

4.11 LAND USE AND PLANNING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.11.1 Environmental Setting

The project site is located in the Bayshore neighborhood, which is referred to as Planning Area 13 in the General Plan, located north of Guadalupe Canyon Parkway and west of Bayshore Boulevard. According to the General Plan, the Bayshore neighborhood primarily contains detached single-family residential homes and low-intensity industrial areas. Existing densities in the area range from a low of 2 to 14.5 du/ac to a very high density of over 50 du/ac. John McLaren Park is located approximately 0.7 mile north of the project site, Bayshore Park is located directly within the project site, and other small community parks are scattered throughout the neighborhood.

According to the General Plan, land use planning challenges within the Bayshore neighborhood include aging sewer and water lines, lack of pedestrian and roadway infrastructure, and lack of easily developable land. Opportunities in this neighborhood include the revitalization of commercial areas, infill single-family, retail office development, and park and open space development (City of Daly City 2013). The project site is approximately 15 acres and comprises 39 San Mateo County APNs, as outlined in Section 2, Project Description. The General Plan designates 37 parcels as High Density Residential (R-HD) and 2 parcels as Public Park (PP). All of the 39 parcels are zoned as a Multiple Family Residential District (R-3).

The project site is currently occupied by existing residents and is bordered on all sides by a mix of residential, commercial, and industrial use. The project site is surrounded by the following land uses:

- North and East: A PG&E facility, including administrative buildings, parking, industrial storage, and a power distribution area.
- South: A Toll Brothers site (i.e., an in-progress home construction site operated by the Toll Brothers construction company) that is currently a graded, undeveloped area.
- West: Mixed single- and multi-family residences.

4.11.2 Previous Environmental Analysis

City of Daly City General Plan EIR Summary

Chapter 3.9 of the General Plan EIR discusses potential impacts related to land use. The General Plan EIR determined that implementation of the General Plan would not physically divide an established community and would not conflict with existing local plans and zoning ordinances. Impacts would be less than significant.

Plan Bay Area EIR Summary

The following summarizes the potential impacts related to land use and planning discussed in Chapter 2.3 of the Plan Bay Area EIR and includes the complete text of mitigation measures previously identified by the Plan Bay Area EIR that are applicable to the proposed project.

Impact 2.3-2: Physically Divide Established Community. The Plan Bay Area EIR determined that implementation of the projected land use growth would create more centralized development and would not physically divide established communities. However, transportation projects could result in potential division from placement of structures. The Plan Bay Area EIR identified Mitigation Measure 2.3-2 to reduce impacts from transportation projects to a less than significant level. The proposed project would not be characterized as a transportation project; therefore, this mitigation measure is not applicable.

Impact 2.3-3: Conflict with Applicable Land Use Plans, Policies, or Regulations. The Plan Bay Area EIR determined that future development and/or transportation projects could conflict with existing long-range plans. However, projects would be required to demonstrate consistency with relevant plans to obtain permits and otherwise meet agency requirements. Therefore, this impact is less than significant, and no mitigation measures were identified.

4.11.3 Project-Specific Analysis

Impact LU-1 Physically divide an established community?

Impact Analysis

The project site is currently developed with 150 residential units, 223 parking spaces, a child-care facility (Bayshore Child-Care Center), open space, an existing street system, and office space for HACSM. Additionally, an existing park, Bayshore Park, is currently located directly north and east of the Midway Village area. The proposed project would involve redevelopment of the Midway Village area and would include mixed-use development consisting of 555 residential units, 746 parking spaces, a child-care facility, a community center, office space for property management and other ancillary services, a revised street system, and recreation facilities. Additionally, Bayshore Park would be relocated and returned to the City to be redeveloped as part of the proposed project.

During construction, the proposed project would cause temporary disturbance to the established community and residents within the Midway Village area. This temporary disturbance would include relocation of residents and the child-care facility to a different location within the project site, as described in Section 2, Project Description. In addition, Bayshore Park would be relocated to a different section of the project site. The area would continue to operate as a residential area with child-care and park facilities onsite once construction is complete. Therefore, the proposed project would not physically divide an established community, and the impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

Impact LU-2 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Impact Analysis

Table 4.11-1 provides a consistency analysis for applicable land use plans, policies, and regulations with jurisdiction over the proposed project. Applicable regulations are as follows:

- Daly City General Plan
- Daly City Municipal Code

Table 4.11-1: Applicable Plan and Policy Consistency Analysis

Policy/Goal Number	Policy/Goal	Determination of Plan Consistency
Policy LU-1:	Maintain and, where possible, encourage larger commercial development sites throughout the City.	Consistent. This site is an existing residential site and does not include uses for large commercial operations. The proposed project would not change the existing land use of the site.
Policy LU-2:	Continue to allow neighborhood-serving businesses in neighborhoods where such businesses presently exist and where such continued operation does not impact the quality of life within the neighborhood.	Consistent. The proposed project would not affect the operation of any existing businesses and would improve quality of life within the neighborhood by providing additional commercial opportunities for new business and affordable housing.
Policy LU-4:	Provide regulatory incentives for developers to construct higher-density mixed-use development along Mission Street, Geneva Avenue, and any other locations in close proximity to public transit.	Consistent. The proposed project represents higher-density mixed-use development is within 2.2 mile of the Balboa BART Station, within 0.30 mile of a MUNI bus stop and surrounding businesses.
Policy LU-7:	Recognize the physical differences between different parts of the City and regulate land uses within these areas accordingly (same as Policy RME-20).	Consistent. The proposed project would comply with local regulations, such as design review, to ensure consistency between design and surrounding land uses.
Policy LU-9:	Ensure that traffic from commercial development does not significantly increase traffic on residential streets.	Consistent. The proposed project would generate minimal vehicle trips associated with the 5,100 sf of community center/office space. The project site is within 2.2 mile of the Balboa BART Station and 0.30 mile of a MUNI bus stop and surrounding businesses.
Policy LU-16:	Regulate of the size, quantity, and location of signs to maintain and enhance the visual appearance of the City.	Consistent. The proposed project would include the addition of new signs for both the residential and commercial components; however, the proposed project would comply with all local ordinances and regulations governing sign regulations and design guidelines.

Policy/Goal Number	Policy/Goal	Determination of Plan Consistency
Policy LU-17:	Ensure that private development is responsible for providing any on- or off-site improvements related to and/or mitigating the impacts it causes.	Consistent. The proposed project would comply with applicable fees and/or mitigation measures to reduce potential impacts identified in this SCEA.
Policy LU-18:	Development activities shall not be allowed to significantly disrupt the natural or urban environment and all reasonable measures shall be taken to identify and prevent or mitigate potentially significant effects.	Consistent. The proposed project is suitably scaled for the subject parcel and all reasonable measures would be taken to identify and address potentially significant effects.

Notes:

BART = Bay Area Rapid Transit

City = City of Daly City

SCEA = Sustainable Communities Environmental Assessment

sf = square feet

The proposed project is consistent with all applicable land use policies as set forth by the General Plan, per the policy consistency analysis above. The proposed project includes different land use designations (R-HD and PP) and would include a transfer of these two land use designations from one portion of the project site to another, within the entirety of the site. As such, a General Plan amendment has been requested to relocate the location of the park on the project site. The current Bayshore Park area is proposed as a housing development, while the area that is proposed to have the new Bayshore Park is now designated as residential. These designations must be switched under a General Plan amendment, and therefore would still be consistent under the General Plan.

The proposed project is located within the R-3 zoning designation, which has a maximum density of 87.7 dwelling units per acre. R-3 zoning allows for 1 unit per 500 square feet of lot size (Municipal Code Section 17.12.010), which amounts to 1,023 units of housing for the 11.75 acres of the proposed residential land. Accordingly, the proposed 555 units would be consistent with this requirement.

According to the City Zoning Code Section 17.47.080, the developer may submit a written request for a density bonus, waivers, incentives, or concessions pursuant to California Government Code §65915 that states: "When an applicant seeks a density bonus for a housing development within...the jurisdiction of a city...that local government shall provide the applicant incentives or concessions for the production of housing units...as prescribed in this section." The City shall grant the density bonus and incentives or concessions when the applicant for the housing development seeks and agrees to construct, among other categories. Per subsection (g)(1) of §65915, "density bonus" means a density increase of at least 20 percent, with a maximum of 35 percent. Accordingly, the following waivers are requested for the proposed project:

Multifamily Rental Units:

- The maximum height required for the site be raised from 36 feet to 60 feet to accommodate the four-story buildings onsite.
- The front setback under R-3 zoning be reduced to zero, however generally the proposed buildings would have a 5-foot setback from adjacent parcels.

Townhome Units:

- Minimum lots would be lowered from 3,000 square feet to 1,100 square feet per unit.
- The front yard setback would be lowered from 15 feet to 8 feet.
- The minimum lot width would be lowered from 33 feet to 20 feet.
- The maximum lot coverage would be raised from 50 percent to 70 percent.
- The maximum height would be raised from 30 feet to 55 feet.

In summary, the proposed project would not conflict with the General Plan or zoning ordinance and the impact would be less than significant.

Additionally, as discussed in Section 4.9.3, Project-Specific Analysis, Impact HAZ-4, the project site is located on two identified hazardous cleanup sites, pursuant to California Government Code, Section 65962.5, and the Existing LUCs, including the 2002 LUC, currently restrict development on a portion of the project site. As discussed under Impact HAZ-4, the 2002 LUC would need to be modified, amended, or rescinded to allow for construction of the proposed project (as the 2002 LUC does not allow for residential development). As such, Mitigation Measure HAZ-1 would be required to modify, amend, or rescind the 2002 LUC on the project site. As a condition of this mitigation measure, a building permit cannot be issued for the proposed project until the 2002 LUC is either modified, amended, or rescinded through DTSC approval. Therefore, with implementation of Mitigation Measure HAZ-1 the proposed project would not conflict with the 2002 LUC and the impact would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

Mitigation Measure HAZ-1 is required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

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