

1 [Reversing the Conditional Use Authorization – 601 Dolores Street; Approving the Conditional  
2 Use as Modified by the Board of Supervisors]

3 **Motion 1) disapproving the decision of the Planning Commission by its Motion No.**  
4 **18604, approving Conditional Use Authorization identified as Planning Case No.**  
5 **2011.0584CV on property located at 601 Dolores Street; and 2) approving conditional**  
6 **use on property located at 601 Dolores Street subject to the conditions set forth in**  
7 **Planning Commission Motion No. 18604, as modified by the Board of Supervisors on**  
8 **July 24, 2012, and subject to additional conditions imposed by the Board on July 24,**  
9 **2012.**

10

11 MOVED, That the decision of the Planning Commission’s April 26, 2012, Conditional  
12 Use Authorization identified as Planning Case No. 2011.0584CV, by its Motion No. 18604,  
13 under Planning Code Sections 209.3(g), 303, and 317, for the conversion of a former church  
14 that is currently being used as a single-family dwelling into a private elementary school  
15 operated by “Children’s Day School” for a property located within a RH-3 (Residential, House,  
16 Three-Family) District and a 40-X Height and Bulk District, on property located at:

17 601 Dolores Street, Assessor's Block No. 3598, Lot No. 060

18 be and the same is disapproved.

19 FURTHER MOVED, That conditional use at said property is hereby authorized as set  
20 forth in the decision of the Planning Commission by its Motion No. 18604, Planning Case No.  
21 2011.0584CV, except that conditions 8 and 9 in said motion are superseded by the following  
22 conditions 8 and 9, as modified by the Board of Supervisors on July 24, 2012:

23 **8. Hours of Operation on Roof Deck.**

24 (a) School Day Hours and Occupancy Limitations:

25 The deck may be used Monday – Friday, with the following Occupancy Limits:

1 9:00 AM – 11:00 AM: Maximum occupancy of 53;  
2 11:00 AM – 1:00 PM (Lunch Only Hours): Maximum occupancy of 91;  
3 1:00 PM – 3:30 PM: Maximum occupancy of 53;  
4 3:30 PM – 5:00 PM; Maximum occupancy of 25.

5 For the 9:00 AM – 11:00 and 1:00 PM – 5:00 PM hours, there would be a cap of:  
6 20 hours per week

7 For the 11:00 AM – 1 PM Lunch, it will only be allowed 3 days/week. The other:  
8 Two days the deck will be unoccupied during those hours.

9 These hours of operation for the roof deck are for those weeks of the regular  
10 School program schedule as posted in the published annual calendar.

11 (b) Weekend/Night Usage:

12 A maximum of 6 weekend or evening events per year (between 6:00 PM – 9:00 PM).

13 A two-week notification must be provided by CDS to the Neighbors via email to Landon Gates  
14 jlandongates@gmail.com; Sandra Steele ssteele@permitme.net. Maximum capacity is 91.

15 (c) Summertime Usage:

16 9:00 AM – 5:00 PM Deck Usage, with a 25 person maximum occupancy and 20 hour  
17 weekly cap. These hours of operation for the roof deck are for those weeks of the summer  
18 school program schedule as posted in the published annual calendar.

19 Summer school program is that formal scholastic program offered by CDS on set  
20 weeks between the end of the normal School Year and the beginning of the following School  
21 Year. The School Year typically starts the week after Labor Day and typically ends the  
22 second week of June.

## 23 **9. Mechanical Equipment, Rooftop Improvements, and Use of Deck.**

24 (a) Mechanical Room will remain in the location shown in latest drawings dated July 2,  
25 2012.

1           No additional mechanical equipment other than shown in the drawings, dated 7/2/12, is  
2 contemplated at this time. Should any new mechanical equipment be required for future code  
3 compliance for the school's continued usage and/or as a result of changes in the Building  
4 Codes of the City and County of San Francisco then neighbors shall be given 45-days written  
5 notice prior to the application of any building permit to construct such new equipment on the  
6 roof. Neighbors reserve all rights to oppose placement of new or additional mechanical  
7 systems on to rooftop. In the event that different mechanical systems are desired during the  
8 design phase which were not contemplated and depicted in the 7/2/12 drawings, then CDS  
9 shall provide the neighbors advanced notice of their desire to modify the mechanical systems.  
10 Provided the new systems do not generate more noise, emissions, or vibrations than the ones  
11 depicted in the 7/2/12 plans and do not require housing in a larger or taller structure than the  
12 one depicted in the 7/2/12 drawings, then the neighbors will not oppose the modification.

13           The new location of the Mechanical Room as defined herein has not been approved by  
14 the Zoning Administrator and may require a variance to comply with the Planning Code. The  
15 adoption of these conditions shall not supersede the authority of the Zoning Administrator to  
16 approve this relocation.

17           (b) A roof deck, with an associated new stairwell/elevator penthouse, shall be  
18 constructed consistent with the drawings dated July 2, 2012. This shows a smaller deck than  
19 that shown on the Conditional Use Application Drawings and it is pulled back from both the  
20 Eastern and Southern edges of the roof.

21           (c) The only mechanical equipment will be two high-efficiency boilers and two pumps  
22 within an enclosed mechanical room as depicted in the drawings dated July 2, 2012, and also  
23 an exhaust fan for building ventilation. Specifications have been provided on these items, as  
24 well as a discussion on how they will meet allowable noise standards. One water heater has  
25 been moved from the roof into the building.

1 (d) The elevator is provided for ADA compliance and will not be available for regular  
2 use by students and staff. The elevator will be used only for those requiring physical  
3 assistance or freight purposes.

4 (e) The railings surrounding the roof deck will be 60 inches tall, and made of clear  
5 safety glass, to be constructed with minimal openings to assist in sound containment from  
6 rooftop usage.

7 (f) Planter boxes and/or benches on the roof deck must be a minimum of 3 feet away  
8 from the railings (railings remain where they are). Latest Plans shows benches completely  
9 removed.

10 (g) Plants may not be any taller than 72 inches from the surface of the deck.

11 (h) No amplified sound allowed from the roof deck at any hour.

12 (i) No awnings, heating devices, and/or umbrellas will be allowed on deck.

13 (j) No 3rd party usage of the deck shall be allowed (3rd party shall mean all attendees  
14 as well as hosts of events must be associated with the school) No renting, lending or bartering  
15 the deck space to CDS community or others for functions unrelated to operation of the school.

16 (k) No alcohol can be served or consumed on the roof deck. Also no smoking allowed.

17 (l) Roof deck cannot be used for recess or gym. Only instructional use and lunches  
18 will be allowed (lunches subject to three days a week limit).

19 (m) CDS to provide the neighbors with a 24 hour point of contact for any neighbor  
20 concerns.

21 (n) CDS to hold quarterly meetings with the neighbors to discuss any concerns the  
22 neighbors might have regarding school activities and explore methods for resolving those  
23 concerns.

24 (o) No lighting shall be installed on deck. Only the minimum amount of lighting  
25 required by egress code.

1 (p) No children may use the deck without adult supervision on the deck.

2 FURTHER MOVED, conditional use at said property is authorized as modified by this  
3 motion and subject to the following additional condition No. 10, imposed by the Board of  
4 Supervisors on July 24, 2012.

5 **10. Additional Permit Approvals and Authorizations, Notice to Appellants.**

6 The Appellants shall not, directly or indirectly, contest the issuance of buildings permits,  
7 variances or other governmental approvals that may be required to construct the plans for the  
8 Project as contemplated and proposed in the 7/2/12 drawings as further modified by the  
9 agreements contained herein. To the extent to which the applications for building permits,  
10 variances or other governmental approvals pertain to matters beyond those addressed in the  
11 mediation between CDS and the Appellants, the Appellants right to object to that portion of  
12 the building permits, variances or other governmental approvals are reserved. CDS shall  
13 provide prior notice of any buildings permits, variances or other governmental approvals which  
14 fall outside of the matters negotiated by the parties SF 1360045v3 to attempt to resolve the  
15 concerns of Appellants and avoid any formal challenges by the neighbors.

16 The parties will negotiate any potential conflicts in good faith.