File No. 120495 Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date** June 19, 2012

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Completed by: Victor Young **Date** June 14, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

City and County of San Francisco
Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 120495 **File Type:** Hearing **Status:** Special Order

Enacted: **Effective:**

Version: 1 **In Control:** Board of Supervisors

File Name: Appeal of Determination of Exemption from Environmental Review - 601 Dolores Street **Date Introduced:** 06/19/2012

Requester: **Cost:** **Final Action:**

Comment: **Title:** -Hearing of persons interested in or objecting to the decision of the Planning Department dated April 9, 2012, Case No. 2011.0584E, that a project located at 601 Dolores Street (Assessor Block No. 3598 Lot No. 060) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]. The proposed project involves the conversion of an existing residential use in a former church structure into middle school class rooms and a multi-purpose assembly space and associated interior and exterior changes to the building. (Appellant: Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP, on behalf of J. Landon Gates and Anne Timmer Gates) (Filed May 9, 2012).

History of Legislative File 120495

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	Clerk of the Board	05/09/2012	SCHEDULED FOR PUBLIC HEARING	Board of Supervisors		

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: June 11, 2012

TO: Angela Calvillo, Clerk of the Board

FROM: Bill Wycko, Environmental Review Officer, Planning Department

RE: Appeal of the Categorical Exemption
601 Dolores Street
Planning Department Case No. 2011.0584E

HEARING DATE: June 19, 2012

As requested, attached are four hard copies of the Planning Department's memorandum to the Board of Supervisors regarding the appeal of the categorical exemption for 601 Dolores Street. We have also e-mailed an electronic/pdf version of the memorandum to BOS.Legislation@sfgov.org and to Victor Young, Committee Clerk, Board of Supervisors.

If you have any questions regarding this matter, please contact Nannie Turrell at 575-9047 or nannie.turrell@sfgov.org.

Thank you.

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

APPEAL OF CATEGORICAL EXEMPTION
601 Dolores Street

DATE: June 11, 2012

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Bill Wycko, Environmental Review Officer – (415) 575-9048
Don Lewis, Case Planner – (415) 575-9095

RE: File No. 120498, Planning Case No. 2011.0584E
Appeal of Categorical Exemption for the 601 Dolores Street Project

HEARING DATE: June 19, 2012

ATTACHMENTS: A – Letter of Appeal (May 9, 2012; Exhibit A of Letter of Appeal is the April 9, 2012, Certificate of Exemption from Environmental Review)

PROJECT SPONSOR: Molly Huffman, Children's Day School

APPELLANT: Ann and Landon Gates, represented by their Attorneys, Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP

INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Certificate of Determination from Environmental Review for the 601 Dolores Street project (the "project") on April 9, 2012, finding that the proposed project would not have a significant effect on the environment.[1]

The decision before the Board is whether to uphold the Department's decision to issue a Categorical Exemption and deny the appeal, or to overturn the Department's decision to issue a Categorical Exemption and return the project to the Department staff for additional environmental review.

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[1] California Code of Regulations, Title 14, Section 15332: Class 32 Exemption.

PROJECT DESCRIPTION:

The project site is located on the southeast corner of Dolores and 19th Streets directly east of Dolores Park in the Mission Dolores neighborhood. The proposed project would involve the conversion of an existing church structure, currently being used as a single-family residence, into middle-school classrooms and a multi-purpose assembly space for the Children's Day School (CDS). The project would enable CDS to relocate its middle school (grades 5 to 8) from 333 Dolores Street to the project site at 601 Dolores Street, which is about two blocks away. The proposed project would accommodate between 160-200 middle school students and would allow CDS to continue its planned enrollment from 350 to approximately 520 students and from 72 to 86 faculty/staff. When the structure at 601 Dolores Street is fully occupied, in approximately four years, the maximum enrollment would be 320 elementary students at 333 Dolores Street and 200 middle school students at 601 Dolores Street. The existing structure at 601 Dolores Street is approximately 46 feet tall, two stories with mezzanine, and approximately 17,106 square feet in size. The proposed project would add 1,097 square feet to the existing building solely within the existing interior walls by infilling a portion of the mezzanine floor, which is currently open to the floor below. The finished building would be 46 feet tall, three stories, and 18,203 square feet in size with no on-site parking.

Exterior tenant improvements would include adding a roof deck to the southeast corner of the building and an elevator penthouse along the eastern edge of the building. Interior tenant improvements would include converting the sanctuary space into a multi-purpose space, creating a full second floor level within the Sunday school wing, completing the seismic retrofit, adding interior partitions for school facilities, installing new plumbing, and creating ADA accessibility. Other improvements include converting the existing garage entrance on 19th Street into a primary pedestrian entrance and creating a 50-foot-long white zone/passenger loading and unloading area. The sponsor also proposes to extend the existing white zone curb in front of 333 Dolores Street from 80 feet to 130 feet, and to use the existing white zone at 450 Guerrero Street for student drop-offs and pick-ups.[2] 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 includes distribution of morning student drop offs that provides for student safety and minimizes traffic impacts. This is discussed further in the transportation section.

The existing church structure on the project site was constructed in 1910 and is included on the Department's 1976 Architectural Survey, the Here Today Survey, and the City's Unreinforced Masonry Buildings Survey. The estimated construction cost is 5 million dollars. The project requires Conditional Use authorization for a school use in an RH-3 zoning district and for the loss of dwelling unit through conversion. On April 26, 2012, the Planning Commission, by Motion No. 18604, approved a conditional use authorization and the Zoning Administrator granted a

[2] CDS students attend gym classes at the Boy and Girls Club located at 450 Guerrero Street, which is directly adjacent to 333 Dolores Street.

variance for the proposed project. The conditional use authorization is under appeal to this Board. There will be a new variance hearing and it could be appealed to the Board of Appeals.

CEQA GUIDELINES:

Categorical Exemptions

Section 21084 of the California Public Resources Code[3] requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333,[4] do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions, which include: (a) The project is consistent with the applicable general plan designations and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332.

CEQA Guidelines Section 15300.2 lists exceptions to the use of categorical exemptions. The exceptions include that an exemption shall not be used where the project would result in a significant cumulative environmental impact (Section 15300.2(b)), where there is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances (Section 15300.2(c)), where the project would damage scenic resources within a highway officially designated as a state scenic highway (Section 15300.2(d)), where the project would be located on a site listed as a hazardous waste site pursuant to Section 65962.5 of the California Government Code (Section 15300.2(e)), or where the project would cause a substantial adverse change in the significance of a historical resource (Section 15300.2(f)). As described in the April 9, 2012 Categorical Exemption, there are no conditions associated with the proposed project that would suggest the possibility of a significant environmental effect under these exceptions. Therefore, under the above-cited classification, the proposed project is appropriately exempt from environmental review.

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[3] 21084: Guidelines shall list classes of projects exempt from this Act.
[4] California Code of Regulations, Title 14, Chapter 3.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The issues raised in the May 9, 2012 Appeal Letter are cited below in the order in which they appear in the Appeal Letter and are followed by the Department's responses.

Issue #1: General Plan and zoning designation. "Substantial evidence does not support the determination that the Project is consistent with the General Plan and all applicable General Plan policies, as well as the applicable zoning designation and regulation."

Response #1: Project is consistent with the General Plan and zoning controls. CEQA Guidelines Section 15384 provides a definition of substantial evidence. Substantial evidence as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

A discussion of the project's consistency with applicable general plan designations and policies as well as with applicable zoning designation is found on page 2 of the Categorical Exemption Determination, which states that the proposed project would be consistent with all applicable zoning plans and policies. The Categorical Exemption provides information on the project's physical impacts, but the conclusion of the project's appropriateness is a policy matter for decision makers to consider during the project approval phase. A conflict between a proposed project and a General Plan policy does not, in itself, indicate a significant effect on the environment within the context of CEQA, with the exception being those conflicts that result in physical changes that could adversely impact the environment. The Categorical Exemption did not find any physical changes that would result in a significant effect on the environment.

The Department found that the project is, on balance, consistent with the General Plan and the relevant provisions of the Planning Code. In addition, the Department found that the project complies with the eight priority-planning policies of Planning Code Section 101.1(b). The Planning Commission concurred with this evaluation and subsequently approved the conditional use authorization on April 26, 2012.

The appellant does not state why the project is not consistent with the General Plan and applicable zoning controls, and also does not raise any issues that have not been adequately addressed in the Categorical Exemption Determination. The appellant's claim that such conflict exists is unsupported and therefore, is not considered substantial evidence. The project was appropriately exempt from environmental review, and no further response is required.

Issue #2: **Substantial evidence.** "Substantial evidence does not support the conclusion that the approval of the Project would not result in any significant effects relating to traffic, noise, air quality or water quality. The analysis prepared by the City ignored numerous noise, air quality and traffic generators. These include, but are not limited to, the introduction of equipment and children onto the outdoor rooftop deck, and the creation of the penthouse and its attendant elevator. Substantial evidence also fails to demonstrate that the construction and operational impacts resulting from the proposed Project will not significantly impact traffic, noise, or air quality."

Response #2: **Project was appropriately exempt from environmental review.** The appellant raises concerns regarding "the introduction of equipment and children onto the outdoor rooftop deck and the creation of the penthouse and its attendant elevator," and states that the Categorical Exemption does not adequately address noise, air quality, traffic, and water quality. As stated in the Categorical Exemption on page 9, the project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity. In addition, noise generated by the proposed users of the 601 Dolores Street building would be considered common and generally acceptable in an urban area. Regulation of construction and operation noise is stipulated in Article 29 of the Police Code (the Noise Ordinance), which states that the City's policy is to prohibit unnecessary, excessive, and offensive noises from all sources subject to police power. The project site is subject to police power and excessive noise would be dealt with through noise complaints and similar mechanisms, as under existing conditions. However, there is no reason to believe that the use of the proposed project would produce unnecessary, excessive, or offensive noise.

As stated on page 9 of the Categorical Exemption, the project meets all Bay Area Air Quality Management District's (BAAQMD) screening criteria, the project would not result in exposure of sensitive receptors to substantial pollutant concentrations, and construction activities for the proposed interior renovation would be minimal and would not result in a substantial increase in risks and hazards to nearby receptors. As stated on page 3 of the Categorical Exemption, a transportation impact study was prepared to analyze impacts associated with the Children's Day School's (CDS) proposed use of 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street. The transportation study did not find any significant effects related to traffic, transit, parking, access, loading, and pedestrian and bicycle conditions. As stated on page 9 of the Categorical Exemption, the proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge.

The Department adequately addressed traffic, air quality, noise, and water quality, and the appellant does not raise any issues that have not been addressed in the Categorical Exemption Determination. Argument, speculation, and unsubstantiated opinion do not constitute substantial

evidence. The appellant has not put forth substantial evidence to the contrary, and thus no further response is required. In light of the above, the project was appropriately exempt from environmental review.

Issue #3: Historical Resource. "The Project is not entitled to a categorical exemption pursuant to CEQA Guideline 15300.2(f) because the Project may cause a substantial adverse change in the significant of a historical resource. The building at 601 Dolores Street has been designated as a "historically significant" building. Substantial evidence fails to demonstrate that the numerous changes proposed to the building individually or cumulatively will not cause a substantial adverse change by materially altering, in an adverse manner, the physical characteristics of the 601 Dolores building and substantially impact its historical significance and its qualifications as a historical resource. Moreover, the proposed changes to do not follow the Secretary of Interior's standards for the treatment of historic properties. In addition, the City has failed to impose conditions of approval which would mitigate the potentially adverse significant impacts to historic resource down to a level of insignificance. There is evidence which includes, but is not limited to, the fact that the rooftop additions are visible from the street, as well as from other public locations in and around the Project, and the mechanical systems and planters which will be installed on the roof are inconsistent with the architectural style and appearance of the building. These alterations will individually and cumulatively substantially degrade its historic character thereby substantially affecting its ability to be included in the City's Historic Register. In addition, the determination of the ERO was based on incorrect or incomplete plans."

Response #3: No significant impact on historical resources. The appellant contends that cumulatively, the proposed stair/elevator penthouse, mechanical enclosure, and other rooftop features do not comply with the Secretary of the Interior Standards for Rehabilitation and thus may cause a substantial adverse change to the significance of the resource and as a result the project is not entitled to a categorical exemption. The appellant further contends that the Department did not have complete plans on which to base its determination.

To assist in the evaluation of the subject property, the project sponsor submitted a Historical Resource Evaluation prepared by Christopher VerPlanck of VerPlanck Historic Preservation Consulting, prepared November 2011 and revised February 2012. Using this information and information found within the Planning Department's background files the Department determined that 601 Dolores Street qualifies as a historic resource individually and as a contributor to an identified historic district. The property was also found to have very good historic integrity.

After determining the property to be a historic resource, the Department itemized the building's character-defining features. These physical features must be retained for the property to convey its historic identity in order to avoid a significant adverse impact to the resource. The building's character-defining features were determined to be the following features:

Exterior

- Rubbed brick cladding at the street facing elevations.
- All Gothic and Tudor moldings.
- Brick buttresses with caps.
- Complex and steeply pitched gabled roof.
- All windows, doors, and other openings.
- Tower element with crenellated parapet.

Interior

- Division of spaces into basement, Sanctuary, and Sunday school wing.
- Hardwood flooring.
- Redwood wainscoting and paneling.
- Tudor and Gothic columns in the sanctuary.
- Tudor and Gothic arches in the sanctuary.
- Stenciled ceilings in the sanctuary and vestibule.
- Most of the light fixtures.
- All doors (paneled and overhead).
- Plaster walls and ceilings.
- Exposed wood trusses.
- Door and window trims.

After determining the above features to be those that characterize the property the Department evaluated whether any of these features would be materially impaired by the project.

The project proposes to add a stair/elevator penthouse, mechanical enclosure, and other rooftop features to the southern flat roofed portion of the building. This area of the building was not found to be character-defining though the steeply pitched gabled roofs that partially surround it were found to be. Originally, the flat roofed portion of the building in question was not proposed for development but the sponsor added this component to the project early enough that it was evaluated by the Department and found not to cause an adverse impact to the resource.

The sponsor is essentially arguing that the project does not comply with Standard 2 of the Secretary of the Interior Standards for Rehabilitation which states:

> *The historic character of a property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property will be avoided.*

The proposed roof deck complies with this Standard because the flat roof southern portion of the building was not determined to be a character-defining feature. Furthermore, the penthouse addition and mechanical enclosure are set back from the street edges of the building and placed in the southeast corner of the roof where it would be the least visible from the street. The features

would be minimally visible from the upslope of Dolores Park across the street but the Standard allows for minimal visibility. The appellant argues that the mere visibility of the feature from any vantage point would impact the building's historical significance which is inconsistent with the application of the Standard. Such a strict application of the Standard would make it difficult if not impossible to add an addition to any historic property because it would always be visible from some location.

Therefore, the proposed project would not have a significant adverse impact upon a historic resource, and the proposed project was appropriately exempt from environmental review.

Issue #4: Notice of Special Restriction. "The City has not satisfied the requirements of the "Notice of Special Restrictions under the Planning Code" imposed by the Zoning Administrator on any subsequent changes to the property at 601 Dolores (See "Notice" attached hereto as Exhibit "C")."

Response #4: Non-CEQA Issue. Effects analyzed under CEQA must be related to a physical change in the environment. The appellant does not state how this would result in a physical change in the environment, and therefore no further response is required.

For information, on March 21, 2008, the Zoning Administrator granted a Variance (Case No. 2008.0127V) which permitted the conversion of the existing church building into a single-family dwelling with three-off-street parking spaces. The Zoning Administrator placed restrictions and conditions of the Variance which included the following: (1) Any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine whether the expansion is compatible with existing neighborhood character, scale, and parking. If the Zoning Administration determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected proposed owners or a new Variance application be sought and justified; (2) The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply; (3) Minor modifications as determined by the Zoning Administrator may be permitted; and (4) The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator. The Department's Current Planning division reviewed the proposed project with the Zoning Administrator during the review process. The Planning Commission found the project to comply with the Planning Code and unanimously approved the project on April 26, 2012.

Issue #5: Section 188 of Planning Code. "The Project cannot be approved by way of a categorical exemption because it is a legal non-conforming building pursuant to Section 188 of the City's Planning Code and the proposed improvements and/or change in use may not be approved under the Code."

Response #5: Non-CEQA Issue. Effects analyzed under CEQA must be related to a physical change in the environment. The appellant does not state how this would result in a physical change in the environment, and therefore no further response is required. For information, there is no such thing as a legal non-conforming building. Non-conforming refers to the use. The building is non-complying because it encroaches into the required rear yard and has no rear yard as required in a residential district. The property is not non-conforming because a church is conditionally permitted in the residential district as a large institution use, a single-family use is permitted in the residential district, and the proposed school use is conditionally permitted in the residential district. Therefore, the project is consistent with existing zoning and meets the requirements of the Categorical Exemption. In addition, the Department's Current Planning division reviewed this project and determined that the proposed project was consistent with the relevant provisions of the Planning Code. The Planning Commission concurred with this assessment and unanimously approved the project on April 26, 2012.

Issue #6: Violation of CEQA. "The Planning Commission approved the Project without making an independent determination of the Project's compliance with CEQA in violation of CEQA."

Response #6: Project complies with CEQA. Chapter 31 of the Administrative Code adapts CEQA for use by the City and provides implementing procedures, which are expressly left for determination by local agencies, consistent with CEQA, to ensure the orderly evaluation of projects and preparation of environmental documents. The Department's Environmental Review Officer (ERO) has the principal responsibility for issuing categorical exemptions, and thus the Planning Commission is not required to make an independent determination of the proposed project's compliance with CEQA. Pursuant to CEQA and Chapter 31 of the Administrative Code, the ERO issued the Categorical Exemption for the proposed project on April 9, 2012. The Categorical Exemption was noted and described in the Department's staff report for the conditional use authorization hearing on April 26, 2012, and the Planning Commission relied on that determination in approving the proposed project.

Issue #7: Piecemeal. "The Project is being piecemealed in violation of CEQA because significant structural improvements will be required prior to issuance of a Certificate of Occupancy for the building. These improvements will significantly alter many of the historically significant elements of the building, again causing a substantial adverse change to the building's historic significance."

Response #7: Project application does not constitute piecemeal development. CEQA prohibits piecemeal environmental review of large projects into many little projects, which each have minimal potential to impact the environment, but cumulatively could have significant impacts. Structural improvements related to the seismic retrofit of the subject building were part of the project description that was analyzed in the Department's Historic Resource Evaluation Response memorandum and the Categorical Exemption. According to the sponsor, no further structural work outside of what has already been proposed and analyzed is anticipated. The current project application does not constitute piecemeal development under CEQA because the sponsor does

not propose additional structure improvements. If future work is required at the subject building, additional environmental review would be required. However, the sponsor does not propose any future structural work and thus the appellant's concern is speculative. No further response is required.

Issue #8: Unusual Circumstances. "Unusual circumstances exist in that: (1) the building is a historic resource, and (2) it is locating a school in a residential structure in unusually close proximity to other residential structures, both of which create significant impacts excepting the Project from any categorical exemption."

Response #8: No Usual Circumstances per CEQA. The appellant claims that the project should not be exempted from environmental review because the building is a historical resource located within close proximity to residential uses. The appellant is correct in stating that the subject building is a historical resource surrounded by residential uses; however, nothing about the fact that the building is a historic resource, the fact that the project proposes to locate a school in a neighborhood that is primarily residential, or any other aspect of the project is unusual. As analyzed in the Categorical Exemption and in this appeal response, the Department has determined that this project does not result in significant environmental effects, and that none of the exceptions to the use of a categorical exemption are triggered. These exceptions are listed in CEQA Guidelines Section 15300.2 and were listed on page 3. As described in the Categorical Exemption, there are no conditions associated with the proposed project that would suggest the possibility of a significant environmental effect under these exceptions. In addition, the Appellant has not put forth any substantial evidence to the contrary. Therefore, the project was appropriately exempt from environmental review and further environmental review is not warranted.

Issue #9: Due Process Clause. "The appeal process deprives appellants of their rights under the Due Process Clause because the time period for filing an appeal, if based upon the determination of the ERO, is uncertain as no appeal is ripe until the Planning Commission actually acts on the underlying application (Case 2011.0584CDV)."

Response #9: Timeliness of appeal. The timeliness of the appeal filed was determined by the city attorney not by the Environmental Review Officer. The appeal to the Board of Supervisors of a CEQA exemption determination is ripe only after two events occur: (1) the Planning Department has approved the determination of exemption from environmental review and (2) a City decision-maker, such as the Planning Commission, has taken an approval action for the project in reliance on the CEQA document at issue. Here, the appellant has made a timely appeal and will have a hearing before this Board. The appellant does not raise any new issues or concerns that were not addressed in the Categorical Exemption and therefore no further response is required.

Issue #10: Change of Use. "The change in use of the property from a single family residence for 2 people to a school for 320 students will significantly change the property's use and significantly impact the environment in numerous ways including, but not limited to an increase in traffic and

air quality impacts, and an increase in the ambient noise levels above levels existing without the Project."

Response #10: No significant effects related to the change of use. The Categorical Exemption states that the proposed project involves the conversion of a single-family residence into a school use with the capacity of up to 320 students. This change of use was the subject of the Categorical Exemption. As described in the Categorical Exemption, implementation of the proposed project would not result in significant adverse environmental effects related to traffic, air quality, or noise. The proposed project would meet all of the various conditions prescribed by Class 32, and thus the proposed project is appropriately exempt from CEQA under Section 15332. The appellant does not raise any new issues or concerns that were not addressed in the Categorical Exemption, and therefore no further response is required.

CONCLUSION

The Categorical Exemption that was issued on April 9, 2012 complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemptions. The Categorical Exemption analyzed issues associated with the physical environmental impacts of the proposed project and determined that the proposed project would not result in significant environmental impacts. The Appeal Letter does not provide evidence to substantiate a finding that the project would result in significant environmental impacts. As such, the conclusions of the Categorical Exemption remain current and valid, the Planning Department appropriately has determined that the project does not have a significant effect on the environment, and an EIR is not required. The Department therefore recommends that the Board uphold the Determination of Exemption from Environmental Review and deny the appeal of the CEQA Determination.

RUTAN

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb
Direct Dial: (714) 641-3488
E-mail: jgoldfarb@rutan.com

May 9, 2012

Clerk of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall Room 244
San Francisco, CA 94102-4689

Re: Appeal of Environmental Exemption Review for Case No. 211.0584E
601 Dolores Street

Dear Sir or Madam:

Anne and Landon Gates, the property owners at 629 Dolores Street, San Francisco, CA, appeal the above-referenced action. On April 9, 2012, the City's Environmental Review Officer (the "ERO") determined or recommended that the Planning Commission determine that the above-referenced project (the "Project") is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guideline § 15032 (Class 32 Exemption). (See ERO decision attached hereto as Ex. "A.") On April 26, 2010, the Planning Commission approved a Zoning Variance and Conditional Use Permit in conjunction with the above referenced Project[1]. The Gates will submit evidence in support of their appeal to the Board of Supervisors during the Board of Supervisors hearing. The Gates do not waive their right to file an additional appeal (or participate in another appeal of the Project) pursuant to San Francisco Planning Code Section 308. The Gates appeal the above-referenced environmental determination on the following grounds:

1. Substantial evidence does not support the determination that the Project is consistent with the General Plan and all applicable General Plan policies, as well as the applicable zoning designation and regulation.

2. Substantial evidence does not support the conclusion that the approval of the Project would not result in any significant effects relating to traffic, noise, air quality or water quality. The analysis prepared by the City ignored numerous noise, air quality and traffic generators. These include, but are not limited to, the

[1] The Gates have attempted to obtain a copy of the Planning commission Action minutes or Resolution approving the Project, but it has not been made publically available as of this date. Please consider this letter to be a request under the California Public Records Act for a copy of the adopted Planning Commission Resolution on the Project. In an abundance of caution, however, we attach hereto a copy of the Staff Report and draft Planning Commission Resolution for the April 26 hearing as Exhibit "B."

introduction of equipment and children onto the outdoor rooftop deck, and the creation of the penthouse and its attendant elevator. Substantial evidence also fails to demonstrate that that the construction and operational impacts resulting from the proposed Project will not significantly impact traffic, noise or air quality.

3. The Project is not entitled to a categorical exemption pursuant to CEQA Guideline § 15300.2(f) because the Project may cause a substantial adverse change in the significance of a historical resource. The building at 601 Dolores Street has been designated as a "historically significant" building.. Substantial evidence fails to demonstrate that the numerous changes proposed to the building individually or cumulatively will not cause a substantial adverse change by materially altering, in an adverse manner, the physical characteristics of the 601 Dolores building and substantially impact its historical significance and its qualifications as a historical resource. Moreover, the proposed changes to do not follow the Secretary of Interior's standards for the treatment of historic properties. In addition, the City has failed to impose conditions of approval which would mitigate the potentially adverse significant impacts to historical resources down to a level of insignificance There is evidence which includes, but is not limited to, the fact that the rooftop additions are visible from the street, as well as from other public locations in and around the Project, and the mechanical systems and planters which will be installed on the roof are inconsistent with the architectural style and appearance of the building. These alterations will individually and cumulatively substantially degrade its historic character thereby substantially affecting its ability to be included in the City's Historic Register. In addition, the determination of the ERO was based on incorrect or incomplete plans.

4. The City has not satisfied the requirements of the "Notice of Special Restrictions under the Planning Code" imposed by the Zoning Administrator on any subsequent changes to the property at 601 Dolores (See "Notice" attached hereto as Exhibit "C.").

5. The Project cannot be approved by way of a categorical exemption because it is a legal non-conforming building pursuant to Section 188 of the City's Planning Code and the proposed improvements and/or change in use may not be approved under the Code.

6. The Planning Commission approved the Project without making an independent determination of the Project's compliance with CEQA in violation of CEQA

7. The Project is being piecemealed in violation of CEQA because significant structural improvements will be required prior to issuance of a Certificate of

Occupancy for the building. These improvements will significantly alter many of the historically significant elements of the building, again causing a substantial adverse change to the building's historic significance

8. Unusual circumstances exist in that: (1) the building is a historic resource, and (2) it is locating a school in a residential structure in unusually close proximity to other residential structures, both of which create significant impacts excepting the Project from any categorical exemption.

9. The appeal process deprives appellants of their rights under the Due Process Clause because the time period for filing an appeal, if based upon the determination of the ERO, is uncertain as no appeal is ripe until the Planning Commission actually acts on the underlying application (Case 211.0584CDV).

10. The change in use of the property from a single family residence for 2 people to a school for 320 students will significantly change the property's use and significantly impact the environment in numerous ways including, but not limited to an increase in traffic and air quality impacts, and an increase in the ambient noise levels above levels existing without the Project.

The Gates request they be notified of when this matter is agendized before the Board of Supervisors and be informed of the amount of time they will be afforded to present their appeal. The Gates reserve the right to submit studies and documentation in support of their appeal prior to and during the public hearing on their appeal.

Should you have any questions concerning this matter, please do not hesitate to contact this office.

Sincerely,

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb

Attorneys for Appellants

JAG:jh

SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.:	**2011.0584E**
Project Title:	**601 Dolores Street**
Zoning:	RH-3 (Residential, House, Three-Family) 40-X Height and Bulk District
Block/Lot:	3598/060
Lot Size:	9,687 square feet
Project Sponsor:	Valerie Veronin, (408) 838-0087
Staff Contact:	Don Lewis – (415) 575-9095 don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the southeast corner of Dolores and 19th Streets directly east of Dolores Park in the Mission Dolores neighborhood. The proposed project would involve the conversion of an existing church structure, currently being used as a single-family residence, into middle-school classrooms and a multi-purpose assembly space for the Children's Day School (CDS). The project would enable CDS to relocate its middle school (grades 5 to 8) from 333 Dolores Street to the project site at 601 Dolores Street, which is about two blocks away. The proposed project would accommodate between 160-200 middle school students and would allow CDS to continue its planned enrollment from 350 to approximately 520 students and from 72 to 86 faculty/staff. When 601 Dolores Street is fully occupied in approximately four years, the maximum enrollment would be 320 elementary students at 333 Dolores Street and 200 middle school students at 601 Dolores Street. The existing structure at 601 Dolores Street is approximately 46 feet

(Continued on Second Page.)

EXEMPT STATUS:

Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]

REMARKS:

See reverse side.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

BILL WYCKO
Environmental Review Officer

April 9, 2012
Date

cc: Valerie Veronin, Project Sponsor
Supervisor Scott Wiener, District 8
Historic Preservation List

Bulletin Board
V. Byrd, M.D.F

PROJECT DESCRIPTION (continued):

tall, two stories with mezzanine, and approximately 17,106 square feet in size. The proposed project would add 1,097 square feet to the existing building solely within the existing interior walls by infilling a portion of the mezzanine floor, which is currently open to the floor below. The finished building would be 46 feet tall, three stories, and 18,203 square feet in size with no on-site parking.

Exterior tenant improvements would include adding a roof deck to the southeast corner of the building and an elevator penthouse along the eastern edge of the building. Interior tenant improvements would include converting the sanctuary space into a multi-purpose space, creating a full second floor level within the Sunday school wing, completing the seismic retrofit, adding interior partitions for school facilities, installing new plumbing, and creating ADA accessibility. Other improvements include converting the existing garage entrance on 19th Street into a primary pedestrian entrance and creating a 50-foot-long white zone/passenger loading and unloading area. The sponsor also proposes to extend the existing white zone curb in front of 333 Dolores Street from 80 feet to 130 feet, and to use the existing white zone at 450 Guerrero Street for student drop-offs and pick-ups.[1] 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 includes distribution of morning student drop offs that provides for student safety and minimizes traffic impacts. This is discussed further in the transportation section.

The existing church structure on the project site was constructed in 1910 and is included on the Department's 1976 Architectural Survey, the Here Today Survey, and the City's Unreinforced Masonry Buildings Survey. The estimated construction cost is 5 million dollars. The project would require Conditional Use authorization for a school use in an RH-3 zoning district and for the loss of dwelling unit through conversion.

REMARKS (continued):

In-Fill Development- California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects which meet the following conditions:

a) The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.

The proposed project would be consistent with the San Francisco General Plan and with applicable zoning designations. The site is located within the RH-3 zoning district where the proposed use would be conditionally permitted. The proposed use would be required to provide one off-street parking spaces for each six classrooms. Since the project proposes ten new classrooms, the project would be required to provide one off-street parking space. The proposed project would not provide off-street parking, and therefore the project sponsor is seeking a remote parking variance. The proposed use would not require an off-street freight loading space. As mentioned above, the project would require Conditional Use

[1] CDS students attend gym classes at the Boy and Girls Club located at 450 Guerrero Street, which is directly adjacent to 333 Dolores Street.

authorization for a school in an RH-3 zoning district and for a loss of dwelling unit through conversion. The proposed project would be consistent with all applicable zoning plans and policies

b) The development occurs within city limits on a site of less than five acres surrounded by urban uses.

The 0.22-acre (9,687 square feet) project site is located within a fully developed area of San Francisco. The surrounding uses are primarily residential with a few institutional uses and mixed-use buildings located on prominent corners along Dolores and Guerrero Streets. The project site is directly east of Dolores Park. Therefore, the proposed project would be properly characterized as an in-fill development surrounded by urban uses on a site smaller than five acres.

c) The project site has no habitat for endangered, rare or threatened species.

The project site is within a fully developed urban area that is completely covered with existing buildings and paved surfaces, and does not provide habitat for any rare or endangered plant or animal species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

A transportation study[2] was prepared to analyze impacts associated with the Children's Day School's (CDS) proposed use of 333 Dolores Street, 450 Guerrero Street[3], and 601 Dolores Street. CDS proposes to increase enrollment from 350 to approximately 520 students, while faculty/staff would increase from 72 to 86. Transportation impacts are evaluated during the peak traffic time for the school and surrounding streets, during AM-peak hour conditions (7:30 to 8:30 a.m.), which is the hour before classes start. Travel demand for the proposed project was based on the existing and proposed school population and travel behavior of current students, faculty, and staff at CDS's existing building at 333 Dolores Street. Table 1, below, summarizes the net change in student and faculty/staff arrivals (by travel mode) at 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street between current and future enrollment and re-organization. Travel demand was based on the existing and proposed school population and travel behavior of current students, faculty, and staff at 333 Dolores Street. For the students who are dropped-off, the average observed vehicle occupancy was determined to be 1.65 students per car.

333 Dolores Street

The proposed project may result in an incremental increase in the number of vehicles traveling through nearby intersections, including the intersections of Dolores Street and 16th Street, Dolores Street and 17th Street, and Guerrero Street and 16th Street. An additional 17 students would be located at 333 Dolores Street while the number of faculty and staff would be reduced by 19. The proposed project would result in an increase in approximately 11 vehicle trips associated with student drop-offs and a reduction of

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[2] Atkins, 601 Dolores Street, Transportation Impact Study, April 2012. This document is available for public review as part of Case No. 2011.0584E at 1650 Mission Street, Suite 400, San Francisco, CA.

[3] CDS students attend gym class at the Boys and Girls Club located at 450 Guerrero Street, which is directly adjacent to 333 Dolores Street. The 333 Dolores Street building is located towards the rear of the lot and CDS has access to the rear of the 450 Guerrero Street building. As part of the project, CDS proposes to use the existing loading zone at 450 Guerrero Street for student drop-offs and pick-ups.

approximately 6 vehicle trips associated with faculty and staff. This change in vehicle trips during the morning peak hour would be an incremental increase over existing conditions and would not result in any significant adverse impacts on traffic operations or safety in the vicinity of 333 Dolores Street.

As a result of the proposed project, the number of student drop-offs (18 students or approximately additional 11 vehicles) is expected to increase during the AM-peak hour. As part of the project, CDS would request that the length of the white zone be increased from 80 to 130 feet in order to accommodate this increase. CDS would also increase the number of staff, from one to two, assigned to the Dolores Street passenger loading/unloading zone, to assist students being dropped off, and ensure an efficient turnover in vehicles dropping off students.

TABLE 1
NET CHANGE IN STUDENT ARRIVALS AT 333 DOLORES STREET, 450 GUERRERO STREET, AND 601 DOLORES STREET SITES BETWEEN EXISTING AND FUTURE CONDITIONS

	Walk	Bike	Transit	Auto-Dropped	Auto-Parked in School	Auto-Parked on Street	Total
333 DOLORES STREET SITE							
Pre-School	0	0	0	0	0	0	0
Elementary	20	0	0	30	0	0	50
Middle	-11	-3	-7	-12	0	0	-33
Net Change	9	-3	-7	18	0	0	17
Faculty/Staff	-3	-2	-4	-1	-7	-2	-19
450 GUERRERO STREET SITE							
Pre-School	0	0	0	0	0	0	0
Elementary	0	0	0	0	0	0	0
Middle	0	0	0	50	0	0	50
Net Change	0	0	0	50	0	0	50
Faculty/Staff	0	0	0	0	0	0	0
601 DOLORES STREET SITE							
Pre-School	0	0	0	0	0	0	0
Elementary	0	0	0	0	0	0	0
Middle	25	6	15	41	0	0	87
Net Change	25	6	15	41	0	0	87
Faculty/Staff	5	4	7	1	13	3	33

Source: Atkins, 2012, CDS, 2011.

450 Guerrero Street

The number of vehicles traveling through the intersection of Guerrero Street and 16th Street would incrementally increase in the morning peak hour leading up to the start of class times. With 50 students being dropped off at the white curb zone directly in front of 450 Guerrero Street, this would translate to an increase of approximately 30 vehicles. This traffic is anticipated to be traveling in the southbound

direction on Guerrero Street to access the white zone curb in front of the Boys and Girls Club. Southbound Guerrero Street in the AM-peak hour is the off-peak direction because most vehicles that use Guerrero Street during the AM-peak hour travel in the northbound direction towards downtown San Francisco. Therefore, this increase in traffic volumes is not anticipated to result in a significant impact to the operations or safety of this intersection.

As a result of the project, the number of middle school student drop-offs would be 50 students (approximately 30 vehicles). Under existing conditions, the 60-foot-long white zone curb is underutilized during the AM-peak hour. Based on the current number of drop-offs at the existing white zone at 333 Dolores (approximately 66 students in 40 vehicles at an 80 foot long white curb within 60 minutes), it is reasonable to assume that the drop off of 50 students in 30 vehicles at a 60-foot-long curb between 7:30 and 8:30 a.m. would not cause a significant impact to traffic. This white curb zone would be staffed in the morning to assist children being dropped off and to oversee the efficient turnover of vehicles dropping off students.

601 Dolores Street

The Dolores Street and 19th Street intersection is anticipated to see an increase of approximately 41 students (25 vehicle trips) from parents dropping off their children at the proposed white zone curb on 19th Street. It is anticipated that three faculty/staff would park on the street near 601 Dolores Street. There would likely be another 13 faculty and staff who would require off-street parking. Since there is no off-street parking available at 601 Dolores, faculty and staff would either drive to 333 Dolores Street[4] or one of the nearby public parking garages. Therefore, the increase in the number of vehicles traveling through this intersection in the AM-peak hour leading up to the start of classes would be about 28 vehicles, comprised of 25 vehicles with arriving students and three faculty/staff parking on-street.

To access the white zone passenger unloading area, parents would either make a northbound right turn from Dolores Street onto 19th Street, or a southbound left turn from Dolores Street. Currently there is very little traffic on 19th Street between 7:30 and 8:30 a.m. and, therefore, traffic in the 601 Dolores Street vicinity is predominantly influenced by Dolores Street traffic. During the AM-peak hour traffic on Dolores Street is heaviest in the northbound direction, and thus, the main conflict for the northbound right turn would be with any pedestrians crossing Dolores Street toward Mission Dolores Park, or crossing 19th Street toward 601 Dolores Street. While these conflicts are not expected to be substantial, the school proposes to have a crossing guard at the intersection of 19th and Dolores Streets to aid students and pedestrian traffic crossing during the AM-peak hour.

The southbound left turn from Dolores Street would conflict with both pedestrian movements, and the opposing (northbound) stream of traffic. However, there is very little southbound traffic in the AM-peak hour and with two travel lanes in each direction, there is ample room for a vehicle to wait for an opening to turn. Therefore, despite the fact that this intersection is unsignalized, the increase in volumes due to project generated traffic is not anticipated to adversely impact traffic operations nor is there expected to be significant queuing on Dolores Street.

[4] CHS has 33 off-street parking spaces at 333 Dolores Street

As a result of the project, the number of student drop-offs would be 41 middle school students (approximately 25 vehicles) in the AM-peak hour. As part of the project, CDS would request that a continuous 50-foot-long loading space along the 19th Street side of the building be converted to a white zone passenger loading/unloading area. CDS would have staff at the white curb zone during peak drop-off and pick-up times, to assist children being dropped off, and to oversee the efficient movement of vehicles dropping off students. Of the three drop-off locations, 19th Street has the lowest traffic volumes, and there should be little conflict with other vehicles during the AM-peak hour. Based on comparable operations at 333 Dolores Street, there would be minimal back up onto Dolores Street at this site.

Considering the three sites overall, the volume of the additional trips would not result in any significant individual or cumulative adverse impacts to any intersection service levels, and it is anticipated that traffic patterns would experience no more than minor changes as a result of the proposed project. The level of increase in traffic generated by the project would not be substantial relative to the existing traffic baseline and capacity of the surrounding street system and none of the intersections were observed to have operations problems. There would be no effective cumulative passenger loading impact when considering the sites together, as the three loading zones at 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street are located more than a 1,000 feet from each other. Therefore, the proposed project would not result in any significant adverse traffic impacts.

Transit

The project site is well-served by public transit which includes the following Muni lines: J-Church, 22-Fillmore, and 33-Stanyan. In addition, there are two BART stations within walking distance (16th Street/Mission Street and 24th Street/Mission Street). There is anticipated to be an increase of approximately 22 transit trips (including both students and faculty/staff) to 601 Dolores Street during the morning peak hour, and the existing transit would all have additional capacity during the AM peak to accommodate the increase of 22 transit trips. The transit trips to 333 Dolores Street are anticipated to decrease by approximately seven student-related trips and four faculty/staff-related trips. The proposed project would not change the number of transit trips to 450 Guerrero Street, as it is only used as a vehicle drop-off location for students. Considering all three sites together, the overall net increase would be 11 transit trips, and therefore, the project would not result in significant impacts related to transit.

Parking

As discussed above, the Planning Code would require one off-street parking space for the proposed project and the project sponsor would seek a remote parking variance. In order to increase the length of the white curb passenger loading zone at 333 Dolores Street from 80 to 130 feet, approximately 2 to 3 on-street parking spaces would no longer be available between the hours of 7:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:30 p.m. There would be no impact on parking facilities at 450 Guerrero Street because this site would only be used as a student drop-off location. At 601 Dolores Street, the number of faculty and staff would increase, as this would be a new CDS building, and there is no off-street parking available. Some of these people may decide to park at 333 Dolores, and then walk the two blocks south. Currently, only about 70% (23) of CDS' 33 spaces at 333 Dolores are occupied on a typical weekday. With the relocation in the number of faculty and staff based at 333 Dolores, the number of vacancies is anticipated to increase to 17. Approximately 13 of the 33 faculty and staff that would be located at 601 Dolores Street are anticipated to want to drive and park at the school. Therefore, there should be enough vacant spaces for

them to park at 333 Dolores, and walk to 601 Dolores. Alternatively, there are also three public parking garages located within about a half mile of the site.

While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is not considered to be a significant impact under CEQA, regardless of the availability of on-street parking under existing conditions. San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by local public transit (Muni lines J, 22, and 33) and bike lanes (40 and 45), which provide alternatives to auto travel.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Access

Existing vehicle and pedestrian access would remain the same at 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street, and therefore access would not be changed by the proposed project. There are no bus stops in front of the project site. Sidewalks and on-street parking are present on both sides of the

street. Therefore, the project would not impede traffic or cause unsafe conditions, and would not result in a significant effect related to access.

Loading

Planning Code Section 152.1 does not require off-street freight loading for schools. Therefore, off-street loading spaces are not required for the proposed project. Student drop-offs and pick-ups are discussed under "Traffic" on page 3.

Pedestrian Conditions

The number of AM-peak hour pedestrian trips to 333 Dolores Street would increase by approximately 9 students and decrease by three. There would be approximately 55 middle school students who would be dropped off at 333 Dolores, then walked to 450 Guerrero, and then walked the two blocks to 601 Dolores under the guidance of CDS staff. Conflict between pedestrians and vehicles would potentially increase because of the additional street crossings, but these would be at signalized intersections with the exception of the crossing at 19th Street to 601 Dolores Street. However, 19th Street has relatively low traffic volumes, students would be accompanied by CDS staff, and there is a cross-walk at the 19th Street and Dolores Street intersection.

Currently there is very little pedestrian activity on Guerrero Street in the morning. The project would increase the number of student drop-offs at 450 Guerrero, by approximately 50 students. However, unlike existing conditions, there would be CDS staff to assist at the existing white zone curb in the morning and to supervise and chaperone student movement to 333 Dolores or 601 Dolores. Since the sidewalks are much wider on Dolores Street, the path to 601 Dolores would likely be south on Guerrero Street to 17th Street, west on 17th Street to Dolores Street, then south on Dolores Street to 601 Dolores Street. All intersections along this route except 19th Street/Dolores Street are signalized and regularly used by pedestrians with no observed hazards.

There is anticipated to be an increase of approximately 130 pedestrian trips to the 601 Dolores site during the AM-peak hour. An estimated 25 students would walk directly to 601 Dolores from home, 55 would be walking to 601 Dolores after being dropped off at 333 Dolores, and 50 would walk to 601 Dolores after being dropped off at 450 Guerrero. There are also anticipated to be approximately five faculty/staff that would walk to 601 Dolores during the AM-peak hour. The movement of middle school students from 333 Dolores and 450 Guerrero to 601 Dolores would be supervised by CDS staff. The sidewalk widths and crosswalks at intersections would provide adequate facilities for the walk between sites. Students walking as a group would also increase safety because of the greater visibility of a group and the supervision of CDS staff.

Overall, pedestrian conditions for the three sites would have adequate facilities and would not materially increase hazards for pedestrians. Therefore, the project would not result in significant pedestrian impacts.

Bicycle Conditions

There are no existing or proposed bike lanes at 601 Dolores Street. In the vicinity of the project site, there are two designated bicycle routes. Bicycle route #40 travels along 17th Street while route #22 travels along Valencia Street. The number of bicycle trips to 333 Dolores Street is anticipated to decrease by approximately three students and two faculty/staff because of the relocation of bicycle-riding middle

school students and staff to 601 Dolores. An estimated increase of approximately 10 bicycle trips to 601 Dolores Street would occur during the morning peak hour. The project would not result in any new bicycle trips to 450 Guerrero. The net effect of the three sites would be similar because the total net change in bicycle trips would be an increase of 5 trips. Therefore, project impacts on bicycles would be less than significant.

In summary, the project would not result in a significant effect with regard to transportation.

Noise: An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity. The noise generated by the proposed users of the 601 Dolores Street building would be considered common and generally acceptable in an urban area, and would not be considered a significant impact. The proposed construction could generate noise and possibly vibration that may be considered an annoyance by occupants of nearby properties. Construction noise is regulated under Article 29 of the City's Police Code, and would be temporary and intermittent in nature. Considering the above discussion, the proposed project would not result in a significant impact with regard to noise.

Air Quality: The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. Based on the air quality screening-level analysis, all of the screening criteria are met by the proposed project.[5] No individual sources would exceed the BAAQMD's significance thresholds for cancer risks, non-cancer risks or the annual average concentration of PM2.5. In addition, construction activities for the proposed interior renovation would be minimal and would require the use of diesel equipment for less than two months, and would therefore not result in a substantial increase in risks and hazards to nearby receptors. Therefore, the project would not exceed the BAAQMD's 2010 thresholds of significance and would not result in the generation of criteria air pollutants and ozone precursors that exceed the BAAQMD's thresholds of significance and operational criteria air pollutants and ozone precursors would be less than significant. Based on these results, the proposed project would not result in exposure of sensitive receptors to substantial pollutant concentrations, and this impact would be less than significant.

Water Quality: The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

[5] Don Lewis, San Francisco Planning Department, *Air Quality Screening Analysis for 601 Dolores Street*, September 19, 2011. This analysis is available for review as part of Case File No. 2011.0584E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

d) The site can be adequately served by all required utilities and public services.

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities is required in order to serve the proposed project.

Other Environmental Issues

Hazardous Materials: AEI Consultants conducted a Phase I Environmental Site Assessment (ESA) at the project site.[6] This assessment was performed to provide a record of the conditions at the subject property and to evaluate what, if any, environmental issues exist at the site. The ESA assessed the potential for adverse environmental impacts from the current and historical practices on the site and the surrounding area. According to the ESA, the subject building was constructed in 1910 for use as a church. Prior to construction of the building, the property was occupied by a residential dwelling (circa 1889) and vacant land (circa 1900). Since 1910, the subject property building was occupied by various churches until 2007, when the entire building was renovated and converted into a single-family residence. No potential environmental concerns were identified in association with the current or historical use of the subject property. No hazardous substances that constitute evidence of a recognized environmental condition were observed at the subject property at the time of site reconnaissance. In addition, the project site is not located within the limits of the Maher Ordinance. Based on the above, effects related to hazardous materials would not be significant.

Historic Architectural Resources: In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the building located on the project site is a historic resource. As described in the attached Historic Resource Evaluation Response (HRER) Memorandum, the property at 601 Dolores Street is eligible for listing in the California Register as an individual resource under Criterion 3 (Architecture) and is a contributor to both the Inner Mission North Boulevards and Alleys Reconstruction Historic Districts under Criterion 1 (Events).[7]

The 601 Dolores Street building was constructed in 1910 as a church for the Mission Congregational Church. In 1931, the Norwegian Lutheran Church of San Francisco purchased the property and the property remained a church until it was converted to a single-family residence in 2008. The subject building was constructed during the Mission District's reconstruction period (1906 – 1917) following the Great Earthquake of 1906. The property is a contributor to both the Inner Mission North Boulevards and Alleys Reconstruction Historic Districts for its association with several churches that relocated along Dolores Street after the Great Earthquake of 1906. Therefore, the subject property is eligible for the California Register as a contributor to two California Register-eligible historic districts under Criterion 1 (Events).

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[6] AEI Consultants, *"Phase I Environmental Site Assessment, 601-605 Dolores Street, San Francisco, California,"* June 20, 2011. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Project File No. 2011.0584E.

[7] Memorandum from Michael Smith, Preservation Technical Specialist, to Don Lewis, Planning Staff, Major Environmental Analysis, March 20, 2012. This memorandum is attached and available for review at the Planning Department, 1650 Mission Street, Suite 400 in Case No. 2011.0584E.

Research has not revealed information that any of its owners or occupants were associated with persons that have made a significant contribution to the broad patterns of history. Therefore, the property is not eligible under Criterion 2 (Persons).

The subject building is a good example of an Edwardian Era church designed in the Gothic Revival style. The building was designed by Francis W. Reid, a locally significant architect. The building's exterior character defining features include the following: rubbed brick cladding at the street facing elevations; all Gothic and Tudor moldings; brick buttresses with caps; complex and steeply pitched gabled roof; all windows, doors, and other openings; and the tower element with crenellated parapet. The interior character defining features include the following: division of spaces into basement, Sanctuary, and Sunday school wing; hardwood flooring; redwood wainscoting and paneling; Tudor and Gothic columns in the sanctuary; Tudor and Gothic arches in the sanctuary; stenciled ceilings in the sanctuary and vestibule; most of the light fixtures; all doors (paneled and overhead); plaster walls and ceilings; exposed wood trusses; and door and window trims. The subject building displays good historic integrity as it retains its location, association, design, workmanship, setting, feeling, and materials. Therefore, the property is individually eligible under Criterion 3 (Architecture).

The Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (Secretary's Standards) for the following reasons. The project would rehabilitate the exterior and interior of the subject building, and the project would preserve most of the church's character defining interior features, including the sanctuary. The sponsor has submitted a protection, reuse, and salvage plan for the building's interior character-defining features so that they would be preserved and reused where possible. The sanctuary is the most character-defining interior space, and its interior volume, stenciled ceiling work, and interior wood finishes would all be preserved. The alterations within the Sunday school wing will be set back from the arches and columns that frame the sanctuary space. The basement is utilitarian and lacks the finishes and details of the floors above and thus was determined not to contain character-defining space or features. The Sunday school wing does contain character-defining finishes and detailing but the space itself was determined to be secondary in importance to the sanctuary space. Furthermore, the Sunday school wing has already experienced several alterations as part of the building's conversion into a single-family dwelling. Some of the original materials that remain in the Sunday school wing would be removed and some would be reused within the altered space.

The proposed project does not include the addition of conjectural elements or architectural features from other buildings, and the new work does not create a false sense of historical development. On the exterior, new pedestrian doors would be compatible with the character of the building. The proposed project would not substantially alter the exterior of the building. The roof deck and the elevator penthouse would not be visible behind the building's existing gabled roof, and both elements could easily be removed in the future and the essential form and integrity of the property would be unimpaired. The building's exterior and interior features are in good condition and do not require repair or replacement. The existing building is relatively clean and does not require chemical or physical treatments. The proposed change to the garage entrance would be similar to the original entrance, as historically it was used as a pedestrian entrance.

The building's seismic upgrade would necessitate removal of interior wall finishes in the sanctuary space. The wall features would be documented and reinstalled over the new shear walls. Within the Sunday school wing, interior wall finishes and doors would be removed and reused elsewhere where feasible. A

secondary stairway in the Sunday school wing would be removed but the stairway is hidden behind doors and is not considered a distinctive feature. The historic entry hall in the Sunday school wing would be preserved with its floor being ramped for ADA accessibility. The wood doors and wainscoting are the only character-defining historic materials in the Sunday school wing and they will be documented and reused where possible, primarily on the new walls on the south side of the sanctuary.

Planning Department staff found that the project would not make any substantial changes to the exterior of the building or any significant changes to the character-defining features on the interior of the building, and therefore, the project would not have a significant adverse impact upon a historic resource, as defined by CEQA.

Archeological Resources: The Planning Department reviewed the proposed project to determine if any archeological resources would be impacted. The Planning Department staff determined that the proposed project would not adversely affect CEQA-significant archeological resources.[8]

Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on August 3, 2011 to owners of properties within 300 feet of the project site and to adjacent occupants. One member of the public stated that it was unrealistic that parents would continue to drop their children off at 333 Dolores Street with the new school facilities at 601 Dolores Street. The transportation section on page three of this document adequately addresses this concern.

Conclusion

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project would not have a significant effect with regard to hazardous materials, cultural resources, or transportation. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant environmental effect. The proposed project is an in-fill development that meets the above conditions, and would have no significant environmental effects.

For the above reasons, the proposed project is appropriately exempt from environmental review.

[8] This analysis is summarized from a Planning Department technical memorandum (Randall Dean, staff archeologist, to Don Lewis, Planner, October 21, 2011), which is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File 2011.0584E

SAN FRANCISCO
PLANNING DEPARTMENT

Historic Resource Evaluation Response

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date of Review:	March 15, 2012 (Part 1) March 15, 2012 (Part II)
Case No.:	2011.0584E
Project Address:	601 Dolores Street
Zoning:	RH-3 (Residential, House, Three-Family) District 40-X Height and Bulk District
Block/Lot:	3598/060
Staff Contact:	Don Lewis (Environmental Planner) (415) 575-9095 don.lewis@sfgov.org Michael Smith (Preservation Planner) (415) 558-6322 michael.e.smith@sfgov.org

PART I: HISTORIC RESOURCE EVALUATION

Buildings and Property Description

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. In 1931, the Norwegian Lutheran Church of San Francisco purchased the property. The property remained a church until it was converted to a single-family residence in 2008. The current owner, the Children's Day School of San Francisco, intends to convert the property into a school. The building is a heavy timber frame, brick structure on a concrete perimeter foundation. The exterior is clad in rubbed face brick on the north (19th Street) and west (Dolores Street) elevations, as well as its first bay in from the street on its utilitarian east and south elevations. The remainder of the east and south elevations are clad in common red brick. The church was designed by Francis W. Reid, an architect and Congregational minister. The building's prominent corner location results in a complex composition. The building features a centered gable, a tower element, and a steeply sloped centralized roofline.

The building's Dolores Street elevation is of higher importance because it faces the park. It is longer and composed of six structural bays. The first structural bay located at the northern corner of the building features a pedestrian entrance that is recessed within a portal. The portal

features a Tudor arch embellished with cast concrete molding flanked by brick buttresses with concrete caps. A lancet window is located above the entrance. The next structural bay is much wider because it corresponds to the sanctuary inside. The bay features a large arched Tudor window flanked by brick buttresses with concrete caps with four casement windows located at the basement level. All the window sashes within this bay appear to be contemporary replacements. Moving south along the building's west elevation, the next structural bay is the tower. The tower features three casement windows at the basement level, a row of three pointed-arch windows at the main first and second floors, and a large Tudor arched window at the top of the tower. Each corner of the tower features brick pilasters capped by cast concrete buttress caps. The tower is capped by a stepped, crenellated parapet. Moving south beyond the tower, the next three structural bays comprise the Sunday school wing. The first two bays are identical, featuring three, fixed light windows at the main floor with two, Tudor arch windows at the floor above beneath a false gabled roof that is interrupted by a dormer. The bays are demarcated by brick buttresses with caps. The southernmost structural bay on the building's west elevation features non-historic arched wood doors with three lancet windows at the floor above beneath a gabled roof.

The building's north (19th Street) elevation is composed of five structural bays and is two-stories in height. Beginning at the building's northeast corner, the first structural bay features an arched vehicular entrance at the basement level with a non-historic metal roll-up door. The floor above features a large Tudor-arched window. The next structural bay is wider and features a row of three casement windows at the basement level and a large Gothic pointed-arch stained glass window with twelve lights located on the floor above. The windows are flanked by brick buttresses and capped with a gabled parapet that features a lancet window. Moving west along the north elevation the next two structural bays are identical. They feature casement windows at the basement level with Tudor-arched above. The bays are separated by brick buttresses. The westernmost structural bay on the north elevation features a large lancet window flanked by brick buttresses and capped with a gabled parapet that contains three small lancet windows.

The building's east and south elevations are largely hidden from public view. They generally feature common red brick cladding, contemporary replacement arched windows, and brick buttresses. These elevations feature much less ornamentation and are generally utilitarian in nature.

Pre-Existing Historic Rating / Survey

The subject property is included on the Department's 1976 Architectural Survey, page 282 of the *Here Today* Survey, and the City's Unreinforced Masonry Buildings Survey. The property is also a contributor to the "Inner Mission North Boulevards and Alleys Reconstruction District," located within Area 4A of the Inner Mission North Survey Area. The building is considered a "Category A" property (Known Historic Resource) for the purposes of the Planning Department's California Environmental Quality Act (CEQA) because it is listed on adopted surveys and determined individually eligible for listing on the National Register.

Neighborhood Context and Description

The subject property is located in the Mission Dolores neighborhood which is named for the Mission Dolores. Founded in 1776 and originally named Mission San Francisco de Asis, the

mission is one of twenty-one missions established by the Franciscans in California as a way to convert the indigenous people to Catholicism and create a population that was loyal to the Spanish crown. The missions were unkind to the indigenous people as many were forced into labor and forced to suppress their culture. Their exposure to the Spanish colonists also exposed them to foreign diseases that decimated their population. Mission Dolores was abandoned in the 1820's as many of its inhabitants were transferred to Mision San Rafael Arcangel.

In 1810, Mexico rebelled against Spanish rule, finally winning its independence in 1821 becoming a federal republic. Mexico opened up California to trade and settlement and eventually took the mission lands from the Catholic Church and began redistributing them to Mexican citizens. From 1834 onward, the lands of Mission Dolores were carved up into ranchos and granted to Mexican citizens. The ranchos were primarily used for cattle grazing though commerce was burgeoning a few miles away in Yerba Buena. Recognizing the commercial possibilities in the San Francisco Bay Area and fearing that it could fall into the hands of its enemies, the American government attempted to buy the lands from Mexico. Attempts to buy the lands failed and in 1846 war broke out between the United States and Mexico. After a year-and-a-half of fighting, the United States and Mexico signed the Treaty of Guadalupe Hidalgo whereby Mexico ceded their northern territory to the United States for $15 million.

The population of San Francisco dramatically increased with the discovery of gold in the California foothills. However, the Mission Dolores neighborhood was increasingly becoming one of refuge for the remaining Mexican families who were economically, culturally, and politically marginalized in the development of San Francisco. Many of the Mexican land holdings in the Mission Valley were bought by speculative Anglo-Americans who foresaw prosperity in development. The neighborhood remained unplatted well after surrounding areas such as Horner's Addition and Potrero Nuevo had been platted. Based upon early maps, 601 Dolores Street was located near the northeast boundary within Horner's Addition. By the 1860s, resolution of public and private land claims through the legal system facilitated implementation of an orderly street grid and residential subdivision. With this, the Mission Dolores neighborhood began to take on a more urban form. The population of Mission Valley exploded after from 1860 to 1880 when transit lines were extended into the area along Mission and Valencia Streets and streets were graded. During this time most of the remaining Mexican adobe structures were demolished and replaced by modest Victorian structures but Mission Dolores remained. In 1858, then President Buchanan gave Mission Dolores along with eight acres that surrounded it to the Archdiocese of California. The Archdiocese sold much of the land for development, retaining only the block that contained the Mission. In the 1870's the Archdiocese built St. Francis Catholic Church at the corner of Dolores and 16th Streets.

Population pressures and land scarcity compelled the San Francisco government in 1880 to pass an ordinance banning cemeteries within the city's boundaries. Consequently, in 1888 Emanu-El and Sherith Israel congregations which operated a cemetery on Dolores Street established a new, seventy-three acre cemetery in the farming town of Colma in San Mateo County, just outside San Francisco's city limits. By 1896, the cemetery had been completely removed from Dolores Street and in 1905 it was replaced by Mission Park, known today as Dolores Park.

No sooner was the park completed that the City was nearly destroyed by the Great 1906 Earthquake which killed over 3,000 San Franciscans and left over 200,000 homeless. Many of the

people left homeless by the earthquake took refuge in local parks and open space, including the newly created Mission Park.

The demographics of Mission Dolores rapidly changed during the neighborhood's reconstruction period (1906 – 1918) as many Irish refugees from the South of Market neighborhood settled in the neighborhood. Many churches that were located in the South of Market neighborhood were also destroyed and when those displaced congregations decided to rebuild they located near their parishioners which led to several new churches along Dolores Street. Dozens of churches made the move to the Mission District. Mission Congregational Church at 601 Dolores Street was constructed during this period.

601 Dolores Street is located on southeast corner of Dolores and 19th Streets, across the street from Dolores Park. The immediate neighborhood is primarily residential with a few institutional uses and mixed-use buildings located on prominent corners along Dolores and Guerrero Streets. The neighborhood is characterized by three- and four-story, multi-unit, Edwardian, residential buildings from the reconstruction period following the Great Earthquake of 1906. The property is located within the Mission Dolores Historic District.

CEQA Historical Resource(s) Evaluation

Step A: Significance

Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: ☐ Yes ☒ No	Criterion 1 - Event: ☒ Yes ☐ No
Criterion 2 - Persons: ☐ Yes ☒ No	Criterion 2 - Persons: ☐ Yes ☒ No
Criterion 3 - Architecture: ☒ Yes ☐ No	Criterion 3 - Architecture: ☐ Yes ☒ No
Criterion 4 - Info. Potential: ☐ Yes ☒ No	Criterion 4 - Info. Potential: ☐ Yes ☒ No
Period of Significance: (1910 and 1931)	Period of Significance: (1906 – 1918) Inner Mission North Boulevards and Alleys Reconstruction Historic District; (unknown) Dolores Street Discontinuous District of Religious Buildings ☒ Contributor ☐ Non-Contributor

To assist in the evaluation of the subject property, the Project Sponsor has submitted a Historical Resource Evaluation prepared by Christopher VerPlanck of VerPlanck Historic Preservation Consulting, prepared November 2011 and revised February 2012. Based upon information found in the Historical Resource Evaluation and found within the Planning Department's background files, Preservation staff finds that the subject property is eligible for inclusion on the California Register individually and as a contributor to an identified historic district.

Criterion 1: Property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

601 Dolores Street was constructed during the Mission District's reconstruction period (1906 – 1917) following the Great Earthquake of 1906. In April 2011, the Planning Department determined the property eligible under this criterion as part of the Inner Mission North Boulevards and Alleys Reconstruction Historic District with a period of significance of 1906 – 1917. The property is also significant for its association with several churches that relocated churches along Dolores Street after the Great Earthquake of 1906, the period of significance for this district is unknown but it extends from along Dolores Street from 15th Street to 20th Street. Under this criterion, the property is eligible for the California Register as a contributor to two California Register-eligible historic districts.

Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.

Records failed to indicate that the subject property is associated with the lives of persons important in our local, regional or national past that would make it eligible for listing under this criterion.

Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

The subject building is a good example of an Edwardian Era church designed in the Gothic Revival style. Distinctive exterior characteristics include its crenellated tower, Tudor arched and lancet windows, buttresses with caps, brick cladding, and complex and steeply pitched roof. Distinctive interior features include the sanctuary space, Gothic columns, Tudor arched openings, redwood paneling, stenciled ceiling work, and division of space. The property possesses high artistic values and is a good example of its type.

The building was designed by Francis W. Reid for the Mission Congregational Church. Mr. Reid was a locally significant architect having designed two Carnegie libraries, eleven schools, 26 churches, and more than 500 dwellings and commercial structures primarily in the Bay Area. Mr. Reid, worked both independently and with the firm of Meeker and Reid. His church buildings include commissions in San Francisco, Concord, Livermore and Porterville, CA. He began his career designing large Queen Anne houses for prominent residents of the Santa Clara Valley, including the famous Coggeshall Mansion in Los Gatos. He also had many residential commissions in Piedmont, Berkeley, San Francisco and San Jose, CA. Mr. Reid was born in Canada in 1863 and obtained a Certificate in Architecture in 1910 from the University of the Pacific.

Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.

The subject property is likely to yield important information to our history since it is located in near Mission Dolores. However, the proposed project would not disturb the property's soils.

Step B: Integrity

To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

The subject property has retained or lacks integrity from the period of significance noted in Step A:

Location:	☒ Retains	☐ Lacks	Setting:	☒ Retains	☐ Lacks
Association:	☒ Retains	☐ Lacks	Feeling:	☒ Retains	☐ Lacks
Design:	☒ Retains	☐ Lacks	Materials:	☒ Retains	☐ Lacks
Workmanship:	☒ Retains	☐ Lacks			

The exterior of 601 Dolores Street has undergone very few alterations and has very good historic integrity. Exterior alterations include replacement of louvers within the tower openings with glazing, replacement of windows on the east and south elevations with compatible replacements, and removal of chimneys. The interior of 601 Dolores Street has undergone more changes as a result of its conversion to a single-family dwelling in 2008. The sanctuary was left unchanged but the Sunday school wing was more extensively remodeled. Within the Sunday school wing partitions were moved and original finishes were removed. Overall, the interior retains good historic integrity.

Step C: Character Defining Features

If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.

Character defining features of the 601 Dolores Street that must be retained include but are not limited to:

Exterior

- Rubbed brick cladding at the street facing elevations.
- All Gothic and Tudor moldings.

- Brick buttresses with caps.
- Complex and steeply pitched gabled roof.
- All windows, doors, and other openings.
- Tower element with crenellated parapet.

Interior

- Division of spaces into basement, Sanctuary, and Sunday school wing.
- Hardwood flooring.
- Redwood wainscoting and paneling.
- Tudor and Gothic columns in the sanctuary.
- Tudor and Gothic arches in the sanctuary.
- Stenciled ceilings in the sanctuary and vestibule.
- Most of the light fixtures.
- All doors (paneled and overhead).
- Plaster walls and ceilings.
- Exposed wood trusses.
- Door and window trims.

CEQA Historic Resource Determination

☒ Historical Resource Present
- ☒ Individually-eligible Resource
- ☒ Contributor to two eligible Historic Districts
- ☐ Non-contributor to an eligible Historic District

☐ No Historical Resource Present

PART I: SENIOR PRESERVATION PLANNER REVIEW

Signature: _____ Date: 3/20/2012

Tina Tam, *Senior Preservation Planner*

PART II: PROJECT EVALUATION

Proposed Project ☐ Demolition ☒ Alteration

Per Drawings Dated: July 8, 2011; prepared by Jensen Architects

Project Description

The proposal is for Children's Day School of San Francisco to convert the church at 601 Dolores Street from a single-family dwelling into a private school housing 200 middle-school students. 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, 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 would add approximately 1,000 square-feet of occupiable space within the existing 17,106 square-foot building.

Project Evaluation

If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.

To assist in the evaluation of the proposed project, the Project Sponsor has submitted the following consultant report:

- Prepared November 2011 and revised February 2012, by Christopher VerPlanck of VerPlanck Historic Preservation Consulting, for 601 Dolores Street.

Subject Property/Historic Resource:

☒ The project will not cause a significant adverse impact to the historic resource as proposed.

☐ The project will cause a significant adverse impact to the historic resource as proposed.

California Register-eligible Historic District or Context:

☒ The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

☐ The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

Staff finds that the proposed project would not cause a significant adverse impact upon a historic resource such that the significance of the building would be materially impaired. The proposed project will not have a significant adverse impact on 601 Dolores Street, a known resource that is

listed in Here Today, the Department's 1976 Architectural Survey, the Department's Unreinforced Masonry Building Survey, and been deemed eligible for the California Register of Historical Resources individually and as a contributor to the "Inner Mission North Boulevards and Alleys Reconstruction District."

The Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (Secretary's Standards). The following is an analysis of the proposed project per the Secretary's Standards:

> *Standard 1.*
> *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The proposed project would convert the subject property a former church that is currently used as a single-family dwelling, into a school. To accommodate this new use, the project would rehabilitate the exterior of the subject building and to a greater extent, the interior. However, the conversion would preserve most of the church's character defining interior features. The sanctuary, the most notable interior space and its volume and detail would be preserved as the space is converted into a multi-purpose space. The spaces that would be more heavily altered, basement and Sunday school wing, would accommodate the school's more programmatic space. The sponsor has submitted a protection, reuse, and salvage plan for the building's interior character-defining features so that they get preserved and reused where possible. Where removal of historic materials is required within the sanctuary they will reinstalled based upon documentation.

Therefore, the proposed project complies with Rehabilitation Standard 1.

> *Standard 2.*
> *The historic character of a property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property will be avoided.*

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, and adding an elevator penthouse along the eastern edge of the building. The roof deck and the elevator penthouse will not be visible from the street.

The interior of the building is divided into three sections: the basement, the sanctuary (nave), and the Sunday school wing. The sanctuary is the main and most character-defining interior space. Its interior volume, stenciled ceiling work, and interior wood finishes will all be preserved. The alterations within the Sunday school wing will be set back from the arches and columns that frame the sanctuary space. The basement is utilitarian and lacks the finishes and details of the floors above and thus was determined not to contain character-defining space or features. The Sunday school wing does contain character-defining finishes and detailing but the space itself was determined to be second in importance to the sanctuary space. Furthermore, the Sunday

school wing has already experienced several alterations as part of the building's 2008 conversion into a single-family dwelling. It will be further altered to accommodate three classrooms, bathrooms, and student lounge space. A new floor will also be inserted into the space, eliminating its two-story volume.

The Department disagrees with the consultant's conclusion that the proposed alterations do not comply with Standard 2. The Sunday school wing is the building's most compromised interior space and it is not the primary character-defining interior space and thus further alteration to the space would not alter the building's interior character. Some of the original materials that remain in the Sunday school wing would be removed and some would be reused within the altered space under the sponsor's protection, reuse, and salvage plan. The wood floors would remain and some of the wood doors and wainscoting would be reused.

Therefore, the proposed project complies with Rehabilitation Standard 2.

> *Standard 3.*
> *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The proposed project does not include the addition of conjectural elements or architectural features from other buildings. New work does not create a false sense of historical development and would be somewhat contemporary in character. On the exterior, new pedestrian doors would be compatible with the character of the building.

Therefore, the proposed project complies with Rehabilitation Standard 3.

> *Standard 4.*
> *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The proposed project does not involve alterations to the subject building, which have acquired significance in their own right. The project would remove a stained glass window from the north side of the sanctuary space but the window in question was installed at an unknown time after 1931 and has not garnered significance in its own right.

Therefore, the proposed project complies with Rehabilitation Standard 4.

> *Standard 5.*
> *Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.*

The proposed project would not substantially alter the exterior of the building. The project would not remove features or finishes that characterize the basement.

The building's seismic upgrade would necessitate removal of interior wall finishes in the sanctuary space. The wall features would be documented and reinstalled over the new shear walls. Within the Sunday school wing, interior wall finishes and doors would be removed and reused elsewhere where feasible pursuant to the sponsor's protection, reuse, and salvage plan for the building. A secondary stairway in the Sunday school wing would also be removed and the space would lose its two-story volume. The historic entry hall in the Sunday school wing would be preserved with its floor being ramped for ADA accessibility. Since the stair to be removed is secondary and hidden behind doors it is not considered a distinctive feature. The original plaster wall finishes in the Sunday school wing have already been compromised. The wood doors and wainscoting are the only character-defining historic materials in the Sunday school wing and they will be documented and reused where possible, primarily on the new walls on the south side of the sanctuary.

For these reasons the proposed project complies with Standard 5.

> *Standard 6.*
> *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacements of a distinctive feature, the new feature will match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The building's exterior and interior features are in good condition and do not require repair or replacement.

Therefore, the proposed project complies with Rehabilitation Standard 6.

> *Standard 7.*
> *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

The existing building is relatively clean and does not require chemical or physical treatments.

Therefore, the proposed project complies with Rehabilitation Standard 7.

> *Standard 8.*
> *Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures will be undertaken.*

The proposed project would not disturb subsurface soils.

Therefore, the proposed project complies with Rehabilitation Standard 8.

Standard 9.
New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Exterior tenant improvements include converting a non-historic garage entrance on 19th Street into a primary pedestrian entrance, adding a roof deck to the southeast corner of the building, and adding an elevator penthouse along the eastern edge of the building. The roof deck and the elevator penthouse would not be visible behind the building's gabled roof.

Therefore, the proposed project complies with Rehabilitation Standard 9.

Standard 10.
New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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, and adding an elevator penthouse along the eastern edge of the building. The proposed change to the garage entrance would bring the building closer to what it was originally. The proposed roof deck and elevator penthouse could easily be removed in the future and the essential form and integrity of the property would be unimpaired.

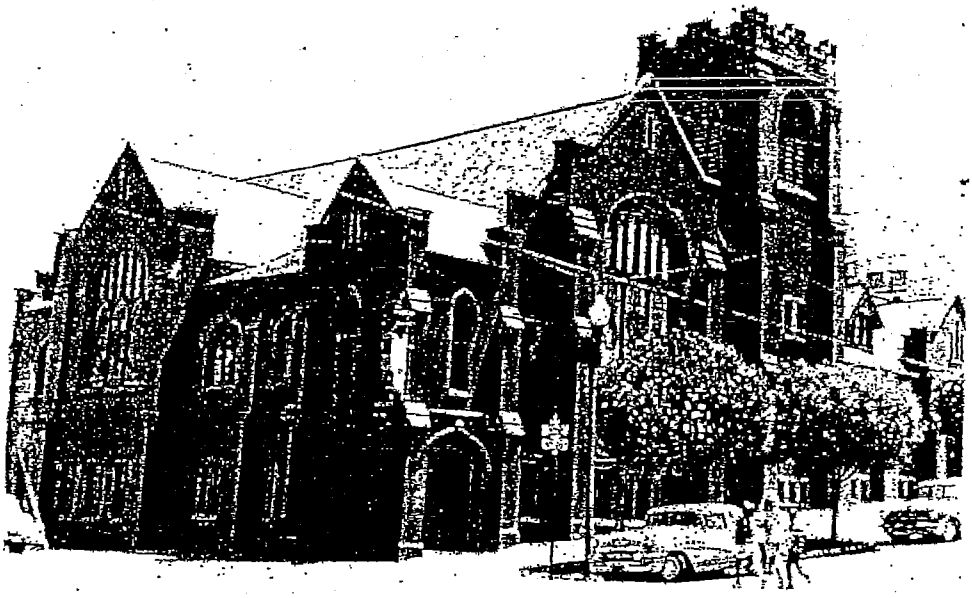
Therefore, the proposed project complies with Rehabilitation Standard 10.

Summary
The Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (*Standards*). The project would not make any substantial changes to the exterior of the building or any significant changes to the character-defining features on the interior of the building. As currently proposed, the project will not have a significant adverse impact upon a historic resource, as defined by CEQA.

PART II:SENIOR PRESERVATION PLANNER REVIEW

Signature: Tma2 Date: 3/20/2012
Tina Tam, *Senior Preservation Planner*

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File
Don Lewis, Environmental Planner



BOS-11, COB, Leg Dep
File 120495

RUTAN
RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb
Direct Dial: (714) 641-3488
E-mail: jgoldfarb@rutan.com

City Attny, cpage

June 5, 2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JUN -6 PM 2:47

David Cincotta, Esq.
Jeffer Mangels Butler & Mitchell, LLP
Two Embarcadero Center, 5th Floor
San Francisco, CA 94111

VIA EMAIL at DCincotta@jmbm.com

Re: Children's Day School, 601 Dolores Street, San Francisco, CA

Dear David:

I appreciated the opportunity to speak with you today regarding the currently bifurcated hearing on the various appeals to Children's Day School's use permit and variance for 601 Dolores Street property in San Francisco. In our phone conversation, we both agreed that, in the interest of providing sufficient time for the Parties to discuss a mutually agreeable solution to their differences, we would request and support a continuance of the currently scheduled June 19th hearing on the appeal of the categorical exemption determination. We also agreed it was not in either party's interest that either party file its evidentiary documents in support of or in opposition to the categorical exemption issued by the clerk's June 11 requested date. As I mentioned, if we were required to file the reports we have had prepared, those will become public records and, therefore, can be used by anyone in opposition to your client's project.

Based on the foregoing, we collectively agreed that we would: (1) request that Supervisor Weiner obtain or at least support a continuance of the June 19th hearing to a date no sooner than the date currently set for the CUP appeal and perhaps longer if additional negotiating time appeared warranted; and (2) neither party would argue that the other party was required to file any documents either in support of or in opposition to the categorical exemption on the June 11 requested date. The result of this agreement is that we agree that documents filed after that date would still become part of the record of proceedings, could be considered by the Board of Supervisors in the appeal(s), and could become part of the administrative record should a writ of mandate be filed in the same manner as any other document that would have been presented to the Board of Supervisors prior to their decision.

By signing this letter below, you confirm that you agree with the foregoing.

Sincerely,

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb

I agree with the foregoing.

David Cincotta, Esq.

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, June 19, 2012**

Time: **4:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: **File No. 120495. Hearing of persons interested in or objecting to the decision of the Planning Department dated April 9, 2012, Case No. 2011.0584E, that a project located at 601 Dolores Street (Assessor Block No. 3598 Lot No. 060) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]. The proposed project involves the conversion of an existing residential use in a former church structure into middle school class rooms and a multi-purpose assembly space and associated interior and exterior changes to the building. (Appellant: Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP, on behalf of J. Landon Gates and Anne Timmer Gates) (Filed May 9, 2012).**

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett

Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, June 14, 2012.

Angela Calvillo
Clerk of the Board

MAILED/POSTED: June 8, 2012

Sara Bartholomew
3696 19th Street
San Francisco, CA 94110

Robert Evans
3778 20th Street
San Francisco, CA 94110

Landon Gates
jlandongates@gmail.com

Liz Schiff
3629A 19th Street
San Francisco, CA 94110

Valerie Veronin
vveronin@sbcglobal.net

Children's Day School
333 Dolores Street
San Francisco, CA 94110
ATTN: Molly Huffman, Head of School

BOS-11, COB, Leg Dep
File 120495

RUTAN

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb
Direct Dial: (714) 641-3488
E-mail: jgoldfarb@rutan.com

City Attny, cpage

June 5, 2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JUN -6 PM 2:47

David Cincotta, Esq.
Jeffer Mangels Butler & Mitchell, LLP
Two Embarcadero Center, 5th Floor
San Francisco, CA 94111

VIA EMAIL at DCincotta@jmbm.com

Re: Children's Day School, 601 Dolores Street, San Francisco, CA

Dear David:

I appreciated the opportunity to speak with you today regarding the currently bifurcated hearing on the various appeals to Children's Day School's use permit and variance for 601 Dolores Street property in San Francisco. In our phone conversation, we both agreed that, in the interest of providing sufficient time for the Parties to discuss a mutually agreeable solution to their differences, we would request and support a continuance of the currently scheduled June 19th hearing on the appeal of the categorical exemption determination. We also agreed it was not in either party's interest that either party file its evidentiary documents in support of or in opposition to the categorical exemption issued by the clerk's June 11 requested date. As I mentioned, if we were required to file the reports we have had prepared, those will become public records and, therefore, can be used by anyone in opposition to your client's project.

Based on the foregoing, we collectively agreed that we would: (1) request that Supervisor Weiner obtain or at least support a continuance of the June 19th hearing to a date no sooner than the date currently set for the CUP appeal and perhaps longer if additional negotiating time appeared warranted; and (2) neither party would argue that the other party was required to file any documents either in support of or in opposition to the categorical exemption on the June 11 requested date. The result of this agreement is that we agree that documents filed after that date would still become part of the record of proceedings, could be considered by the Board of Supervisors in the appeal(s), and could become part of the administrative record should a writ of mandate be filed in the same manner as any other document that would have been presented to the Board of Supervisors prior to their decision.

By signing this letter below, you confirm that you agree with the foregoing.

Sincerely,

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb

I agree with the foregoing.

David Cincotta, Esq.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 16, 2012

Received from the Board of Supervisors-Clerk's Office the amount of Five Hundred Ten Dollars ($510.00), representing filing fee for 601 Dolores Street CEQA Appeal, paid by Jarvis Landon Gates.

Planning Department
By:

Theresa Mancher

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAY 16 PM 12: 25

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 14, 2012

Jeffrey Goldfarb
Elizabeth Erhardt
Rutan & Tucker, LLP
on behalf of J. Landon Gates and Anne Timmer Gates
611 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626

Subject: Appeal of Determination of Exemption from Environmental Review for a Project Located at 601 Dolores Street

Dear Mr. Goldfarb and Ms. Erhardt:

The Office of the Clerk of the Board is in receipt of a memorandum dated May 11, 2012, (copy attached), from the City Attorney's office regarding the timely filing of an appeal of the determination of exemption from environmental review for a project located at 601 Dolores Street.

The City Attorney has determined that the appeal was filed in a timely manner.

A hearing date has been tentatively scheduled on **Tuesday, June 19, 2012, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Pursuant to the Interim Procedures 7 and 9, please provide to the Clerk's Office **by**:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;

11 days prior to the hearing: names of interested parties to be notified of the hearing.

Please provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

If you have any questions, please feel free to contact Rick Caldeira at (415) 554-7711 or Joy Lamug at (415) 554-7712.

Very truly yours,

Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Joy Navarrete, Planning Department
Don Lewis, Planning Department
Michael Smith, Planning Department
Linda Avery, Planning Commission Secretary
Project Sponsor, Molly Huffman/Valerie Veronin, Children's Day School, 333 Dolores Street, San Francisco, CA 94110

601 Dolores Street-- Timeliness Determination

Marlena Byrne to: Angela Calvillo 05/11/2012 03:57 PM

Cc: Rick Caldeira, Joy Lamug, Andrea Ausberry, Victor Young, Cheryl Adams, Kate Stacy, Scott Sanchez, Bill Wycko, AnMarie Rodgers, Tina Tam, Linda Avery, Michael E Smith, Don Lewis

Angela--

Please find attached our office's determination on the timeliness of an appeal filed regarding the Planning Department's determination of exemption from environmental review for a proposed project located at 601 Dolores Street. Please let me know if I can be of further assistance with this matter.

Marlena

Marlena G. Byrne
Deputy City Attorney
Office of City Attorney Dennis J. Herrera
City and County of San Francisco
tel. 415. 554-4620
fax: 415. 554-4757
marlena.byrne@sfgov.org

- 601Dolores.PDF

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620
E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Marlena G. Byrne
Deputy City Attorney

DATE: May 11, 2012

RE: Appeal of Determination of Exemption from Environmental Review for Project Located at 601 Dolores Street

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors by Jeffery Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP, on behalf of J. Landon Gates and Anne Timmer Gates, received by the Clerk's Office on May 9, 2012, of the Planning Department's determination that a project located at 601 Dolores Street is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed project involves the conversion of an existing residential use in a former church structure into middle-school class rooms and a multi-purpose assembly space and associated interior and exterior changes to the building. The Appellant provided a copy a Certificate of Determination, Exemption From Environmental Review, issued by the Planning Department on April 9, 2012, finding the proposed project exempt from environmental review under CEQA Guidelines Class 32 (14 Cal. Code. Regs. §15332).

Additionally, the Appellant provided a copy of Planning Commission Motion No. 18604, approving a conditional use authorization for the project on April 26, 2012. We are also informed that the Zoning Administrator granted a variance for the proposed project on April 26, 2012, as well.

Because the Planning Commission has approved a conditional use authorization for the proposed project the appeal is ripe for review. Additionally, because this appeal of the Planning Department's exemption determination was filed with the Clerk's Office within the 30-day period for appealing the Planning Commission's conditional use authorization, the appeal is also timely. Therefore, the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellant.

Please let us know if we may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Andrea Ausberry, Board Clerk's Office
Victor Young, Board Clerk's Office
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE CITY ATTORNEY

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: May 11, 2012
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for Project Located at 601 Dolores Street

Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Linda Avery, Planning Department
Michael Smith, Planning Department
Don Lewis, Planning Department

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 11, 2012

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira
Deputy Director

Subject: Appeal of Determination of Exemption from Environmental Review for a Project Located at 601 Dolores Street

The above-referenced appeal was filed with the Office of the Clerk of the Board on May 9, 2012, by Anne and Landon Gates, the property owners at 629 Dolores Street, represented by their Attorneys, Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP.

Pursuant to the Interim Procedures of Appeals for Negative Declaration and Categorical Exemptions No. 5, I am forwarding this appeal, with attached documents, to the City Attorney's office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within 3 working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Joy Navarrete, Planning Department
Tina Tam, Planning Department
Don Lewis, Planning Department
Michael Smith, Planning Department

Anne and Landon Gates
629 Dolores Street
San Francisco, CA 94110

Clerk of the Board of Supervisors
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall Room 244
San Francisco CA 94102

Via Hand Delivery

May 9, 2012

To the Clerk of the Board of Supervisors:

Please be advised that we are the appellants for the attached appeal to the Board of Supervisors. We have attached the appeal and supporting documents. Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP are our Attorneys.

Sincerely,

Anne Gates
Anne_gates@yahoo.com

Landon Gates
JLandonGates@gmail.com

RUTAN

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb
Direct Dial: (714) 641-3488
E-mail: jgoldfarb@rutan.com

May 9, 2012

Clerk of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall Room 244
San Francisco, CA 94102-4689

Re: Appeal of Environmental Exemption Review for Case No. 211.0584E
601 Dolores Street

Dear Sir or Madam:

Anne and Landon Gates, the property owners at 629 Dolores Street, San Francisco, CA, appeal the above-referenced action. On April 9, 2012, the City's Environmental Review Officer (the "ERO") determined or recommended that the Planning Commission determine that the above-referenced project (the "Project") is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guideline § 15032 (Class 32 Exemption). (See ERO decision attached hereto as Ex. "A.") On April 26, 2010, the Planning Commission approved a Zoning Variance and Conditional Use Permit in conjunction with the above referenced Project[1]. The Gates will submit evidence in support of their appeal to the Board of Supervisors during the Board of Supervisors hearing. The Gates do not waive their right to file an additional appeal (or participate in another appeal of the Project) pursuant to San Francisco Planning Code Section 308. The Gates appeal the above-referenced environmental determination on the following grounds:

1. Substantial evidence does not support the determination that the Project is consistent with the General Plan and all applicable General Plan policies, as well as the applicable zoning designation and regulation.

2. Substantial evidence does not support the conclusion that the approval of the Project would not result in any significant effects relating to traffic, noise, air quality or water quality. The analysis prepared by the City ignored numerous noise, air quality and traffic generators. These include, but are not limited to, the

[1] The Gates have attempted to obtain a copy of the Planning commission Action minutes or Resolution approving the Project, but it has not been made publically available as of this date. Please consider this letter to be a request under the California Public Records Act for a copy of the adopted Planning Commission Resolution on the Project. In an abundance of caution, however, we attach hereto a copy of the Staff Report and draft Planning Commission Resolution for the April 26 hearing as Exhibit "B."

introduction of equipment and children onto the outdoor rooftop deck, and the creation of the penthouse and its attendant elevator. Substantial evidence also fails to demonstrate that that the construction and operational impacts resulting from the proposed Project will not significantly impact traffic, noise or air quality.

3. The Project is not entitled to a categorical exemption pursuant to CEQA Guideline § 15300.2(f) because the Project may cause a substantial adverse change in the significance of a historical resource. The building at 601 Dolores Street has been designated as a "historically significant" building.. Substantial evidence fails to demonstrate that the numerous changes proposed to the building individually or cumulatively will not cause a substantial adverse change by materially altering, in an adverse manner, the physical characteristics of the 601 Dolores building and substantially impact its historical significance and its qualifications as a historical resource. Moreover, the proposed changes to do not follow the Secretary of Interior's standards for the treatment of historic properties. In addition, the City has failed to impose conditions of approval which would mitigate the potentially adverse significant impacts to historical resources down to a level of insignificance There is evidence which includes, but is not limited to, the fact that the rooftop additions are visible from the street, as well as from other public locations in and around the Project, and the mechanical systems and planters which will be installed on the roof are inconsistent with the architectural style and appearance of the building. These alterations will individually and cumulatively substantially degrade its historic character thereby substantially affecting its ability to be included in the City's Historic Register. In addition, the determination of the ERO was based on incorrect or incomplete plans.

4. The City has not satisfied the requirements of the "Notice of Special Restrictions under the Planning Code" imposed by the Zoning Administrator on any subsequent changes to the property at 601 Dolores (See "Notice" attached hereto as Exhibit "C.").

5. The Project cannot be approved by way of a categorical exemption because it is a legal non-conforming building pursuant to Section 188 of the City's Planning Code and the proposed improvements and/or change in use may not be approved under the Code.

6. The Planning Commission approved the Project without making an independent determination of the Project's compliance with CEQA in violation of CEQA

7. The Project is being piecemealed in violation of CEQA because significant structural improvements will be required prior to issuance of a Certificate of

Occupancy for the building. These improvements will significantly alter many of the historically significant elements of the building, again causing a substantial adverse change to the building's historic significance

8. Unusual circumstances exist in that: (1) the building is a historic resource, and (2) it is locating a school in a residential structure in unusually close proximity to other residential structures, both of which create significant impacts excepting the Project from any categorical exemption.

9. The appeal process deprives appellants of their rights under the Due Process Clause because the time period for filing an appeal, if based upon the determination of the ERO, is uncertain as no appeal is ripe until the Planning Commission actually acts on the underlying application (Case 211.0584CDV).

10. The change in use of the property from a single family residence for 2 people to a school for 320 students will significantly change the property's use and significantly impact the environment in numerous ways including, but not limited to an increase in traffic and air quality impacts, and an increase in the ambient noise levels above levels existing without the Project.

The Gates request they be notified of when this matter is agendized before the Board of Supervisors and be informed of the amount of time they will be afforded to present their appeal. The Gates reserve the right to submit studies and documentation in support of their appeal prior to and during the public hearing on their appeal.

Should you have any questions concerning this matter, please do not hesitate to contact this office.

Sincerely,

RUTAN & TUCKER, LLP

Jeffrey A. Goldfarb

Attorneys for Appellants

JAG:jh

EXHIBIT "A"

SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.:	**2011.0584E**
Project Title:	**601 Dolores Street**
Zoning:	RH-3 (Residential, House, Three-Family) 40-X Height and Bulk District
Block/Lot:	3598/060
Lot Size:	9,687 square feet
Project Sponsor:	Valerie Veronin, (408) 838-0087
Staff Contact:	Don Lewis – (415) 575-9095 don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the southeast corner of Dolores and 19th Streets directly east of Dolores Park in the Mission Dolores neighborhood. The proposed project would involve the conversion of an existing church structure, currently being used as a single-family residence, into middle-school classrooms and a multi-purpose assembly space for the Children's Day School (CDS). The project would enable CDS to relocate its middle school (grades 5 to 8) from 333 Dolores Street to the project site at 601 Dolores Street, which is about two blocks away. The proposed project would accommodate between 160-200 middle school students and would allow CDS to continue its planned enrollment from 350 to approximately 520 students and from 72 to 86 faculty/staff. When 601 Dolores Street is fully occupied in approximately four years, the maximum enrollment would be 320 elementary students at 333 Dolores Street and 200 middle school students at 601 Dolores Street. The existing structure at 601 Dolores Street is approximately 46 feet

(Continued on Second Page.)

EXEMPT STATUS:

Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]

REMARKS:

See reverse side.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

BILL WYCKO
Environmental Review Officer

April 9, 2012
Date

cc: Valerie Veronin, Project Sponsor
Supervisor Scott Wiener, District 8
Historic Preservation List
Bulletin Board
V. Byrd, M.D.F

PROJECT DESCRIPTION (continued):

tall, two stories with mezzanine, and approximately 17,106 square feet in size. The proposed project would add 1,097 square feet to the existing building solely within the existing interior walls by infilling a portion of the mezzanine floor, which is currently open to the floor below. The finished building would be 46 feet tall, three stories, and 18,203 square feet in size with no on-site parking.

Exterior tenant improvements would include adding a roof deck to the southeast corner of the building and an elevator penthouse along the eastern edge of the building. Interior tenant improvements would include converting the sanctuary space into a multi-purpose space, creating a full second floor level within the Sunday school wing, completing the seismic retrofit, adding interior partitions for school facilities, installing new plumbing, and creating ADA accessibility. Other improvements include converting the existing garage entrance on 19th Street into a primary pedestrian entrance and creating a 50-foot-long white zone/passenger loading and unloading area. The sponsor also proposes to extend the existing white zone curb in front of 333 Dolores Street from 80 feet to 130 feet, and to use the existing white zone at 450 Guerrero Street for student drop-offs and pick-ups.[1] 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 includes distribution of morning student drop offs that provides for student safety and minimizes traffic impacts. This is discussed further in the transportation section.

The existing church structure on the project site was constructed in 1910 and is included on the Department's 1976 Architectural Survey, the Here Today Survey, and the City's Unreinforced Masonry Buildings Survey. The estimated construction cost is 5 million dollars. The project would require Conditional Use authorization for a school use in an RH-3 zoning district and for the loss of dwelling unit through conversion.

REMARKS (continued):

In-Fill Development- California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects which meet the following conditions:

a) The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.

The proposed project would be consistent with the San Francisco General Plan and with applicable zoning designations. The site is located within the RH-3 zoning district where the proposed use would be conditionally permitted. The proposed use would be required to provide one off-street parking spaces for each six classrooms. Since the project proposes ten new classrooms, the project would be required to provide one off-street parking space. The proposed project would not provide off-street parking, and therefore the project sponsor is seeking a remote parking variance. The proposed use would not require an off-street freight loading space. As mentioned above, the project would require Conditional Use

[1] CDS students attend gym classes at the Boy and Girls Club located at 450 Guerrero Street, which is directly adjacent to 333 Dolores Street.

authorization for a school in an RH-3 zoning district and for a loss of dwelling unit through conversion. The proposed project would be consistent with all applicable zoning plans and policies

b) The development occurs within city limits on a site of less than five acres surrounded by urban uses.

The 0.22-acre (9,687 square feet) project site is located within a fully developed area of San Francisco. The surrounding uses are primarily residential with a few institutional uses and mixed-use buildings located on prominent corners along Dolores and Guerrero Streets. The project site is directly east of Dolores Park. Therefore, the proposed project would be properly characterized as an in-fill development surrounded by urban uses on a site smaller than five acres.

c) The project site has no habitat for endangered, rare or threatened species.

The project site is within a fully developed urban area that is completely covered with existing buildings and paved surfaces, and does not provide habitat for any rare or endangered plant or animal species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

A transportation study[2] was prepared to analyze impacts associated with the Children's Day School's (CDS) proposed use of 333 Dolores Street, 450 Guerrero Street[3], and 601 Dolores Street. CDS proposes to increase enrollment from 350 to approximately 520 students, while faculty/staff would increase from 72 to 86. Transportation impacts are evaluated during the peak traffic time for the school and surrounding streets, during AM-peak hour conditions (7:30 to 8:30 a.m.), which is the hour before classes start. Travel demand for the proposed project was based on the existing and proposed school population and travel behavior of current students, faculty, and staff at CDS's existing building at 333 Dolores Street. Table 1, below, summarizes the net change in student and faculty/staff arrivals (by travel mode) at 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street between current and future enrollment and re-organization. Travel demand was based on the existing and proposed school population and travel behavior of current students, faculty, and staff at 333 Dolores Street. For the students who are dropped-off, the average observed vehicle occupancy was determined to be 1.65 students per car.

333 Dolores Street

The proposed project may result in an incremental increase in the number of vehicles traveling through nearby intersections, including the intersections of Dolores Street and 16th Street, Dolores Street and 17th Street, and Guerrero Street and 16th Street. An additional 17 students would be located at 333 Dolores Street while the number of faculty and staff would be reduced by 19. The proposed project would result in an increase in approximately 11 vehicle trips associated with student drop-offs and a reduction of

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[2] Atkins, 601 Dolores Street, Transportation Impact Study, April 2012. This document is available for public review as part of Case No. 2011.0584E at 1650 Mission Street, Suite 400, San Francisco, CA.

[3] CDS students attend gym class at the Boys and Girls Club located at 450 Guerrero Street, which is directly adjacent to 333 Dolores Street. The 333 Dolores Street building is located towards the rear of the lot and CDS has access to the rear of the 450 Guerrero Street building. As part of the project, CDS proposes to use the existing loading zone at 450 Guerrero Street for student drop-offs and pick-ups.

approximately 6 vehicle trips associated with faculty and staff. This change in vehicle trips during the morning peak hour would be an incremental increase over existing conditions and would not result in any significant adverse impacts on traffic operations or safety in the vicinity of 333 Dolores Street.

As a result of the proposed project, the number of student drop-offs (18 students or approximately additional 11 vehicles) is expected to increase during the AM-peak hour. As part of the project, CDS would request that the length of the white zone be increased from 80 to 130 feet in order to accommodate this increase. CDS would also increase the number of staff, from one to two, assigned to the Dolores Street passenger loading/unloading zone, to assist students being dropped off, and ensure an efficient turnover in vehicles dropping off students.

TABLE 1
NET CHANGE IN STUDENT ARRIVALS AT 333 DOLORES STREET, 450 GUERRERO STREET, AND 601 DOLORES STREET SITES BETWEEN EXISTING AND FUTURE CONDITIONS

	Walk	Bike	Transit	Auto-Dropped	Auto-Parked in School	Auto-Parked on Street	Total
333 DOLORES STREET SITE							
Pre-School	0	0	0	0	0	0	0
Elementary	20	0	0	30	0	0	50
Middle	-11	-3	-7	-12	0	0	-33
Net Change	9	-3	-7	18	0	0	17
Faculty/Staff	-3	-2	-4	-1	-7	-2	-19
450 GUERRERO STREET SITE							
Pre-School	0	0	0	0	0	0	0
Elementary	0	0	0	0	0	0	0
Middle	0	0	0	50	0	0	50
Net Change	0	0	0	50	0	0	50
Faculty/Staff	0	0	0	0	0	0	0
601 DOLORES STREET SITE							
Pre-School	0	0	0	0	0	0	0
Elementary	0	0	0	0	0	0	0
Middle	25	6	15	41	0	0	87
Net Change	25	6	15	41	0	0	87
Faculty/Staff	5	4	7	1	13	3	33

Source: Atkins, 2012, CDS, 2011.

450 Guerrero Street

The number of vehicles traveling through the intersection of Guerrero Street and 16th Street would incrementally increase in the morning peak hour leading up to the start of class times. With 50 students being dropped off at the white curb zone directly in front of 450 Guerrero Street, this would translate to an increase of approximately 30 vehicles. This traffic is anticipated to be traveling in the southbound

direction on Guerrero Street to access the white zone curb in front of the Boys and Girls Club. Southbound Guerrero Street in the AM-peak hour is the off-peak direction because most vehicles that use Guerrero Street during the AM-peak hour travel in the northbound direction towards downtown San Francisco. Therefore, this increase in traffic volumes is not anticipated to result in a significant impact to the operations or safety of this intersection.

As a result of the project, the number of middle school student drop-offs would be 50 students (approximately 30 vehicles). Under existing conditions, the 60-foot-long white zone curb is underutilized during the AM-peak hour. Based on the current number of drop-offs at the existing white zone at 333 Dolores (approximately 66 students in 40 vehicles at an 80 foot long white curb within 60 minutes), it is reasonable to assume that the drop off of 50 students in 30 vehicles at a 60-foot-long curb between 7:30 and 8:30 a.m. would not cause a significant impact to traffic. This white curb zone would be staffed in the morning to assist children being dropped off and to oversee the efficient turnover of vehicles dropping off students.

601 Dolores Street

The Dolores Street and 19th Street intersection is anticipated to see an increase of approximately 41 students (25 vehicle trips) from parents dropping off their children at the proposed white zone curb on 19th Street. It is anticipated that three faculty/staff would park on the street near 601 Dolores Street. There would likely be another 13 faculty and staff who would require off-street parking. Since there is no off-street parking available at 601 Dolores, faculty and staff would either drive to 333 Dolores Street[4] or one of the nearby public parking garages. Therefore, the increase in the number of vehicles traveling through this intersection in the AM-peak hour leading up to the start of classes would be about 28 vehicles, comprised of 25 vehicles with arriving students and three faculty/staff parking on-street.

To access the white zone passenger unloading area, parents would either make a northbound right turn from Dolores Street onto 19th Street, or a southbound left turn from Dolores Street. Currently there is very little traffic on 19th Street between 7:30 and 8:30 a.m. and, therefore, traffic in the 601 Dolores Street vicinity is predominantly influenced by Dolores Street traffic. During the AM-peak hour traffic on Dolores Street is heaviest in the northbound direction, and thus, the main conflict for the northbound right turn would be with any pedestrians crossing Dolores Street toward Mission Dolores Park, or crossing 19th Street toward 601 Dolores Street. While these conflicts are not expected to be substantial, the school proposes to have a crossing guard at the intersection of 19th and Dolores Streets to aid students and pedestrian traffic crossing during the AM-peak hour.

The southbound left turn from Dolores Street would conflict with both pedestrian movements, and the opposing (northbound) stream of traffic. However, there is very little southbound traffic in the AM-peak hour and with two travel lanes in each direction, there is ample room for a vehicle to wait for an opening to turn. Therefore, despite the fact that this intersection is unsignalized, the increase in volumes due to project generated traffic is not anticipated to adversely impact traffic operations nor is there expected to be significant queuing on Dolores Street.

[4] CHS has 33 off-street parking spaces at 333 Dolores Street

As a result of the project, the number of student drop-offs would be 41 middle school students (approximately 25 vehicles) in the AM-peak hour. As part of the project, CDS would request that a continuous 50-foot-long loading space along the 19th Street side of the building be converted to a white zone passenger loading/unloading area. CDS would have staff at the white curb zone during peak drop-off and pick-up times, to assist children being dropped off, and to oversee the efficient movement of vehicles dropping off students. Of the three drop-off locations, 19th Street has the lowest traffic volumes, and there should be little conflict with other vehicles during the AM-peak hour. Based on comparable operations at 333 Dolores Street, there would be minimal back up onto Dolores Street at this site.

Considering the three sites overall, the volume of the additional trips would not result in any significant individual or cumulative adverse impacts to any intersection service levels, and it is anticipated that traffic patterns would experience no more than minor changes as a result of the proposed project. The level of increase in traffic generated by the project would not be substantial relative to the existing traffic baseline and capacity of the surrounding street system and none of the intersections were observed to have operations problems. There would be no effective cumulative passenger loading impact when considering the sites together, as the three loading zones at 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street are located more than a 1,000 feet from each other. Therefore, the proposed project would not result in any significant adverse traffic impacts.

Transit

The project site is well-served by public transit which includes the following Muni lines: J-Church, 22-Fillmore, and 33-Stanyan. In addition, there are two BART stations within walking distance (16th Street/Mission Street and 24th Street/Mission Street). There is anticipated to be an increase of approximately 22 transit trips (including both students and faculty/staff) to 601 Dolores Street during the morning peak hour, and the existing transit would all have additional capacity during the AM peak to accommodate the increase of 22 transit trips. The transit trips to 333 Dolores Street are anticipated to decrease by approximately seven student-related trips and four faculty/staff-related trips. The proposed project would not change the number of transit trips to 450 Guerrero Street, as it is only used as a vehicle drop-off location for students. Considering all three sites together, the overall net increase would be 11 transit trips, and therefore, the project would not result in significant impacts related to transit.

Parking

As discussed above, the Planning Code would require one off-street parking space for the proposed project and the project sponsor would seek a remote parking variance. In order to increase the length of the white curb passenger loading zone at 333 Dolores Street from 80 to 130 feet, approximately 2 to 3 on-street parking spaces would no longer be available between the hours of 7:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:30 p.m. There would be no impact on parking facilities at 450 Guerrero Street because this site would only be used as a student drop-off location. At 601 Dolores Street, the number of faculty and staff would increase, as this would be a new CDS building, and there is no off-street parking available. Some of these people may decide to park at 333 Dolores, and then walk the two blocks south. Currently, only about 70% (23) of CDS' 33 spaces at 333 Dolores are occupied on a typical weekday. With the relocation in the number of faculty and staff based at 333 Dolores, the number of vacancies is anticipated to increase to 17. Approximately 13 of the 33 faculty and staff that would be located at 601 Dolores Street are anticipated to want to drive and park at the school. Therefore, there should be enough vacant spaces for

them to park at 333 Dolores, and walk to 601 Dolores. Alternatively, there are also three public parking garages located within about a half mile of the site.

While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is not considered to be a significant impact under CEQA, regardless of the availability of on-street parking under existing conditions. San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by local public transit (Muni lines J, 22, and 33) and bike lanes (40 and 45), which provide alternatives to auto travel.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Access

Existing vehicle and pedestrian access would remain the same at 333 Dolores Street, 450 Guerrero Street, and 601 Dolores Street, and therefore access would not be changed by the proposed project. There are no bus stops in front of the project site. Sidewalks and on-street parking are present on both sides of the

street. Therefore, the project would not impede traffic or cause unsafe conditions, and would not result in a significant effect related to access.

Loading

Planning Code Section 152.1 does not require off-street freight loading for schools. Therefore, off-street loading spaces are not required for the proposed project. Student drop-offs and pick-ups are discussed under "Traffic" on page 3.

Pedestrian Conditions

The number of AM-peak hour pedestrian trips to 333 Dolores Street would increase by approximately 9 students and decrease by three. There would be approximately 55 middle school students who would be dropped off at 333 Dolores, then walked to 450 Guerrero, and then walked the two blocks to 601 Dolores under the guidance of CDS staff. Conflict between pedestrians and vehicles would potentially increase because of the additional street crossings, but these would be at signalized intersections with the exception of the crossing at 19th Street to 601 Dolores Street. However, 19th Street has relatively low traffic volumes, students would be accompanied by CDS staff, and there is a cross-walk at the 19th Street and Dolores Street intersection.

Currently there is very little pedestrian activity on Guerrero Street in the morning. The project would increase the number of student drop-offs at 450 Guerrero, by approximately 50 students. However, unlike existing conditions, there would be CDS staff to assist at the existing white zone curb in the morning and to supervise and chaperone student movement to 333 Dolores or 601 Dolores. Since the sidewalks are much wider on Dolores Street, the path to 601 Dolores would likely be south on Guerrero Street to 17th Street, west on 17th Street to Dolores Street, then south on Dolores Street to 601 Dolores Street. All intersections along this route except 19th Street/Dolores Street are signalized and regularly used by pedestrians with no observed hazards.

There is anticipated to be an increase of approximately 130 pedestrian trips to the 601 Dolores site during the AM-peak hour. An estimated 25 students would walk directly to 601 Dolores from home, 55 would be walking to 601 Dolores after being dropped off at 333 Dolores, and 50 would walk to 601 Dolores after being dropped off at 450 Guerrero. There are also anticipated to be approximately five faculty/staff that would walk to 601 Dolores during the AM-peak hour. The movement of middle school students from 333 Dolores and 450 Guerrero to 601 Dolores would be supervised by CDS staff. The sidewalk widths and crosswalks at intersections would provide adequate facilities for the walk between sites. Students walking as a group would also increase safety because of the greater visibility of a group and the supervision of CDS staff.

Overall, pedestrian conditions for the three sites would have adequate facilities and would not materially increase hazards for pedestrians. Therefore, the project would not result in significant pedestrian impacts.

Bicycle Conditions

There are no existing or proposed bike lanes at 601 Dolores Street. In the vicinity of the project site, there are two designated bicycle routes. Bicycle route #40 travels along 17th Street while route #22 travels along Valencia Street. The number of bicycle trips to 333 Dolores Street is anticipated to decrease by approximately three students and two faculty/staff because of the relocation of bicycle-riding middle

school students and staff to 601 Dolores. An estimated increase of approximately 10 bicycle trips to 601 Dolores Street would occur during the morning peak hour. The project would not result in any new bicycle trips to 450 Guerrero. The net effect of the three sites would be similar because the total net change in bicycle trips would be an increase of 5 trips. Therefore, project impacts on bicycles would be less than significant.

In summary, the project would not result in a significant effect with regard to transportation.

Noise: An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity. The noise generated by the proposed users of the 601 Dolores Street building would be considered common and generally acceptable in an urban area, and would not be considered a significant impact. The proposed construction could generate noise and possibly vibration that may be considered an annoyance by occupants of nearby properties. Construction noise is regulated under Article 29 of the City's Police Code, and would be temporary and intermittent in nature. Considering the above discussion, the proposed project would not result in a significant impact with regard to noise.

Air Quality: The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. Based on the air quality screening-level analysis, all of the screening criteria are met by the proposed project.[5] No individual sources would exceed the BAAQMD's significance thresholds for cancer risks, non-cancer risks or the annual average concentration of PM2.5. In addition, construction activities for the proposed interior renovation would be minimal and would require the use of diesel equipment for less than two months, and would therefore not result in a substantial increase in risks and hazards to nearby receptors. Therefore, the project would not exceed the BAAQMD's 2010 thresholds of significance and would not result in the generation of criteria air pollutants and ozone precursors that exceed the BAAQMD's thresholds of significance and operational criteria air pollutants and ozone precursors would be less than significant. Based on these results, the proposed project would not result in exposure of sensitive receptors to substantial pollutant concentrations, and this impact would be less than significant.

Water Quality: The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

[5] Don Lewis, San Francisco Planning Department, *Air Quality Screening Analysis for 601 Dolores Street*, September 19, 2011. This analysis is available for review as part of Case File No. 2011.0584E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

d) The site can be adequately served by all required utilities and public services.

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities is required in order to serve the proposed project.

Other Environmental Issues

Hazardous Materials: AEI Consultants conducted a Phase I Environmental Site Assessment (ESA) at the project site.[6] This assessment was performed to provide a record of the conditions at the subject property and to evaluate what, if any, environmental issues exist at the site. The ESA assessed the potential for adverse environmental impacts from the current and historical practices on the site and the surrounding area. According to the ESA, the subject building was constructed in 1910 for use as a church. Prior to construction of the building, the property was occupied by a residential dwelling (circa 1889) and vacant land (circa 1900). Since 1910, the subject property building was occupied by various churches until 2007, when the entire building was renovated and converted into a single-family residence. No potential environmental concerns were identified in association with the current or historical use of the subject property. No hazardous substances that constitute evidence of a recognized environmental condition were observed at the subject property at the time of site reconnaissance. In addition, the project site is not located within the limits of the Maher Ordinance. Based on the above, effects related to hazardous materials would not be significant.

Historic Architectural Resources: In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the building located on the project site is a historic resource. As described in the attached Historic Resource Evaluation Response (HRER) Memorandum, the property at 601 Dolores Street is eligible for listing in the California Register as an individual resource under Criterion 3 (Architecture) and is a contributor to both the Inner Mission North Boulevards and Alleys Reconstruction Historic Districts under Criterion 1 (Events).[7]

The 601 Dolores Street building was constructed in 1910 as a church for the Mission Congregational Church. In 1931, the Norwegian Lutheran Church of San Francisco purchased the property and the property remained a church until it was converted to a single-family residence in 2008. The subject building was constructed during the Mission District's reconstruction period (1906 – 1917) following the Great Earthquake of 1906. The property is a contributor to both the Inner Mission North Boulevards and Alleys Reconstruction Historic Districts for its association with several churches that relocated along Dolores Street after the Great Earthquake of 1906. Therefore, the subject property is eligible for the California Register as a contributor to two California Register-eligible historic districts under Criterion 1 (Events).

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[6] AEI Consultants, *"Phase I Environmental Site Assessment, 601-605 Dolores Street, San Francisco, California,"* June 20, 2011. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Project File No. 2011.0584E.

[7] Memorandum from Michael Smith, Preservation Technical Specialist, to Don Lewis, Planning Staff, Major Environmental Analysis, March 20, 2012. This memorandum is attached and available for review at the Planning Department, 1650 Mission Street, Suite 400 in Case No. 2011.0584E.

Research has not revealed information that any of its owners or occupants were associated with persons that have made a significant contribution to the broad patterns of history. Therefore, the property is not eligible under Criterion 2 (Persons).

The subject building is a good example of an Edwardian Era church designed in the Gothic Revival style. The building was designed by Francis W. Reid, a locally significant architect. The building's exterior character defining features include the following: rubbed brick cladding at the street facing elevations; all Gothic and Tudor moldings; brick buttresses with caps; complex and steeply pitched gabled roof; all windows, doors, and other openings; and the tower element with crenellated parapet. The interior character defining features include the following: division of spaces into basement, Sanctuary, and Sunday school wing; hardwood flooring; redwood wainscoting and paneling; Tudor and Gothic columns in the sanctuary; Tudor and Gothic arches in the sanctuary; stenciled ceilings in the sanctuary and vestibule; most of the light fixtures; all doors (paneled and overhead); plaster walls and ceilings; exposed wood trusses; and door and window trims. The subject building displays good historic integrity as it retains its location, association, design, workmanship, setting, feeling, and materials. Therefore, the property is individually eligible under Criterion 3 (Architecture).

The Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (Secretary's Standards) for the following reasons. The project would rehabilitate the exterior and interior of the subject building, and the project would preserve most of the church's character defining interior features, including the sanctuary. The sponsor has submitted a protection, reuse, and salvage plan for the building's interior character-defining features so that they would be preserved and reused where possible. The sanctuary is the most character-defining interior space, and its interior volume, stenciled ceiling work, and interior wood finishes would all be preserved. The alterations within the Sunday school wing will be set back from the arches and columns that frame the sanctuary space. The basement is utilitarian and lacks the finishes and details of the floors above and thus was determined not to contain character-defining space or features. The Sunday school wing does contain character-defining finishes and detailing but the space itself was determined to be secondary in importance to the sanctuary space. Furthermore, the Sunday school wing has already experienced several alterations as part of the building's conversion into a single-family dwelling. Some of the original materials that remain in the Sunday school wing would be removed and some would be reused within the altered space.

The proposed project does not include the addition of conjectural elements or architectural features from other buildings, and the new work does not create a false sense of historical development. On the exterior, new pedestrian doors would be compatible with the character of the building. The proposed project would not substantially alter the exterior of the building. The roof deck and the elevator penthouse would not be visible behind the building's existing gabled roof, and both elements could easily be removed in the future and the essential form and integrity of the property would be unimpaired. The building's exterior and interior features are in good condition and do not require repair or replacement. The existing building is relatively clean and does not require chemical or physical treatments. The proposed change to the garage entrance would be similar to the original entrance, as historically it was used as a pedestrian entrance.

The building's seismic upgrade would necessitate removal of interior wall finishes in the sanctuary space. The wall features would be documented and reinstalled over the new shear walls. Within the Sunday school wing, interior wall finishes and doors would be removed and reused elsewhere where feasible. A

secondary stairway in the Sunday school wing would be removed but the stairway is hidden behind doors and is not considered a distinctive feature. The historic entry hall in the Sunday school wing would be preserved with its floor being ramped for ADA accessibility. The wood doors and wainscoting are the only character-defining historic materials in the Sunday school wing and they will be documented and reused where possible, primarily on the new walls on the south side of the sanctuary.

Planning Department staff found that the project would not make any substantial changes to the exterior of the building or any significant changes to the character-defining features on the interior of the building, and therefore, the project would not have a significant adverse impact upon a historic resource, as defined by CEQA.

Archeological Resources: The Planning Department reviewed the proposed project to determine if any archeological resources would be impacted. The Planning Department staff determined that the proposed project would not adversely affect CEQA-significant archeological resources.[8]

Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on August 3, 2011 to owners of properties within 300 feet of the project site and to adjacent occupants. One member of the public stated that it was unrealistic that parents would continue to drop their children off at 333 Dolores Street with the new school facilities at 601 Dolores Street. The transportation section on page three of this document adequately addresses this concern.

Conclusion

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project would not have a significant effect with regard to hazardous materials, cultural resources, or transportation. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant environmental effect. The proposed project is an in-fill development that meets the above conditions, and would have no significant environmental effects.

For the above reasons, the proposed project is appropriately exempt from environmental review.

[8] This analysis is summarized from a Planning Department technical memorandum (Randall Dean, staff archeologist, to Don Lewis, Planner, October 21, 2011), which is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File 2011.0584E

SAN FRANCISCO
PLANNING DEPARTMENT

Historic Resource Evaluation Response

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date of Review:	March 15, 2012 (Part 1) March 15, 2012 (Part II)
Case No.:	**2011.0584E**
Project Address:	**601 Dolores Street**
Zoning:	RH-3 (Residential, House, Three-Family) District 40-X Height and Bulk District
Block/Lot:	3598/060
Staff Contact:	Don Lewis (Environmental Planner) (415) 575-9095 don.lewis@sfgov.org Michael Smith (Preservation Planner) (415) 558-6322 michael.e.smith@sfgov.org

PART I: HISTORIC RESOURCE EVALUATION

Buildings and Property Description

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. In 1931, the Norwegian Lutheran Church of San Francisco purchased the property. The property remained a church until it was converted to a single-family residence in 2008. The current owner, the Children's Day School of San Francisco, intends to convert the property into a school. The building is a heavy timber frame, brick structure on a concrete perimeter foundation. The exterior is clad in rubbed face brick on the north (19th Street) and west (Dolores Street) elevations, as well as its first bay in from the street on its utilitarian east and south elevations. The remainder of the east and south elevations are clad in common red brick. The church was designed by Francis W. Reid, an architect and Congregational minister. The building's prominent corner location results in a complex composition. The building features a centered gable, a tower element, and a steeply sloped centralized roofline.

The building's Dolores Street elevation is of higher importance because it faces the park. It is longer and composed of six structural bays. The first structural bay located at the northern corner of the building features a pedestrian entrance that is recessed within a portal. The portal

features a Tudor arch embellished with cast concrete molding flanked by brick buttresses with concrete caps. A lancet window is located above the entrance. The next structural bay is much wider because it corresponds to the sanctuary inside. The bay features a large arched Tudor window flanked by brick buttresses with concrete caps with four casement windows located at the basement level. All the window sashes within this bay appear to be contemporary replacements. Moving south along the building's west elevation, the next structural bay is the tower. The tower features three casement windows at the basement level, a row of three pointed-arch windows at the main first and second floors, and a large Tudor arched window at the top of the tower. Each corner of the tower features brick pilasters capped by cast concrete buttress caps. The tower is capped by a stepped, crenellated parapet. Moving south beyond the tower, the next three structural bays comprise the Sunday school wing. The first two bays are identical, featuring three, fixed light windows at the main floor with two, Tudor arch windows at the floor above beneath a false gabled roof that is interrupted by a dormer. The bays are demarcated by brick buttresses with caps. The southernmost structural bay on the building's west elevation features non-historic arched wood doors with three lancet windows at the floor above beneath a gabled roof.

The building's north (19th Street) elevation is composed of five structural bays and is two-stories in height. Beginning at the building's northeast corner, the first structural bay features an arched vehicular entrance at the basement level with a non-historic metal roll-up door. The floor above features a large Tudor-arched window. The next structural bay is wider and features a row of three casement windows at the basement level and a large Gothic pointed-arch stained glass window with twelve lights located on the floor above. The windows are flanked by brick buttresses and capped with a gabled parapet that features a lancet window. Moving west along the north elevation the next two structural bays are identical. They feature casement windows at the basement level with Tudor-arched above. The bays are separated by brick buttresses. The westernmost structural bay on the north elevation features a large lancet window flanked by brick buttresses and capped with a gabled parapet that contains three small lancet windows.

The building's east and south elevations are largely hidden from public view. They generally feature common red brick cladding, contemporary replacement arched windows, and brick buttresses. These elevations feature much less ornamentation and are generally utilitarian in nature.

Pre-Existing Historic Rating / Survey

The subject property is included on the Department's 1976 Architectural Survey, page 282 of the *Here Today* Survey, and the City's Unreinforced Masonry Buildings Survey. The property is also a contributor to the "Inner Mission North Boulevards and Alleys Reconstruction District," located within Area 4A of the Inner Mission North Survey Area. The building is considered a "Category A" property (Known Historic Resource) for the purposes of the Planning Department's California Environmental Quality Act (CEQA) because it is listed on adopted surveys and determined individually eligible for listing on the National Register.

Neighborhood Context and Description

The subject property is located in the Mission Dolores neighborhood which is named for the Mission Dolores. Founded in 1776 and originally named Mission San Francisco de Asis, the

mission is one of twenty-one missions established by the Franciscans in California as a way to convert the indigenous people to Catholicism and create a population that was loyal to the Spanish crown. The missions were unkind to the indigenous people as many were forced into labor and forced to suppress their culture. Their exposure to the Spanish colonists also exposed them to foreign diseases that decimated their population. Mission Dolores was abandoned in the 1820's as many of its inhabitants were transferred to Mision San Rafael Arcangel.

In 1810, Mexico rebelled against Spanish rule, finally winning its independence in 1821 becoming a federal republic. Mexico opened up California to trade and settlement and eventually took the mission lands from the Catholic Church and began redistributing them to Mexican citizens. From 1834 onward, the lands of Mission Dolores were carved up into ranchos and granted to Mexican citizens. The ranchos were primarily used for cattle grazing though commerce was burgeoning a few miles away in Yerba Buena. Recognizing the commercial possibilities in the San Francisco Bay Area and fearing that it could fall into the hands of its enemies, the American government attempted to buy the lands from Mexico. Attempts to buy the lands failed and in 1846 war broke out between the United States and Mexico. After a year-and-a-half of fighting, the United States and Mexico signed the Treaty of Guadalupe Hidalgo whereby Mexico ceded their northern territory to the United States for $15 million.

The population of San Francisco dramatically increased with the discovery of gold in the California foothills. However, the Mission Dolores neighborhood was increasingly becoming one of refuge for the remaining Mexican families who were economically, culturally, and politically marginalized in the development of San Francisco. Many of the Mexican land holdings in the Mission Valley were bought by speculative Anglo-Americans who foresaw prosperity in development. The neighborhood remained unplatted well after surrounding areas such as Horner's Addition and Potrero Nuevo had been platted. Based upon early maps, 601 Dolores Street was located near the northeast boundary within Horner's Addition. By the 1860s, resolution of public and private land claims through the legal system facilitated implementation of an orderly street grid and residential subdivision. With this, the Mission Dolores neighborhood began to take on a more urban form. The population of Mission Valley exploded after from 1860 to 1880 when transit lines were extended into the area along Mission and Valencia Streets and streets were graded. During this time most of the remaining Mexican adobe structures were demolished and replaced by modest Victorian structures but Mission Dolores remained. In 1858, then President Buchanan gave Mission Dolores along with eight acres that surrounded it to the Archdiocese of California. The Archdiocese sold much of the land for development, retaining only the block that contained the Mission. In the 1870's the Archdiocese built St. Francis Catholic Church at the corner of Dolores and 16th Streets.

Population pressures and land scarcity compelled the San Francisco government in 1880 to pass an ordinance banning cemeteries within the city's boundaries. Consequently, in 1888 Emanu-El and Sherith Israel congregations which operated a cemetery on Dolores Street established a new, seventy-three acre cemetery in the farming town of Colma in San Mateo County, just outside San Francisco's city limits. By 1896, the cemetery had been completely removed from Dolores Street and in 1905 it was replaced by Mission Park, known today as Dolores Park.

No sooner was the park completed that the City was nearly destroyed by the Great 1906 Earthquake which killed over 3,000 San Franciscans and left over 200,000 homeless. Many of the

people left homeless by the earthquake took refuge in local parks and open space, including the newly created Mission Park.

The demographics of Mission Dolores rapidly changed during the neighborhood's reconstruction period (1906 – 1918) as many Irish refugees from the South of Market neighborhood settled in the neighborhood. Many churches that were located in the South of Market neighborhood were also destroyed and when those displaced congregations decided to rebuild they located near their parishioners which led to several new churches along Dolores Street. Dozens of churches made the move to the Mission District. Mission Congregational Church at 601 Dolores Street was constructed during this period.

601 Dolores Street is located on southeast corner of Dolores and 19th Streets, across the street from Dolores Park. The immediate neighborhood is primarily residential with a few institutional uses and mixed-use buildings located on prominent corners along Dolores and Guerrero Streets. The neighborhood is characterized by three- and four-story, multi-unit, Edwardian, residential buildings from the reconstruction period following the Great Earthquake of 1906. The property is located within the Mission Dolores Historic District.

CEQA Historical Resource(s) Evaluation

Step A: Significance

Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.

Individual		Historic District/Context	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event:	☐ Yes ☒ No	Criterion 1 - Event:	☒ Yes ☐ No
Criterion 2 - Persons:	☐ Yes ☒ No	Criterion 2 - Persons:	☐ Yes ☒ No
Criterion 3 - Architecture:	☒ Yes ☐ No	Criterion 3 - Architecture:	☐ Yes ☒ No
Criterion 4 - Info. Potential:	☐ Yes ☒ No	Criterion 4 - Info. Potential:	☐ Yes ☒ No
Period of Significance: (1910 and 1931)		Period of Significance: (1906 – 1918) Inner Mission North Boulevards and Alleys Reconstruction Historic District; (unknown) Dolores Street Discontinuous District of Religious Buildings	
		☒ Contributor ☐ Non-Contributor	

To assist in the evaluation of the subject property, the Project Sponsor has submitted a Historical Resource Evaluation prepared by Christopher VerPlanck of VerPlanck Historic Preservation Consulting, prepared November 2011 and revised February 2012. Based upon information found in the Historical Resource Evaluation and found within the Planning Department's background files, Preservation staff finds that the subject property is eligible for inclusion on the California Register individually and as a contributor to an identified historic district.

Criterion 1: Property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

601 Dolores Street was constructed during the Mission District's reconstruction period (1906 – 1917) following the Great Earthquake of 1906. In April 2011, the Planning Department determined the property eligible under this criterion as part of the Inner Mission North Boulevards and Alleys Reconstruction Historic District with a period of significance of 1906 – 1917. The property is also significant for its association with several churches that relocated churches along Dolores Street after the Great Earthquake of 1906, the period of significance for this district is unknown but it extends from along Dolores Street from 15th Street to 20th Street. Under this criterion, the property is eligible for the California Register as a contributor to two California Register-eligible historic districts.

Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.

Records failed to indicate that the subject property is associated with the lives of persons important in our local, regional or national past that would make it eligible for listing under this criterion.

Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

The subject building is a good example of an Edwardian Era church designed in the Gothic Revival style. Distinctive exterior characteristics include its crenellated tower, Tudor arched and lancet windows, buttresses with caps, brick cladding, and complex and steeply pitched roof. Distinctive interior features include the sanctuary space, Gothic columns, Tudor arched openings, redwood paneling, stenciled ceiling work, and division of space. The property possesses high artistic values and is a good example of its type.

The building was designed by Francis W. Reid for the Mission Congregational Church. Mr. Reid was a locally significant architect having designed two Carnegie libraries, eleven schools, 26 churches, and more than 500 dwellings and commercial structures primarily in the Bay Area. Mr. Reid, worked both independently and with the firm of Meeker and Reid. His church buildings include commissions in San Francisco, Concord, Livermore and Porterville, CA. He began his career designing large Queen Anne houses for prominent residents of the Santa Clara Valley, including the famous Coggeshall Mansion in Los Gatos. He also had many residential commissions in Piedmont, Berkeley, San Francisco and San Jose, CA. Mr. Reid was born in Canada in 1863 and obtained a Certificate in Architecture in 1910 from the University of the Pacific.

Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.

The subject property is likely to yield important information to our history since it is located in near Mission Dolores. However, the proposed project would not disturb the property's soils.

Step B: Integrity

To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

The subject property has retained or lacks integrity from the period of significance noted in Step A:

Location:	☒ Retains	☐ Lacks	**Setting:**	☒ Retains	☐ Lacks
Association:	☒ Retains	☐ Lacks	**Feeling:**	☒ Retains	☐ Lacks
Design:	☒ Retains	☐ Lacks	**Materials:**	☒ Retains	☐ Lacks
Workmanship:	☒ Retains	☐ Lacks			

The exterior of 601 Dolores Street has undergone very few alterations and has very good historic integrity. Exterior alterations include replacement of louvers within the tower openings with glazing, replacement of windows on the east and south elevations with compatible replacements, and removal of chimneys. The interior of 601 Dolores Street has undergone more changes as a result of its conversion to a single-family dwelling in 2008. The sanctuary was left unchanged but the Sunday school wing was more extensively remodeled. Within the Sunday school wing partitions were moved and original finishes were removed. Overall, the interior retains good historic integrity.

Step C: Character Defining Features

If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.

Character defining features of the 601 Dolores Street that must be retained include but are not limited to:

Exterior

- Rubbed brick cladding at the street facing elevations.
- All Gothic and Tudor moldings.

- Brick buttresses with caps.
- Complex and steeply pitched gabled roof.
- All windows, doors, and other openings.
- Tower element with crenellated parapet.

Interior

- Division of spaces into basement, Sanctuary, and Sunday school wing.
- Hardwood flooring.
- Redwood wainscoting and paneling.
- Tudor and Gothic columns in the sanctuary.
- Tudor and Gothic arches in the sanctuary.
- Stenciled ceilings in the sanctuary and vestibule.
- Most of the light fixtures.
- All doors (paneled and overhead).
- Plaster walls and ceilings.
- Exposed wood trusses.
- Door and window trims.

CEQA Historic Resource Determination

☒ Historical Resource Present
- ☒ Individually-eligible Resource
- ☒ Contributor to two eligible Historic Districts
- ☐ Non-contributor to an eligible Historic District

☐ No Historical Resource Present

PART I: SENIOR PRESERVATION PLANNER REVIEW

Signature: Tina Tam Date: 3/20/2012

Tina Tam, *Senior Preservation Planner*

PART II: PROJECT EVALUATION

Proposed Project ☐ Demolition ☒ Alteration

Per Drawings Dated: July 8, 2011; prepared by Jensen Architects

Project Description

The proposal is for Children's Day School of San Francisco to convert the church at 601 Dolores Street from a single-family dwelling into a private school housing 200 middle-school students. 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, 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 would add approximately 1,000 square-feet of occupiable space within the existing 17,106 square-foot building.

Project Evaluation

If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.

To assist in the evaluation of the proposed project, the Project Sponsor has submitted the following consultant report:

- Prepared November 2011 and revised February 2012, by Christopher VerPlanck of VerPlanck Historic Preservation Consulting, for 601 Dolores Street.

Subject Property/Historic Resource:

☒ The project will not cause a significant adverse impact to the historic resource as proposed.

☐ The project will cause a significant adverse impact to the historic resource as proposed.

California Register-eligible Historic District or Context:

☒ The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

☐ The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

Staff finds that the proposed project would not cause a significant adverse impact upon a historic resource such that the significance of the building would be materially impaired. The proposed project will not have a significant adverse impact on 601 Dolores Street, a known resource that is

listed in Here Today, the Department's 1976 Architectural Survey, the Department's Unreinforced Masonry Building Survey, and been deemed eligible for the California Register of Historical Resources individually and as a contributor to the "Inner Mission North Boulevards and Alleys Reconstruction District."

The Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (Secretary's Standards). The following is an analysis of the proposed project per the Secretary's Standards:

> ***Standard 1.***
> *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The proposed project would convert the subject property a former church that is currently used as a single-family dwelling, into a school. To accommodate this new use, the project would rehabilitate the exterior of the subject building and to a greater extent, the interior. However, the conversion would preserve most of the church's character defining interior features. The sanctuary, the most notable interior space and its volume and detail would be preserved as the space is converted into a multi-purpose space. The spaces that would be more heavily altered, basement and Sunday school wing, would accommodate the school's more programmatic space. The sponsor has submitted a protection, reuse, and salvage plan for the building's interior character-defining features so that they get preserved and reused where possible. Where removal of historic materials is required within the sanctuary they will reinstalled based upon documentation.

Therefore, the proposed project complies with Rehabilitation Standard 1.

> ***Standard 2.***
> *The historic character of a property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property will be avoided.*

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, and adding an elevator penthouse along the eastern edge of the building. The roof deck and the elevator penthouse will not be visible from the street.

The interior of the building is divided into three sections: the basement, the sanctuary (nave), and the Sunday school wing. The sanctuary is the main and most character-defining interior space. Its interior volume, stenciled ceiling work, and interior wood finishes will all be preserved. The alterations within the Sunday school wing will be set back from the arches and columns that frame the sanctuary space. The basement is utilitarian and lacks the finishes and details of the floors above and thus was determined not to contain character-defining space or features. The Sunday school wing does contain character-defining finishes and detailing but the space itself was determined to be second in importance to the sanctuary space. Furthermore, the Sunday

school wing has already experienced several alterations as part of the building's 2008 conversion into a single-family dwelling. It will be further altered to accommodate three classrooms, bathrooms, and student lounge space. A new floor will also be inserted into the space, eliminating its two-story volume.

The Department disagrees with the consultant's conclusion that the proposed alterations do not comply with Standard 2. The Sunday school wing is the building's most compromised interior space and it is not the primary character-defining interior space and thus further alteration to the space would not alter the building's interior character. Some of the original materials that remain in the Sunday school wing would be removed and some would be reused within the altered space under the sponsor's protection, reuse, and salvage plan. The wood floors would remain and some of the wood doors and wainscoting would be reused.

Therefore, the proposed project complies with Rehabilitation Standard 2.

> *Standard 3.*
> *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The proposed project does not include the addition of conjectural elements or architectural features from other buildings. New work does not create a false sense of historical development and would be somewhat contemporary in character. On the exterior, new pedestrian doors would be compatible with the character of the building.

Therefore, the proposed project complies with Rehabilitation Standard 3.

> *Standard 4.*
> *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The proposed project does not involve alterations to the subject building, which have acquired significance in their own right. The project would remove a stained glass window from the north side of the sanctuary space but the window in question was installed at an unknown time after 1931 and has not garnered significance in its own right.

Therefore, the proposed project complies with Rehabilitation Standard 4.

> *Standard 5.*
> *Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.*

The proposed project would not substantially alter the exterior of the building. The project would not remove features or finishes that characterize the basement.

The building's seismic upgrade would necessitate removal of interior wall finishes in the sanctuary space. The wall features would be documented and reinstalled over the new shear walls. Within the Sunday school wing, interior wall finishes and doors would be removed and reused elsewhere where feasible pursuant to the sponsor's protection, reuse, and salvage plan for the building. A secondary stairway in the Sunday school wing would also be removed and the space would lose its two-story volume. The historic entry hall in the Sunday school wing would be preserved with its floor being ramped for ADA accessibility. Since the stair to be removed is secondary and hidden behind doors it is not considered a distinctive feature. The original plaster wall finishes in the Sunday school wing have already been compromised. The wood doors and wainscoting are the only character-defining historic materials in the Sunday school wing and they will be documented and reused where possible, primarily on the new walls on the south side of the sanctuary.

For these reasons the proposed project complies with Standard 5.

> *Standard 6.*
> *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacements of a distinctive feature, the new feature will match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The building's exterior and interior features are in good condition and do not require repair or replacement.

Therefore, the proposed project complies with Rehabilitation Standard 6.

> *Standard 7.*
> *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

The existing building is relatively clean and does not require chemical or physical treatments.

Therefore, the proposed project complies with Rehabilitation Standard 7.

> *Standard 8.*
> *Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures will be undertaken.*

The proposed project would not disturb subsurface soils.

Therefore, the proposed project complies with Rehabilitation Standard 8.

> *Standard 9.*
> *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

Exterior tenant improvements include converting a non-historic garage entrance on 19th Street into a primary pedestrian entrance, adding a roof deck to the southeast corner of the building, and adding an elevator penthouse along the eastern edge of the building. The roof deck and the elevator penthouse would not be visible behind the building's gabled roof.

Therefore, the proposed project complies with Rehabilitation Standard 9.

> *Standard 10.*
> *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

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, and adding an elevator penthouse along the eastern edge of the building. The proposed change to the garage entrance would bring the building closer to what it was originally. The proposed roof deck and elevator penthouse could easily be removed in the future and the essential form and integrity of the property would be unimpaired.

Therefore, the proposed project complies with Rehabilitation Standard 10.

Summary
The Department finds that the project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (*Standards*). The project would not make any substantial changes to the exterior of the building or any significant changes to the character-defining features on the interior of the building. As currently proposed, the project will not have a significant adverse impact upon a historic resource, as defined by CEQA.

PART II:SENIOR PRESERVATION PLANNER REVIEW

Signature: Tina Tam Date: 3/20/2012
Tina Tam, *Senior Preservation Planner*

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File
Don Lewis, Environmental Planner

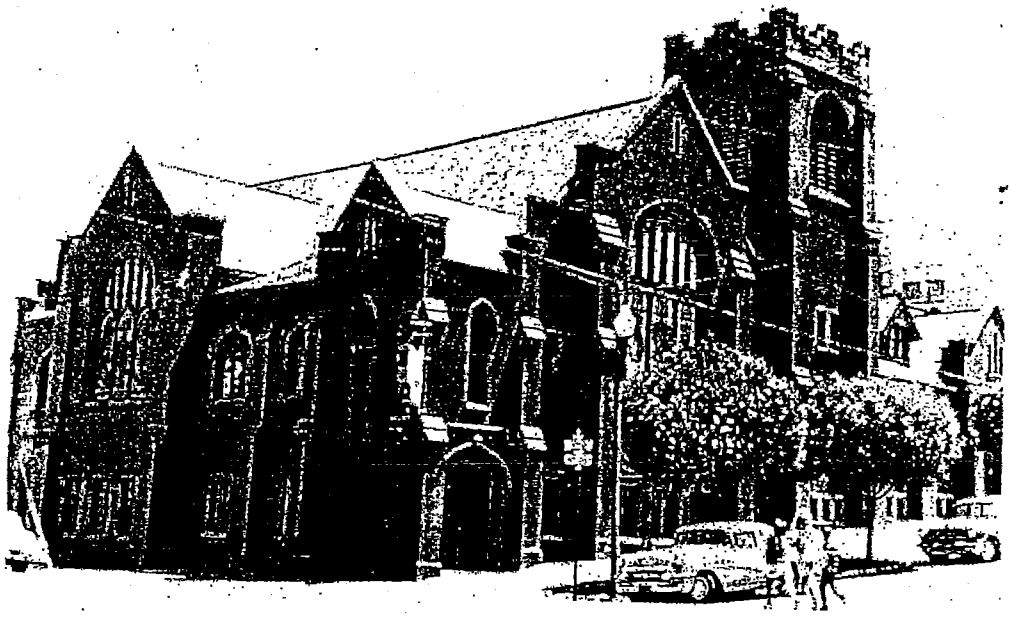


EXHIBIT "B"

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Conditional Use

HEARING DATE: APRIL 26, 2012

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	April 19, 2012
Case No.:	**2011.0584CDV**
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 *michael.e.smith@sfgov.org*
Recommendation:	**Approval with Conditions**

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, 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.

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.

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.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 6, 2011	April 4, 2011	22 days
Posted Notice	20 days	April 6, 2011	April 6, 2011	20 days
Mailed Notice	10 days	April 16, 2006	April 4, 2011	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

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.

ISSUES AND OTHER CONSIDERATIONS

- The project requires a parking variance because no parking would be provided for the use where two spaces are required.

- The project requires the Commission to not take discretionary review for the conversion or a dwelling into a nonresidential use. The property has been used as a church or community room for a majority of its life until in 2007 it was converted into a single-family dwelling. A dwelling of this size is uncharacteristic within this neighborhood.

- CDS currently has a campus located 2.5 blocks to the north at St. Joseph's Hall at 333 Dolores Street, a city landmark site. CDS plans to retain its existing campus for Kindergarten through fourth grade students. In 2003, the Commission granted the school conditional use authorization to install three (3) portable classrooms that measure 24' X 40' each on the site. At the recommendation of the Landmarks Preservation Advisory Board (LPAB), the portable classrooms were authorized for use for a period not to exceed ten (10) years. This project would provide more space for CDS allowing them to transition students out of the temporary classrooms and remove the buildings altogether from the site in compliance with their 2003 conditions of approval.

- To reduce traffic and parking impacts in the neighborhood during pick-up and drop-off times, CDS would have students that attend 601 Dolores dropped-off at 333 Dolores Street and the students would walk to the school from there. The school will also be requesting a white zone for student drop off at the property's 19th Street frontage. The white zone would measure 85 feet in length and result in the loss of several parking spaces including one handicap space.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a school within a residential district, pursuant to Planning Code Sections 209.3(g) and 303 and not take Discretionary Review pursuant to Section 317 of the Planning Code to allow the conversion of a dwelling unit into a school. In addition, the Zoning Administrator would need to grant a parking variance pursuant to Section 151 of the Planning Code to allow a school without parking.

BASIS FOR RECOMMENDATION

- The project promotes the adaptive reuse of a difficult building type.
- The project promotes and strengthens the continued operation of a neighborhood serving school.
- The project would preserve the building's exterior and interior character defining features.
- The project would result in the loss of a dwelling unit that is not affordable to most City residents.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The Project will allow for additional choices in educational options to neighborhood and city residents

- There are a limited number of suitable sites available for institutional uses such as an independent school.

RECOMMENDATION:	**Approval with Conditions**

Attachment Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☒ Environmental Determination
- ☒ Zoning District Map
- ☒ Height & Bulk Map
- ☒ Block Book Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Context Photos
- ☒ Site Photos
- ☒ Project sponsor submittal

  Drawings: Existing Conditions
  - ☒ Check for legibility

  Drawings: Proposed Project
  - ☒ Check for legibility
- ☐ Health Dept. review of RF levels
- ☐ RF Report
- ☐ Community Meeting Notice
- ☐ Inclusionary Affordable Housing Program: Affidavit for Compliance

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

Planner's Initials

SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ☐ Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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 *michael.e.smith@sfgov.org*

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 Conversation 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 .

EXHIBIT "C"

RECORDING REQUESTED BY:

And When Recorded Mail To:

Name: SIAMAK AKHAVAN

Address: 547 CORBETT AVE.

City: SAN FRANCISCO

State: California CA

CONFORMED COPY of document recorded on,
03/27/2008,2008I558781
as No. ____ at ____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR RECORDER

Space Above this Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I, (We) SIAMAK AKHAVAN, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (LEGAL DESCRIPTION AS ON DEED).

SEE ATTACHED
EXHIBIT "A"

BEING Assessor's **Block 3598, Lot 060,** commonly known as **601 Dolores Street**, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on **March 21, 2008 (Case No. 2008.0127V)** permitting to convert the existing church building into a single-family dwelling with three off-street parking spaces. The proposed project includes seismic upgrades and only minimal changes to the exterior of the subject building.

The restrictions and conditions of which notice is hereby given are:

1. Any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine whether the expansion is compatible with existing neighborhood character, scale, and parking. If the Zoning Administrator determines that

there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.

3. Minor modifications as determined by the Zoning Administrator may be permitted.

4. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: 3/27/08 at San Francisco, California

(Signature of owner)

(Signature of owner)

This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

U:\SMiddleb\DOCUMENTS\NSRs\VA\601 Dolores Street=2008.0127V.doc

Escrow No.: 07-**36502748**-NV
Locate No.: CACTI7738-7738-2365-0036502748
Title No.: 07-**36502748**-RM

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO , COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Commencing at a point formed by the intersection of the southerly line of 19th Street with the easterly line of Dolores Street; running thence easterly along the southerly line of 19th Street 85 feet; thence at a right angle southerly 114 feet; thence at a right angle westerly 85 feet to the easterly line of Dolores Street; and thence northerly along the easterly line of Dolores Street 114 feet to its intersection with the southerly line of 19th Street and the point of commencement.

Being portion of Mission Block No. 77.

APN: Lot 60, Block 3598 601-605 Dolores Street, San Francisco, CA

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of SAN FRANCISCO }

On MARCH 27, 2008 (Date) before me, WILLIAM H TRAVIS JR NOTARY PUBLIC (Name and Title of Officer (e.g., "Jane Doe, Notary Public")),

personally appeared SIAMAK AKHAVAN (Name(s) of Signer(s))

☐ personally known to me

☒ (or proved to me on the basis of satisfactory evidence)

to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

WILLIAM H. TRAVIS JR.
Commission # 1783537
Notary Public - California
San Francisco County
My Comm. Expires Dec 4, 2011

Place Notary Seal Above

Signature _____ (Signature of Notary Public)

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

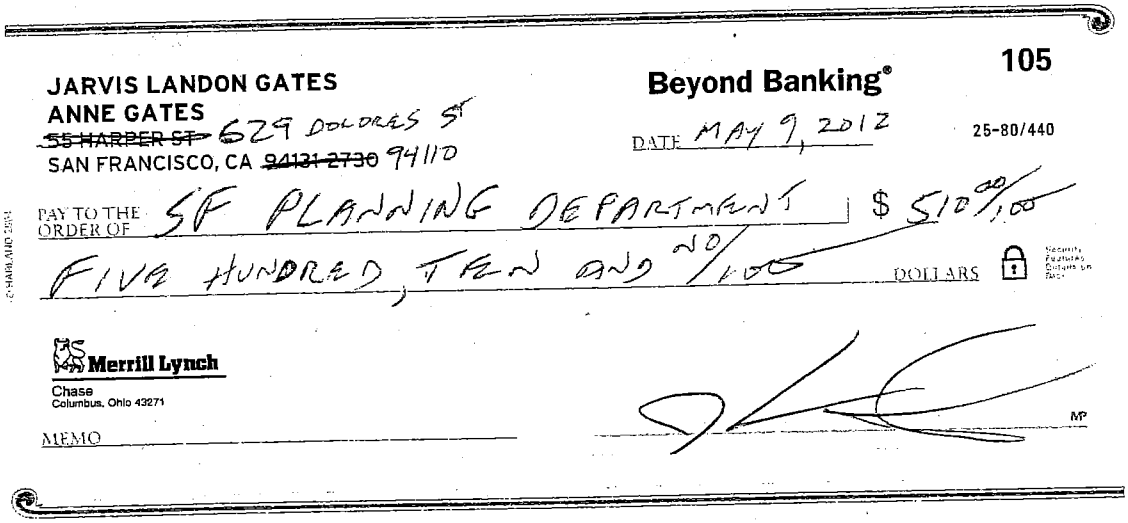
Document Date: 3/27/08 Number of Pages: 3pages

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: SIAMAK AKHAVAN
☒ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
RIGHT THUMBPRINT OF SIGNER

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
RIGHT THUMBPRINT OF SIGNER



JARVIS LANDON GATES
ANNE GATES
~~55 HARPER ST~~ 629 DOLORES ST
SAN FRANCISCO, CA ~~94131-2730~~ 94110

Beyond Banking®

105

DATE MAY 9, 2012

25-80/440

PAY TO THE ORDER OF SF PLANNING DEPARTMENT $ 510.00/100

FIVE HUNDRED, TEN AND NO/100 DOLLARS

Merrill Lynch
Chase
Columbus, Ohio 43271

MEMO

MP