

ACTION MINUTES
DALY CITY PLANNING COMMISSION
Regular Meeting
Tuesday, January 4, 2011
Council Chambers, Daly City

ELECTION OF OFFICERS:

Nominated by Commissioner Kelly, seconded by Commissioner Crump, to elect Commissioner Edelman as Chair. Motion carried 5-0.

Nominated by Commissioner Crump, seconded by Commissioner Kelly, to elect Commissioner Bautista as Vice Chair. Motion carried 5-0.

Chair Edelman called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Lubiano, Edelman, Crump, Bautista and Kelly
Staff Present: Berger, Schott, Mothershead, Engfer, Ovadia, Panacci, Sweetland, and Courtney

APPROVAL OF MINUTES: Moved by Commissioner Kelly, seconded by Commissioner Crump, to approve the minutes of December 7, 2010. Motion carried 5-0.

PUBLIC HEARINGS:

10. Use Permit UPR-11-10-3055. Design Review DR-11-10-3056 and Environmental Assessment for establishment of a retail auto parts business in conjunction with exterior façade improvements.

Staff report presented by: Jeannie Naughton, Associate Planner

Associate Planner Jeannie Naughton gave an overview of the staff report, accompanied by a visual presentation, recommending approval for the establishment of a retail auto parts business in conjunction with Design Review approval for exterior façade improvements. The subject site is located within an existing, auto-oriented shopping center and consists of a retail commercial building that houses three tenant spaces. The subject tenant space is the largest of the three and was previously utilized as a Rite Aid and most recently, by a discount retail store that went out of business in December, 2007. The site has remained vacant since that time.

The proposed improvements will be focused primarily on the interior space to accommodate AutoZone's retail layout preferences. No changes will be made to the parking lot configuration. However, staff is recommending a condition of approval that the triangular portion of concrete at the northeast corner of the site be replaced with landscaping. The existing building will be modified to tie in the company's trademark color palette and is compatible with the existing building aesthetics. There are no additional exterior façade improvements proposed.

Staff is recommending conditions of approval to require the applicant to either power wash the entire building and apply an anti-graffiti coat or repaint the building with anti-graffiti paint and apply a top coat, post painting and that light fixtures along Flournoy Street and San Jose Avenue be replaced with decorative lighting fixtures to provide improved visibility and safety for pedestrians along the sidewalks. AutoZone will be installing new signage for the site under a separate sign permit.

Ms. Naughton clarified for Commissioner Kelly that responsibility for trash clean-up and landscaping maintenance in the right-of-way is the Streets* Division's.

Speaker: Gary Semling, Architect, AutoZone

The architect for AutoZone, Gary Semling, congratulated the Commissioners and stated AutoZone will work on site improvements noting they always try to keep up the landscaping and will police the parking lot.

No members of the public spoke.

COMMISSION ACTION

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

Moved by Commissioner Kelly, seconded by Commissioner Bautista, to adopt the findings as outlined in the staff report of January 4, 2011, with condition as specified by Commissioner Kelly. Motion carried 5-0.

Moved by Commissioner Kelly, seconded by Commissioner Bautista, to affirm the Environmental Assessment. Motion carried 5-0.

Moved by Commissioner Kelly, seconded by Commissioner Lubiano, to approve Use Permit UPR-11-10-3055. Design Review DR-11-10-3056 subject to the Findings and Conditions as outlined in the staff report of January 4, 2011 with amendment. Motion carried by a unanimous roll call vote.

11. Planned Development PD-66 and Environmental Assessment for review of the Preliminary Plan for progression to a Precise Plan for a Planned Development allowing 16 residences on a 1.835 acre parcel.

Chair Edelman recused himself from Item 11 as he resides within 500 feet of the subject site.

Staff report presented by: Steve Engfer, Assistant Planner

Assistant Planner Steve Engfer presented the staff report, along with a visual presentation, to consider the preliminary plan for a 16-lot residential subdivision on an undeveloped lot. As proposed, the General Plan Land Use designation would be amended to low-density residential which allows a density range of two to 14.5 units per acre. The proposed density is 8.7 density units per acre which is consistent with the existing Summit Ridge neighborhood. Due to a combination of factors the subject site has not been developed. The proposed

* Subsequent to the Planning Commission meeting of January 4, 2011, staff research determined trash clean-up and landscaping maintenance in the public right-of-way to be the responsibility of the Parks Division of the Public Works Department.

development is in the Bayshore Redevelopment Project Area and received conceptual review approval from the Redevelopment Agency in April 2007.

The project required review and approval of multiple land use entitlements in order to be developed. The item under consideration at this stage is the Preliminary Plan, the first step in rezoning the site, where the Commission considers land use, circulation and general site design. The lots proposed range from approximately 1,400 to 2,400 square feet with one detached single-family dwelling per lot.

The project site has topographical constraints due to an overall site elevation differential. The lower portion nearest Steve Courter Way is proposed for the residential development and the remaining upper portion as open space. Access is provided by extending Martin Street. Lots 1-4 have direct access from Martin Street. The remaining lots obtain access from the private drive that meanders up the grade with some sections at 18% slope to a terminus at a "Hammerhead T" which does not meet Fire Department design standards. The 18% road grade, in combination with turning radii, severely hinders emergency access.

Martin Street is designated as a collector street and as such, affects the proposed alignment which does not meet City local street standards. Lots facing Martin Street have inadequate setback and encroach too far into the right-of-way. Inadequate width of proposed private drive does not meet local street standards. The applicant has not provided the required a street layout or circulation plan.

It is appropriate to require the applicant to provide a water system layout at this stage to demonstrate the proposed development can be adequately served. The applicant has not provided the requested water system layout. The proposed plan shows the detention basins for Lots 1-4 partially within the Martin Street right-of-way which is not allowed.

Mr. Engfer concluded his presentation by stating it is premature to move forward to the precise plan stage until the issues which impact preliminary plan design are addressed to meet City standards. To date, the submittals provided by the applicant have not demonstrated the project meets City requirements.

Speakers: Tom Carey, property owner
David Beaumont, project applicant
Billy Rose, property owner
Richard Hopper, project traffic engineer

Mr. Carey gave a chronology of his involvement since 1988 with the site development. He also referred to problems encountered in attempting to interest surrounding property owners in a project, and difficulty with City staff's position on allowable number of units. The current proposal is in conjunction with landowner Billy Rose and received conceptual approval by the Daly City Redevelopment Agency in 2007 for conformance with the Bayshore Redevelopment Plan. Mr. Carey stated, with frustration, they have tried their best over the past few years to answer staff's issues and hoped for some direction from the Planning Commission and project approval.

Mr. Beaumont, project applicant, provided the Commissioners with some documents in the absence of an overhead projector. Mr. Beaumont began his presentation by listing five elements to be discussed: 1. Overview; 2. Outline of reputation to staff assertions of errors

and omissions; 3. Traffic engineer analysis; 4. Conclusion; and 5. Proposal with introduction of property owner.

Mr. Beaumont briefly described the challenges faced by Mr. Rose in attempting to no avail to arrive at a consensus with other owners. He said they have now undertaken the challenges, issues and extensive evaluation needed to create a project to complement Summit Ridge. Four elements went into crafting their site design: single-family dwellings, aesthetics in symbiosis with Summit Ridge, improvements at lower elevation of site, and establishing a roadway along Martin Street.

Mr. Beaumont was not in agreement with the staff report and commented that he too, after reading it, would recommend denial. He would have expected the staff report to at least contain an overview of their responses to demonstrate they had responded to staff by providing numerous documents, studies, analyses, reports, and maps over a three-year period of time.

Mr. Beaumont described the four elements which he would review: fire, water, traffic circulation, and public works.

Traffic Circulation: Mr. Beaumont voiced his objection to the assertion that Martin Street should be a collector street; reasoning included stating a document doesn't exist that designates Martin as a collector street nor does the General Plan housing density for the entire 20-acre site, of which their site is approximately two acres, warrant collector status. Mr. Beaumont described his interaction with City staff where he was informed the City did not have the funds to create a "zigzag" street which allowed them to proceed with their plans. Mr. Beaumont described City staff's method of determining density as very facile and questioned how it was possible to get hundreds of units on a site where two-thirds was open space preservation. One of the many questions they have of the City is how a "paper street" can be designated as a collector street.

Storm Water Drainage: The proposed plan calls for a storm water drainage retention systems to be on site. Little containment boxes (4' x5') in the area of the four single-family homes may be considered within the right-of-way.

Drive-way Setback: Refuted the assertion that they are encroaching into the street. There will be no structure or part of a structure in the street.

Water: Provision of sufficient flow for fire-fighting has always been fundamental to their plan. Mr. Beaumont refuted the assertion they expect someone else to cover the costs. At the time Bayshore water improvements were taking place in 2008-09, staff requested they undertake a very costly water study using City-recommended consultant. Mr. Beaumont reminded the Commission that the project is just in the preliminary plan stage to determine if the project is zoning appropriate.

They had a meeting at the early part of last year with water officials and other city staff at that meeting a satisfactory resolution was arrived regarding a looped system. At this point they assumed the water issue was resolved.

Fire: Number one topic of concern. The fire turnaround, curves, and grade have been resolved with Fire. We found a way. Private streets require 20' widths. Inside

development, 50' wide but recent developments have been allowed less. They are providing an overage of parking.

Mr. Beaumont introduced their traffic engineer, Richard Hopper. Mr. Hopper said he was asked to evaluate this plan and did not understand the requirement for Martin Street as a collector street. It does not appear in the current Circulation Element nor would it function as a collector. Mr. Hopper noted that there is nothing in the code that requires a development to provide on-street parking. Mr. Hopper maintained that requiring a 50-foot right-of-way was ludicrous for a private street where the traffic volume for sixteen units (130-160 vehicle trips per day) and the sidewalk and parking are only on one side of the street.

Commissioner Lubiano asked if Mr. Hopper's position on fire access was because other developments have narrower widths. Mr. Hopper responded that Fire determines accessibility and they have said 20' meets their requirements.

Mr. Beaumont said Mr. Hopper was referring to the plan the Fire Marshall recently agreed upon that their turnaround meets Fire needs and plans are now ready to submit to Planning for review. He suggested the public hearing be continued as they feel all items have been addressed.

The property owner, Billy Rose, acknowledged a lot has been said and noted they've worked on the property for decades. They've entered various agreements and had promises that have never come about. In January 2006 we started work on the project now under consideration. He strongly disagreed with staff's characterization of a lack of response. Mr. Rose summarized their attempts to address staff's requirements which were continuous, substantial, strenuous and costly. Mr. Rose appealed to the Commissioners to look at what they have actually been attempting, a plan in which great care and thoughtfulness has gone and not an illusionary scheme that has not yet been conceived, and forward to the City Council a recommendation of approval.

COMMISSION ACTION

Moved by Commissioner Kelly, seconded by Commissioner Crump to close the public hearing. Motion carried 4-0.

Commissioner Kelly asked if from staff's perspective, is this resolvable. Mr. Engfer replied that representatives from City department are present to address issues at hand including circulation, water and emergency access and to answer specific questions.

In response to Commissioner Crump's inquiry, Planning Manager Mothershead acknowledged the Commissioners' packets contained the latest staff comments. Mr. Engfer confirmed for Commissioner Bautista there were no significant changes in the Revision 4 dated July 10, 2009 from original site plans.

Fire Chief Frank Panacci, Fire Marshall, stated Fire has never given approval nor seen a plan which reflects what they are looking for to make it work. If standard apparatus turnaround requirements cannot be met, Fire may allow a hammerhead; however, the hammerhead does not meet requirements and is nearly impossible. Eighteen per cent is the greatest amount you can go with group concrete on any road being steep. Chief

Panacci said he had informed Mr. Beaumont that although the road meets 18%, it is not favorable as backing down a zigzag road is not an easy maneuver.

Robert Ovadia, Senior Civil Engineer, reviewed Engineering requirements for minimum street widths and storm water detention structures placement out of the right-of-way. Mr. Ovadia noted that, from the plans submitted, it was unclear if the detention structures shown were to accommodate the whole development or just the four single-family dwellings as stated by Mr. Beaumont.

Patrick Sweetland, Director of Water and Wastewater Resources, said that just as Fire stated, there just isn't enough information to make a decision. Since meeting with the applicant in 2006 following water studies, staff has been unsuccessfully asking how the system is proposed it to work. Mr. Sweetland, in summary, stated all departments are asking the same question as Commissioner Kelly, "Will it work?" He provided the response, "We simply don't know." Herein lies the rub and tension between staff and the applicants.

Commissioner Kelly asked if they go with staff's denial recommendation, does the project die. Ms. Mothershead responded that if the City Council denies the preliminary plan, the applicant may resubmit a new planned development plan in an attempt to resolve some of these issues; however, at this point they do have an incomplete General Plan Amendment application pending, and they have an open entitlement not being considered tonight.

Mr. Beaumont responded by stating the information requested is beyond the scope of the preliminary plan stage but rather part of the precise plan and tentative map stages

Commissioner Crump stated there was no compelling reason to override staff's recommendation with the continued failure to adequately respond to staff's requirements.

COMMISSION ACTION

Moved by Commissioner Kelly, seconded by Commissioner Crump, to affirm the Environmental Assessment. Motion carried 4-0.

Moved by Commissioner Kelly, with regret, seconded by Commissioner Crump, to deny Planned Development PD-66. Motion carried by a unanimous roll call vote.

ADJOURNMENT:

Moved by Commissioner Crump, seconded by Commissioner Edelman, to adjourn at 8:40 p.m.

Respectfully submitted,



Richard Berger
Director of Economic and Community Development