

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

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The meeting was called to order by Mayor Manalo at 7:13 P.M. by video conference call pursuant to Governor Gavin Newsom's Executive Order N-29-20.

ROLL CALL: Councilmembers Present:
 Juslyn C. Manalo, Mayor
 Rod Daus-Magbual, Vice Mayor
 Raymond A. Buenaventura
 Pamela DiGiovanni
 Glenn R. Sylvester

Staff Present:
 Shawna Maltbie, City Manager
 Rose L. Zimmerman, City Attorney
 K. Annette Hipona, City Clerk

PRESENTATION:

HIP 2021 Housing Calendar Presentation
(Presented by Chris Sturken, Community Outreach Specialist)

Proclaiming March 2021 as Red Cross Month
(Recipients: Maurice Goodman, Red Cross Trustee; John Woodell, Bay Area Red Cross Government Relations Committee)

Proclaiming March 2021 as Women's History Month
(Recipients: Shawna Maltbie, City Manager; Rose Zimmerman, City Attorney)

Proclaiming April 4 - 10, 2021 as National Library Week
(Recipients: Cultivating Racial Equity and Inclusion Initiative Team: Celina Tirona, Library Assistant II, Allison Green, Library Assistant II, and Sarah Spence, Librarian II-Youth Services Librarian)

APPROVAL OF MINUTES:

Regular Meeting of March 8, 2021

It was moved by Councilmember Sylvester, seconded by Vice Mayor Daus-Magbual and carried to approve the minutes of the regular meeting of March 8, 2021.

Note on Public Comments: *For this meeting, members of the public were encouraged to watch the meeting via livestream at <https://bit.ly/dalycitymarch22> and to register and speak at the meeting via Zoom, and/or submit public comments via email to cityclerk@dalycity.org prior to the public meeting. Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting were instructed to call the office of the City Clerk at 991-8078 prior to the meeting. Victor Hernandez, On Point Language Solutions, provided Spanish to English translation for those who requested assistance.*

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

APPROVAL OF AGENDA:

It was moved by Councilmember DiGiovanni, seconded by Councilmember Sylvester and carried to approve the agenda.

CONSENT AGENDA:

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to approve the consent agenda with the exception of item #6, which was pulled for further discussion.

Resolutions:

Setting Time and Place of Public Hearing Regarding Linda Vista Area of Benefit Fiscal Year 2021-2022

Resolution 21-22, Setting Time and Place of Public Hearing Re: Approve Engineer's Report and to Establish the Annual Benefit Assessments for the Linda Vista Area for Fiscal Year 2021-2022

Approving Notice of Completion for Westlake Library HVAC and Roof Replacement Project

Resolution 21-23, Accepting Completion of Certain Project in the Department of Public Works (Westlake Library HVAC and Roof Replacement Project)

Setting Time and Place for a Public Hearing to Consider Amending Title 15 Buildings and Construction of the Daly City Municipal Code to Include Reach Codes (Set Hearing: 4/26/21)

Resolution 21-24, A Resolution of the City Council of the City of Daly City Setting Time and Place of Public Hearing Re: Proposed Ordinance: Amending Title 15 of the Daly City Municipal Code to Include Reach Codes

Approving Time Extension for Permit UPR-6-19-14071 and Design Review DR-11-19-14321 – Hilldale School Expansion at 25 and 79 Florence Street

Resolution 21-25, Approving Extension for Use Permit UPR-6-19-14071 and Design Review DR-11-19-14321 – Hilldale School Expansion at 25 and 79 Florence Street

Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2021-22 (Set Hearing: 4/26/21)

Resolution 21-26, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2021-2022 Under the Community Development Block Grant and HOME Programs

Approving Termination of the Police Department Red Light Program

Police Captain Cameron Christensen reported that through analysis, there was no general or continued reduction in collisions at the enforced intersections and the program is expending staff resources and personnel costs. Captain Christensen addressed questions on revenue from the program in past years, personnel costs related to court appearances, and collision data.

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

It was moved by Councilmember DiGiovanni, seconded by Councilmember Sylvester and carried by voice vote to adopt the following resolution:

Resolution 21-27, Approving the Termination of the Redflex Traffic Systems Contract and
Discontinuing the Police Department Red Light Program

END OF CONSENT AGENDA

It was moved by Mayor Manalo, seconded by Councilmember Sylvester and carried by voice vote to move Public Appearances/Oral Communications after Public Hearings.

PUBLIC HEARINGS:

Amendments to the Zoning Ordinance and Zoning Map Establishing -CC Commercial Cannabis Combining District - Zone Change ZC 01-21-14846

Planning Manager Michael Van Lonkhuysen presented the amendments which were reviewed and approved by the Planning Commission. The proposed ordinance would establish an overlay zoning district where cannabis retail sales would be allowed within Daly City. Mr. Van Lonkhuysen provided background, reporting on Proposition 64, the cannabis business license tax passed by Daly City voters, and the direction provided by the Council Committee on cannabis. Mr. Van Lonkhuysen addressed questions on the types of businesses and facilities that are not in the excluded parcels, the requirements and regulations for a permit, and the extensive public outreach regarding tonight's hearing.

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to open the public hearing.

The following speakers voiced concerns with the proposed ordinance and zoning overlay. Concerns included: the number of proposed zoned areas; the proximity of some zones to schools, daycares, and substance recovery centers; the 600-ft. buffer from schools being too small; lack of public noticing; whether the overlay zone addresses social equity; the mislabeling of cannabis products; and whether dispensaries will provide their own security. Some individuals voiced opposition, citing various reasons: the number of commercial cannabis stores already operating in nearby cities; the advertising and exposure of cannabis to impressionable youth; the detrimental health effects of cannabis use on youth; and the dangers of having a dispensary in highly dense areas experiencing homelessness and heavy traffic. Speakers made the following recommendations to the Council: to increase the buffers to 1,000 feet in zoned areas; to decrease the number of zoned areas in the map; to ban dispensaries from selling edibles that resemble snacks targeted to youth; to amend the ordinance from a front-loading process and continue a public process; to use the revenue from commercial cannabis towards mental health and social services; to move the zoned areas to other parts of the City; to place stricter regulations on zoned areas; and to table the matter to a future meeting. Some speakers thanked Council's consideration in excluding the zoned area along School Street.

Eni Lemus	Grace David	Deodor Tronco
Jackie Rosa, resident	Ethel Rodriguez	Melinda Dart
Sarah Turner	Raymond Fung, resident	Alfredo Dela Rosa, resident
Nick Occhipinti	Leanne Young	Christine Fuller
Anastacio Flores, Director for Asian American Recovery Services		

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

Mikio Akima, Daly City Prevention Collaborative
Melinda Hue, Bicycle/Pedestrian Committee
Alina Yang, Daly City Prevention Collaborative
Eduardo Gonzalez, Youth Leadership Institute

Juan Lopez, Thomas R. Pollicita Student
Stella Chau, San Mateo County Health
Carlos Medal, resident

Ray Satorre, Planning Commissioner, supported the ordinance stating that having these regulations in place would help in economic recovery with alternative revenues and collection of taxes; such revenue streams can be used to benefit the state by funding education and creating jobs. Mr. Satorre warned of fearmongering, fear of the unknown, and intimidation of facts with regard to commercial cannabis sales.

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to close the public hearing.

Discussion ensued between Council regarding the overlay zoning locations, cannabis sales regulations, and public input. Mr. Van Lonkhuysen addressed Council questions on the various zoned areas. Through discussion, it was amended by Councilmember Buenaventura to remove six areas (Zones 1, 2a, 2b, 4a, 4b, and 4c) from the original twelve proposed areas in the overlay zoning map.

It was moved by Councilmember Buenaventura, seconded by Councilmember Sylvester and carried by the following roll call vote to approve the first reading of the ordinance, as amended:

Ayes: Buenaventura, Daus-Magbual, Sylvester, Manalo
Noes: DiGiovanni

It was moved by Mayor Manalo for City Attorney to Read by Title Only. Ms. Zimmerman stated the proposed amendments will be read as part of the introduction and will be included in the second reading of the ordinance.

Councilmember Buenaventura introduced the following ordinance:

Ordinance 1446, Adding Chapter 17.56 to the Daly City Municipal Code Re: CC – Commercial Cannabis Combining District

Revisions to Chapter 5.104 of Title 5 of the Daly City Municipal Code – Regulation of Commercial Cannabis Operations & Establishment of Fees for Commercial Cannabis Business License Application Submittals

Economic Development Specialist Brandon Phipps presented the proposed regulations of commercial cannabis, including revisions to the previously adopted cannabis regulations in 2019. Mr. Phipps explained the application procedures, selection criteria, cross-departmental coordination, and associated business license fees. Staff addressed questions on the following: additional criteria, security and safety checks, retailer qualifications, license fee costs compared to other cities, the amount of interest in obtaining a cannabis business license in the City, and the possibilities of an excise tax and annual fees.

It was moved by Mayor Manalo, seconded by Vice Mayor Daus-Magbual and carried to open the public hearing.

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

The following speakers voiced concerns with allowing commercial cannabis operations in Daly City. Concerns included: the high potency of THC in cannabis; cannabis's appeal to youth; the long-term health effects of cannabis use; and the differences in cannabis's medicinal use vs. recreational use. Individuals voiced opposition to zoned areas that are located near recovery facilities. Some speakers made the following suggestions: to collect more public input; to consider decreasing the number of zoned areas on the map; to exclude parks, libraries and malls from zoned areas where youth are likely to congregate; to have affordable licensing fees for small and local businesses for equity; and to look at the potential revenue of each dispensary.

Stella Chau, San Mateo County Health
Grace David, resident
Nick Occhipinti

Leanne Young
Christine Fuller, resident

Ray Satorre, Planning Commissioner, cited studies reporting that in certain U.S. states where cannabis has been decriminalized, there has been a significant reduction in racial disparities in arrests. Reports also showed that in progressive countries that have decriminalized the use of cannabis, revenues increased while criminality decreased.

Melinda Dart thanked Council for considering the overlay map and excluding some zones from allowing cannabis retail.

It was moved by Councilmember Sylvester, seconded by Vice Mayor Daus-Magbual and carried to close the public hearing.

It was moved by Councilmember Sylvester, seconded by Councilmember Buenaventura and carried to adopt the resolution with the condition to later discuss additional revenues via excise tax or resource fees. The resolution was adopted by the following roll call vote:

Ayes:	Buenaventura, Daus-Magbual, Sylvester, Manalo
Abstentions:	DiGiovanni

Resolution 21-28, Implementing Fees in Connection with Commercial Cannabis Business License Applications, Commercial Cannabis Business License Renewal Applications and Modifications to Commercial Cannabis Business License Applications

It was moved by Mayor Manalo for City Attorney to Read by Title Only

Councilmember Sylvester introduced the following ordinance:

Ordinance 1447, Amending Chapter 5.104 to the Daly City Municipal Code Re: Regulation of Commercial Cannabis Operations and Establishment of Fees for a Commercial Cannabis License Application Submittals

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

The following speakers requested assistance for residents who are currently facing eviction in the City. According to commenters, many people have already been displaced and forced to leave their homes in Daly City since the beginning of the pandemic. Renters at Westlake Village Apartments were particularly hard-hit during this time, with many losing their homes or facing eviction. Speakers cited various reasons for renters not being able to pay their rents or debts at this time. Reasons included: residents struggling financially and mentally during the pandemic due to job loss; the unavailability of debt and rental assistance; pressures due to mounting debts; and many family members suffering from the effects of COVID-19. Renters shared experiences and the stresses related to facing potential eviction and homelessness. Individuals gave various reasons why protecting renters benefits the City; reasons included preventing exacerbation of the homelessness crisis, keeping Daly City families safe and protected, keeping kids enrolled in their current schools, and having a stronger sense of community. Members of Faith in Action encouraged the Mayor to meet with their organization and show solidarity with tenants facing eviction, and to present the Right to Stay Home Resolution “from the people for the people” to Council. The resolution encourages landlords to apply for state funding through SB91 which would in turn provide rent relief for tenants. The resolution would ensure all tenants the right to stay home during the pandemic without fear of eviction.

Reina Lagos, resident
Andrea Mazariago, Westlake Apartments resident
Ethel Rodriguez, Faith in Action, resident
Carina Lozada, Westlake Village resident
Nani Friedman, Faith in Action Bay Area
Abby Taylor, Faith in Action Bay Area
Deodor Tronco, resident
Jay Yanson, resident
Carolina Parrales, Faith in Action Bay Area

Moojii M., resident
Eva Reyes, Faith in Action
Abdullah Alkiffee, resident
Cindy Hernandez, resident
Eni Lemus, Faith in Action, resident
Holly Lim, resident
Rosiedalia Garcia, resident
Eduardo Gonzalez, resident
Luis Huerta, resident

Ray Satorre voiced support for having commercial cannabis operations in Daly City, citing it as an economic strategy as well as an opportunity for securing alternative revenues. He further recommended that dispensaries should provide security at their stores and develop a rapport with consumers and the community at large.

Melinda Dart advocated for access to nature in the area, urging Council to preserve the land near Thornton Beach for the children of today and for future generations.

Nick Occhipinti urged Council in halting the development of Thornton Beach and Serramonte Del Rey to provide students with continued access to recreational and green spaces.

ORDINANCES:

Second Reading, Ordinance No. 1444, Repealing and Replacing Chapter 10.12 of the Daly City Municipal Code Re: Speed Limits

It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried by unanimous roll call vote to adopt the following ordinance:

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

Ordinance 1444, Repealing and Replacing Chapter 10.12 of the Daly City Municipal Code Re: Speed Limits

At 12:15 AM, it was moved by Mayor Manalo, seconded by Councilmember Sylvester and carried to take a recess and continue the regular meeting of March 22 to March 23 at 5:00 PM.

On March 23, 2021, at 5:00 PM, the meeting reconvened. Ms. Hipona took a roll call, at which point, all Council were present.

COMMUNICATIONS:

Time Extension of Use Permit UPR-5-17-12820 — Temporary Storage of New Automobiles on Vacant Drive In-Theater Site at 607 Carter Street

Mr. Van Lonkhuysen provided background for the subject use permit which was granted in 2017 to SyWest to establish the temporary auto storage on site. The applicant, SyWest, has met with Bridge Housing to develop a conceptual site plan that includes the subject property. Staff addressed questions on the timelines of the extensions.

Bill Vierra, SyWest Development, provided status of their discussions with Bridge Housing in terms of the preliminary concepts and plans for the two properties at the site. Mr. Vierra shared images of the alternative concepts and designs of the sites and the challenges and opportunities the concepts may face. John Stern, Bridge Housing, discussed challenges to the site and reported on the County funding that Bridge Housing is being considered for, particularly funding for phase I of affordable housing. Mr. Vierra and Mr. Stern addressed Council questions on their year-end goals for the entitlement phase.

It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried by unanimous roll call vote to adopt the following resolution

Resolution 21-29, Approving Extension of Use Permit UPR-5-17-12820 Temporary Storage of New Automobiles on Vacant Drive-In Theater Site at 607 Carter Street

REPORTS:

Council Committee Meetings

Peninsula Clear Energy Committee (Daus-Magbual/Buenaventura)
Development Committee (Manalo/Sylvester)
Bay Area Water Supply & Conservation Agency (BAWSCA) (Manalo)

City Council

Mayor Manalo reported the City has partnered with San Mateo County to provide local vaccination sites for its residents including those at Pacelli Gym (Westlake), Chinese Hospital and North East Medical Services; the Mayor thanked the City Manager and staff for its efforts. Mayor Manalo also thanked the City for hosting and community partners for their efforts at Saturday's Daly City United Against Hate event to address the recent hate crimes against the Asian community, particularly the elderly. The event was co-sponsored by the Filipino Mental Health Initiative, Fil-Am Democrats of San

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 22, 2021

Mateo County, Pinoy/Pinay Educational Partnership, ALLICE, Pilipino Bayanihan Resource Center (PBRC), PAPA (Daly City Chapter), Anakbayan Daly City, and the Filipino Americans Rights Alliance. Vice Mayor Daus-Magbual also expressed his appreciation for staff and everyone who attended Saturday's rally. The Mayor reported she is currently working with PBRC and grass-roots organizations to implement a volunteer community-centered watch program called St. Sentinel to assist and support seniors during this time. Mayor Manalo thanked the staff who worked on the presentations for the City's budget and the State of the City.

Staff

City Manager Shawwna Maltbie reported the City will provide a preview of the operational and capital budget process at the regular meeting of April 26th. The Council will be considering budget recommendations from staff and community input on May 24th and June 14th, leaving enough time to adopt the budget for the fiscal year which begins July 1st.

ADJOURNMENT:

At 6:00 PM, on March 23, 2021, Mayor Manalo adjourned the meeting in memory of Timoteo Bedia Nacor, Trinidad Gonzalez, Rick Halbur, Hyun Jung Grant, Delaina Ashley Yaun, Paul Andre Michels, Yong Yue, Suncha Kim, Soon Chung Park, Xiaojie Tan and Daoyou Feng.

Approved as submitted, this _____ 12th _____
day of _____ April _____, 2021.

City Clerk

Mayor