbacks, therefore no setback is required for 881 Innes Avenue; the proposed grain silo will be within the allowable buildable area.
  - c. Rear Yard. Planning Code Section 134(a) requires a rear yard with a depth equal to 25-percent of the lot depth, or 31.25-feet for subject lot. The proposed new roof for the brewery building is located at the center of the lot and is not within this rear yard area.
  - d. Height. Planning Code Section 250 requires that heights be limited by the respective height districts. As an RH-1 District, heights are further limited to 35-feet (Planning Code Section 261(b)(1)). The proposed grain silo would be approximately 20-feet; the new roof of the brewery building would be approximately 12-feet.
  - e. Parking. Planning Code Section 151 does not require parking for such uses until the use is 7,500 square feet or greater. The square footage of the brewery would be approximately 1,200 square feet and therefore would not be required to provide parking.
8. **Certificate of Appropriateness.** Because the property is Landmark No. 60, a Certificate of Appropriateness is required from the Department for any external work that requires a building permit. The case was before the Landmarks Preservation Advisory Board at their January 18, 2006 Hearing, a Certificate of Appropriateness was issued on January 26, 2006.
9. **Conditional Use Findings.** Under the provisions of Planning Code Section 303, the Commission may authorize a Conditional Use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare or persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the General Plan. The Project is found to be consistent with the criteria of Section 303 of the Code 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 property is a historical resource and a City Landmark. The proposal is to return it to its historical use, which is encouraged by the Secretary of Interior's Standards for the Rehabilitation for Historic Properties. Here, the use will be low in intensity and the improvements to the property to accommodate the new use will be small in scale.*

- 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;

*The arrangement of structures will remain generally unchanged, with the addition of a grain silo at the front of the property and the replacement of a missing roof and skylight on the center brewery building.*

- 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 project sponsor has stated that the grain and miscellaneous supplies will be delivered in a mid size, five-axle, semi trailer. Other brewery materials will be delivered in smaller delivery trucks. There will only be two full time staff, one of which will live on the premises. Given the light intensity of the use, no additional off-street loading or parking is required.*

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

*The project sponsor has stated that the process of brewing beer produces an aroma during the initial cooking process. This exhaust will be collected by the new high-pressure heating, ventilating, and air conditioning system (HVAC), which will circulate air at a higher than normal air volume. This, in turn will serve to dilute any aroma that is produced during the brewing process and will be blown out of the eastern face of the skylight and should mix with the prevailing eastern breeze.*

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

*The project sponsor has stated that the existing wall, fence and foliage located at the front of the property along Innes Avenue should screen the new grain storage silo, mechanical equipment and roof structures.*

- 10. **General Plan Conformity.** The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Findings and affirmatively promoting the objectives and policies of the General Plan.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1           MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.2           Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

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 6.8           Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

*The proposed brewery use would be at a facility that was historically used as a brewery. The project sponsor is a small business owner who wishes to establish a new business in San Francisco and the India Basin neighborhood.*

URBAN DESIGN ELEMENT

POLICY 1.3           Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

- POLICY 2.4            Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.
- POLICY 2.5            Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

*The proposed building would revert the use of the Landmark to its historic use, thereby both meeting the Secretary of Interior's Standards No. 1, that encourages properties to be used as they were historically, and at the same time, helping assure the on-going viability of this historic resource.*

11.    **General Plan Findings.** Planning Code Section 101.1 establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Project complies with said policies in that:
- a.    No neighborhood serving retail uses are being displaced or otherwise affected by the proposal.
  - b.    Existing housing and neighborhood character will not be adversely affected by the proposed project. *The proposed improvements are relatively minor. The character of the property will remain.*
  - c.    The Project would have no adverse impact on the City's existing supply of affordable housing. *The dwelling unit on the property will remain.*
  - d.    The Project will not significantly effect automobile traffic congestion or parking problems in the neighborhood. *The proposed use will utilize only two full-time workers. Deliveries to the site will not cause congestion or parking problems.*
  - e.    No industrial or service industry establishment would be displaced by the Project. *The proposed project is to reestablish a small scale low-intensity industrial use.*
  - f.    Earthquake safety requirements would be considered during review of any building permit applications. *Improvements will be built to current seismic standards.*
  - g.    The proposed project will improve the Landmark property while maintaining its character, re-establish its historic use and help insure its on-going viability.
  - h.    The Project has no impact on open space or parks or their access to sunlight and

*vistas. The improvements will be very small in scale and will not cause shadows on public parks.*

12. 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.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

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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. 2005.1055C subject to the following conditions attached hereto as 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. 17191. 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 foregoing Motion was ADOPTED by the Planning Commission on February 23, 2006.

Linda Avery  
Commission Secretary

AYES: Commissioners Antonini, Bell, Hughes, Olague and S. Lee

NOES: None

ABSENT: Commissioners Alexander and W. Lee

ADOPTED: February 23, 2006



## **Exhibit A**

### **Conditions of Approval**

1. This authorization is for the re-establishment of a brewery / bottling plant use in general conformity with the plans labeled Exhibit B, dated February 15, 2006, and can include accessory retail and/or taste testing use often associated with brewery uses. Such authorization does not include a restaurant or brew pub (bar) use that would not fit within the limitations of an accessory use; said restaurant or brew pub use would require separate Planning Department review and approval.
2. The authorization and rights vested by virtue of this action shall be deemed void and canceled, if construction or operation of the brewery has not commenced within three (3) years from the date of this approval.
3. This authorization may be extended at the direction of the Zoning Administrator only where the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City agency or appeal of the issuance of such a permit.
4. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 6517, Lot 029), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
5. Trash and recycling receptacles shall be stored inside a fully enclosed building except they may be placed outside of such building for pick up and removal of the trash or recyclable materials.
6. The Project site and the improvements shall be maintained in a neat and attractive manner.
7. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
8. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to neighbors related to the operation of this Project. The name and telephone

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number of the community liaison officer shall be reported to the Zoning Administrator for reference.

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