

CITY OF DALY CITY

Regular Meeting - PLANNING COMMISSION

AGENDA

Tuesday, May 7, 2024 - 7:00 PM
City Hall Council Chambers – 2nd Floor
City Hall 333 – 90th Street
Daly City, CA 94015

Public Participation:

There are three ways to submit public comments: (1) email your comment directly to the Planning Division, (2) submit written comments via the City's website and (3) attend the meeting in person.

1. To email your comment, simply email a comment to the planner identified in the public hearing notice or send the email to mvanlonkhuysen@dalycity.org. Public Comments may also be emailed to mvanlonkhuysen@dalycity.org by including "Planning Commission Public Comment" in the subject line.
2. To submit a comment via the City's website, please visit www.dalycity.org/agendas to complete the Public Comment form. In the comment field box, include the item number and/or title of the item as well as your comments.
3. To speak at the meeting in person, please complete a "Speaker Card" located at the entrance to the Council Chambers and submit it to a staff member as early in the meeting as possible.

Please note: All written comments received by 4:00 pm on the meeting day will be provided to the Planning Commission prior to the meeting. Comments are not read aloud into the record. Any written comments received after 4:00 p.m. on the meeting date are not guaranteed to be received by the Planning Commission prior to the meeting.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of Michael Van Lonkhuysen at 991-8158 as soon as possible.

OPENING OF MEETING:

PLEDGE TO THE FLAG:

ADMINISTRATION OF OATH OF OFFICE:

RE-ORGANIZATION OF PLANNING COMMISSION MEMBERS

ROLL CALL:

AVAILABILITY OF PUBLIC RECORDS:

All public record 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.

APPROVAL OF MINUTES:

1. February 6, 2024 Planning Commission Meeting Minutes

STAFF:

RECOMMENDATION:

PUBLIC HEARINGS:

2. **Long Range Planning Projects\Capital Improvement Projects\2025** - General Plan Consistency Finding for Fiscal Year 2025 Capital Improvement Program (CIP)

STAFF: Michael Van Lonkhuysen

RECOMMENDATION:

3. **Zone Change ZC 04-24-16507** - Amendments to the Zoning Map Rezoning Parcels to be included in the existing - CC Commercial Cannabis Combining District.

STAFF: Michael Van Lonkhuysen

RECOMMENDATION:

PUBLIC APPEARANCES, STAFF COMMUNICATIONS:

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

ADJOURNMENT:

**CITY OF DALY CITY
PLANNING COMMISSION
MEETING
Draft
MINUTES**

Tuesday, February 6, 2024 – 7:00 PM

<http://bit.ly/dalycityfeb6>

OPENING OF MEETING:

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENT: C. Catuar, R. Paniza, T. Proaño, R. Satorre

APPROVAL OF MINUTES: Of December 5, 2023, 2023, Planning Commission Meeting

PUBLIC HEARING:

PUBLIC APPEARANCES, STAFF COMMUNICATIONS:

Brown Act (California Govt. Code Section 54950 et seq)

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

ADJOURNMENT: Moved by Commissioner Proaño, seconded by Commissioner Paniza to adjourn the meeting at 7:20 p.m.

For further information regarding the above projects or to obtain staff report for any of the above projects, please contact Michael VanLonkhuysen at mvanlonkhuysen@dalycity.org. 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.



Daly City Planning Commission Agenda Report

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

<u>Meeting Date:</u>	May 7, 2024
<u>Project Planner:</u>	Michael VanLonkhuysen, Planning Manager
<u>Project Location:</u>	Citywide
<u>Project Description:</u>	General Plan Consistency Finding for Fiscal Year 2025 Capital Improvement Program (CIP)
<u>Applicant/Owner:</u>	City of Daly City – Finance Department 333 90 th Street Daly City, CA 94015
<u>Environmental Assessment:</u>	Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061 – Review for Exemption

Background

Government Code Section 65103(c) requires that a City's Planning Commission review the City's Capital Improvement Program (CIP) and certify that it is consistent with the City's adopted General Plan. State law further requires that capital improvement programs be reviewed annually by the Planning Commission for the local jurisdiction for consistency with the General Plan and that the recommendations regarding the CIP and General Plan consistency be forwarded to the City Council.

Discussion

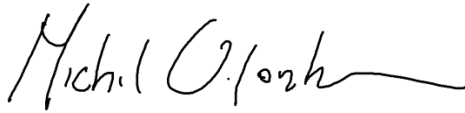
The CIP is a multi-year expenditure plan that prioritizes and recommends funding for various improvements projects exceeding \$50,000. Projects included in the CIP must be consistent with the goals and policies of the General Plan. CIP project selection and funding recommendations are made to the City Council as part of the budget process, which typically operates on a two-year budget cycle. For the next budget cycle, which will only be for one year, all projects that are recommended to be funded are for improvements to existing systems/facilities and master planning purposes. The CIP will be presented to Council prior to the commencement of Fiscal Year 2025 for adoption as part of the City budget.

Please note that the Commission is making recommendations regarding whether projects are consistent with the City's adopted General Plan and not whether the individual projects should be funded. The Planning commission's role is limited to certifying the consistency of the CIP with the General Plan, not to approve or disapprove of any particular project within the CIP.

Recommendation

Staff recommends the Planning Commission find the CIP consistent with the City's General Plan. Staff is available to provide any additional information desired by the Planning Commissioners.

Respectfully submitted,



Michael VanLonkhuysen
Planning Manager



Tatum Mothershead
Director of Economic and Community
Development

Attachments

Attachment A – List of CIP Projects

BY FUND	2025E
1-TRANSPORTATION (FUND 17)	7,184,000
MEASURE A	3,350,000
17-312-581 - STREET RESURFACING (2024-25)	957,000
17-312-609 - COOPERATIVE PROJECT DEVELOPMENT	72,000
17-312-870 - CROSSWALK IMPROVEMENTS	190,000
17-312-872 - TRAFFIC SIGNAL/STREETLIGHT IMPROVEMENTS	150,000
87-920-548 - DAISAKU IKEDA CANYON SITE MAINTENANCE (2018-19)	500,000
NEW - ADA BARRIER REMOVAL PROJECT (2024-25)	152,000
NEW - ADA/SIDEWALK IMPROVEMENTS (2024-25)	157,000
NEW - RO 460 NORTHRIDGE STREETLIGHT CONVERSION	190,000
NEW - SERRAMONTE STREET RESURFACING PROJECT	625,000
NEW- STREET RESURFACING (2025-26)	357,000
MEASURE M	243,000
17-312-621 - WESTLAKE STREET SLURRY SEAL	243,000
MEASURE W	1,078,000
17-312-581 - STREET RESURFACING (2024-25)	838,000
17-312-873 - STREET RESURFACING (2023-24)	240,000
SB-1 (RMRA)	2,513,000
17-312-620 - SKYLINE STREET SLURRY SEAL	882,000
17-312-621 - WESTLAKE STREET SLURRY SEAL	579,000
17-312-873 - STREET RESURFACING (2023-24)	1,052,000
2-WATER (FUND 41)	3,400,000
WATER FUND	3,400,000
41-385-617 - STREET RESURFACING WATER MAINS	50,000
41-385-701 - PLANT IMPROVEMENTS	300,000
41-385-709 - PRESSURE REDUCING VALVE REPLACEMENTS	100,000
41-385-711 - RESERVOIR 8 INTERIOR COATINGS	600,000
41-385-720 - WELL REHABILITATION	150,000
41-385-738 - RESERVOIR FENCING	100,000
41-385-752 - WATER MAIN IMPROVEMENTS	1,000,000
41-385-766 - SCADA SYSTEM UPGRADE	100,000
41-385-879 - EQUIPMENT - PICK UP TRUCK	50,000
41-385-938 - NEW WELL AT RESERVOIR 5B ON MARGATE	500,000
NEW - RESERVOIR 3 REHABILITATION	450,000
3-SANITATION (FUND 87)	5,410,000
SANITATION DISTRICT	5,410,000
87-920-617 - STREET RESURFACING SANITATION MAINS	100,000
87-920-716 - I-280 CROSSING SEWER MAIN IMPROVEMENTS - SOUTHGATE TO JUNIPERO SERRA	2,000,000
87-920-801 - SEWER MAIN REHABILITATION/IMPROVEMENTS	200,000
87-920-802 - SEWER LIFT STATION REHAB/REPLACEMENT	400,000
87-920-803 - VEHICLE UPGRADES	40,000
87-920-806 - PLANT PROCESS IMPROVEMENTS	500,000
87-920-807 - PLANT STRUCTURE IMPROVEMENTS	350,000
87-920-847 - TREATMENT PLANT AIR SCRUBBERS	100,000
87-920-858 - PLANT ELECTRICAL/INSTRUMENTATION UPGRADE	250,000
87-920-943 - SSMP/MASTER PLAN - SYSTEM IMPROVEMENTS	200,000

NEW - 2024-25 MRP TRASH CAPTURE	70,000
NEW - HEADWORKS 1 FINE SCREEN REPLACEMENT	200,000
NEW - VISTA GRANDE DRAINAGE BASIN IMPROVEMENT PROJECT	1,000,000
4-GENERAL (FUND 43)	-
CIVIC CENTER FUND	-
5-GENERAL (FUND 31/33)	2,645,000
GENERAL CIP FUND	2,645,000
17-312-581 - STREET RESURFACING (2024-25)	1,500,000
31-313-511 - CIVIC CENTER EMERGENCY GENERATOR REPLACEMENT	270,000
31-313-526 - WESTLAKE LIBRARY HVAC AND ROOF REPLACEMENT REPAIRS	(800,000)
31-313-589 - WESTLAKE PARK MASTER PLAN	70,000
NEW - ADA FACILITY UPGRADE (2025-26)	1,000,000
NEW - CITY FACILITIES - DEFERRED MAINTENANCE	125,000
NEW - MOBILE CCTV STORM DRAIN INSPECTION UNIT	75,000
NEW - MUSSEL ROCK TRANSFER STATION BUILDING MAINTENANCE	100,000
NEW - PUBLIC WORKS CORPORATION YARD ADMIN. EXTERIOR WALL	125,000
NEW - STREET MAINT. FACILITY EMERGENCY GENERATOR REPLACEMENT	80,000
NEW - WAR MEMORIAL COMMUNITY CENTER & JOHN DALY LIBRARY LED LIGHTING PROJECT	100,000
6-GRANT	3,465,546
GRANT-FEDERAL	2,465,546
NEW - CHILD CARE CENTER	2,465,546
GRANT-LOCAL/STATE	1,000,000
NEW - SERRAMONTE STREET RESURFACING PROJECT	1,000,000
7-FEE	2,478,302
PARK LAND DEDICATION FEE	650,000
NEW - BAYSHORE PARK REHABILITATION	650,000
SOLID WASTE FRANCHISE FEE	1,828,302
31-310-545 - MUSSEL ROCK LANDFILL GABION WALL REPAIR/REPLACEMENT	825,000
31-310-550 - MUSSEL ROCK SITE ROUTINE MONITORING	178,302
31-310-554 - MUSSEL ROCK LANDFILL DRAINAGE PIPE REPAIR/REPLACEMENT/MAINTENANCE	825,000
8-DEVELOPER FEE (FUND 20)	80,000
AB1600-STORMWATER	80,000
31-312-914 - STORM DRAIN MASTER PLAN	80,000
Grand Total	24,662,848



Daly City Planning Commission Agenda Report

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

<u>Meeting Date:</u>	May 7, 2024
<u>Application:</u>	Zone Change ZC 04-24-16507
<u>Project Location:</u>	Parcels fronting Mission Street between Crocker Avenue and Templeton Avenue, fronting Geneva Avenue between Talbert Street and Bayshore Boulevard, and fronting Geneva Avenue between Castillo Street and Calgary Street
<u>Project Description:</u>	Amendments to the Zoning Map Rezoning Parcels to be included in the existing -CC Commercial Cannabis Combining District
<u>Applicant/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), pursuant to CEQA Guidelines Section 15061 – Review for Exemption

Background

In 2016, California voters enacted Proposition 64, intended to create a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of non-medical cannabis, and to tax the cultivation and retail sale of cannabis for non-medical use. In November 2018, Daly City voters approved a business license tax on all cannabis businesses of up to ten percent of gross receipts in anticipation of the future allowance of cannabis sales. In October 2019, the City Council adopted an ordinance that authorized commercial cannabis activities and established the process for permitting and regulating commercial cannabis activities in Daly City. The ordinance requires that, in addition to a State license, operators of commercial cannabis businesses in Daly City obtain a Commercial Cannabis Business License from the City of Daly City.

The ordinance also required staff to present for adoption to the Planning Commission and City Council an overlay district in which commercial cannabis operations would be allowed to operate. In November 2020, the Council Committee accepted for recommendation to the Planning Commission and City Council a series of maps intended to implement an approximate 600-foot buffer zone around schools and youth centers throughout Daly City. These overlay district maps are based generally on whether the frontage of a property (where the property abuts the public right-of-way) is greater than 600 feet from a public/private school and/or youth center.

In March 2021, the City Council approved Zone Change ZC 01-21-14846, which enacted amendments to the Zoning Ordinance and Zoning Map Establishing -CC Commercial Cannabis Combining District. These amendments to the Zoning Ordinance, which currently exist in the Daly City Municipal Code as Chapter 17.56 - CC-Commercial Cannabis Combining District, allowed cannabis retailers and cannabis delivery businesses in six “eligibility zones,” with one retailer or delivery business in each zone. In July 2023, the City Council approved a seventh eligibility zone that solely included the property at 1618 Sullivan Avenue (see Attachment A – Current Retail Cannabis Eligibility Zones Map).

At the time of the 1618 Sullivan Avenue rezoning approval, Councilmember Daus-Magbual expressed concern that the Council would not need to have to consider additional eligibility zones if there were additional opportunities for cannabis retail sales in Daly City. In September 2023 a Council Committee directed staff to prepare a proposal for rezoning additional sites into the -CC overlay zone for Planning Commission and City Council consideration.

Discussion

As initially proposed to the Planning Commission and City Council, the -CC combining district was proposed to apply to approximately 230 properties in 12 distinct eligibility zones (see Attachment B – Initially Proposed Retail Cannabis Eligibility Zones Map). This quantity of eligibility zones and their geographic distribution was agreed to and recommended by a Council Committee, using in most part an approximate 600-foot buffer zone around schools and youth centers throughout Daly City.

At the time of the Planning Commission public hearing to consider the -CC combining district in February 2021, residents expressed concerns about the number of eligibility zones that were proposed and called for a greater buffer around schools. Consequently, the Planning Commission concurred with these concerns and unanimously agreed to recommend that the City Council exclude several geographic areas from the new combining district that would have allowed retail sales along School Street, the East Market/Mission/San Pedro, and Hillside Boulevard, respectively.

At the City Council meeting to consider the -CC combining district in March 2021, additional residents and several community organizations expressed concerns about the number of eligibility zones, especially regarding expanding the -CC combining district to School Street, Mission Street, and Skyline Plaza. After a robust discussion, the Council agreed with the Planning Commission’s above recommendations for exclusions, and that the -CC combining district should not be extended to the Bayshore neighborhood or the Crocker neighborhood along Mission Street.

Since the time of initial adoption however, the City has had the opportunity to evaluate the community impact of retail cannabis with the operation of the Megabud dispensary (temporarily closed) at 190 Skyline Plaza and Catalyst Dispensary at 1000 King Drive. and has found such impacts to be negligible. For this reason, staff is recommending that the Planning Commission forward a recommendation to the City Council that it add into the -CC combining district parcels fronting Mission Street between Crocker Avenue and Templeton Avenue, fronting Geneva Avenue between Talbert Street and Bayshore Boulevard, and fronting Geneva Avenue between Castillo Street and Calgary Street (see Attachment C – Proposed Additional Parcels Mission Street and Geneva Avenue).

Staff feels that including these areas would not only provide additional cannabis retail opportunities in Daly City but would also provide a greater geographical distribution of such retailers as well. The Planning Commission should be aware that the Mission Street parcels and all Geneva Avenue parcels would each provide one additional opportunity zone, so the total additional number of potential retailers would increase by two (only one in the Bayshore neighborhood).

Environmental Assessment

The proposed rezoning are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section of 15061 - Review for Exemption. The proposed rezoning do not have the potential to cause significant effects on the environment and it can be seen with certainty that there is no possibility that the regulations would have a significant effect on the environment.

Findings

Staff has found that the proposed Zone Change ZC 04-24-16507 is in accordance with Titles 5 and 17 of the Daly City Municipal Code. Approval of the proposed amendments to the Zoning Ordinance will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in Daly City. The proposed project would not be injurious or detrimental to property and improvements in any neighborhood or result in substantial environmental damage or disturbance. Staff is recommending that the Planning Commission adopt the following findings of fact:

1. In accordance with Title 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission conducted a public hearing on May 7, 2024; notice of said hearing was by newspaper publication, and posting and first class mailing to property owners within 300 feet of any property proposed for rezoning to the Commercial Cannabis Combining District, on April 25, 2024;
2. The City Council, upon adoption of Daly City Municipal Code Chapter 5.104 in October 2019, intended to regulate the use, acquisition, cultivation, production, and distribution of commercial cannabis activity in a manner that is consistent with the California Constitution and the Act. The regulations were intended to apply to all commercial cannabis operations in the city by any cannabis business licensed under the state law.
3. In March 2021, the City Council approved Zone Change ZC 01-21-14846, which enacted amendments to the Zoning Ordinance and Zoning Map Establishing -CC Commercial Cannabis Combining District. These amendments to the Zoning Ordinance, which currently exist in the Daly City Municipal Code as Chapter 17.56 - CC-Commercial Cannabis Combining District, allowed cannabis retailers and cannabis delivery businesses in six “eligibility zones,” with one retailer or delivery business in each zone.
4. Since the time of initial adoption, the City evaluated the community impacts of retail cannabis and has found such impacts to be negligible.
5. The Planning Commission desires to forward a recommendation to the City Council that it add into the -CC combining district parcels fronting Mission Street between Crocker

Avenue and Templeton Avenue, fronting Geneva Avenue between Talbert Street and Bayshore Boulevard, and fronting Geneva Avenue between Castillo Street and Calgary Street

6. The Planning Commission feels that including these areas would provide additional cannabis retail opportunities in Daly City and provide a greater geographical distribution of such retailers.
7. The proposed rezoning are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section of 15061 - Review for Exemption

Recommendations

Based on the findings enumerated above, staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Findings as outlined herein;
2. Find that the proposed rezonings are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section of 15061 - Review for Exemption; and
3. Recommend to the City Council the approval of Zone Change ZC 04-24-16507, adding into the -CC combining district parcels fronting Mission Street between Crocker Avenue and Templeton Avenue, fronting Geneva Avenue between Talbert Street and Bayshore Boulevard, and fronting Geneva Avenue between Castillo Street and Calgary Street.

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

Respectfully submitted,



Michael Van Lonkhuyzen
Planning Manager



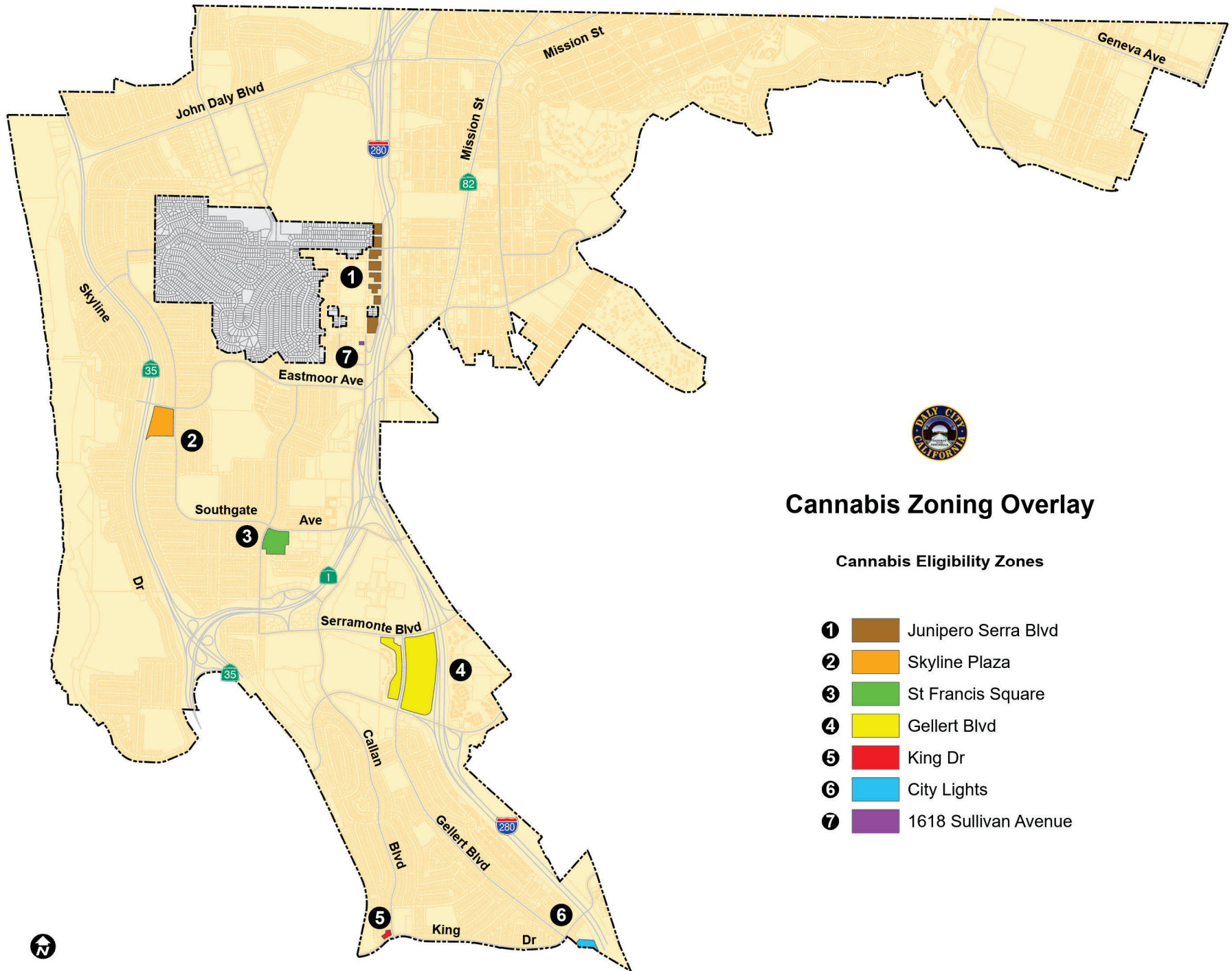
Tatum Mothershead
Director of Economic and Community
Development

Attachments

Attachment A – Current Retail Cannabis Eligibility Zones Map

Attachment B – Initially Proposed Retail Cannabis Eligibility Zones Map

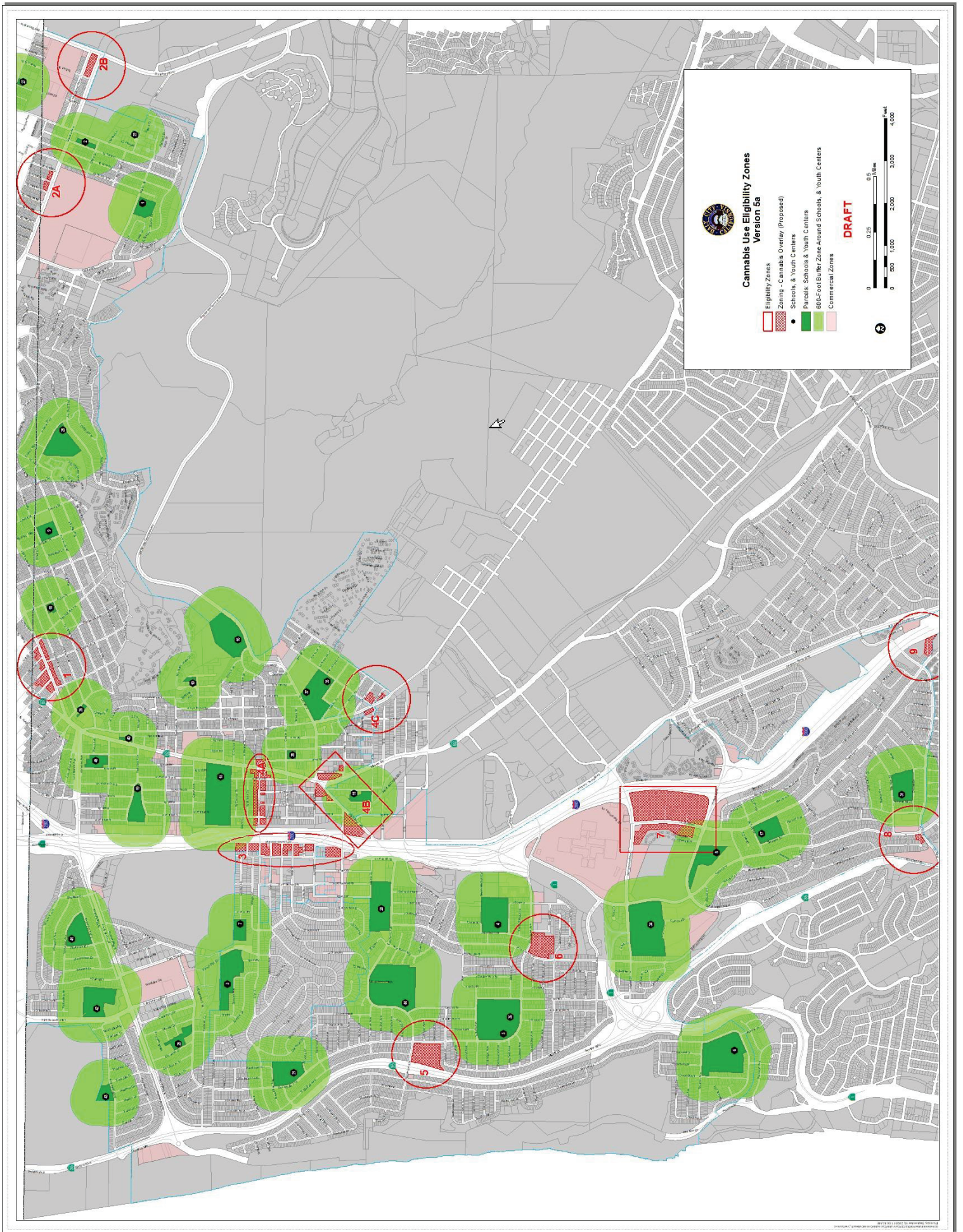
Attachment C – Proposed Additional Parcels Mission Street and Geneva Avenue



Cannabis Zoning Overlay

Cannabis Eligibility Zones

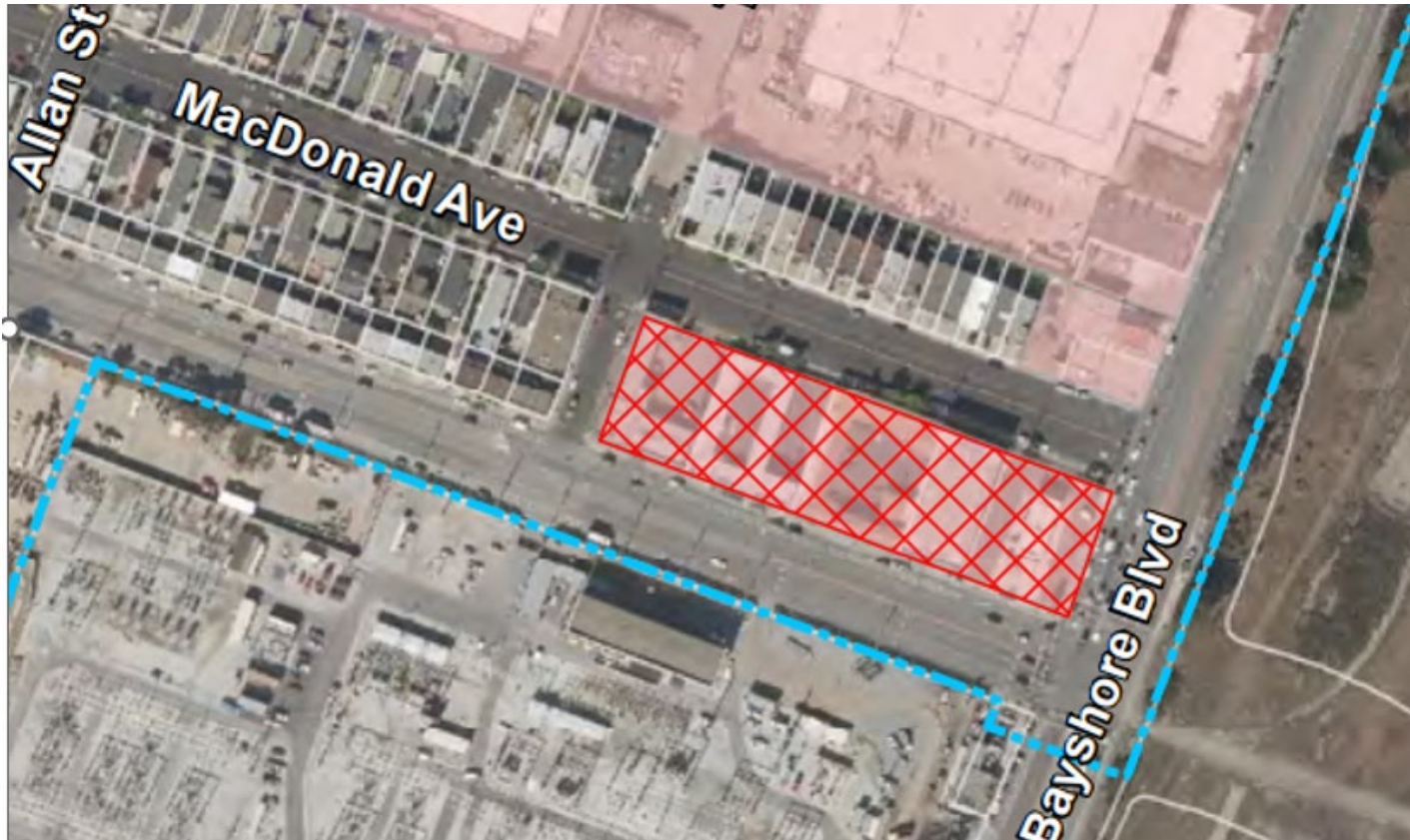
- ① Junipero Serra Blvd
- ② Skyline Plaza
- ③ St Francis Square
- ④ Gellert Blvd
- ⑤ King Dr
- ⑥ City Lights
- ⑦ 1618 Sullivan Avenue



Area A (Mission Street between Crocker Avenue and Templeton Avenue)



AREA B (Geneva Avenue between Talbert Street and Bayshore Boulevard)



AREA C (Geneva Avenue between Castillo Street and Calgary Street)

