

ACTION MINUTES
DALY CITY PLANNING COMMISSION
Regular Meeting
Tuesday, November 1, 2011
Council Chambers, Daly City

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

ROLL CALL: Present: Bautista, Edelman, and Kelly
Absent: Lubiano and Crump

Staff Present: Berger, Zimmerman, Mothershead, Naughton and DeFries

APPROVAL OF MINUTES: Moved by Commissioner Kelly, seconded by Commissioner Bautista, to approve the minutes of October 4, 2011. Motion carried 3-0.

PUBLIC HEARINGS:

10. Use Permit UPR-9-11-4550 and Environmental Assessment for the operation of a Health and Fitness Club – 6403 Mission Street

Staff report presented by: Jeannie Naughton, Associate Planner

Ms. Naughton presented the request for the establishment of health and fitness club at 88 Hillside, previously known as Landmark Plaza. It is an existing mixed use building completed as Phase 1 of Planned Development PD-59. It consists of 95 residential units and approximately 15,000 square feet of commercial space located along Mission Street.

The subject tenant space is approximately 4,200 square feet including the mezzanine area above ground level tenant space. Snap Fitness will be the second tenant to secure a commercial lease with 88 Hillside and will be located at the northern end of the building. The entrance will be through the arcade level.

The PD59 standards specifically list one health and fitness center as conditionally permitted in the development. The purpose of the Use Permit is to ensure that proposed uses will not have an adverse effect on surrounding properties.

Snap Fitness is an international chain of franchised fitness centers located in six countries, forty-six states, and nine Bay Area cities. According to their website, their facilities feature 24/7 access, cardio and strength-training equipment that set industry standards, value-add services and a safe, secure environment. The Snap Fitness business model does propose 24/7 hour operations at all of their locations, including this one.

Commissioner Bautista asked when the improvements on Mission and John Daly would be finished. Ms. Mothershead responded that they were scheduled to be completed before the end of the year.

COMMISSION ACTION:

Moved by Commissioner Kelly, seconded by Commissioner Edelman to close the public hearing. Motion carried 3-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to adopt the findings as outlined in the staff report of November 1, 2011. Motion carried 3-0.

Moved by Commissioner Kelly, seconded by Commissioner Bautista, to affirm the Environmental Assessment. Motion carried 3-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to approve Use Permit UPR-9-11-4550 subject to the Findings and Conditions outlined in the staff report of November 1, 2011. Motion carried by unanimous roll call vote (3-0).

11. Use Permit UPR-9-11-4489 and Environmental Assessment for the expansion of an existing Adult Residential Facility – 262/262A Station Avenue

Staff report presented by: Jeannie Naughton, Associate Planner

Ms. Naughton presented the Use Permit application for a license expansion of an Adult Residential Facility at 262/262A Station Avenue. The site is located on the west side of Station Avenue between West Market and Vale Streets. The existing Adult residential Facility has been licensed for a capacity of six residents since 1991. The legal, nonconforming duplex structure was annexed into Daly City in 1972.

The surrounding development is predominantly single family residential to the east, south and north and multi-family about a half block south of the site.

Adult Residential Facilities provide 24 hour non-medical care for adults age 18-59, who are unable to provide for their own daily needs. Clients may be physically handicapped, developmentally disabled, and/or mentally disabled. These facilities are licensed and regulated by the Community care Licensing Division of the California Department of Social Services (CCLD). CCLD now requires that Adult Residential Facilities have a homogenous client population, meaning that all residents of a facility must either be physically, developmentally or mentally disabled. In this case, all current clients are mentally disabled, as will be prospective new residents.

Facilities that have six or fewer clients are completely regulated by the California Department of Social Services and local jurisdictions are preempted from regulating them. Once a facility proposes to accommodate seven or more clients, a local jurisdiction may require a Use Permit be obtained prior to licensing.

There are fourteen licensed Adult Residential Facilities in Daly City and only one of these has more than six residents. The closest facility to the subject site is approximately one mile away.

A contract is maintained between this facility and the County of San Mateo to provide direct placement of clients. This agency carefully screens and selects facility clientele. Each client

has an assigned case manager that provides weekly visits. Residents spend five days a week at the North County Mental Health Center, participating in daily, planned activities. There are house rules that are enforced, including a curfew and an alcohol-free environment.

They are low-income clients that have few options in terms of long-term housing and this facility is providing a critically needed resource within San Mateo County. Once clients are placed in these facilities, there is little turnover. Some residents of this facility have been living there for 10 years.

Because the existing license allows for a maximum of six clients, the property owner previously rent out the other unit to individual renters that were referred by the county, but were categorized as having the ability to live independently. Because these renters were not covered by the facility's license, the Administrator did not have control over administering their medications. They worked full time, but in the past there were disturbances because a job was lost or the individual would become depressed or stop taking their medication. This would cause problems for the rest of the facility. The administrator and property owner would then have to contact their social worker and have relocated to another facility. There are currently no renters in the second unit of the duplex and there are no plans to expand the structure.

Staff received five letters from neighbors. The major issues were concerns regarding consistency of zoning and use, police calls to the site, over-concentration of facilities in neighborhood, double parking of prescription medication courier, trash (cigarette butts), congregating in front of duplex and contact information for neighbors. In response to neighbors' concerns, Ms. Naughton explained that R-1 zoning does allow this type of facility with a Use Permit, when the facility proposes to house more than seven residents. If there are six or fewer, the facilities are completely regulated by the State. There have been a total of nine police calls to the home in the past two years. There were two welfare checks, one non-merit 911 call, a landlord/tenant dispute, two psychiatric evaluation calls and one warrant arrest. The facility maintains four parking spaces on site, and there is a Condition of Approval to maintain all of these parking stalls in a usable manner. The prescription courier should utilize one of these when making deliveries. Two out of six clients are smokers and they do smoke outside, but there are canisters available for disposal of the cigarette butts. One of the letters suggested that the administrator set up an area in the backyard for smoking and relaxing. The applicant was made aware of the correspondence and suggestions and is amenable to those requests.

Commissioner Edelman asked if the police incidents were from the clients or residents of the other unit. Ms. Naughton replied that the calls were not separated by that distinction.

Speakers: Zenaida Guevarra, applicant/owner
Mr. Guevarra

Commissioner Bautista asked what happens if resident violated curfew and if they sign an agreement for no drugs or alcohol. Mr. & Mrs. Guevarra explained that he does rounds at 11:00 and they always wait for them if they are late. They write them up and contact social worker or case worker if there are violations. If they are caught with drugs or alcohol, they are subject to eviction within 72 hours.

Commissioner Edelman asked if the problems were related to their current residents or the people who no longer live there. Mrs. Guevarra said it was mostly the renters.

Commissioner Kelly asked if they knew of people being bothered by their clients and if they had spoken with their neighbors. The Guevarras answered that this was the first they had heard of the complaints. The Commissioners urged them to provide additional receptacles for cigarette butts, use the rear yard for smoking and recreation, ensure that the courier does not double park when making deliveries, and provide contact information to the neighbors.

Commissioner Bautista thanked them for being good neighbors and accommodating their neighbors' concerns.

COMMISSION ACTION:

Moved by Commissioner Kelly, seconded by Commissioner Bautista to close the public hearing. Motion carried 3-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to adopt the findings as outlined in the staff report of November 1, 2011. Motion carried 3-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to affirm the Environmental Assessment. Motion carried 3-0.

Moved by Commissioner Bautista, seconded by Commissioner Kelly, to approve Use Permit UPR-9-11-4489 subject to the Findings and Conditions as modified and outlined in the staff report of November 1, 2011. Motion carried by unanimous roll call vote (3-0).

COMMUNICATIONS:

Planning Manager, Tatum Mothershead, announced that Rich Berger, Director of Economic and Community Development, is retiring and this would be his last meeting. The Commissioner's wished him good luck.

ADJOURNMENT:

Moved by Commissioner Kelly, seconded by Commissioner Bautista, to adjourn at 7:30 p.m.

Respectfully submitted,



Richard Berger
Director of Economic and Community Development