



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

September 9, 2016

Jesse Friedman  
Almanac Beer Co.  
2325 3<sup>rd</sup> Street  
San Francisco, CA 94107

<b>Site Address:</b>	<b>2704 24<sup>th</sup> Street</b>
<b>Assessor's Block/Lot:</b>	<b>4211/035</b>
<b>Zoning District:</b>	<b>24<sup>th</sup>-Mission NCT (Neighborhood Commercial Transit)</b>
<b>Staff Contact:</b>	<b>Michael Christensen, (415) 575-8742 or Michael.christensen@sfgov.org</b>
<b>Record No.:</b>	<b>2016-009681ZAD</b>

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Mr. Friedman,

This letter is in response to your request for a Letter of Determination regarding the property at 2704 24<sup>th</sup> Street. This parcel is located in the 24<sup>th</sup>-Mission NCT (Neighborhood Commercial Transit) Zoning District, 65-X Height and Bulk District, Mission Alcohol Restricted Use District and Fringe Financial Services Restricted Use District. The request is to determine if the subject property may utilize a Type 23 Duplicate Small Beer Manufacturer's License (Type 23 Duplicate License), issued by the California Department of Alcoholic Beverage Control (ABC).

Planning Code Section 727.44 requires a Conditional Use Authorization in order to operate a Restaurant at this location. On May 16, 2013, the Planning Commission approved a Conditional Use Authorization for this space and it was subsequently occupied by Sous Beurre Kitchen (which operated with an ABC Type 41 License) until May 2016. The Conditional Use Authorization for the Restaurant use remains active pursuant to the requirements of Planning Code Section 178 and a new Restaurant use may be established in the existing space.

Planning Code Section 790.91 defines Restaurant as follows:

*A Retail Sales and Service use that serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as a minor and incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so, it shall be required to operate as a Bona Fide Eating Place. It is distinct and separate from a Limited-Restaurant (defined in Planning Code Section 102). Such businesses shall operate with the specified conditions in Planning Code Section 202.2(a)(1).*

Based on Section 23389 of the California Business and Professions Code, a Type 23 Duplicate License may be used to permit the direct sale of beer by a small manufacturer to consumers at a branch location. It may be combined with the operation of a Bona Fide Eating Place, but such association is not required and is limited to two of the maximum of six branch locations.

It is the determination of the Zoning Administrator that the issuance of a Type 23 Duplicate License to operate a facility at this location would be similar to the issuance of a Type 41 License; therefore, a Type 23 Duplicate License is allowed by the zoning of the site, as long as the following conditions are met:

1. The facility continues to operate as a Bona Fide Eating Place, as is required by the zoning of the property. This would be included as a Condition of Approval on any ABC license application for a Type 23 Duplicate License. In addition, evidence must be included in an application for a Type 23 Duplicate License that this facility is within the limits on Bona Fide Eating Places, as allowed per Section 23389 of the California Business and Professions Code.
2. Any change of use, including the addition of any production capacity at this site, will require review and authorization by the Planning Department.
3. The facility must meet all Conditions of Approval associated with the Conditional Use Authorization granted per Planning Commission Motion No. 18867 (See Case No. 2013.0039C).

**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: Property Owner  
Neighborhood Groups  
Michael Christensen, Planner



R# 2016-009681 ZAD  
CK # 367 \$ 645 -  
R. SUCRE (SE)

July 15th, 2016

Mr. Scott F. Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street Suite 400  
San Francisco, CA 94103-2479

**RECEIVED**

JUL 15 2016  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

Re: Request for Letter of Determination  
  
Address: 2704 24th Street  
Block/Lot: 4211 / 035  
Zoning District: NCT - 24th-Mission Neighborhood Commercial Transit District  
Mission Alcoholic Beverage Special Use Sub-District  
65-X Height and Bulk District  
  
Subject: Application for ABC Type 23D Duplicate Small Beer Manufacturer's License

Dear Mr. Sanchez,

I am one of the founders and operators of Almanac Beer Co., a beer company based here in San Francisco. I am writing today to request a determination from the Zoning Administrator for permission to allow us to have an ABC (Department of Alcoholic Beverage Control) Type 23D Duplicate Small Beer Manufacturer's License approval for our Project at 2704 24th Street. I discussed our plan with Edgar Oropeza in the San Francisco Planning Department, and he advised that we send this letter in for determination.

Our Project will be taking over operations at the current full service Restaurant at 2704 24th Street, d.b.a. Sous Beurre Kitchen. The current Restaurant has a Type 41 On Sale Beer and Wine - Eating Place License. Our Project proposes to switch the license from the current Type 41 to a duplicate Type 23 license based off the Master license we currently manufacture and sell our beer under. We do not propose to manufacture beer on the Project site and therefore we are not proposing any Change of Use.

The Project is located on the north side of 24th Street, between Potrero Avenue and Hampshire Street, Lot 035 in Assessor's Block 4211. The subject property is located within the 24th Street - Mission Neighborhood Commercial Transit District, the Mission Alcoholic Beverage Special Use Sub-District, and a 65-X Height and Bulk District. The subject lot is 8,500 square feet and occupies the northwest corner of the intersection of 24th Street and Potrero Avenue. The lot is developed with a two-story mixed-use dwelling. The Restaurant occupies a commercial space of approximately 2,450 square feet. The Restaurant currently operates under a Conditional Use Authorization approved on May 9, 2013, Planning Commission Motion No. 18867, Case No. 2013.0039C.

Our Project would be to change the Restaurant into one that features seasonal, locally sourced ingredients paired with our beers that are produced with a similar, seasonal philosophy. We plan to introduce a more casual, affordable menu with appetizers in the \$5-\$8 and salads and sandwiches in the \$8-\$13 range. We also hope to open for lunch-time service as opposed to the current restaurants more formal, dinner-only offering. We fully intend to remain a Bona Fide Eating Place and continue to operate as a Restaurant as required by the Mission Alcohol RUD.



Our desire to switch to a Type 23D would be to obtain the additional privilege of filling growlers of our beer for restaurant patrons to take home. Other examples to this license type include Woods Polk Station at 2255 Polk Street, although we intend to have more robust dining options given the full kitchen in the Project space.

While this creates an additional off-premise privilege, one can argue that the switch to a Type 23D would constitute a reduction in overall off-premise privileges in that we will no longer be able to sell guest beer and wine off-premise. The Type 41, while considered an on-premise beer and wine license, does provide off-premise privileges. To be clear, the Type 41 would be released if the Type 23D is issued. The Type 23D is non-transferrable; in the (hopefully unlikely) case that we leave the location, the new tenant would have to apply for a new license. The Type 23D, like the Type 41, also permits minors on-premise, allowing families to enjoy the restaurant and preventing the adults-only bar atmosphere.

I understand that the Mission Alcohol RUD is a sensitive area and alcohol related uses must be approached gingerly. I hope we can show that the intent of the license switch is not to operate as a beer store but to be a Restaurant showcasing Almanac's dedication to the farm to table ethos while also allowing customers the convenience of taking home a growler of beer after a meal; a convenience that has come to be the market standard at craft beer related establishments. Both my business partner, Damian Fagan, and myself are long time residents of San Francisco and wish to have a positive relationship with the neighborhood. Our Project will create more jobs by being open more hours and, with the more casual atmosphere and more affordable pricing, it will be a more accessible dining option for neighborhood residents.

Therefore, I am requesting a determination from the Zoning Administrator regarding permission to allow us to have an ABC Type 23D License approved at 2704 24th Street.

Please let me know if I can provide you with any additional information.

Regards,

A handwritten signature in black ink, appearing to read "Jesse Friedman", written over a white background.

Jesse Friedman  
Co-Founder / Brewmaster  
Almanac Beer Co.  
Mobile: 415.760.7019  
Email: jesse@almanacbeer.com