



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 18604

HEARING DATE: APRIL 26, 2012

Date: May 10, 2012
Case No.: **2011.0584CV**
Project Address: **601 DOLORES STREET**
Zoning: RH-3 (Residential, House, Three-Family)
 40-X Height and Bulk District
Block/Lot: 3598/060
Project Sponsor: Molly Huffman
 Children’s Day School
 333 Dolores Street
 San Francisco, CA 94110
Staff Contact: Michael Smith – (415) 558-6322
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3(g), 303, AND 317 FOR THE CONVERSION OF A FORMER CHURCH THAT IS CURRENTLY BEING USED AS A SINGLE-FAMILY DWELLING INTO A PRIVATE ELEMENTARY SCHOOL OPERATED BY “CHILDREN’S DAY SCHOOL” FOR A PROPERTY LOCATED WITHIN A RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 14, 2011 Valerie Veronin on behalf of Children’s Day School (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 209.3(g), 303, and 317 of the Planning Code to allow the conversion of single-family dwelling into a private elementary school for students in fifth through eighth grades operated by Children’s Day School for a property located within a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

On April 26, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0584CV.

The Department determined the Project to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 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. 2011.0584CV, 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.** 601 Dolores Street is located on the southeast corner of the Dolores and 19th Streets directly east of Dolores Park in the Mission Dolores neighborhood. The subject building occupies most of a 9,690 square-foot, rectangular shaped lot that measures 85 feet in width, 114 feet in depth, and is located within a RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District. The subject property is improved with a two-story over basement, single-family residence that was formerly a church. The building was constructed in 1910 in the Gothic Revival style as a church for the Mission Congregational Church.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is primarily multi-family residential in character with a few large institutional uses surrounding Mission Dolores Park and extending north down Dolores Street. There are a few commercial establishments located within ground floor storefronts on corners along Dolores Street, including restaurants, cafes, and convenience stores. Buildings in the vicinity typically range from two to four stories in height.
4. **Project Description.** The project sponsor is requesting conditional use authorization pursuant to Planning Code Sections 209.3(g) and 303 and mandatory discretionary review pursuant to Section 317 of the Planning Code to convert a former church that is currently being used as a single-family dwelling into a private elementary school operated by "Children's Day School" (CDS) which is currently operating 2.5 blocks north the at 333 Dolores Street. "Children's Day School" would maintain both campuses and use the proposed site as a satellite campus. The proposed school would house 160-200 students in grades 5th through 8th. The project includes interior and exterior tenant improvements. Exterior tenant improvements include converting a garage entrance on 19th Street into a primary pedestrian entrance, adding a roof deck to the southeast corner

of the building, adding mechanical equipment and associated screening to the roof, and adding an elevator penthouse along the eastern edge of the building. Interior tenant improvements includes a complete seismic retrofit, partitions for 10 new classrooms, 7 administrative offices, 3 student and faculty lounges, 2 new interior stairways (including one that would be located within the tower), one elevator, 5 restrooms, and convert the sanctuary space into a multi-purpose space, create ADA ramps within the Dolores Street entry hall and the sanctuary's northern side aisle, and create a full second floor level within the Sunday school wing of the building. The project also requires a parking variance because no parking would be provided for the school.

5. **Public Comment.** To date, the Department has received 50 letters and emails of support for the project primarily from parents of students who attend the school. The project is also supported by the Mission Dolores Neighborhood Association (MDNA).

The adjacent neighbor to the south expressed concern about how activity on the proposed roof deck could impact noise and privacy at the rear of his multi-unit residential building next door and how the penthouse addition would block his view. Several other neighbors expressed concern about the potential impacts the use could have on parking and traffic in the neighborhood including the white zones location on 19th Street and the on-street parking spaces that would be eliminated as a result.

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. **Parking.** Planning Section 151 of the Planning Code requires one off-street parking space for every six classrooms for elementary schools.

The proposed school would have no off-street parking and thus requires a parking variance from Section 151 of the Planning Code.

- B. **Floor Area Ratio (F.A.R.).** Section 124 of the Planning Code limits non-residential uses in RH-3 Districts to a floor area ratio of 1.8 to 1. For a corner lot, Planning Code Section 125 permits a 25 percent floor area premium.

The subject lot measures 9,690 square-feet in area. The maximum permitted use size for the property is 17,442 square-feet based upon the District's maximum permitted floor area ratio. The FAR premium allowed for corner lots increases the maximum permitted nonresidential use size to 21,802.5 square-feet. The proposed school would occupy 16,123 square-feet.

- C. **Land Use.** Section 209.3(g) of the Planning Code allows elementary schools (an institutional use) in a RH-3 District only upon the approval of a conditional use authorization by the Commission.

- D. **Dwelling Unit Conversion.** Section 317 of the Planning Code requires mandatory staff initiated Discretionary Review for the conversion of a dwelling unit to a non-

residential use if not otherwise subject to Conditional Use authorization by the Code.

The Planning Commission shall consider these criteria in the review of applications for Conversion of Residential Units;

- (i) whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;
- (ii) whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);
- (iii) whether conversion of the unit(s) will bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district;
- (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;
- (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

The subject building was constructed in 1910 as a church for the Mission Park Congregation. The building remained a church for many different congregations until the most recent church occupant ceased operation in 2005 due to dwindling membership and significant seismic retrofit requirements. The property sat vacant for a couple years until it was purchased in 2007 and converted into a single-family dwelling. In 2011, the property was sold to CDS in anticipation of the proposed conversion. The conversion would not result in tenant displacement as the building was owner occupied upon its sale. Although the conversion of the dwelling unit would be detrimental to the City's housing stock, the existing dwelling is out of character for the neighborhood which is defined by residential flats, and it is not affordable housing. The use of the property as a dwelling unit does not represent the most effective use of the property. The property was constructed for institutional purposes and is best suited for that use.

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 school would initially enroll 160 students with a maximum enrollment of 200 students and employ approximately 14 staff people. The intensity of the proposed use would be similar to that of the church that previously occupied the building. Furthermore, the size of the proposed use is in keeping with other institutional use surrounding Dolores Park and extending down Dolores Street to the north. The project is necessary and desirable because it would provide an additional choice in education to neighborhood and city residents and it

provides adaptive reuse of an existing building. Furthermore, there are a limited number of suitable sites available for institutional uses such as an independent school.

- 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 be minimally enlarged to provide a stair/elevator penthouse for the proposed roof deck. The proposed work would not be visible from the street.

- 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;

A transportation study was prepared for the project to evaluate potential transportation impacts that could result from the project. The study concluded that the project would not have a significant impact on parking and traffic in the neighborhood for several reasons. The project includes expanding the white zone at the property's 19th Street frontage from 80 feet to 130 feet. The white zone would be effective between 7:00am – 9:00am and 2:30pm – 4:30pm, Monday – Friday. Also as part of the project, CDS has developed a student drop off plan that is based on the projected number of student drop offs and the proposed available loading space at each campus and include distribution of morning student drop offs that provides for student safety and minimizes traffic impacts. The drop-off plan is discussed further in the transportation section of the categorical exemption.

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

The project would not exceed the BAAQMD's 2010 thresholds of significance and would not result in the generation of air pollutants that exceed the BAAQMD's thresholds of significance.

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

No additional landscaping is proposed for the site. The existing street trees that border the property would be retained. The Department shall review all lighting and signs

proposed for the property in accordance with the Conditions of Approval contained in Exhibit A.

- 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.

- 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 generally consistent with the stated purpose of RH Districts to regulate institutional uses therein.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES

POLICY 7.2:

Encourage the extension of needed health and education services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

POLICY 7.3:

Promote the provision of adequate health and education services to all geographic districts and cultural groups in the city.

The Project will allow for additional choices in educational options to neighborhood and city residents and allow for an increase in student enrollment should others want to attend. The Project would enhance the educational services available to residents of the local area neighborhoods as well as the city at large.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

POLICY 11.7:

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

POLICY 11.8:

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The Project would respect the City's historic fabric by preserving and reusing a historic property. The Project will allow a school to locate within a residential District in a property that is suitable for an institutional use. As a result, additional educational services would be provided for the local neighborhood and community at large.

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 not affect existing neighborhood-serving retail uses.

- 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 is for the adaptive reuse of an institutional building and would provide another educational choice for City residents.

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

Although the project would result in the loss of a dwelling unit, the dwelling unit is not affordable to most City residents.

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

The Department performed a transportation analysis of the project and determined that it would not significantly impact transit service, traffic, or parking in the neighborhood.

- 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 includes seismically retrofitting the existing structure to comply with current seismic standards. Therefore, the project would increase the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject property is a known historic resource pursuant to CEQA. In response, the Department performed a historical analysis of the property and the proposed improvements and determined that the project would not impact the property's ability to convey its historic significance.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on 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. 2011.0584CV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 8, 2011 with a revision date of April 12, 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. 18604. 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 April 26, 2012

Linda D. Avery
Commission Secretary

AYES: Commissioners Sugaya, Antonini, Borden, Moore, Miguel, and Fong

NAYES: None

ABSENT: Commissioner Wu

ADOPTED: April 26, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow Children's Day School to convert a church that is current being used as a dwelling unit into a private elementary school for students in Fifth through Eighth grades located at 601 Dolores Street, Block 3598, Lot 060 pursuant to Planning Code Sections **209.3(g), 303, and 317** within a RH-3 District and a **40-X** Height and Bulk District; in general conformance with plans, dated **July 8, 2011** with a revision date of April 12, 2012, and stamped "EXHIBIT B" included in the docket for Case No. **2011.0584CV** and subject to conditions of approval reviewed and approved by the Commission on **April 26, 2012** under Motion No. **18604**. 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 **April 26, 2012** under Motion No. **18604**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18604** 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.

DESIGN

2. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, 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.

OPERATION

4. **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/>

5. **School Enrollment.** Enrollment for a school at the Project Site shall be limited to 200 students. Any increase in enrollment beyond 200 students at the Project Site shall require approval of a new or amended conditional use authorization by the Commission. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.*

6. **Loitering.** The Applicant shall take all reasonable measures to prevent loitering by students (and possible associated nuisances) during break times or before and after classes in adjacent residential areas. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.*

7. **White Loading Zone.** The proposed white loading zone on 19th Street shall be effective between the hours of 7 a.m. and 9 a.m. only to protect on-street parking for the maximum amount of time. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

8. **Roof Deck Usage.** Usage of the proposed roof deck as a classroom or any other school related function shall not commence before 7 a.m. and shall not extend beyond 9 p.m. Furthermore, no lighting shall be installed on the deck only the minimum amount of lighting needed for safety. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

9. **Mechanical Equipment.** It was determined that the location of the rooftop mechanical equipment shown on the plans dated July 8, 2011 with a revision date of April 12, 2012, and stamped "EXHIBIT B" do not comply with the rear yard requirements of Section 134 of the Planning Code. As a result, the location of the equipment shown on the plans is not approved as part of this project. The sponsor shall continue to work with staff on the location of the equipment, preferably to be moved to a location that is not near the adjacent buildings. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.*