RESOLUTION NO. 13-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
ADOPTING MITIGATED NEGATIVE DECLARATION, AND ADOPTING FINDINGS OF
FACT FOLLOWING PLANNING COMMISSION RECOMMENDATION REGARDING
PRECISE PLANNED DEVELOPMENT PD-2-10-1726 (PD-66) AND CEQA-3-12-5237
(West of Martin Street and Steve Courter Way, APN 005-042-020)

Preamble:

A. The applicants, David Beaumont of CKS Environmental and Tom Carey,
representing Birma LLC, submitted an application for a General Plan Amendment and Planned
Development for a future 16 lot subdivision of an existing 1.84 acre, undeveloped lot on Martin
Street.

B. The project requires review and approval of multiple land use entitlements in
order to be developed. All of the following are applicable: a Planned Development (Zoning
District change) from Pre-Planned Development to PD-Planned Development; an environmental
review consistent with CEQA; a Subdivision for the proposed 16 lots; and Design Review for
consideration of the architectural and landscape designs. At this time the Precise Plan and CEQA
environmental assessment are being considered. The applicant intends to submit Subdivision
and Design Review applications in the future that will require additional details and Planning
Commission and City Council hearings.

C. The proposed development is located in what previously was the Bayshore
Redevelopment Project Area. The Redevelopment Agency granted conceptual approval of a plan
for this site, Conceptual Review CR06-7 in April 2007. Although some issues were addressed as
a part of the Conceptual Review, the approval of a conceptual review did not relieve the project
from meeting City requirements applicable to the project. At the request of the applicant, the
Preliminary Plan was brought forward to the Planning Commission on January 4, 2011. The
Planning Commission denied the Preliminary Plan because it did not meet City requirements as
proposed. Subsequently the applicant worked with City staff and provided a Preliminary Plan
that met City requirements, which was supported by the Planning Commission on April 3, 2012
and approved by the City Council on April 23, 2012 allowing the application to move forward to
the Precise Plan step under consideration.

D. The Planned Development project site includes a concept plan for the subdivision
and construction of 16 single family residential units. The lots would range in size from
approximately 1,500 to 2,150 square feet, with the intent to build one detached single-family
dwelling per lot. The proposed building square footages are estimated to be between 1,850 and
2,100 square feet. The site will maintain approximately one acre as private open space to be
maintained by a homeowners association (HOA). The project site has topographical constraints
due to an overall site elevation differential of approximately 160 feet, or a 33% grade. The lower
portion of the project site, nearest Steve Courter Way, is proposed for the residential
development and the remaining upper portion of the site is proposed as private open space. Lots
1-4 have direct access from Martin Street while the remaining lots would obtain access from the
private drive that meanders up the grade, with some sections at 18% slope, to a terminus at a
"Hammerhead T".
E. The applicant has proposed two in-garage and two in-driveway parking spaces per unit, resulting in a total of four off-street parking spaces per unit, except lots 6 and 7 which include two in-garage and one in-driveway spaces per unit. The proposed private drive also includes five additional guest parking spaces. Additional parking spaces on the Martin Street frontage may be accommodated. The total number of parking exceeds the minimum number of spaces mandated by the Zoning Ordinance, which requires two spaces for each unit. The proposed circulation plan includes access alignments to neighboring parcels from the proposed Martin Street right-of-way extension that sufficiently demonstrates, in concept, that access could be provided to the neighboring lots.

F. The parcel is in an urbanized area with all public services capable of serving the new lots. Utilities to serve the project are in place within the vicinity and at the time of subdivision application additional utility plan details will be required to address any needed infrastructure upgrades including electrical, water, sewer, telephone service and access to public streets.

G. The Planning Commission has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA). An Initial Study was required and completed. There is one mitigation measure that requires nesting bird and raptor surveys prior to construction activities to mitigate potential impacts to those populations. Staff has determined that subject to the conditions and Mitigation Monitoring and Reporting Program, the project would not have a significant impact on the environment.

H. The proposed project will allow for the future subdivision application and the construction of one unit on each of the resulting 16 lots. Prior to the future subdivision project completion and building permit issuance, the applicant will be required to pay park in-lieu fees, building permit, plan check, and AB 1600 development impact fees to the City. Additionally, the value of the new dwelling units will be added to the current assessed value of the subject properties, which will result in additional property tax collection by the County, a portion of which would be distributed to the City. The addition of a unit to each of the resulting parcels would add an incremental demand for City services.

I. The Daly City Planning Commission reviewed and approved the Preliminary Plan for this proposed project at the regularly scheduled meeting of March 5, 2013.

J. The Daly City Planning Commission generated findings and conditions to be attached to the project approval, as well as planned development standards. The Planning Commission confirmed and approved the proposed environmental impact report and the mitigation monitoring and reporting program and forwarded a recommendation to the City Council to approve the project subject to conditions, as identified below.

K. Pursuant to the Daly City Zoning Ordinance, the matter was carried forward to the Daly City City Council with the summary of hearing, findings and recommendations of the Daly City Planning Commission above-referenced.

L. The matter was thereafter duly noticed and publicly heard by the Daly City City Council. The Council held a public meeting on the applicant's project along with the proposed environmental impact report, at which time it considered the findings and the determination of
the City’s Planning Division, the proposed Mitigation Monitoring and Reporting Program for this project, the staff report, written and oral comments of the attending public, and the testimony and other evidence of all those wishing to be heard at the City Council meeting on this matter as well as the summary of hearing, findings and recommendations of the Daly City Planning Commission.

Findings:

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Daly City, that following review of the application, the appended staff reports, the summary of hearing and report of the Daly City Planning Commission, relevant documents, writings, ordinances, regulations, as well as the materials submitted by the applicant and the comments of the applicant, City staff and interested members of the public, the City Council of the City of Daly City makes the following findings of fact:

1. That the above recitals, “A” through “L” within the Preamble are accurate, and constitute findings of the City Council of the City of Daly City.

2. 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 April 3, 2012; and the City Council conducted a public hearing on April 23, 2012 approving the preliminary plan for the project and notices of said hearings was by newspaper publication on March 23, 2012, posting and first class mailing to property owners within 300 feet of the site.

3. 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 March 5, 2013; notice of said hearing was by newspaper publication on February 22, 2013, posting and first class mailing to property owners within 300 feet of the site.

4. The Planning Commission has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has determined the project will not have a significant impact on the environment. The Planning Commission affirmed the Environmental Assessment and recommends that a Mitigated Negative Declaration per Section 15070 (a) of the CEQA Guidelines be adopted for this project.

5. The proposed change from Pre-PD (Pre-Planned Development District) to PD-66 (Planned Development 66) will allow for the future subdivision of the lot and the construction of 16 new single family residences. The proposed PD-66 zone is compatible with the zoning districts in the vicinity that include Summit Ridge PD-53 (Planned Development 53), R-1 (Single Family District) and R-3 (Multi Family District).

6. The proposed Planned Development zone change, together with provisions for its improvement, are consistent with the objectives, policies, and general land uses as outlined in the Daly City General Plan. More specifically, the General Plan land use designation for the site is Low Density Residential, which allows up to 14.5 dwelling units per acre. The applicant is proposing to subdivide a single parcel into 16 lots where the proposed density would be 8.7 units per acre.
7. The proposed project is consistent with the General Plan Housing Element Policies that encourage new residential development in suitable locations and maintain and enhance the quality and diversity of Daly City's neighborhoods.

8. The proposed land use conforms to the General Plan Land Use Element, which states that, a pattern of variety in residential densities; types and tenure should be maintained in order to provide housing opportunities.

9. Prior to construction, Major Subdivision and Design Review entitlements must be obtained. The applicant will pay fees that mitigate the potential impacts caused by the project related to schools, public facilities, and public utility connection fees. The proposed project is in compliance with the parking requirements established by the Daly City Zoning Ordinance.

BE IT FURTHER RESOLVED, that the City Council, after fully reviewing all information presented to it, and carefully balancing all relevant considerations, hereby adopts in full the above stated findings of fact and affirms the decision of the Daly City Planning Commission in granting Planned Development PD-2-10-1726 (PD-66) and CEQA-3-12-5237 subject to each and every of the below stated conditions of approval:

Conditions of Approval

A. ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

General
1. The applicant shall file a Declaration of Acceptance of the conditions of approval with the City Clerk within thirty (30) days of City Council approval. Until said declaration is filed, the General Plan Amendment and Planned Development 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 reviewed and approved by the Planning Division prior to the change. Major site or architectural modifications shall be treated as an amendment and shall be subject to review by the Planning Commission and City Council.

3. A Major Subdivision and Design Review application shall be required prior to any development for the Planned Development subject to the submittal requirements thereof.

4. All CEQA Mitigation Measures shall be met prior to construction activities as outlined in the Mitigation Monitoring Program.

5. The applicant shall submit a stormwater management plan that illustrates full compliance with Section C.3 of Order R-2 NPDES Permit No. CAS612008 with sufficient details as required by the City in order to determine substantial conformance of the Tentative Map to the Final Map, prior to the recordation of the Final Map, with all design details required prior to the issuance of the building permit for the project.
6. The project shall conform to all applicable the City of Daly City General Conditions of Approval.

7. All technical corrections or modifications required by the City Engineer shall be incorporated into the Final Map, and all applicable fees paid prior to approval for recordation.

8. Per the 2010 California Building Code, upon submittal for building permit, residential structures that are to be located in areas where the CNEL exceeds 60 db, the applicant will be required to provide an acoustical analysis report, that shows topographical relationships of noise sources and dwelling sites, identification of noise sources and their characteristics, predicted noise spectra and levels at the exterior of the proposed dwelling structure considering present and future land usage, basis for the prediction, noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met.

9. In conjunction with the Major Subdivision and Design Review application, the developer shall furnish to staff, a detailed description of green building measures intended to be incorporated into the development per City Green Building Standards.

10. The applicant shall prepare an agreement to implement a maintenance plan including litter cleanup plan for all open space areas, planters and public sidewalks adjacent to the development. Included in this plan, shall be coordination and scheduling plan for disposal collection of waste and recycling collected in common open space areas.

11. Proposed landscaping shall incorporate Bay Area Friendly species that are drought tolerant and the irrigation systems shall incorporate water efficiency measures. No building permit may be issued until this condition is met.

B. PUBLIC WORKS DEPARTMENT

12. An encroachment permit application shall be required for the project.

13. All public improvements shall be per City standards and/or as per approved PD-66 plans at no cost to the City.

14. The centerline on the “Martin Street” alignment as shown on the Precise Plan, shall align with the centerline of Farrier Place. If the street is not constructed to full width, the improvements shall be constructed on the development side of the right-of-way to allow for widening without impacting the properties improved by the current development. The alignment must allow for the improvement to collector street standards with the setback from the right-of-way line on the north side commensurate with the distance provided by the previous development on the west side of Steve Courter Way. Adequate space shall be provided in the right-of-way to accommodate the required ADA pathway behind any future driveways on the north side of the street.
15. Provide ADA connection from Martin Street to Steve Courter Way. ADA access shall be continuous along the south side of Martin Street.

16. Naming of all streets shall be subject to approval of the City. Engineering and Planning Division approval that this condition has been met shall be required prior to building permit issuance.

17. All stormwater detention, treatment system or other C.3 or LID improvements shall be located outside the public right-of-way and maintained by the HOA. HOA documents shall include the required maintenance provisions and attach final O-&-M agreement for stormwater as required. All privately owned and maintained improvements shall be located outside the public right-of-way. There shall be no private improvements within the public right-of-way. A draft HOA agreement draft shall be required at time of subdivision map application.

18. Storm runoff discharged to City mains shall be per pre-development conditions and supported by satisfactory calculations. The storm drain in Martin Street shall be properly sized. An oversized line has the potential to impact the downstream system. Discharge calculations shall be based on connections to existing storm drain at Steve Courter Way. Storm drain connection at Steve Courter Way shall be per City standards. All line bends shall be within manholes.

19. The applicant shall comply with the applicable requirements of the City of Daly City General Conditions of Approval: Use Permits, Variances, Design Reviews, Planned Developments, and Subdivisions, in effect at the time of subdivision and design review application submittal, final map submittal and/or at the time of building permit application.

20. The applicant shall include all utility service connections as required, site improvements and all proposed work within the right of way on the building permit plans submittal. Engineering Division approval that this condition has been met shall be required prior to building permit issuance.

21. The applicant shall investigate and develop a utility plan in cooperation with the City that includes utility undergrounding along the development frontage.

22. Provide erosion and stormwater pollution prevention plan incorporating the best management practices, including operation and management provisions per the requirements applicable at the time of construction permit application. During the rainy season (Sept 30 to April 15) the developer shall submit a revised erosion control plan every 5 working days.

23. The applicant shall provide specific measures and work plans to prevent pollutants from entering the public storm drain system in compliance with the NPDES regulations. Drainage to the public storm drain system shall be through pipes under the sidewalk, as drainage over the sidewalk is not permitted. The rate of flow to the City's Storm Drain System shall not exceed the predevelopment rate. The development shall provide infiltration or detention for increment of drainage flow for a 10-year/2 hour-frequency...
storm event. The development shall provide fail-safe emergency drainage conditions for worst-case events that may occur during the life of the project in excess of 100 years.

24. The applicant shall submit grading plans, soil investigation report and stormwater pollution prevention plans at the time of each building permit submittal.

25. All public improvements shall be completed per applicable standards and approved plans at no cost to the City before any occupancy permit may be issued.

26. Submit digital and two hard copies of grading, utilities, sidewalk, street and other improvement plans for City review and approval prior to request for applicable permits. Plans shall include complete details and supporting calculations for on-site and offsite work.

C. WATER AND WASTEWATER RESOURCES DEPARTMENT

27. A full set of plumbing plans shall be required for submittal and review at the time of building permit submittal.

28. The Precise Plan water system layout has been approved conceptually; however, numerous changes to the proposed water system plan will likely be required. Some of these changes may include but are not limited to water main location, water main connections, valving, hydrant locations, number and location of blow off devices. Future submittals will require additional details sufficient to meet DWWR review requirements at the time of subdivision and design review application submittal, final map submittal and/or at the time of building permit application as appropriate and deemed necessary for complete review.

29. All costs associated with any water system improvements required as a result of the proposed construction shall be borne by the applicant.

30. Future submittals will require additional details sufficient to meet Bayshore Sanitation District requirements at the time of subdivision and design review application submittal, final map submittal and/or at the time of building permit application as appropriate and deemed necessary for complete review.

D. FEES AND DEPOSITS

31. All applicable fees for all future applications and fees associated with the development shall be the responsibility of the applicant.

E. FIRE PREVENTION

32. Fire sprinklers that meet NFPA standards are required and shall be included on the building permit plan submittal.

33. Any and all fire alarms required must meet the NFPA standards and shall be determined by the Fire Department upon review of the building permit submittal.
34. Visible addressing shall be required and approved by the Fire Department prior to building permit final.

35. Fire extinguishers shall be installed and approved per Fire Department requirements prior to building permit final.

36. Smoke and CO detectors shall be shown on building permit plans and shall be installed and approved by the Fire Department prior to building permit final.

37. Future plan submittal shall demonstrate conformance to the required fireflows, number(s) and spacing of fire hydrants, and fire apparatus access slope, surface material, width, turnaround, etc.

F. BUILDING DIVISION

38. Building Permit plans will have to be designed to meet 2010 building codes, including California Green Building Standards code.

39. Applicant shall provide a checklist on how this project can achieve the required 50 green building points to the Building Division for the building permit application on or before the building permit application plan review.

40. Cross section elevations for each parcel showing the location of the proposed buildings and required setback from the ascending and descending slope surface shall be required for submittal at the subdivision and design review application stage. All building clearances shall conform to CBC 1808.7. If alternate setbacks are proposed per CBC 1808.7.5, then submittal of written discussion, geotechnical reports and other information shall be required for review and acceptance prior to building permit issuance.

41. Conformance to 3 foot setbacks to finish face of the building from the applicable property lines for fire rating purposes and emergency escape and rescue passageway per CRC Table R302. 1(1) and DMC 15.10.120 is required.

42. Applicant is notified that additional loading for electric vehicles shall be coordinated with PG&E by the applicant.

BE IT FURTHER RESOLVED that by acceptance of the conditions of these entitlements, the applicant, property owner, developer and their successors and assigns agree to defend and hold harmless the City of Daly City, the Daly City Planning Commission, City employees, professionals and staff in any action by a third party to void, recall or rescind and granted entitlement pursuant to, and to the extent permitted by federal and state law; and that the City Council of the City of Daly City finds, as a matter of local public policy, that litigation costs, if any, associated with granting of the entitlements associated with this development should be borne by the applicant, property owner, developer and their successors and assigns, rather than by the City directly or the taxpayers and residents of the City of Daly City.
BE IT FURTHER RESOLVED that the City Council directs that design review by a Design Review Committee of the City Council be conducted for this site to consider, comment and direct where appropriate, and without limitation, the exterior design and layout of these residential units, with particular attention to consolidation, size and placement of sidewalk curb cuts, and the width and placement of garage doors, buffering trees or other vegetation.

BE IT FURTHER RESOLVED that the City Council finds and determines that each of the above conditions is an integral and necessary part of the approval of this subdivision, and design review permit, and where one or more condition is not complied with, there shall be no inference that there was intentional waiver of such condition, nor shall the project proponent, the property owner, nor any subsequent purchaser be able to rely to their benefit, nor to the detriment of the City of Daly City by reason of the failure to comply with any such condition.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the 22nd day of April, 2013, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: Canepa, Guingona, Klatt
                                  Torres, Buenaventura

NOES, Councilmembers: None

ABSENT, Councilmembers: None

[Signature]
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

RAYMOND A. BUENAVENTURA
MAYOR OF THE CITY OF DALY CITY