



SAN FRANCISCO PLANNING DEPARTMENT

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Planning Commission Motion No. 19041

HEARING DATE: DECEMBER 12, 2013

Date: December 5, 2013
Case No.: **2013.0663C**
Project Address: **333 DOLORES STREET**
Zoning: RM-1 (Residential, Mixed, Low-Density) District
 40-X Height and Bulk District
Block/Lot: 3567/057
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 SECTION 303 OF THE PLANNING CODE TO AMEND MOTION NO. 16683 FOR A REQUEST TO RETAIN THE THREE EXISTING TEMPORARY CLASSROOM STRUCTURES ON THE SCHOOL SITE FOR AN ADDITIONAL 10.5 YEARS. THE SUBJECT PROPERTY IS LOCATED IN A RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 24, 2013, 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 303 to amend motion No. 16683 to retain the three existing temporary classroom structures on the site for an additional 10.5 years, for the property at 333 Dolores Street (subject property), located within a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

On December 12, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0259C.

The Department determined the Project to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 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. 2013.0663C, 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 subject property is located on the east side of Dolores Street between 16th and 17th Streets, Lot 057 in Assessor's Block 3567. The subject property is a mid-block lot that is occupied by the Children's Day School (CDS), a pre-kindergarten through eighth grade day school. The school is housed in three (3) temporary classrooms that measure 24' X 40' each and a three-story, 22,500 square foot structure historical known as St. Joseph's Hall, located on a mid-block, 1.2-acre site. The subject building, St. Joseph's Hall, constructed in 1924, is part of Landmark site #137 "The Notre Dame School". Although St. Joseph's Hall is not described in the designating ordinance for the site it was located on the same Assessor's Block and Lot as the Landmark when the designation was adopted. The subject property has since been subdivided and St. Joseph's Hall is now located on a separate lot. The subject lot is located within a RM-1 (Residential, Mixed, Low-Density) District and a 40-X height and bulk district.

The three temporary classroom structures measure 960-square-foot each and are prefabricated wood-frame classroom structures with T-11 clad siding interconnected by a 760-square-foot, wood deck. The 24-foot by 40-foot portable classroom structures are on pier footings and are accessed via a ramp and steps to and from the proposed deck. The structures are located in the southern half of the parcel to the west of the area called the "Farm." There is a storage area located behind the structures to the south. The structures are partially screened from view by plants and trees.

3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is primarily residential to the north, south, and west. Located to the east are a variety of commercial establishments located within ground floor storefronts in the Valencia Street NCT, including

restaurants, bars, apparel stores, convenience stores, and other types of retailers. Specifically, the Boys and Girls Club abuts the subject property to the east. The rear of the Notre Dame Senior Housing Center at 347 Dolores Street abuts the subject property to the west. Buildings in the vicinity typically range from one to four stories in height.

4. **Project Description.** The proposal is a request from Children’s Day School (CDS) to amend motion No. 16683 for a request to retain the three existing temporary classroom structures on the site for an additional 10.5 years. The structures in question were granted conditional use authorization in 2003 with a conditional of approval that was recommended by the Landmark’s Preservation Advisory Board that they be removed within 10 years from the date of occupancy (March 2004). No physical work is proposed for the structures.
5. **Project Background.** The subject property is part of Landmark site #137, the Notre Dame School. On November 20, 2013, the Historic Preservation Commission held a public hearing and found the proposal to be in conformance with Article 10, as well as the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and unanimously recommended approval with the conditions attached in Exhibit A.

In 2003, CDS was granted conditional use authorization pursuant to Motion No. 16683 to install three temporary classroom structures on the subject site. The authorized structures were to be removed within ten years from the date of occupancy pursuant to the conditions of approval for motion No. 16683. Therefore, the structures must be removed by March 2014.

During the ten years that the temporary structures were in place, CDS contemplated ways to construct a permanent structure on the site to replace the temporary structures. In August 2011, CDS purchased 601 Dolores Street intending to convert the former church into a satellite campus for the school and received conditional use authorization in April 2012 for the conversion. Construction of Phase 1 of the 601 Dolores Street conversion is expected to commence Spring 2014.

6. **Public Comment.** The Department has received one communication in opposition to the proposal from a neighbor on 18th Street who is concerned about the noise from the existing school. The Department has also received numerous communications in favor of the project, including 90+ emails from CDS parents.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **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.

Conditional Use authorization is not being sought because the project would not increase student enrollment.

8. **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 Project would retain the existing buildings on the site and their present configuration. The proposed use is necessary and desirable for the neighborhood because the presence of quality schools in San Francisco helps to retain families in the city. The inability to find quality schools in San Francisco discourages some families from attempting to raise their children within the city. Every year CDS must reject dozens of requests for placement from families due to lack of capacity. The strengthening of CDS would allow the school to better serve the neighborhoods of Noe Valley, Bernal Heights, Glen Park, Castro/Eureka Valley and the Mission.

- 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 be detrimental to the health, safety or convenience of those residing or working in the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project would not increase student enrollment nor alter the existing site configuration of the buildings on the site. The existing site configuration places the temporary classroom towards the southern edge of the site oriented towards the center of the site. This configuration helps to contain the sounds from the play yard located at the center of the site.

- 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;

Parking and traffic would not be impacted by the project because it would not increase student enrollment.

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

The project would not emit noxious or offensive emissions such noise, glare, dust or odor.

- 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 or lighting is proposed for the site as part of this project.

- 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.

9. **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. The Project would enhance the educational services available to residents of the local area neighborhoods as well as the city at large. The retention of the temporary structures is part of a larger long term goal to seismically upgrade a St. Joseph's Hall, the historic building on the subject property.

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 indirectly providing for the continued use and rehabilitation of a historic property. The Project help retain an existing school located within a residential District in a property that is suitable for an institutional use. As a result, an educational service will continue to be provided for the local neighborhood and community at large.

GOVERNMENT, HEALTH AND EDUCATION SERVICES

Objectives and Policies

OBJECTIVE 7:

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

Policy 7.2:

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

CDS offers educational services for pre-school through middle school aged children of San Francisco residents. No exterior alteration will be proposed to the existing buildings. The proposed child-care facility's activities will take place either indoors or within the rear yard. The proposed conditions of approval would help ensure that the structures are properly maintained and screened from view from nearby properties.

10. **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 strengthen an existing neighborhood-serving school that has served the neighborhood since 2001.

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

The proposed use will retain the existing buildings on the site and the temporary structures in question could be easily be removed and the area of the lot converted back to open space.

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

The Project would not affect the City's existing supply of affordable housing.

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

The proposed use is well served by public transit but it is located a few blocks away. The proposal would not increase student enrollment and therefore is not expected to increase the burden on neighborhood parking or Muni transit service.

- 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 achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will not affect the Subject Property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject property is part of Landmark site #137, the Notre Dame School. Therefore, the project requires a Certificate of Appropriateness which was granted by the Historic Preservation Commission on November 20, 2013.

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

The project will have no negative affect on existing parks and open spaces.

11. 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.
12. 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. 2013.0663C pursuant to Section 303 of the Planning Code** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file 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. 19041. 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 December 12, 2013.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Hillis, Sugaya, Borden, Antonini, Moore, and Wu

NAYES: None

ABSENT: Commissioner Fong

ADOPTED: December 12, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for conditional use authorization to amend Motion No. 16683 to allow three portable classrooms structures to remain on the Project Site, Block 3567, Lot 057, pursuant to Planning Code Section 303, for a property located within a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District; in general conformance with plans stamped "EXHIBIT B" included in the docket for Case No. **2013.0663C** and subject to conditions of approval reviewed and approved by the Commission on **December 12, 2013** under Motion No. **19041**. 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 12, 2013** under Motion No. **19041**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19041** 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

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.

MONITORING

2. **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

3. **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

4. **Expiration.** That the project sponsor will remove the three temporary classroom structures from the subject site within 10.5 years from the date of Planning Commission approval for the conditional use authorization.

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

5. **Maintenance.** That the project sponsor shall maintain the three temporary classroom structures in safe, sanitary, and good physical condition. Any evidence suggesting that the structures are not being properly maintained will be corrected by the project sponsor in a timely manner. Furthermore, the project sponsor shall remove the blight (open storage area) from behind the temporary classroom structures and maintain the area free and clear.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Landscape.** The site (including landscaping) shall be maintained in a manner so as to keep the temporary structures screened from view.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
7. **Report Back.** Within five years from the date of this approval, the Project Sponsor will provide an update to the Commission in the form of an informational hearing on the progress of CDS fund raising and general capital improvements that would result in the removal of the temporary classroom structures from the subject site.

Every two years, beginning at the date of this approval, the Project Sponsor will provide the Department's Preservation Coordinator and Zoning Administrator with a written update on the progress of CDS fund raising efforts and general capital improvements in accordance with the Facilities Master Plan Timeline that was provided to the Department for review and consideration.

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