



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 1, 2016

Date: November 18, 2016
Case No.: **2016-009074CUA**
Project Address: **701 Haight Street**
Zoning: NC-1 (Neighborhood Commercial, Cluster)
40-X Height and Bulk District
Block/Lot: 0862/001
Project Sponsor: Robert Patterson
701 Haight Street
San Francisco, CA 94117
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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PROJECT DESCRIPTION

The project sponsor proposes to extend the hours of operation from 11 p.m. to midnight (12 a.m.) on Sunday through Wednesday nights and from 11 p.m. to 2 a.m. on Thursday through Saturday nights, for an existing brew pub¹ restaurant (d.b.a. Black Sands Brewery). Permitted hours of operation in NC-1 districts are from 6 AM to 11 PM. Operation from 11 p.m. - 2 a.m. requires Conditional Use Authorization. The existing tenant space measures approximately 1,400 square feet.

No interior or exterior changes are proposed as part of this Conditional Use application, which resulted from a staff-initiated code compliance complaint regarding fenestration changes made without permits and extended hours of operation. The restaurant has partially abated the compliance complaint by ceasing to operate past 11 p.m. and submitting the subject Conditional Use application to allow extended hours of operation. The applicant will address the fenestration alterations under a separate building permit prior to extending hours of operation under this Conditional Use Authorization.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the southwest corner of Haight and Pierce Streets, Block 0862, Lot 001 in the Lower Haight. The subject property is located within the NC-1 District, within one quarter mile of the Lower Haight Alcohol Restricted Use District (which prohibits new off-sale alcohol establishments) and the 40-X Height and Bulk District. The property is developed with a three-story mixed-use building, with one ground floor commercial tenant and dwelling units above. Black Sands Brewery has been in

¹ This establishment holds an Alcoholic Beverage Control License Type 75, On Sale General – Brewpub, which is a restaurant license that allows a limited amount of beer brewing.

operation since August 2015 and serves breakfast, lunch and dinner Tuesday through Sunday as well as weekend brunch. Black Sands also brews its own beer and sells supplies for home brewers. The project site was vacant for many years and was previously occupied by a laundromat.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project is located on the corner of Haight and Pierce Streets, at the western edge of a small cluster of properties zoned NC-1. The surrounding neighborhood is primarily residential (zoned RH-3) interspersed with mixed-use development along the portion of Haight Street zoned NC-1. A variety of commercial establishments are located within ground floor storefronts, including restaurants, bars, convenience stores, personal service uses, and a dental office. Buildings in the vicinity typically range from two to four stories in height; upper floors are generally occupied by residential units.

ENVIRONMENTAL REVIEW

The Project is not subject to the California Environmental Quality Act (CEQA) as the extension of hours is not considered a “project” under CEQA.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 11, 2016	November 9, 2016	22 days
Posted Notice	20 days	November 11, 2016	November 11, 2016	20 days
Mailed Notice	20 days	November 11, 2016	November 10, 2016	21 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the department has received one communication from neighbors in support of the project (see Exhibits). The Department is not aware of any opposition to this project.

ISSUES AND OTHER CONSIDERATIONS

- Permitted hours of operation in NC-1 districts are from 6 AM to 11 PM. The project is an existing restaurant/brewery that wants to extend the hours of operation for one additional hour Sunday through Wednesday nights and until 2 a.m. on Thursday through Saturday nights. The restaurant will serve food until closing time.
- The brew pub is an independent use and locally owned, which is encouraged throughout San Francisco. This is not a Formula Retail use and it serves the immediate neighborhood.
- A request for service call complaints was submitted to the San Francisco Police Department. On November 1, 2016, SFPD reported that no complaints for this business were received during the previous three months.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the existing brew pub/restaurant to extend hours of operation until midnight on Sunday through Wednesday nights and until 2 a.m. on Thursday through Saturday nights.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of this NC-1 district.
- The proposed extended hours will not cause an overconcentration of late night uses nor disrupt the peace of the immediate neighborhood.
- The District is well served by transit, therefore late night customers should not affect traffic.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and serves the immediate neighborhood.
- A condition of approval in the Draft Motion requires the applicant to abate a Planning Code violation regarding fenestration changes to the building's ground floor facades prior to extending hours of operation.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Public Correspondence

Project Sponsor Submittal, including:

- Letter to the Commissioners
- Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

LMA_____

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: DECEMBER 1, 2016

Date: November 18, 2016
Case No.: **2016-009074CUA**
Project Address: **701 HAIGHT STREET**
Zoning: NC-1 (Neighborhood Commercial, Cluster)
40-X Height and Bulk District
Block/Lot: 0862/001
Project Sponsor: Robert Patterson
701 Haight Street
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 710.27 OF THE PLANNING CODE TO ALLOW A RESTAURANT (D.B.A. BLACK SANDS BREWERY) TO EXTEND HOURS OF OPERATION TO MIDNIGHT (12 A.M.) ON SUNDAY THROUGH WEDNESDAY NIGHTS AND TO 2 A.M. ON THURSDAY THROUGH SATURDAY NIGHTS WITHIN THE NC-1 (CLUSTER, NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 18, 2015 Robert Patterson (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 710.27 to allow a brew pub/restaurant (d.b.a. Black Sands Brewery) to extend hours of operation from 11 p.m. to midnight (12 a.m.) on Sunday through Wednesday nights and from 11 p.m. to 2 a.m. on Thursday through Saturday nights within the NC-1 (Cluster, Neighborhood Commercial) District and a 40-X Height and Bulk District.

On December 1, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-009074CUA.

The Project is not subject to the California Environmental Quality Act (CEQA) as the extension of hours is not considered a “project” under CEQA.

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. 2016-009074CUA, 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 site is located on the southwest corner of Haight and Pierce Streets, Block 0862, Lot 001 in the Lower Haight. The subject property is located within the NC-1 District, within one quarter mile of the Lower Haight Alcohol Restricted Use District (which prohibits new off-sale alcohol establishments) and the 40-X Height and Bulk District. The property is developed with a three-story mixed-use building, with one ground floor commercial tenant and dwelling units above. Black Sands Brewery has been in operation since August 2015 and serves breakfast, lunch and dinner Tuesday through Sunday as well as weekend brunch. Black Sands also brews its own beer and sells supplies for home brewers. The project site was vacant for many years and was previously occupied by a laundromat.
3. **Surrounding Properties and Neighborhood.** The project is located on the corner of Haight and Pierce Streets, at the western edge of a small cluster of properties zoned NC-1. The surrounding neighborhood is primarily residential (zoned RH-3) interspersed with mixed-use development along the portion of Haight Street zoned NC-1. A variety of commercial establishments are located within ground floor storefronts, including restaurants, bars, convenience stores, personal service uses, and a dental office. Buildings in the vicinity typically range from two to four stories in height; upper floors are generally occupied by residential units.
4. **Project Description.** The project sponsor proposes to extend the hours of operation from 11 p.m. to midnight (12 a.m.) on Sunday through Wednesday nights and from 11 p.m. to 2 a.m. on Thursday through Saturday nights, for an existing brew pub¹ restaurant (d.b.a. Black Sands Brewery). Permitted hours of operation in NC-1 districts are from 6 AM to 11 PM. Operation from 11 p.m. - 2 a.m. requires Conditional Use Authorization. The existing tenant space measures approximately 1,400 square feet.

¹ This establishment holds an Alcoholic Beverage Control License Type 75, On Sale General – Brewpub, which is a restaurant license that allows a limited amount of beer brewing.

No interior or exterior changes are proposed as part of this Conditional Use application, which resulted from a staff-initiated code compliance complaint regarding fenestration changes made without permits and extended hours of operation. The restaurant has partially abated the compliance complaint by ceasing to operate past 11 p.m. and submitting the subject Conditional Use application to allow extended hours of operation. The applicant will address the fenestration alterations under a separate building permit prior to extending hours of operation under this Conditional Use Authorization.

5. **Public Comment.** To date, the department has received one communication from neighbors in support of the project (see Exhibits). The Department is not aware of any opposition to this 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. **Hours of Operation.** Hours of operation from 6 a.m. to 11 p.m. are permitted as of right in the NC-1 zoning district. Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11p.m. to 2 a.m., as defined by Planning Code Section 790.48.

The current hours of operation for Black Sands Brewery are 8 a.m. to 11p.m. Tuesday through Sunday. Black Sands Brewery is currently closed on Mondays but intends to operate daily if this Conditional Use Authorization is granted. This Conditional Use Authorization is limited to extending the hours of operation (per Planning Code Section 710.27) from 11 p.m. to midnight Sunday through Wednesday and from 11 p.m. until 2 a.m. Thursday through Saturday. A bar one block to the east on Haight Street (Danny Coyle's) is currently open until 2a.m. There are two additional bars located two blocks to the east on Haight Street (Mad Dog in the Fog and Toronado) which are open until 2 a.m. and one restaurant (Maven) which is open until 11:30 p.m.

- B. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The Subject Property contains approximately 1,400 square-feet of occupied floor area and thus does not require any off-street parking.

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or

sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 87.5 feet of frontage on Pierce Street and 27.6 feet of frontage on Haight Street. The first 25 feet of building depth is devoted to an active use. The façades of the subject storefront are sufficiently glazed and no obscured glazing or other elements that would reduce the level of transparency will be used. There are no changes proposed to the commercial frontage as part of this Conditional Use Authorization. However, there is an active code compliance complaint at this site regarding fenestration changes made without permits. This will be addressed under a separate permit (see Condition number eight).

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 size of the proposed use is in keeping with other storefronts on the blockface. The proposed extension of business hours will not affect traffic or parking in the District because it is primarily a neighborhood restaurant. The extension of hours will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.

- 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 height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed extended hours of operation will not affect 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 Planning Code does not require parking or loading for a 1,400 square-foot restaurant. The proposed extended hours of operation are intended to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed use is subject to the standard conditions of approval for restaurants and bars and outlined in Exhibit A. Conditions 9 and 10 specifically obligate the project sponsor to mitigate odor and noise generated by the restaurant use.

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

The proposed extended hours of operation do not require any additional tenant improvements. Condition number eight requires the project sponsor to address outstanding fenestration issues prior to extending hours of operation.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

With the exception of the fenestration issues which will be addressed prior to the extension of hours, 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.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of NC-1 Districts in that the intended use is located at the ground floor and provides a compatible convenience service for the immediately surrounding neighborhoods.

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

NEIGHBORHOOD COMMERCE

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 provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The extended hours of operation will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

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.

The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

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 proposal would enhance the district by providing late night access to a restaurant in an area that does not have an overconcentration of late night restaurants. The business is locally owned and currently employs 38-45 individuals in the community. No alterations to the existing building are proposed.

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

The existing residential units in the building and surrounding neighborhood would not be adversely affected by the project. The proposal is limited to extending hours of operation but includes specific conditions of approval to mitigate noise concerns.

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

No housing is removed for this Project.

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

The site is on Haight Street and is well served by transit. It is presumable that employees would commute by transit, thereby mitigating possible effects on street parking. Haight Street has two MUNI bus lines (6 and 7). There are three additional MUNI lines (22, 24 and N Judah) within a two blocks of the subject site.

- 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 Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand 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 project will have no negative effect on existing parks and open spaces.

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. 2016-009074CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 12, 2016, 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. XXXXX. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 1, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 1, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a restaurant (d.b.a. Black Sands Brewery) located at 701 Haight Street, Block 0862, Lot 001 pursuant to Planning Code Sections 303 and 710.27 within the NC-1 (Neighborhood Commercial, Cluster) District and a 40-X Height and Bulk District; in general conformance with plans, dated **September 12, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2016-009074CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 1, 2016** under Motion No **XXXXXX**. 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 **December 1, 2016** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

MONITORING - AFTER ENTITLEMENT

6. **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

7. **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

8. **Hours of Operation.** Upon abatement of open Planning Code violation number 2016-007020ENF regarding fenestration changes to the building's ground floor facades, the subject establishment is limited to the following hours of operation: Sunday through Wednesday from 8:00 a.m. to midnight and Thursday through Saturday 8:00 a.m. to 2:00 a.m.

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

9. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

10. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **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>

12. **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.

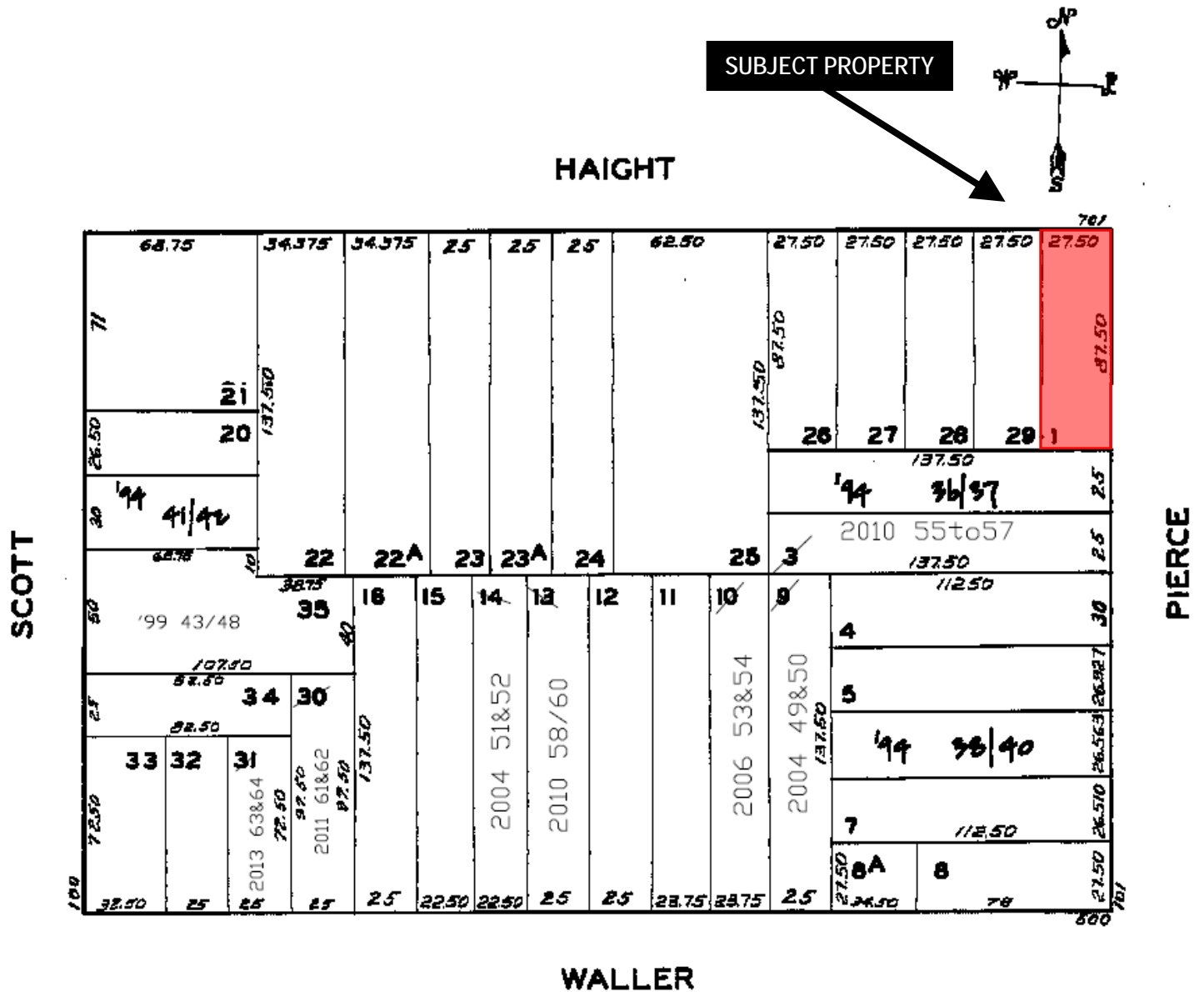
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>

13. **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

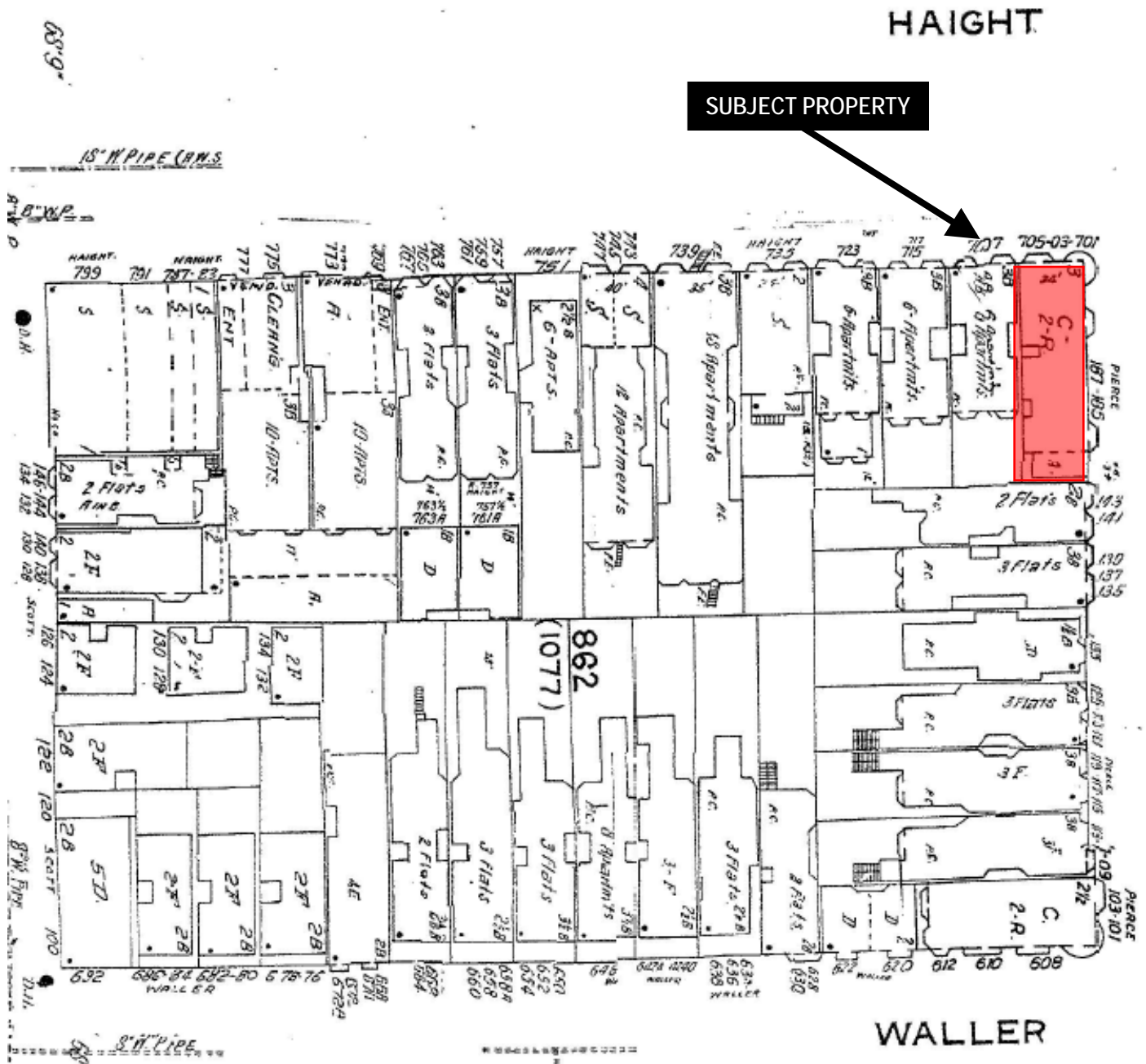
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Parcel Map



Conditional Use Hearing
Case Number 2016-009074UA
Black Sands Brewery
701 Haight Street

Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2016-009074UA
Black Sands Brewery
701 Haight Street

Aerial Photo

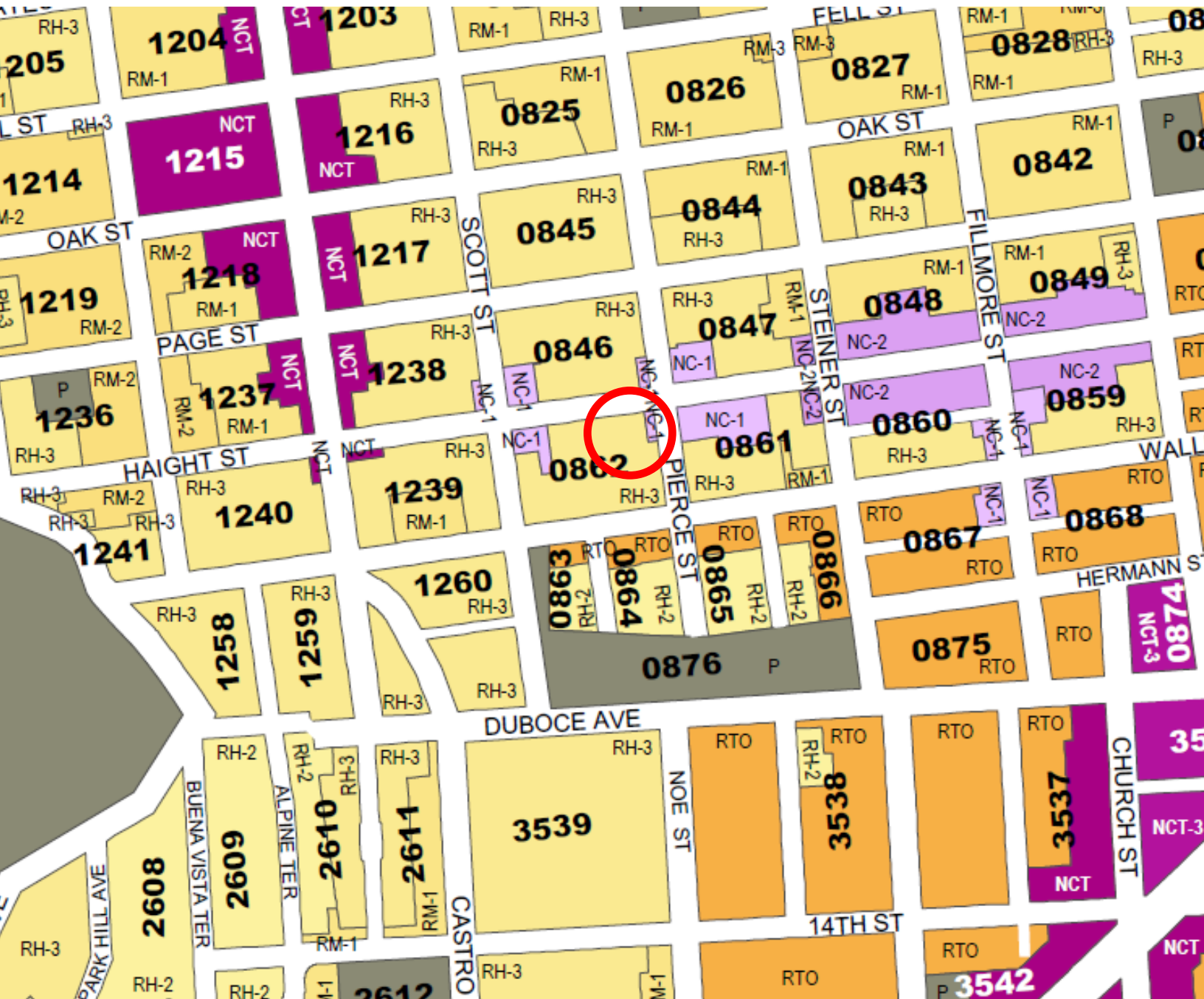


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2016-009074UA
Black Sands Brewery
701 Haight Street

Zoning Map



Conditional Use Hearing
Case Number 2016-009074UA
 Black Sands Brewery
 701 Haight Street

Site Photo



Haight Street Frontage

Conditional Use Hearing
Case Number 2016-009074UA
Black Sands Brewery
701 Haight Street

Site Photo 2



Pierce Street Frontage

Conditional Use Hearing
Case Number 2016-009074UA
Black Sands Brewery
701 Haight Street

Interior Photos



Conditional Use Hearing
Case Number 2016-009074UA
Black Sands Brewery
701 Haight Street

From: [Megan Harris](#)
To: [Ajello, Laura \(CPC\)](#)
Cc: [Scott Harris](#)
Subject: black sands application #2016-009074CUA
Date: Friday, November 18, 2016 1:53:25 PM

Dear SF Planning Department:

We support Black Sands Brewery located at 701 Haight Street in its San Francisco Planning Conditional Use Application #2016-009074CUA requesting extension of operating hours to midnight Sunday thru Wednesday nights and to 2 am for Thursday to Saturday nights.

We are homeowners less than half a block away on Haight Street, and parents of two young children. I feel that Black Sands has been an excellent addition to our neighborhood and noise, etc. has never been a concern for our family despite living close by. We want them to succeed, and are pleased to see them emerging as somewhat of an all-day neighborhood gathering place. I believe strongly that these added hours will only help their business. I know that other businesses like Nopa have been very successful with later hours and have maintained good relationships with their neighbors and I see Black Sands as continuing along those lines.

Thanks,
Megan & Scott Harris
626 Haight Street



September 8th, 2016:

Planning Commission

Re:

701 Haight Street (Address of Permit Work)

0862/001 (Assessor's Block/Lot)

2016-009074CUA (Conditional Use Authorization Application Number)

Dear Planning Commission:

Black Sands Brewery opened in August 2015. The type 75 brewpub currently serves food and beverages between 8am to 11pm Tuesday to Sunday. Black Sands currently employs between 38 and 45 employees on site in various production and retail positions.

Black Sands currently has no other locations and operates within a mixed use building in the commercial retail space of 701 Haight Street on the corner of Pierce and Haight Street.

Black Sands has requested an extension of hours via the conditional use process to extend operating hours to midnight from Sunday to Wednesday nights and to 2am on Thursday to Saturday nights.

Consumer Support and Interest

There is considerable interest from customers, visitors and neighbors to extend our hours to the traditional 2am bar establishment closing time. Black Sands has met with residential neighbors to address concerns regarding the later operating hours. We have implemented various sound proofing measures and have support of various neighborhood merchants and residents. There are various others bars and restaurants in the commercial district that operating currently with 2am closing times. Black Sands believes that extending our hours to midnight from Sunday to Wednesday nights and to 2am on Thursday to Saturdays will support a stronger dynamic restaurant scene in the Lower Haight. Unlike other bars in the neighborhood as a brewpub we serve food until closing time and believe customers are interested in our food and beverages programs.

Attracting and keeping the right talent.

With a full cocktail program Black Sands would like to create an environment that entices the top bartending talent to work for us.

in the current restaurant climate it is hard to attract and maintain the best talent. they have many options, and can get higher pay at establishments that are open during the peak bar hours. To attract the right talent behind our bar, we need to entice employees with the opportunity to make the most money they can in a shift. closing at 11pm cuts out the prime hours where bartenders make the most of their tips... thus making it very difficult to keep the best, most talented and friendly staff.

Rising rents / and customer expectations:

Black sands is in the business of serving food, and spirits. we are a brewery and bar. To hit our numbers and pay the increased rent in the lower Haight, we need sales. bar sales prime hours are between 9pm and 2am. closing at 11pm is a huge opportunity cost that we miss out on to be a successful and staple business in the Lower Haight.

Dynamic Neighborhood Institution

Black Sands Brewery is a dynamic enterprise that anchors the central Lower Haight commercial corridor and serves 1000+ customers a week from the neighborhood to visitors from around the world. The brewery is an active merchant and community member both with the San Francisco Brewing Guild and Lower Haight Merchant and Neighborhood Association.

Thank you,

A handwritten signature in black ink, appearing to read "Robert Anti Patterson", written in a cursive style.

Robert Patterson
Principal
Black Sands Brewery

CHANGE OF HOURS APPLICATION FOR BLACK SANDS BREWERY

701 HAIGHT STREET
SAN FRANCISCO, CA 94117

GENERAL NOTES	ABBREV.	SYMBOLS	DRAWING INDEX	LOCATION MAP	
Plan set for the sole purpose of requesting extension of operating hours for Black Sands Brewery located at 701 Haight Street from SF Planning Department. No proposed construction or alterations with this plan set. Plan set shows existing site plan, site details and elevations as required for conditional use application.	L @ #	ANGLE AT NUMBER	CO		
	A.F.F.	ABOVE FINISH FLOOR	A1		EXISTING SITE PLAN
	APPX	APPROXIMATE	A2		EXISTING EXTERIOR ELEVATIONS
	AL	ALUMINUM	A3		INTERIOR PLAN
	ARCH. BLDG.	ARCHITECTURAL BUILDING			
	BOT.	BOTTOM			
	B.P.	BOTTOM OF POOL			
	CLG.	CEILING			
	CLR.	CLEAR			
	COL.	COLUMN			
CONC.	CONCRETE				
CONT.	CONTINUOUS				
CTR.	CENTER				
D.I.A.	DIAMETER				
DM.	DIMENSION				
DWN.	DOWN				
DWG.	DRAWING				
DBL.	DOUBLE				
DTL.	DETAIL				
(E)	EXISTING				
EA.	EACH				
EL.	ELEVATION				
ELEC.	ELECTRICAL				
E.Q.	EQUAL				
EQPT.	EQUIPMENT				
E.S.	EACH SIDE				
F.D.	FLOOR DRAIN				
F.F.	FINISH FLOOR				
F.O.C.	FACE ON CONCRETE				
F.O.F.	FACE ON FINISH				
F.O.J.	FACE ON JAMB				
F.O.S.	FACE ON STUD				
F.O.W.	FACE ON WALL				
F.G.	FINISH GRADE				
F.S.	FINISH SURFACE				
GA	GAUGE				
GALV.	GALVANIZED				
GL	GALVANIZED IRON				
GYP.	GYPSUM BOARD				
H.M.	HOLLOW METAL				
HDWR	HARDWARE				
H.P.	HIGH POINT				
HT.	HIGHT				
JAN.	JANITOR				
MAX	MAXIMUM				
MECH	MECHANICAL				
MIN	CEILING				
MTL.	METAL				
MFR.	MANUFACTURER				
MISC.	MISCELLANEOUS				
(N)	NEW				
N.I.C	NOT IN CONTRACT				
NOM.	NOMINAL				
N.T.S	NOT TO SCALE				
O.C.	ON CENTER				
O.A.A.	OR APPROVED ALTERNATE				
O.D.	OUTSIDE DIAMETER				
OPNG.	OPENING				
PLAM.	PLASTIC LAMINATE				
PLYWD.	PLYWOOD				
R.	RISER				
RF.	ROOF				
R.D.	ROOF DRAIN				
REF.	REFERENCE				
REINF.	REINFORCED				
RM.	ROOM				
R.O.	ROUGH OPENING				
R.W.L.	RAIN WATER LEADER				
S.C.	SOLID CORE				
SHT.	SHEET				
SM.	SIMILAR				
SPEC.	SPECIFICATION				
SQ.	SQUARE				
STD.	STANDARD				

ABBREV.	SYMBOLS	DRAWING INDEX	LOCATION MAP	
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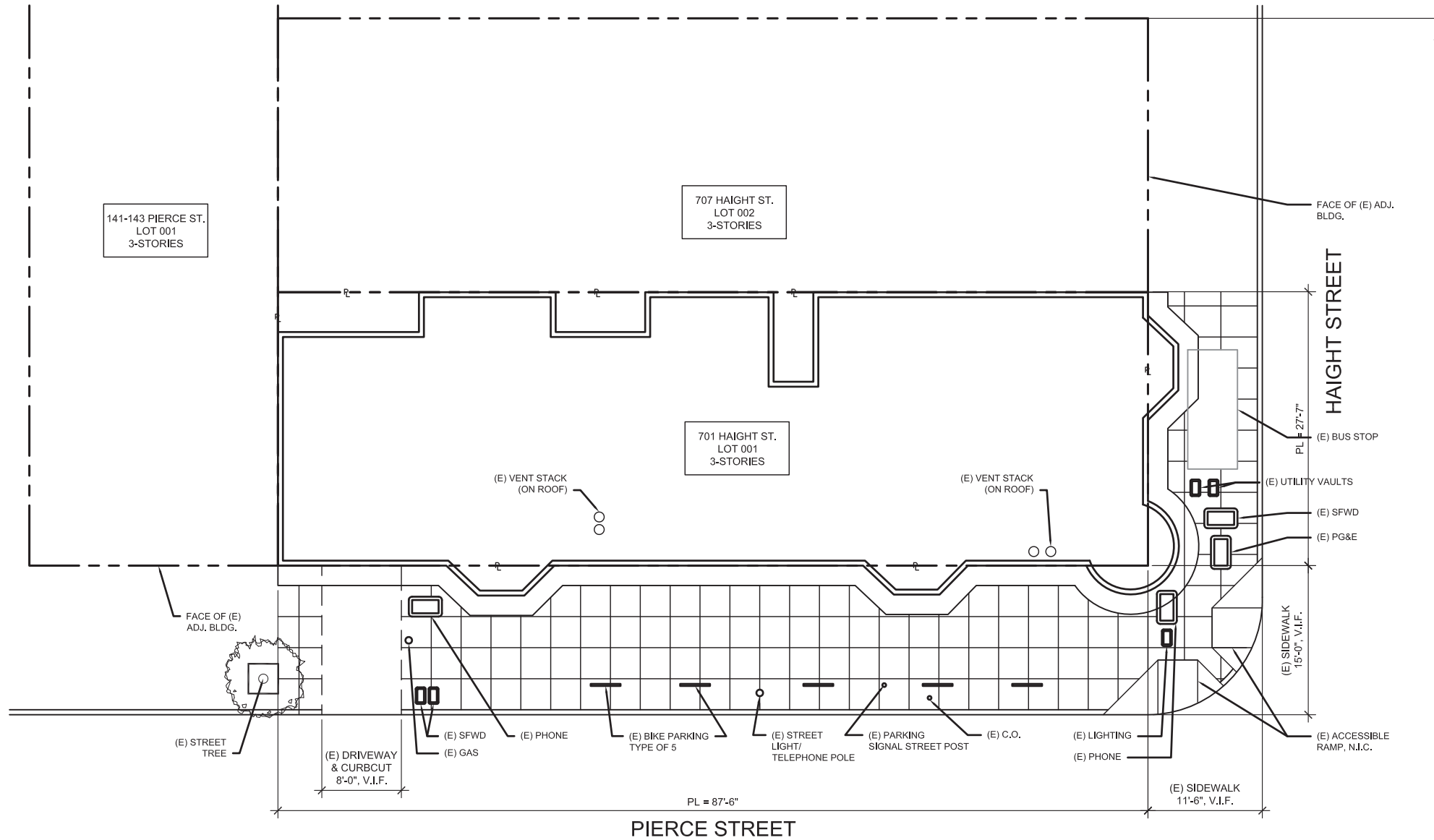
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NOTES:
1. (E) UTILITIES VAULTS & BOXES BY OTHERS.

1 (E) SITE PLAN - PROPOSED WORK: NONE
SCALE: 5/64"=1'-0"

CHANGE OF HOURS
APPLICATION

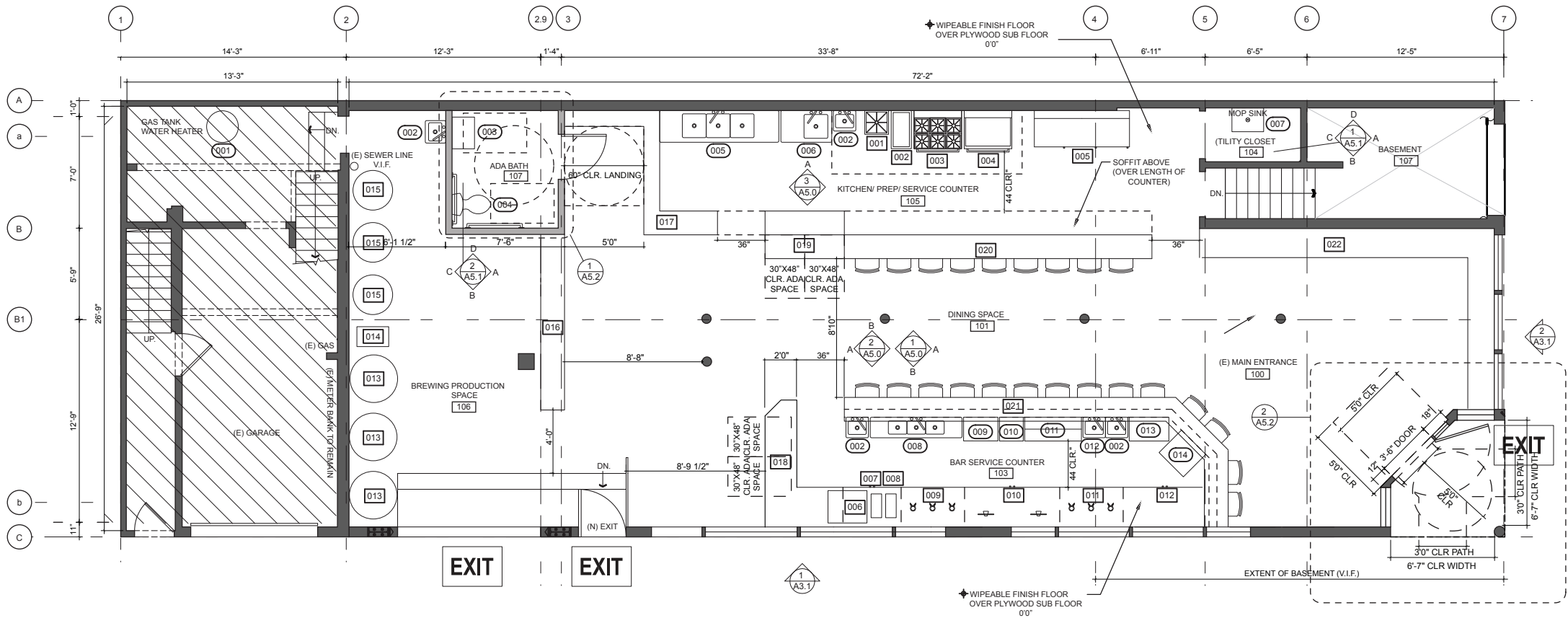
CONDITIONAL USE
APPLICATION NUMBER:
2016-009074CUA

701 HAIGHT STREET
SAN FRANCISCO
CA 94117
BLOCK: 0862; LOT:001

A1

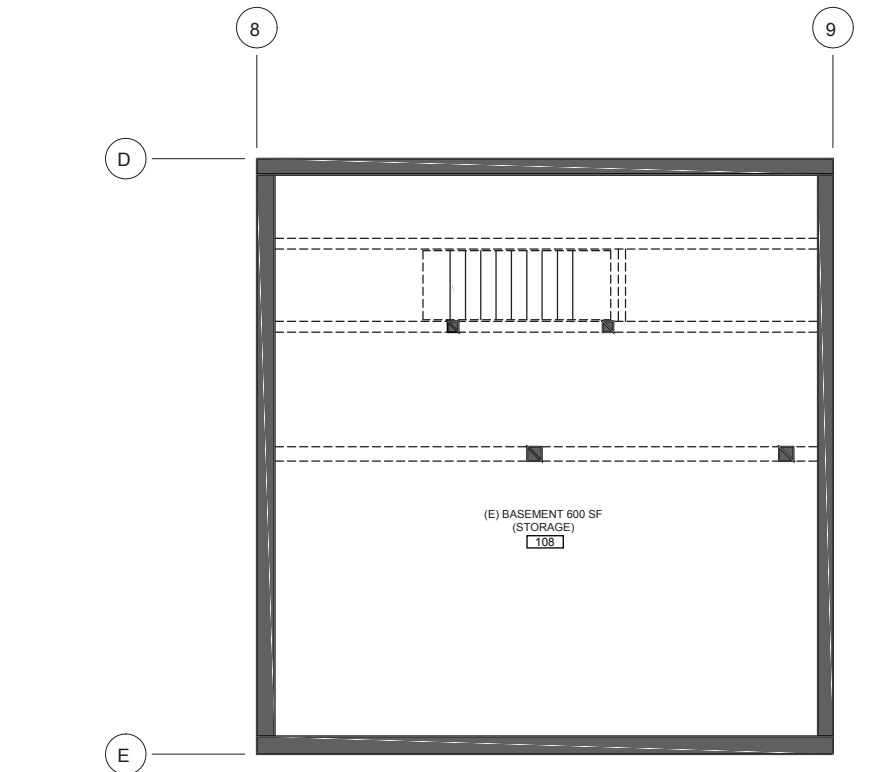
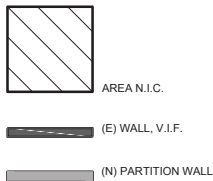
FFE SCHEDULE		
EQUIPMENT ITEM NO.	EQUIPMENT DESCRIPTION	EQUIPMENT REMARKS
001	STOCK BURNER	PROVIDED BY OWNER
002	2 BASKET FRYER	PROVIDED BY OWNER
003	6 BURNER RANGE	PROVIDED BY OWNER
004	GRIDDLE / STOVE	PROVIDED BY OWNER
005	LOWBOY REFRIGERATOR	PROVIDED BY OWNER
006	ESPRESSO MACHINE	PROVIDED BY OWNER
007	ESPRESSO GRINDER	PROVIDED BY OWNER
008	COFFEE GRINDER	PROVIDED BY OWNER
009	BEER DISPENSER	PROVIDED BY OWNER
010	UNDERCOUNTER REFRIGERATOR	PROVIDED BY OWNER
011	BEER DISPENSER	PROVIDED BY OWNER
012	UNDERCOUNTER REFRIGERATOR	PROVIDED BY OWNER
013	FERMENTOR	PROVIDED BY OWNER
014	BRIGHT TANK	PROVIDED BY OWNER
015	MASH TUN	PROVIDED BY OWNER
FURNITURE ITEM NO.	FURNITURE DESCRIPTION	FURNITURE REMARKS
016	42" STEEL PRODUCTION COUNTER	CUSTOM
017	42" STEEL COUNTER	CUSTOM
018	34" STEEL SERVICE COUNTER	CUSTOM
019	34" STEEL SERVICE COUNTER	CUSTOM
020	42" MARBLE SERVICE COUNTER	CUSTOM
021	42" MARBLE SERVICE COUNTER	CUSTOM
022	RETAIL GRAIN STORAGE	CUSTOM
PLUMBING ITEM NO.	PLUMBING DESCRIPTION	PLUMBING REMARKS
001	GAS TANK WATER HEATER	50 GALLONS / 75,100 BTU
002	HAND SINK	PROVIDED BY OWNER
003	ADA BATHROOM SINK	PROVIDED BY OWNER
004	ADA TOILET	PROVIDED BY OWNER
005	3 COMPARTMENT SINK	DUAL DRAINBOARDS
006	PREP SINK	PROVIDED BY OWNER
007	MOP SINK	PROVIDED BY OWNER
008	3 COMPARTMENT SINK	DUAL DRAINBOARDS
009	ICE MACHINE	PROVIDED BY OWNER
010	ICE BIN	PROVIDED BY OWNER
011	SPEED RAIL	PROVIDED BY OWNER
012	BLENDER / DUMP SINK	PROVIDED BY OWNER
013	REFRIGERATOR	PROVIDED BY OWNER
014	REFRIGERATOR	PROVIDED BY OWNER

ROOM FINISH SCHEDULE											
ENTRY 100	DINING SPACE 101	BAR COUNTER 102	UTILITY CLOSET 103	KITCHEN/ PREP 104	BREW/ PROD. 105	ADA UNISEX BATH 106	BASEMENT 107			ROOMS	
●	●	●	●	●	●	●	●	POLISHED / SEALED CONCRETE			
		●	●	●	●	●	●	CERAMIC TILE		FLOOR	
		●	●	●	●	●	●	OZARK HARDWOOD			
		●	●	●	●	●	●	COVED EPOXY TO 4" HIGH W/ 3/8" RADIUS			
		●	●	●	●	●	●	4" COVED CERAMIC TILE, W/ 3/8" RADIUS		BASE	
●	●	●	●	●	●	●	●	OZARK BASEBOARD			
●	●	●	●	●	●	●	●	STAINLESS STEEL / FRP, TOP OF BASE TO 40" / 80" ABOVE FINISH FLOOR AS REQ'D		WALLS	
●	●	●	●	●	●	●	●	5/8" TYPE "X" GYPSUM BOARD			
●	●	●	●	●	●	●	●	OZARK HARDWOOD			
●	●	●	●	●	●	●	●	CERAMIC TILE			
●	●	●	●	●	●	●	●	SMOOTH, DURABLE, EASILY CLEANABLE, NON-ABSORBENT (5/8" TYPE "X" GYPSUM BOARD)		CEILING	



1 EXISTING FLOOR PLAN
PROPOSED WORK: NONE

DRAWING SCALE: 1/8" = 1'0"



DRAWING SCALE: 1/4" = 1'0"



CHANGE OF HOURS
APPLICATION

CONDITIONAL USE
APPLICATION NUMBER:
2016-009074CUA

701 HAIGHT STREET
SAN FRANCISCO
CA 94117
BLOCK: 0862; LOT:001

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