

**CITY OF DALY CITY
PLANNING COMMISSION
REGULAR MEETING**

DRAFT AGENDA

Tuesday, October 07, 2014 - 7:00 PM

Council Chambers, City Hall

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

Webcast: www.dalycity.org/meetings

OPENING OF MEETING:

PLEDGE TO THE FLAG:

ROLL CALL:

MINUTES: Approval of Minutes of September 2, 2014

PUBLIC HEARING:

1. **Proposed Second Amendment to the Development agreement between the City of Daly City and Al Baldini and Ottorino Pasian.** To consider and act upon a proposed Second Amendment to a Development Agreement between the City of Daly City and Al Baldini and Ottorino Pasian for a Mixed-Use Commercial/Residential Development (previously completed) and eight residential lots (still pending construction) dated June 8, 2004 ("Development Agreement"), to extend its term until December 31, 2015 ("Second Amendment").

The project area is generally located at 2665 Geneva Avenue (the Mixed-Use Parcel), with two vacant residential lots fronting on Rio Verde Street and six vacant residential lots fronting on Calgary Street. The mixed-use commercial/residential component of the project was completed in 2009, while the eight single-family residential lots on Rio Verde and Calgary Streets still remain to be completed.

APPLICANT:	Development Agreement between the City of Daly City and Al Baldini and Ottorino Pasian
LOCATION:	Property fronting Geneva Avenue, Calgary Street, and Rio Verde Street
ENVIRONMENTAL	Exempt from the California Environmental Quality Act

ASSESSMENT: (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3)

PLANNER: Tatum Mothershead, Interim Director, ECD

2. **Use Permit (Coastal Development Permit) UPR-4-14-8941** - Application by the City of Daly City to implement the 2014-15 Site Maintenance Improvements for Mussel Rock Landfill located at 150 Westline Drive. The project includes installing new below- and above-ground pipes for purpose of conveying storm water and surface water, and regrading a portion of the road leading to the sedimentation basin near the landfill's upper disposal area to mitigate land movements. The project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(d) - New Small Structures and Section 15304 Minor Alteration of Land. APNs 008-460-010 and 008-460-070.

PUBLIC APPEARANCES, STAFF COMMUNICATIONS:

ACQUISITIONS, VACATIONS, ETC. - SECTION 65402(A):

ADJOURNMENT:

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should notify the Office of the City Clerk at 991-8078 as early as possible.

Availability of Public Records: All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.

**CITY OF DALY CITY
PLANNING COMMISSION
REGULAR MEETING**

MINUTES

Tuesday, September 2, 2014 - 7:00 PM

Council Chambers, City Hall

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

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OPENING OF MEETING:

PLEDGE TO THE FLAG:

ROLL CALL: PRESENT: Crump, Edelman, Kelly, Lubiano, Sylvester
 ABSENT:

MINUTES: Approval of Minutes of July 1, 2014 and August 5, 2014
 Moved by Commissioner Edelman, seconded by Commissioner Crump, that the
 Minutes of July 1, 2014 and August 5, 2014 meeting be approved.
 Motion carried 5-0.

PUBLIC HEARING:

1. Major Subdivision SUB-5-14-9004 and Design Review DR-5-9007 and Environmental Assessment for a subdivision of nine existing parcels into 50 developable lots with four common lots and the development of 50 residential townhomes.

Staff report presented by: Steve Flint, Contract Senior Planner

On September 2, 2014, the Planning Commission voted 4-1 (Commissioner Sylvester voting no) to recommend that the City Council approve Major Subdivision SUB-5-14-9004 and Design Review DR-5-14-9007 with revised Conditions of Approval. Prior to the vote, a public hearing was conducted, during which the following issues were raised:

- Commissioner Kelly expressed concern regarding construction noise that could disturb the neighborhood. Commissioner Kelly asked if a condition of approval could be added to limit the hours of construction. Kelly Schott, Assistant City Attorney, indicated that such a condition could be required and staff would add that condition.

- Residents living in the vicinity of the project site raised concerns regarding potential impacts on street parking and traffic generation. Brian Desler, the applicant, indicated this development would create approximately 23 new on-street parking spaces. Also, all two-bedroom units would have two-car garages and all three-bedroom units would have three-car garages, which is more than the zoning code requires. Further, the Homeowners' Association would have the authority to enforce parking in garages to discourage on-street parking. Commissioner Kelly asked if such a restriction could be included in the CC&Rs and was advised that it could. Mr. Desler agreed to this restriction as well.
- Residents questioned the height of the structures and expressed their concern that the buildings would cast shadows on their property north of the project. It was pointed out that a driveway and landscaped strip would separate the new structures from their property, so shading would be minimal.

Residents stated that the construction on the project site would displace rodents and other animals living there, which would then invade the surrounding properties. The residents asked that before the well on the project site is closed or any other ground disturbance like grading occurred, a notice be sent to the surrounding neighborhood advising that the work was about to commence. That would allow the neighbors to take the necessary precautions in advance. Mr. Desler agreed to provide such notice

Moved by Commissioner Kelly, seconded by Commissioner Crump, to close the public hearing. Motion carried 5-0.

Moved by Commissioner Edelman, seconded by Commissioner Kelly, to adopt the findings as amended in the staff report of September 2, 2014. Motion carried 5-0.

Moved by Commissioner Crump, seconded by Commissioner Kelly, to recommend City Council approval of SUB-5-14-9004 and DR-5-14-9007, subject to the findings and modified conditions outlined in the staff report of September 2, 2014. Motion carried 4-1.

ACQUISITIONS, VACATIONS, ETC. - SECTION 65402(A):

ADJOURNMENT: The Chair adjourned the meeting at 7:50 p.m.

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Daly City Planning Commission Agenda Report

333 - 90th Street ♦ Daly City ♦ California ♦ 94015 ♦ 650-991-8033

Meeting Date: October 7, 2014

Application: Development Agreement between the City of Daly City and Al Baldini and Ottorino Pasian

Project Planner: Tatum Mothershead, Interim Director, ECD

Project Location: Property fronting Geneva Avenue, Calgary Street, and Rio Verde Street

Environmental Assessment: Exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3)

Background

In 2004, the property owners of the El Rancho Market site located at 2665 Geneva Avenue, between Rio Vista and Calgary Streets, received approval for Planned Development zoning allowing for a mixed-use building of 87-unit affordable senior apartments above 14,780 square feet of ground floor retail, and eight lots for single-family detached homes. Subsequent to this zoning approval, the developer and City entered into a Development Agreement.

In 2005, the property owners sought and secured a revision to this project. The revised project consists of a mixed-use building with ground floor commercial uses and 72 condominiums on the upper four levels of the building. The commercial spaces consist of a 10,110 square foot space facing Geneva Avenue and a 2,998 square foot space facing Rio Verde Street. The eight single family lots were not changed. The Development Agreement that was previously approved had not been changed to reflect the revised project.

In May 2014, the City approved the First Amendment to the Development Agreement, which extended the expiration of the agreement to December 31, 2014 to allow the City and Al Baldini and Ottorino Pasian time to negotiate the terms of the agreement because the project, specifically the single-family lots, had not been fully entitled and the overall project description had changed.

Discussion

While entitlement and development of the single-family lots has not been completed, the City and the Developer have made notable progress to that end. Additional time is needed for the project to progress under the terms of the Development Agreement and therefore, staff is recommending extending the expiration date to December 31, 2015.

Recommendation

Staff recommends that the Planning Commission forward a recommendation of the following actions to the City Council:

October 7, 2014

- 1) Adopt an Ordinance that extends the Development Agreement until December 31, 2015
- 2) Authorize the City Manager to execute an extension of the Development Agreement as provided in the Ordinance

Staff is available to provide any additional information desired by the Planning Commissioners.

Respectfully submitted,

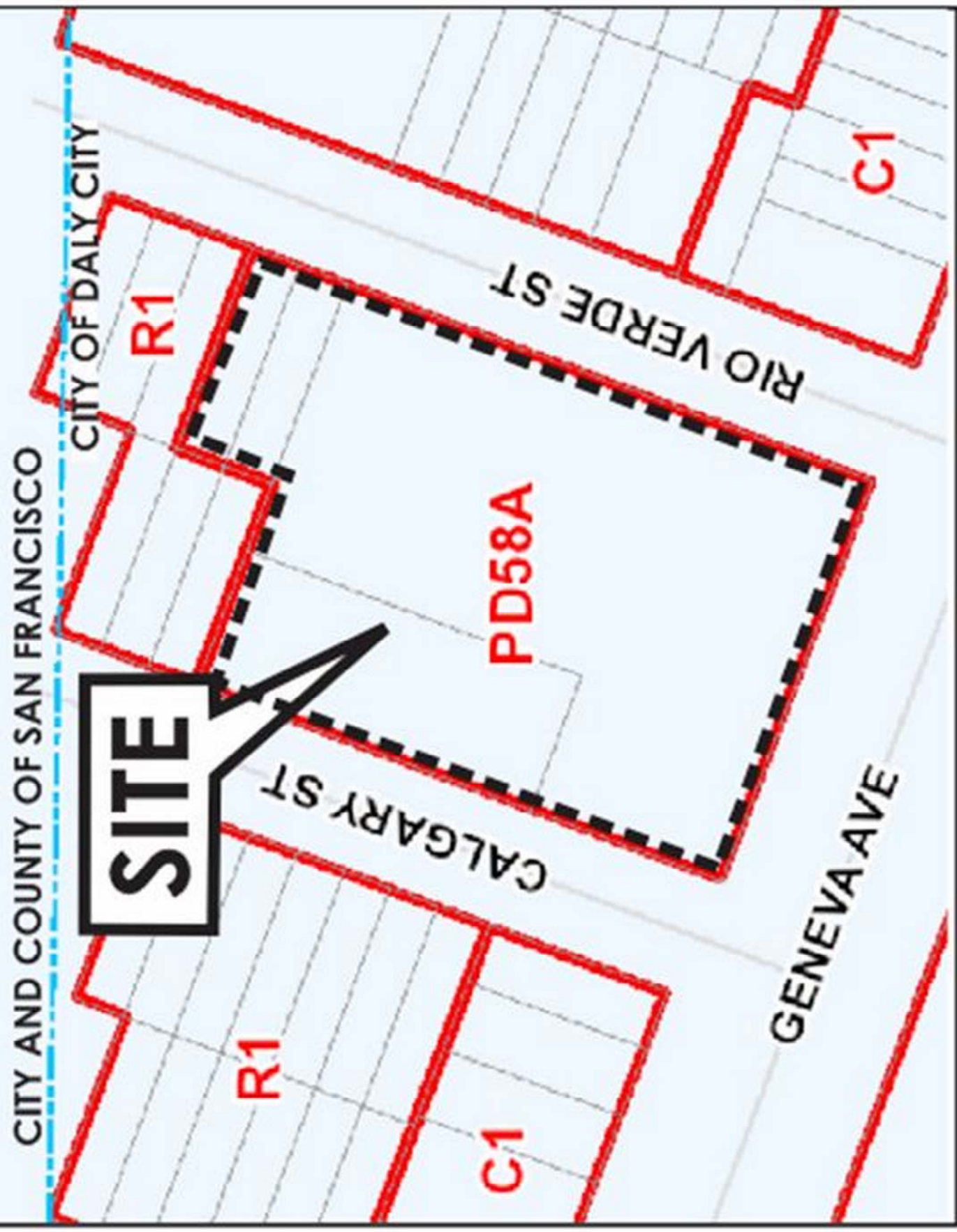
A handwritten signature in black ink, appearing to read 'Tatum Mothershead', written in a cursive style.

Tatum Mothershead
Interim Director, Economic and Community Development

Attachments

Attachment A – Location Map

SITE LOCATION AND ZONING





Daly City Planning Commission Agenda Report

333 - 90th Street ♦ Daly City ♦ California ♦ 94015 ♦ 650-991-8033

<u>Meeting Date:</u>	October 7, 2014
<u>Application:</u>	Use Permit (Coastal Development Permit) UPR-4-14-8941
<u>Project Planner:</u>	Michael VanLonkhuysen, Interim Planning Manager
<u>Project Location:</u>	Mussel Rock Landfill, Daly City, 150 Westline Drive Assessor Parcel Numbers: 008-460-010 and 008-460-070
<u>Project Description:</u>	2014-15 Site Maintenance Improvements for Mussel Rock Landfill
<u>Applicant and Property Owner:</u>	City of Daly City 333 90 th Street Daly City, CA 94015
<u>Environmental Assessment:</u>	Exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(d) – New Small Structures and Section 15304 Minor Alterations of Land
<u>Applicable Daly City Municipal Code Provisions:</u>	Chapter 17.23 – OS Open Space District Chapter 17.27 – RP Resource Protection Combining District

Background

The City has maintained the Mussel Rock Landfill in compliance with the Regional Water Quality Control Board (RWQCB) requirements since the landfill's closure in 1978 (see Attachment A – Location Map). The site is located within an active landslide and is subject to ground movement and erosion.

In general, routine maintenance improvements and repairs are necessary at the landfill to avoid exposing and releasing buried garbage into the ocean. The City's maintenance efforts are focused on adequate landfill cover, integrity of the site's drainage system, structural integrity and maintenance of the seawall, erosion prevention and maintaining the maintenance access roads. Due to ground movement, natural erosion, and vegetation growth, maintenance and repair activities are required to maintain the seawall, the maintenance access roads, and the functionality of the storm drain system.

Proposed Maintenance Activities

The maintenance improvements and repairs included as part of the 2014-15 Site Maintenance Improvements project for Mussel Rock Landfill are necessary in order to continue maintaining compliance with RWQCB requirements (see Attachment B – Site Maintenance Plan). They are as follows:

1. Cleaning the existing half-round storm drain pipes and catch basins of vegetation and dirt that naturally accumulate, realigning or regrading pipes to restore their functionality, and installing perforated pipe below ground surface to provide proper drainage. The work related to the drainage system is part of an annual maintenance program.
2. Installing approximately 200 feet of full round 24-inch pipeline aboveground between two existing catch basins to allow for proper drainage. For the purposes of being able to visually inspect and properly maintain this pipeline, the City plans to install this pipeline aboveground.
3. Installing approximately 50 feet of 24-inch half-round corrugated metal pipeline above ground and to capture and convey surface liquid that is currently ponding at the central eastern end of the site.
4. Resetting and replacing drainage and outfall pipeline that have become reverse pitch due to land movement. These pipelines are below ground surface under a roadway. The roadway will be impassable during construction and persons wishing to access lower portions of the Site will need to take alternate routes, which will be available.
5. Regrading a portion of the road leading to the sedimentation basin near the upper disposal area. Land movements have caused a portion of the access road to become steep. Not performing the regrading work could cause the road to become difficult to negotiate in a vehicle, making proper visual observation and maintenance difficult.

6. Clearing and grubbing portions of the roadway that have become overgrown with brush and could potentially become difficult to navigate with a vehicle if this work is not performed. The access road will receive a new layer of asphalt concrete grindings where needed and if material is available from the City's resurfacing project.

It is anticipated that the City would initiate these activities in January 2015 and that they would conclude in March 2015.

Coastal Development Permit

The subject site is located within the Open Space (OS) district and Resource Protection (-RP) combining district, the latter of which requires a Coastal Development Permit (CDP) for new structures. Staff has determined that a CDP is required for the new below- and above-ground pipes that will convey stormwater and surface water, and re-grading a portion of the existing road leading to the sedimentation basin near the landfill's upper disposal area to mitigate land movements.

The purpose of the CDP is to assure that the proposed activities within the Resource Protection combining district do not create or contribute to adverse impacts to sensitive resources or geotechnically hazardous areas, nor impact coastal resources in contradiction of the Daly City Coastal Program and California Coastal Act.

In light of these mandates, staff has found the proposed improvements consistent with the requirements of the Resource Protection combining district in the following ways:

1. None of the proposed improvements constitute a building or structure, nor are any improvements proposed within fifty feet from a bluff edge of the bluff;
2. None of the proposed improvements require permanent foundations or footings. The pipes are instead inset and/or anchored to the ground, and/or run overground, and, as such, do not constitute structures subject to further geotechnical investigation;
3. The proposed improvements, because they would be constructed underground, partially above ground, or at a minimum height above ground, would not impede public access to the coastline, promontories, or scenic vistas, nor would they obstruct views to or from the coastline, promontories, or vistas. No aboveground pipes are proposed over existing trails or pedestrian access routes;
4. The proposed improvements are consistent with the provisions of the Resource Protection combining district, which limit grading operations to those activities required for drainage or erosion control;
5. Any grading undertaken as part of the maintenance improvements will meet the standards and requirements of the State of California and City of Daly City; and

6. Based on previous geotechnical analyses performed at the subject site, it has been determined that the proposed improvements will have no adverse effect on the site or adjacent areas, will not endanger life or property, and will not require protective structures at any time during the economic life of the project.

To assure that existing trail access is in no way impeded during construction activities, staff is recommending a Condition of Approval requiring the installation of temporary signs redirecting pedestrians to alternative coastal access routes. Staff has also recommended a Condition of Approval requiring all construction debris be off-hauled from the site.

Environmental Assessment

Staff has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has determined that the proposed maintenance activities are exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(d) – New Small Structures and Section 15304 Minor Alterations of Land.

Findings

Staff finds that the proposed Use Permit (Coastal Development Permit) UPR-4-14-8941 is in accordance with Chapter 17 of the Daly City Municipal Code. Approval of the proposed project will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the vicinity. The proposed project would not be injurious or detrimental to property and improvements in the neighborhood or result in substantial environmental damage or disturbance. These findings are based in part on the following facts:

1. In accordance with Title 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission will conduct a public hearing on October 7, 2014; notice of said hearing was by newspaper publication, and posting and first class mailing to property owners within 300 feet of the site and residents within 100 feet of the site, on September 26, 2014.
2. Staff has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has determined that the proposed maintenance activities are exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(d) – New Small Structures and Section 15304 Minor Alterations of Land.
3. The proposed project as a conditioned, is consistent with the Zoning Regulations Chapter 17.27, Resource Protection Combining District, and is compatible with other permitted uses listed within the zone. The project would not be detrimental to the uses within the vicinity of the project site for the following reasons:
 - (a) None of the proposed improvements constitute a building or structure, nor are any improvements proposed within fifty feet from a bluff edge of the bluff;

- (b) None of the proposed improvements require permanent foundations or footings. The pipes are instead inset and/or anchored to the ground, and/or run overground, and, as such, are not structures subject to further geotechnical investigation;
 - (c) The proposed improvements, because they would be constructed underground, partially above ground, or at a minimum height above ground, would not impede public access to the coastline, promontories, or scenic vistas, nor would they obstruct views to or from the coastline, promontories, or vistas. No aboveground pipes are proposed over existing trails or pedestrian access routes;
 - (d) The proposed improvements are consistent with the provisions of the Resource Protection combining district, which limit grading operations to those activities required for drainage or erosion control;
 - (e) Any grading undertaken as part of the maintenance improvements will meet the standards and requirements of the State of California and City of Daly City; and
 - (f) Based on previous geotechnical analyses performed at the subject site, it has been determined that the proposed improvements will have no adverse effect on the site or adjacent areas, will not endanger life or property, and will not require protective structures at any time during the economic life of the project.
4. The proposed project as conditioned will allow the City to continually assure adequate landfill cover, integrity of the site's drainage system, structural integrity and maintenance of the seawall, erosion prevention and maintaining the maintenance access roads.
5. The project as conditioned meets the Daly City Coastal Element and Coastal Act Policies for Hazard Areas § 30253 (1) and (2) Standards for new development, as the improvement proposed are minor and have been designed to minimize risks to life and property in areas of high geologic, flood and fire hazard, and to assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that could substantially alter natural landforms along bluffs and cliffs.

Conditions of Approval

Staff recommends approval of Use Permit (Coastal Development Permit) UPR-4-14-8941 based on the following conditions as specified by each Department and Division. The City shall comply with these conditions prior to or in conjunction with any building permit issuance for the proposed improvements.

A. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

1. The City shall file a declaration of acceptance of all conditions with the City Clerk within thirty (30) days of Council approval. Until said Declaration is filed, the permits shall not be valid for any purpose;

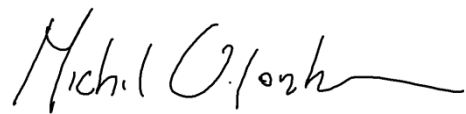
2. The project shall be valid only in conjunction with detailed plans submitted with this project. Any modifications required, due to the Conditions of Approval and minor changes to the plan, must be approved by the Planning Division. Major site modifications shall be treated as an amendment and shall be subject to review of the Planning Commission and City Council;
3. The use permit (Coastal Development Permit) approval granted herein shall be valid for a period of one year. If work has not commenced within this timeframe, the City shall apply for a time extension; and
4. Where construction will temporarily impact pedestrian travel, the City shall install temporary signs redirecting pedestrian to alternative coastal access routes. These signs shall be of a sufficient size, quality, and construction to effectively communicate alternate route locations, as determined by the Planning Division.
5. All debris from the project shall be off-hauled either during or immediately following construction.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Findings as outlined herein;
2. Approve Use Permit (Coastal Development Permit) UPR-4-14-8941 subject to Conditions of Approval identified herein.

Respectfully submitted,



Michael VanLonkhuysen
Interim Planning Manager



Tatum Mothershead
Interim Director of Economic and
Community Development

Attachments

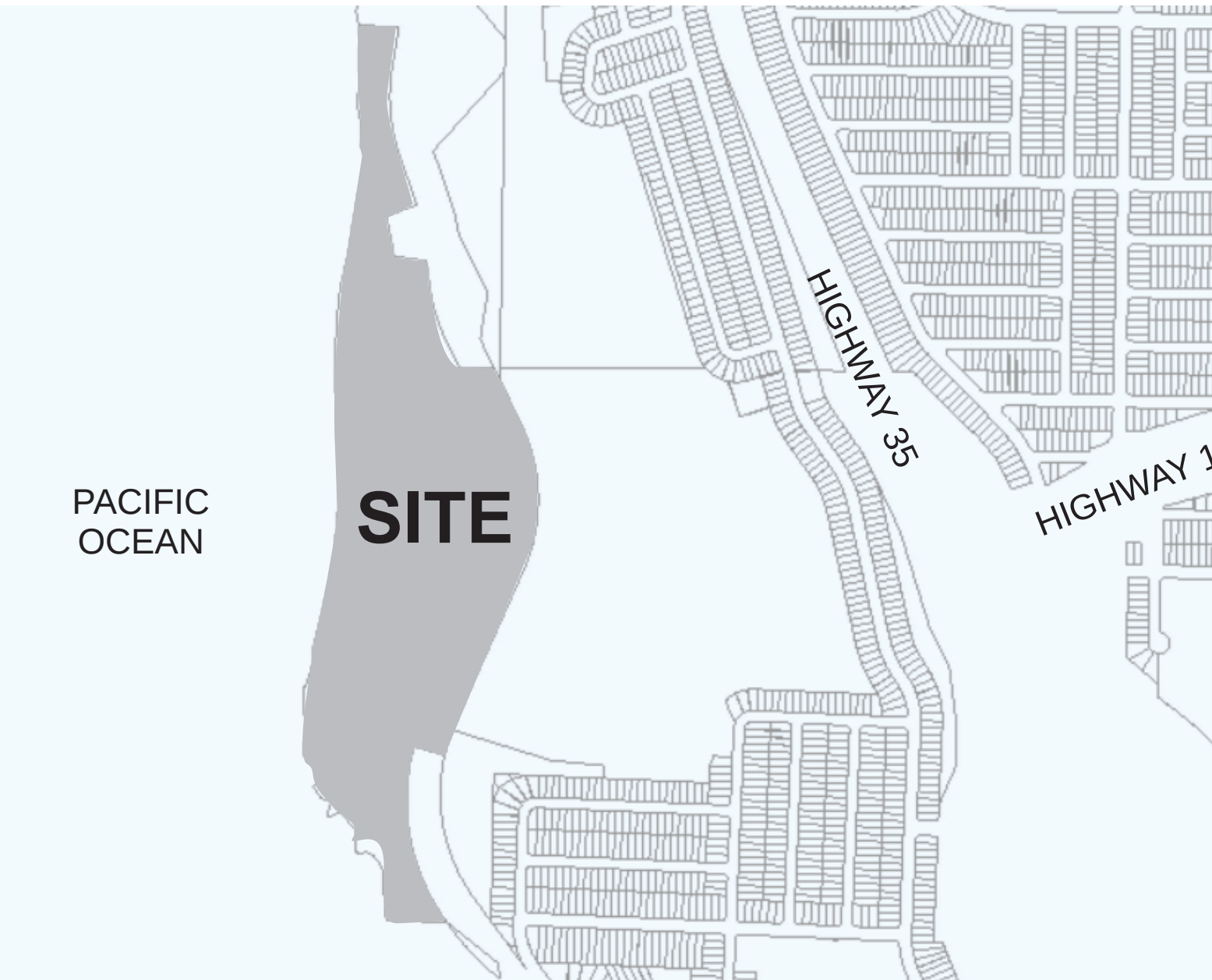
Attachment A – Location Map
Attachment B – Site Maintenance Plan

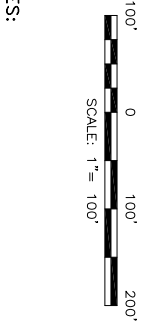
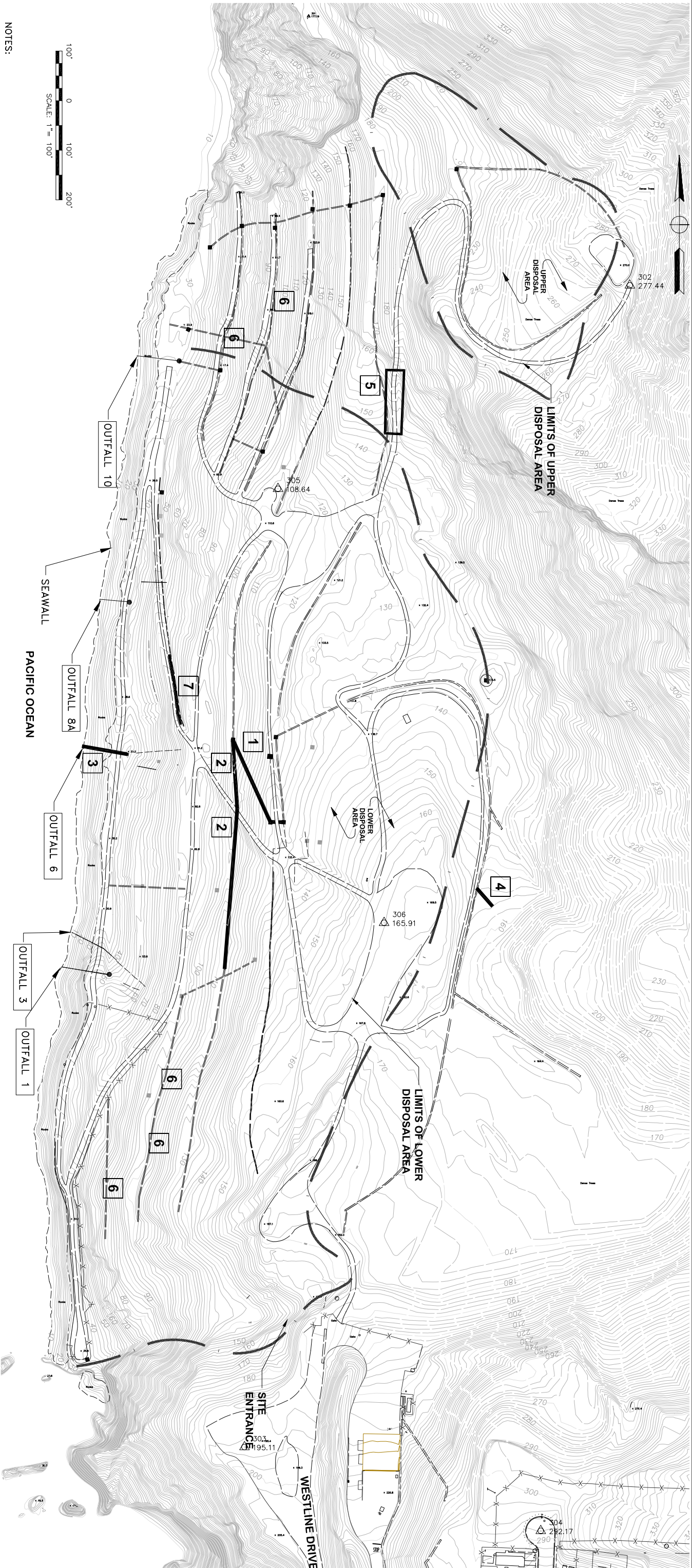
PACIFIC
OCEAN

SITE

HIGHWAY 35

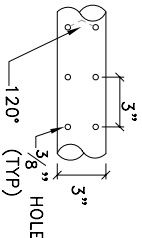
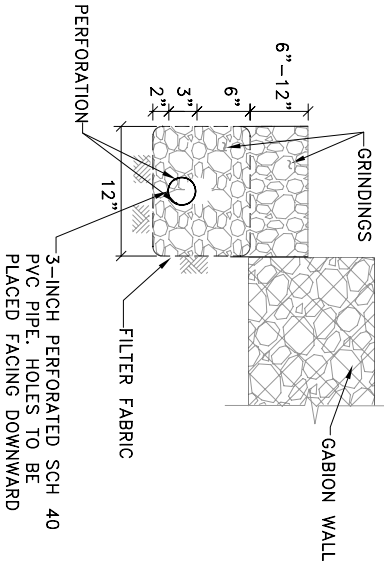
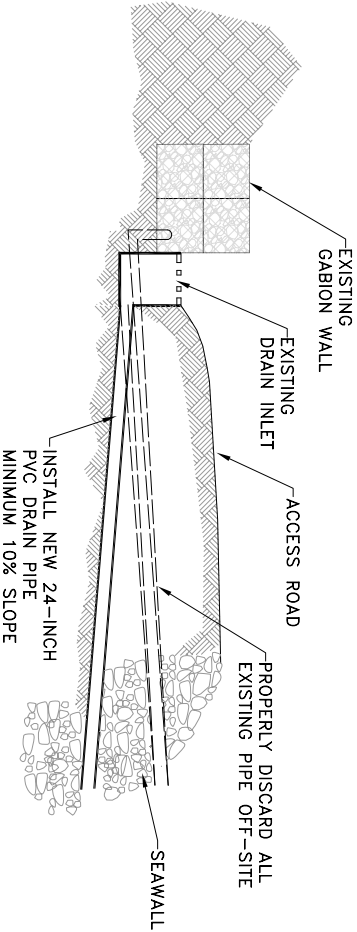
HIGHWAY 1





NOTES:

1. INSTALL NEW FULL ROUND 15-INCH DIAMETER, CORRUGATED PLASTIC PIPE ABOVE GROUND TO CONNECT THE CATCH BASINS.
2. RESET EXISTING HALF-ROUND AND INSTALL NEW FULL ROUND PIPE UNDER ROADWAY. PROPERLY DISPOSE OF EXISTING FULL ROUND PIPE UNDER ROADWAY OFF-SITE.
3. INSTALL NEW FULL ROUND PIPE TO EXISTING DRAIN UNDER THE ACCESS ROAD AND CONNECT TO EXISTING DRAIN INLET ADJACENT TO GABION WALL. DISCARD THE EXISTING PIPE UNDER THE ACCESS ROAD. SEE DETAIL A
4. INSTALL NEW 24-INCH DIAMETER HALF-ROUND PIPE APPROXIMATELY 50 FEET.
5. FLATTEN THE STEEP PORTION OF ACCESS ROAD.
6. REPLACE HALF-ROUND AND FULL-ROUND PIPES WHERE PIPES HAVE SHIFTED OR WARPED (VARIOUS LOCATIONS). GRADE THE EARTH TO ALLOW FOR PROPER DRAINAGE PRIOR TO RE-INSTALLATION. GRADING LESS THAN 2% REQUIRE ENGINEER APPROVAL PRIOR TO PLACEMENT.
7. INSTALL PERFORATED PIPE BELOW GROUND SURFACE AND CONNECT TO EXISTING PIPE. SEE DETAIL B.



THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

MUSSEL ROCK LANDFILL
SITE MAINTENANCE 2014-15
PLAN

DRAWN	IS	DATE	8/14	APPROVED	CITY ENGINEER
CHECKED	SA	SCALE	"=10'	SHEET NO.	1 OF 1
DESIGNED	HR	SIGNED NO.		DRAWING NUMBER	1407D03
				REV.	



Pictures for the 2014-15 Site Maintenance Improvements at Mussel Rock Landfill

Public Works Department

Engineering Division

New Half-Round Pipe



Existing Upper Catch Basin



Existing Upper Catch Basin



Approximate Path of New Full Round Pipeline



Approximate Location of Existing Lower Catch Basin



New Aboveground Pipeline Will Look Similar to this Existing Pipeline



Replacement of Full Round Pipeline Under Access Road



Replacement of Outfall Pipeline Under Access Road



Outfall Outlet that is Currently Reversed
Pitch to be Replaced and Pitched Correctly



Perforated Pipe Below Ground Surface



Regrade Portion of Access Road

