

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, August 08, 2011 - 7:00 PM
City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

Webcast: www.dalycity.org/meetings

DRAFT

For those wishing to address the City Council on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of the City Clerk at 991-8078 as soon as possible.

CALL TO ORDER:

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF AGENDA:

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved by one roll call vote of the City Council. There shall be no separate discussion of the matters on the Consent Agenda unless requested by a member of the City Council. If discussion is required, that item will be removed from the Consent Agenda and will be considered separately at the end of the Agenda.

Resolutions :

1. Amending Traffic Regulations to Relocate Existing Parking Meter in Front of 280 San Pedro Road 19 Feet East and Relocate Existing 19-Foot No Parking (Red) Zone in Front of 280 San Pedro Road 19 feet West

AVAILABILITY OF PUBLIC RECORDS:

All public record to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.

2. Commending Michael E. Gutierrez on the Occasion of his Retirement
3. Authorization to Execute an Agreement with the State of California Department of Education and Appropriation of Grant Funds for the Bayshore Neighborhood After School Education and Safety Program
4. Approval of License Agreement with Westlake School for the Performing Arts
5. Memorandum of Agreement with the Jefferson Union High School District for Teen Services

END OF CONSENT AGENDA

PUBLIC HEARINGS:

6. Appeal of Administrative Use Permit AUP-12-10-3199 for the Co-location of New Verizon Wireless Facility at Westmoor High School - 163 Edgemont Drive

Staff:

Engfer

Recommended Action:

Open/Close Hearing
Council Determination

7. Public Hearing on Claim to Lien Property at 651 Crocker Avenue

Staff:

Campbell

Recommended Action:

Open/Close Hearing
Adopt Resolution
Roll Call

8. Application for Taxicab Permits and Application for Modification of Schedule of Rates for Taxicab Services

Staff:

Schott

Recommended Action:

Open/Close Hearing
Adopt Resolution
Roll Call

COMMUNICATIONS:

9. Approval of Written Responses to the 2010-2011 San Mateo County Grand Jury Reports:
(a) Cell Towers: Public Opposition and Revenue Source; and (b) TASERS Standardizing
to Save Lives and Reduce Injuries

Staff:

Martel

Recommended Action:

Motion to Accept Reports and Authorize City Manager to Prepare Written Responses

ORDINANCES:

10. Second Reading, Ordinance No. 1357, Amending the Daly City Zoning Map - Rezoning
and Prezoning Certain Parcels to Planned Development (PD-67) and Adopting Planned
Development Standards, and Prezoning One Parcel to R-2 Two Family Residential

Staff:

Zimmerman

Recommended Action:

Adopt Ordinance

Roll Call

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

NOTE: Speakers are limited to two minutes, unless modified by the Mayor. The Council
cannot take action on any matter raised under this item

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

11. Council Committee
 - A Council Committee Meetings, July 25 - August 7,
2011
12. City Council
13. Staff

ADJOURNMENT:



City Council Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: Amend Traffic Regulations

Recommended Action

Recommend the City Council amend traffic regulations as follows:

1. Relocate existing parking meter in front of 280 San Pedro Road 19 feet east. (TSR 12-02).
2. Relocate existing 19-foot No Parking (Red) zone in front of 280 San Pedro Road 19 feet west. (TSR 12-02)

Background

On July 14, 2011, the City's Traffic Safety Committee met and reviewed various requests for traffic improvements, signage and pavement markings, and recommended to the City Manager amending the aforementioned traffic regulation.

Discussion

The amendments to the traffic regulations were recommended for the following reasons:

1. As part of the recent sewer main improvements project on San Pedro Road, Cal Water reinstalled the fire hydrant near 280 San Pedro Road approximately 19 feet west of the former hydrant location in conflict with an existing metered parking space. The parking meter will be relocated to the former fire hydrant location. Relocating the parking meter will not impact the number of parking spaces on San Pedro Road.
2. The recommended red zone is needed to prohibit vehicles from parking in front of the new fire hydrant location and will not impact the number of parking spaces on San Pedro Road.

Fiscal Impact

The proposed signs and/or markings will be funded from the approved operating budget of the Public Works Department, Street Maintenance Division.

Summary/Conclusion

Recommend the City Council amend the aforementioned traffic regulations.

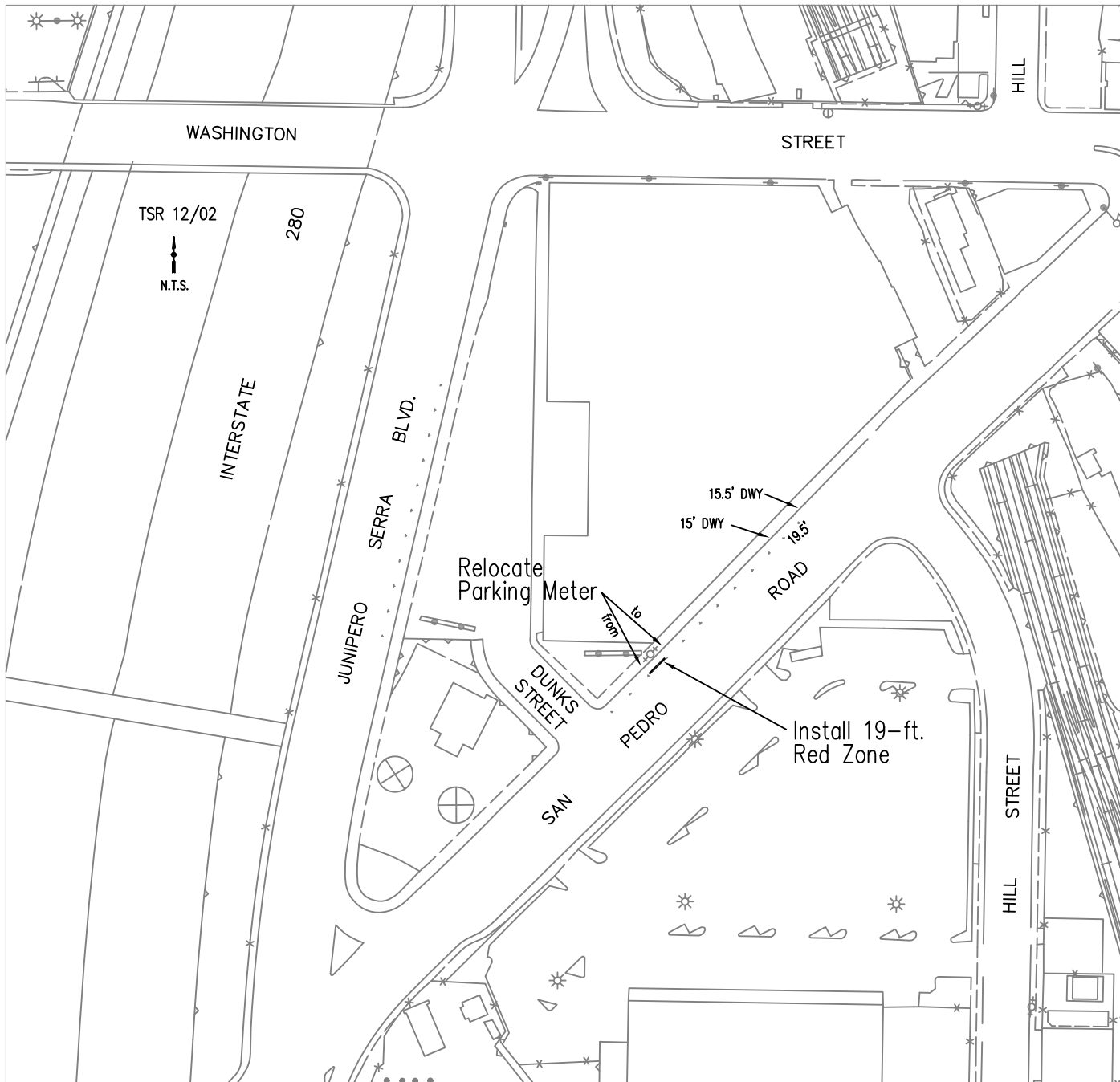
Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Shirley Chan
Traffic Engineer

John L. Fuller
Director of Public Works

Attachment: Traffic Improvements Location Map



THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

TRAFFIC IMPROVEMENTS
SAN PEDRO ROAD

DRAWN SCY	DATE 07/11	APPROVED _____	CITY ENGINEER
CHECKED JLF	SCALE NTS	SHEET NO. 1 OF 1	TSR 12-02
DESIGNED SCY	SURVEY NO.	DRAWING NUMBER	REV.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING MICHAEL E. GUTIERREZ
ON THE OCCASION OF HIS RETIREMENT

- WHEREAS*, MICHAEL E. GUTIERREZ is retiring on August 5, 2011, concluding a devoted thirty-two years of service with the City of Daly City; and
- WHEREAS*, Mike began his career in the Parks and Recreation Department in April of 1979 serving throughout the years in part-time positions of Recreator II, Recreation Leader, Community Center Coordinator and becoming full-time in October of 1987 and reclassified to the title he holds today as a Recreation Program Coordinator; and
- WHEREAS*, his commitment and passion to the youth and teens inspired him to create and carry on programs such as the Bayshore Teen Club, National Junior Tennis League, Showcase League, Mini Hoops and Youth Basketball; and
- WHEREAS*, the youth of the community have been enriched by the programs Mike has been a key player in developing, and will continue to serve and impact the many generations to come; and
- WHEREAS*, Mike has spent countless hours coaching successful teams for both Mercy High School and with Special Olympics, involving his players in the “give up” to the community; and
- WHEREAS*, with determination and dedication, Mike earned a Master’s Degree in Secondary Education and completed his California Teaching Credential, fulfilling his goal needed for the next stage in his life; working and teaching at Mercy High School. He began coaching tennis at Mercy in 1994 and has coached the Varsity basketball team since 2002, receiving the Central Coast Section Honor Coach Award in 2005-2006; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby acknowledge MICHAEL E. GUTIERREZ for his many years of commitment to the Daly City Community and extends its best wishes to MIKE, on the occasion of his retirement.

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 _____ day of _____, 2011, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: Authorization to Execute an Agreement with the State of California Department of Education and Appropriation of Grant Funds for the Bayshore Neighborhood After School Education and Safety Program

Recommended Action

It is recommended the City Council authorize the City Manager to execute an agreement with the State of California Department of Education and appropriate grant funds in the amount of \$212,400 for the Fiscal Year 2011-12 Bayshore Neighborhood After School Education and Safety Program (ASES).

Background

In February 2007, the City, through the former Parks and Recreation Department implemented the ASES Program in the Bayshore neighborhood. The Bayshore neighborhood ASES Program is held each day after school and runs from the end of the school day until 6:00 p.m. Components of this program are held at the Bayshore Community Center, Bayshore Elementary School, Robertson Intermediate School, and in several other Bayshore neighborhood locations. These programs include academic tutoring, homework assistance, enrichment classes and recreational activities.

Grant funding for the Bayshore Neighborhood ASES Program is provided directly to the City by the State of California Department of Education.

Fiscal Impact

Grant funding for the program of \$212,400 should be appropriated into account number 28-131-178.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Denise Brown
Recreation Services Manager

Kerry E. Burns
Assistant City Manager
Interim Director of Library
& Recreation Services



City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: Approval of License Agreement with Westlake School for the Performing Arts

Recommended Action

It is requested that the City Council authorize the City Manager to execute a license with Westlake School for the Performing Arts to provide performing arts classes at the Doelger Art Center. The term of this agreement would be July 1, 2011 through December 31, 2011.

Background

Since 1991, Westlake School for the Performing Arts has been providing classes for the youth of Daly City through the former Parks and Recreation Department. When this organization first started in 1991, 35 students participated in the program in one dance studio. Today, there are over 1,200 students involved in five studios. The program has evolved from an initial emphasis on ballet to include other forms of dance such as tap, jazz, hip hop and hula, as well as classes in piano, voice, musical theater and acting/drama. In addition to the recreational opportunities that have been created, Westlake School provides an opportunity for students to compete on a State-wide basis in the California State Talent Competition. As a result, the school has earned a multitude of awards over its 20 year history.

Fiscal Impact

Staff corresponded with representatives of Westlake School for the Performing Arts to develop the proposed license agreement. As a result, it is proposed that the monthly rent paid to the City by Westlake School for the Performing Arts increase from \$9,031 per month to \$9,284 per month.

Summary/Conclusion

Staff requests that the City Council authorize the City Manager to execute a license agreement with Westlake School for the Performing Arts to provide performing arts classes at the Doelger Art Center.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Denise Brown
Recreation Services Manager

Kerry E. Burns
Assistant City Manager
Interim Director of Library
& Recreation Services

Attachment: License Agreement

LICENSE FOR THE USE OF PROPERTY

This license is entered into by and between the CITY OF DALY CITY ("City") and Westlake School for the Performing Arts ("Licensee").

This license is made and executed on ___ day of _____, 2011, in Daly City, California.

WHEREAS, the City is the owner of certain real property commonly known as the Doelger Arts Center 200 Northgate Avenue (hereinafter described as "Premises") in the City of Daly City; and

WHEREAS, the Licensee, a duly organized corporation, desires to use **Units 2, 4, 6, 8, 10, 11 and 11A**, of the Premises in order to provide cultural arts classes to the public;

NOW, THEREFORE, the parties agree as follows:

1. The City grants to Licensee a revocable license to use the Premises for the limited purpose of providing cultural arts classes for the benefit and convenience of the public. No other dissimilar use is allowed without prior written consent from the City.
2. License Fee. Licensee shall pay the City a fee of nine-thousand-two-hundred-eighty-four dollars (\$9,284.00) per month in advance for the term of this License, unless terminated as provided herein. Except as otherwise specified herein, all payments required to be made by Licensee under this License shall be made without any set off, deduction or counter claim whatsoever and shall be made payable to and delivered to City at the office of the Daly City Department of Finance, 333-90th Street, Daly City, California, 94015.
3. Term. This license shall commence on July 1, 2011, and shall remain in effect until December 31, 2011 unless terminated by the City upon 120 days written notice to Licensee.
4. Use of Premises. Licensee shall not use or allow the Premises to be used for any improper, immoral, unlawful or objectionable purpose, or obstruct the sidewalk in front of, within or adjacent to the Premises.
5. Licensee shall provide adequate supervisory personnel so that someone may be identified and contacted regarding management of the service at all times when any cultural arts classes are being given.
6. Licensee shall be responsible for maintaining the Premises in a clean and orderly manner, and for removing debris or rubbish after each day's classes. If Licensee fails after notice from the City to maintain and keep the Premises clean and orderly, the City may at the expense of the Licensee cure the deficiency at any time. If such problem occurs the second time, the City reserves the right to revoke Licensee's license.

7. Licensee understands that as a licensee, it has no property interest in the Premises, and the Licensee is a post-acquisition occupant pursuant to this License, that the property subject to this License has been acquired or is being held for a public use and will be available only in the interim, and that the development for such ultimate use may result in the termination of this License. Pursuant to state law, and pursuant to the City of Daly City's Relocation Assistance Rules and Regulations, post-acquisition parties such as the Licensee, are not eligible for relocation assistance and payments even though they may move as a result of termination of this License. Revocation of this License shall not suffer the City of Daly City to provide relocation assistance or payments to the Licensee.
8. Indemnification. Licensee agrees to indemnify, defend and hold harmless the City from and against any and all claims, losses, damages, expenses, judgments and costs, including attorney's fees and court costs, resulting from Licensee's use of the Premises under this license.
9. Insurance. Licensee shall, at its own expense, maintain in force during the term of this License a policy of comprehensive liability insurance insuring the City against any liability resulting from Licensee's use of the Premises under the license. Primary insurance shall be provided on ISO-CGL form No. CG 00 01 11 85 or 88. Total limits shall be no less than \$500,000.00 dollars per occurrence for all coverages and \$1,000,000.00 dollars general aggregate. City and its employees and agents shall be added as additional insureds using ISO additional insured endorsement form CG 20 10 11 85 (in no event will City accept an endorsement form with an edition date later than 1990). Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to City or any employee or agent of City. There shall be no cross liability exclusion.

Licensee agrees to provide evidence of the insurance required herein, satisfactory to City, consisting of certificate(s) of insurance evidencing all of the coverages required and an additional insured endorsement to Licensee's general liability and umbrella liability policies (if any) using ISO form CG 20 10 11 85. Certificate(s) are to reflect that the insurer will provide 30 days notice of any cancellation of coverage. Licensee agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions. Licensee agrees to provide complete copies of policies to City upon request.

Licensee shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.

Any actual or alleged failure on the part of City or any other additional insured under these requirements to obtain proof of insurance required under this License in no way waives any right or remedy of City or any additional insured, in this or any other regard.

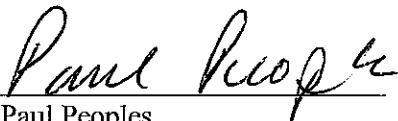
- 10 Assignability. Licensee shall not assign, sublicense or otherwise transfer its rights under this License to any other party.
- 11 Notices. All notices to the City shall be sent to Patricia E. Martel, City Manager, City of Daly City, 333 90th Street, Daly City, CA 94015. All notices to the Licensee shall be sent to Paul Peoples, Westlake School for the Performing Arts, 200 Northgate Avenue Suite # 4, Daly City, CA 94015.
- 12 This License contains the entire understanding between the parties relating to the rights and obligations assumed under it. Any amendments or modifications to this license will not be effective unless contained in a writing issued by the City.
- 13 This license shall be interpreted and construed under the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this License as of the date and first above written.

CITY

Patricia E. Martel
City Manager

LICENSEE, hereby accepts the above conditions:


Paul Peoples
Executive Director



City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: Memorandum of Agreement with the Jefferson Union High School District for Teen Services

Recommended Action

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute a memorandum of agreement with the Jefferson Union High School District to provide teen services and receive reimbursement from the School District for the City's costs for providing the teen services.

Background

This agreement would begin on the date of its execution and would extend through the 2011-12 school year. It would conclude on June 30, 2012. This program is intended to provide after school academic support and enrichment in a variety of areas, as delineated in the *21st Century Grant – Community Learning Center – After School Safety and Enrichment for Teens (ASSETS)*. As a collaborative program, the resources of the School District, the Adult Education Program, the City's Library & Recreation Services Department, Daly City Youth Health Center and Children's Empowerment Initiative are joined together to provide services to students and parents with the hope of producing greater student success in school. The grant funding is from the State of California Department of Education.

Fiscal Impact

The Jefferson Union High School District would serve as the grant's fiscal agent and the City of Daly City would receive a reimbursement of \$17,849.58 for expenses.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Denise Brown
Recreation Services Manager

Kerry E. Burns
Assistant City Manager
Interim Director of Library
& Recreation Services

Attachment – Memorandum of Agreement

MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF DALY CITY/LIBRARY AND RECREATION SERVICES
AND
JEFFERSON UNION HIGH SCHOOL DISTRICT

This Memorandum of Agreement is made between the Jefferson Union High School District (JUHSD) and City of Daly City/Library and Recreation Services to provide services as delineated in the *21st Century Grant – Community Learning Center – After School Safety and Enrichment for Teens (ASSETS)* awarded to the Jefferson Union High School District. This agreement will begin July 1, 2011 and extend through the 2011-12 school year. It will conclude on June 30, 2012.*

This grant is intended to provide after school academic support and enrichment in a variety of areas. As a collaborative grant, the strength of the Jefferson Union High School District, the Adult Education Program, Daly City Library and Recreation Services, Daly City Youth Health Center and CEI are joined to provide services to students and parents, with a goal of greater student success in school.

ROLES AND RESPONSIBILITIES OF THE DALY CITY LIBRARY AND RECREATION SERVICES

The roles and responsibilities of DCL&R will include: coordinating and supervising after school activities according to the grant plan, providing instruction and materials for babysitting Certification courses and other trainings, promoting and engaging students in positive, healthy activities to promote responsible living and lifestyles, providing timely student notification of program offerings under the grant, logging of activities, tracking program participation, maintaining open communication with other grant partners in order to insure a positive partnership working in the interests of students and additional related services as mutually agreed upon. See attachment for additional description

DCL&R will insure that employees/volunteers meet the districts requirements (Ed Code) for working with youth in schools. The requirement extends to 21st Century ASSETs programs or events held on City of Daly City facilities. Some of the activities of the agreement may be carried out on City of Daly City facilities (Marchbank Clubhouse, War Memorial, Hillside Clubhouse, Pacelli Event Center, Teglia Community Center, Doelger Senior Center, Lincoln Park Clubhouse, Gellert Park) with prior arrangement of the school district and project director.

DCL&R will follow all standard protocols and guidelines related to working with students in JUHSD including field trip permission slips, fingerprint clearance and parent communication.

ROLES AND RESPONSIBILITIES OF THE JEFFERSON UNION HIGH SCHOOL DISTRICT (JUHSD)

The roles and responsibilities of the Jefferson Union High School District will include maintaining open communication in order to insure a positive partnership working in the interests of students and making available appropriate venues for the activities described in the grant.

ROLES AND RESPONSIBILITIES OF THE JEFFERSON UNION HIGH SCHOOL DISTRICT (JUHSD) (Continued)

The Jefferson Union High School District will provide personnel screening as called for under the law for all volunteers providing services through the program.

The Jefferson Union High School District will provide payment to the DCL&R in the amount of \$17,849.60 for all services related to the grant responsibilities. Payment will be made in equal installments of \$8,924.80 according to the following schedule: December 1, 2011 and May 1, 2012 upon receipt of DCL&R invoice for services 10 days prior. All invoices must first be approved by the CEI (Project Director) who will forward to JUHSD for final approval and payment.

DCL&R and JUHSD agree to work collaboratively and cooperatively to attain the project goals, maintain regular communications with all project partners and to follow the plan established in the grant document in order to support students.

MUTUAL INDEMNIFICATION AND HOLD HARMLESS

The Jefferson Union High School District shall indemnify and hold harmless the City of Daly City (DCL&R), its officers, agents and employees from all claims, suits, or actions of every name, kind, and description, brought for, or on account of: (A) injuries to or death of any person, or (B) damage to any property of any kind whatsoever and to whomsoever belonging, (C) any costs, money damages, lawsuits, claims or causes of action arising out of or in any way connected to the City of Daly City actions in connection with or arising out of this Agreement.

The duty of the JUHSD to indemnify and hold harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

City of Daly City (DCL&R) shall indemnify and hold harmless the Jefferson Union High School District, their officers, agents and employees from all claims, suits, or actions of every name, kind, and description, brought for, or on account of: (A) injuries to or death of any person, or (B) damage to any property of any kind whatsoever and to whomsoever belonging, (C) any costs, money damages, lawsuits, claims or causes of action arising out of or in any way connected to Jefferson Union High School District's actions in connection with or arising out of this Agreement.

This Agreement may not be assigned by either party without the express written consent of the other. No modification shall be effective unless approved in writing by authorized representatives of the parties involved. Either party, by mutual agreement, may terminate this agreement with 30 days notice.

Date: August 2, 2011

Date: _____

Thomas H. Minshew, Superintendent
Jefferson Union High School District

Patricia E. Martel, City Manager
City of Daly City

*2011-12 is subject to the availability of grant funds approved in the State Budget.



City Council Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: APPEAL OF ADMINISTRATIVE USE PERMIT AUP-12-10-3199
Co-location of New Verizon Wireless Facility, Westmoor High School
163 Edgemont Drive Daly City

RECOMMENDED ACTION

Deny the appeal request and uphold the approval of AUP-12-10-3199 subject to the modified conditions and findings.

INTRODUCTION

An Administrative Use Permit AUP-12-10-3199 for a co-location of a new Verizon Wireless Telecommunication Facility at an existing T-Mobile wireless facility, located at 163 Edgemont Drive (also addressed as 131 Westmoor Avenue) Westmoor High School, was approved in accordance with Zoning Ordinance requirements on May 23, 2011 (Attachment A- Approval and Notice). An appeal was received on May 27, 2011 from Rufino Urrieta and subsequent letters from neighbors on June 2, 2011. This report addresses the appeal and provides recommendations for action on the appeal. (Attachment B- Appeal Letters)

PROJECT EVALUATION

Discussion

Verizon Wireless proposed the installation of six new panel antennas and associated RRU's (Remote Radio Units) as a co-location to the existing stealth "monopine" monopole. The installation is proposed at approximately 45 feet high on the existing monopole structure which is approximately ten feet below the existing T-Mobile antennas. The monopole is located at 163 Edgemont Drive, Westmoor High School. The project also includes support equipment cabinets and a back- up diesel generator in an equipment area of approximately 15 feet by 34 feet (510 square feet) with a fence to match the existing site aesthetic. The Verizon equipment area is proposed adjacent to the existing T-Mobile equipment area.

(Attachment C- Location Map, Attachment D-Plans)

<i>Land Use</i>	<i>Zoning</i>
North: Residential	R-1 (Single Family Residential)
South: Residential	R-1 (Single Family Residential)
West: Residential	R-1 (Single Family Residential)
East: Residential	R-2, R-3 (Multifamily Residential)

ENVIRONMENTAL ASSESSMENT

CEQA Determination	Categorical Exemption – Section 15301 (Existing Facilities)
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Staff has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has determined that the project, as conditioned, involves no expansion.

APPEAL ITEMS

The appeal letters received included both informational and clarification questions about the proposal and the grounds on which the appeal is based. The following section addresses each item and provides the supporting information for the staff recommendation.

1. The notice is not clear.

The appellant Mr. Urrietta was a little unclear as to the actual location of the facility. The notice indicated that the site address is 163 Edgemont, but due to the large parcel size there could have been more information provided to give a more specific location. The site is at Westmoor High School and the site has multiple addresses, 131 Westmoor Avenue and 163 Edgemont Drive.

The mailed notice was sent to over 300 addresses within a 300-foot radius, as required by law, and included a graphic identifying the location of the site and also included the Assessor Parcel Number for the site. The notice meets applicable code requirements. The notice for the Appeal hearing was modified to be clearer. (Attachment A- Approval and Notice)

2. What does co-location on existing “monopine” mean?

Daly City Municipal Code 17.39.190 Defines co-location as:

“Co-location” means a telecommunications facility comprising a single telecommunications tower, monopole or building supporting antennas owned or used by more than one telecommunications carrier”

In short a co-location means to share the existing facility so long as it meets other applicable code requirements.

Staff informed Mr. Rufino through a telephone conversation and at the Planning counter about the details of the co-location including the mounting locations on the existing pole and the proposed area for equipment.

The public notice sent described the proposed project as:

“an application by Verizon Wireless to co-locate a telecommunication facility at Westmoor High School on the existing monopole (“monopine”) with the installation being 6 panel

antennas mounted at approximately 45 feet above ground on the existing monopine with support structures and backup diesel generator within an enclosed fenced area of approximately 15 'x 34'''

The code encourages co-location when feasible in an effort to reduce multiple separate site installations. The application for co-location at this site meets DCMC 17.39, Wireless Communications Facilities requirements.

3. The existing facility is too close and will devalue the property over time and the construction will be unsightly.

Staff measured the distance on the City GIS map and has found that the nearest residential structure on Edgemoont Drive is approximately one hundred twenty five feet away from the stealth designed monopine.

The proposed project is a stealth design on an existing monopine with screen fencing. The equipment area is required to be screen fenced to match the existing site buildings, thereby minimizing visual impacts. The antenna installation is proposed on an existing monopine where the antennas would be painted to match similar to the existing T-Mobile installation. (Attachment E- existing site photos) The installation meets the DCMC 17.39 Wireless Communications Facilities requirements as stealth designed facility.

4. The EMF Radiation will cause a potential health hazard and a request for proof of EMF Compliance of proposed and existing facility. And a related request was made for the request for relocation. (Attachment B-Appeal letters)

- 5.

Electromagnetic Frequency Radiation

Pursuant to Zoning Code, Wireless Communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC). The FCC exempts cellular phone antennas mounted to non-building structures above 30 feet from the ground and within specific frequency measures. The FCC preempts local jurisdictions such as Daly City from regulating wireless facility projects based on the environmental effects of radio frequency emissions to the extent that such facilities comply with FCC's regulations. The existing antennas conform to the FCC requirements. The EMF study required for the proposed project indicates that the facility meets FCC requirements.

The US Code section 332 of the 1996 telecommunications act limits the jurisdictions regulatory authority regarding EMF:

Excerpt from Section 332 of 1996 Telecom Act:

(B) LIMITATIONS. –

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the

environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

The EMF report as a part of the use permit application indicates that the EMF meets FCC standards and City Zoning Ordinance Code requirements. Conditions of approval have been included that ensure the EMF meet FCC requirements. (Attachment E – Electromagnetic Frequency Report)

The EMF Report submitted for the project stated the at the maximum calculated cumulative RF exposure level at the second floor elevation of any nearby building, including the residences on Edgemont Drive and any of the school buildings on the campus at 2.3% of the public exposure limit.

City Council had directed staff April 26, 2010 to include a new EMF compliance condition in all subsequent wireless facility use permits pertaining to EMF. The existing T-Mobile facility was approved prior to that date on April 29, 2008 (AUP07-2). The proposed Verizon site incorporated the Council direction and staff included the EMF related conditions # 17 and 18. (Attachment F-EMF Report)

Condition #17

Prior to the approval of building permits, information must be furnished to the Planning Division recognizing the cumulative effect of all existing and proposed facilities. Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC).

Condition #18

An annual EMF (RF) report that demonstrates the facility continues to meet FCC requirements shall be submitted to the Planning Division on or before the anniversary date of the administrative use permit or use permit. Failure to submit the report may result in revocation of the use permit.

FINDINGS

Staff finds that Administrative Use Permit, AUP-12-10-3199, as conditioned, is in accordance with Section 17.39, Wireless Communication Facilities, of the Daly City Municipal Code. Approval of the Administrative Use Permit application, as conditioned herein, conforms to all standards, requirements set forth in Municipal Code Section 17.39, and that general site and architecture considerations have been incorporated to insure compatibility with adjacent buildings and to provide an attractive environment. These findings are based in part on the following facts:

1. The project is consistent with Categorical Exemption 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
2. Administrative Use Permit, AUP-12-10-3199, proposing the installation of six panel antennas, associated RRU's, on the existing stealth "monopine" monopole at approximately 45 high on the monopole structure at 163 Edgemont Drive (131 Westmoor Avenue), where

the antennas would all be stealth designed to match on the existing “monopine”, support equipment cabinets and back up diesel generator in an equipment area of approximately 15 feet x 34 feet (510 square feet) fenced to match the existing site aesthetic, conforms to all standards, requirements and conditions as defined in Daly City Municipal Code Section 17.39, Wireless Communications Facilities.

- a) The placement of said facilities do not interfere with views of the streetscape, natural vegetation and scenery as it is a stealth design where the antennas are mounted and co-located on the existing monopole and the proposal incorporates architectural screen fencing to match the building and the conditions of approval require screening to match the building architectural design aesthetic prior to installation.
 - b) The siting of the telecommunication facility is compatible in scale and design with the subject site in the specific location proposed.
 - c) The subject facility is sited so as to minimize adverse visual impacts on natural resources, neighborhoods, vistas, view corridors, architecture and structures.
 - d) The antennas and equipment are integrated with the scale and character of the subject property and made as unobtrusive as possible through conditions of approval that require incorporating materials and colors to match the existing stealth monopine monopole with the equipment area architectural aesthetic to blend with the existing building design aesthetic.
 - e) The proposed wireless facility will be visible from the public right of way, however, with, the stealth design and with the screening required by conditions of approval it does not present a significant adverse visual impact.
3. Maintenance or operation of the proposed wireless facility, as currently designed and conditioned, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood or be injurious in the neighborhood or to the general welfare of the City with the conditions herein. The design and location are consistent with City Code.
4. The EMF report provided pursuant to Zoning Code, meets the requirement that the wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC). The additional conditions of approval for annual EMF report submittals further ensure that this requirement is met for the life of the permit.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

General

City Council Agenda Report
Subject: Appeal AUP-12-10-3199
Meeting Date: August 8, 2011
Page 6 of 9

1. Within ten (10) days of Planning Division approval, the applicant shall file with the Planning Division a Declaration of Acceptance of all conditions. Until said declaration is filed, the project shall not be valid for any permits sought from the City.
2. If building permits have not been issued and installation diligently pursued towards completion within one year of City Council approval, the administrative use permit shall become invalid.
3. All development shall conform to plans as approved or conditioned by the City.
4. Modifications to existing wireless communication facilities shall be subject to the review and approval of the Director of Economic and Community Development and a Use Permit, Administrative Use Permit may be required.
5. If the Director finds evidence that conditions of approval have not been fulfilled, the Director may refer the administrative use permit to the Planning Commission and City Council for review.
6. Upon such review, Commission/Council may modify or revoke the permit if the conditions have not been met.

Cessation of Operations

7. The applicant shall provide written notification to the Director upon cessation of operations on the site exceeding a 90 day period. Subject to the determination of the Director, the applicant shall remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations.
8. A new administrative use permit or use permit shall be required if the site is to be used again for the same purpose as permitted under the original permit, if a consecutive period of 180 days has lapsed since cessation of operations.

Equipment

9. All exterior mechanical and electrical equipment cabinets shall be the minimum size feasible, and the minimum number required for the operation of the telecommunications facility.
10. The antennas, equipment and dishes shall be installed with stealth design and screening as shown on the proposed plans and photo simulations so that the screening that incorporates a design that matches the building architectural aesthetic as proposed. This requirement includes paint and materials to match or complement. All plans for the screening shall be required and submitted for Planning Division review with or prior to the building permit

application. Building permits may not be issued for the facilities until the Planning Division approves the design.

11. No exposed cabling shall be utilized as part of this, or any subsequent cellular antenna installation.
12. The applicant shall be responsible for maintaining all telecommunication facilities in a graffiti-free condition.
13. No storage of construction material or maintenance equipment shall be permitted to block public or private streets, driveways, and emergency vehicle access or sidewalk areas.
14. The Fire Department has additional submittal requirements. Prior to the issuance of a building permit for a new wireless facility or modifications to an existing wireless facility, the applicant shall submit plans that provide specifications regarding, but not limited to, the following:
 - fire protection systems
 - a signage program
 - compliance with FCC RF safety requirements
 - emergency shut off switches
 - cabling runs labeling and installation location requirements
 - 24 hour emergency shutdown contact information
 - exclusion zone site plans
 - conformance to emergency access and site inspections.

Plans are subject to the approval of the Fire Department and failure to comply with these requirements may result in use permit revocation, no building permit issuance or both. Fire Department personnel may be contacted at (650) 991-8150.

15. The proposed back up diesel generator shall require verification of compliance with BAAQMD requirements prior to building permit final.
16. The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure and if required the lighting shall be screened to minimize light and glare from leaving the site.

EMF Radiation

17. Prior to the approval of building permits, information must be furnished to the Planning Division recognizing the cumulative effect of all existing and proposed facilities. Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC).

City Council Agenda Report
Subject: Appeal AUP-12-10-3199
Meeting Date: August 8, 2011
Page 8 of 9

18. An annual EMF (RF) report that demonstrates the facility continues to meet FCC requirements shall be submitted to the Planning Division on or before the anniversary date of the administrative use permit or use permit. Failure to submit the report may result in revocation of the use permit.

Structural Communications

19. Provide three sets of plans and calculations justifying the proposed design, detailing the installation of the new antennas, their connection to the existing structure, how the existing structure will carry the loads imposed by the project accounting for gravity and lateral forces and any modifications to the existing structure. Plans and calculations shall be prepared by a California registered civil or structural engineer and submitted with an application for a building permit.

Time Limit

20. This administrative use permit shall be valid for a period of ten years from the date of approval unless renewed prior to expiration or modified through site modification or other requirements. A new application and fee shall be required for renewal of the administrative use permit.

Noise

21. If complaints of noise generated from the equipment are received by the Planning Division, the administrative use permit will be subject to review by the City, including possible revocation of the permit.

Maintenance

22. Normal maintenance activities shall only occur between the hours of seven a.m. and five p.m. Monday through Saturday, excluding emergency repairs, unless the carrier requests and receives approval through a use permit or an administrative use permit for a different maintenance period. Backup generators shall only be operated during power outages or for testing and maintenance between the hours of seven a.m. and five p.m. Monday through Saturday.

POLICE DEPARTMENT

23. In the event of a disaster or emergency, the installations shall not interfere with any City emergency service telecommunications facilities transmission.
24. Applicant shall agree to adjust, correct or remove the antennas/equipment to the satisfaction of the City of Daly City should the transmission from the antennas interfere with Daly City emergency transmission or communications.

WATER AND WASTEWATER RESOURCES DEPARTMENT

25. Equipment must not interfere with the existing SCADA System in any way.
26. Utility plans as necessary may be required for the building permit application.

PUBLIC WORKS

27. Any utility work associated with this project that is located within the City Right of Way will require an encroachment permit. City Engineering Division Approval of the building permit shall be required prior to building permit issuance.

RECOMMENDATION

Staff recommends the City Council:

1. Adopt recommendation to deny the appeal;
2. Affirm the Environmental Assessment;
3. Affirm the approval of Administrative Use Permit, AUP-12-10-3199 subject to the Findings and Conditions outlined herein.

Staff is available to provide any additional information desired by the Mayor or City Council Members.

Respectfully submitted,



Steve Engfer
Assistant Planner



Richard Berger
Director of Economic & Community Development

Attachments

- Attachment A – Administrative Use Permit AUP-12-10-3199 Approval and Notice
Attachment B – Appeal Letters
Attachment C – Location Map
Attachment D – Plans
Attachment E – Site Photos
Attachment F – EMF Report

DALY CITY INTER-OFFICE MEMORANDUM

DATE: May 23, 2011

TO: Honorable City Council

FROM: Steve Engfer, Assistant Planner

VIA: Richard Berger, Economic and Community Development Director

SUBJECT: Approval of Administrative Use Permit, AUP-12-10-3199
Verizon Wireless/Telecommunication Facility Co-location
163 Edgemont Dr.

Pursuant to procedures established to inform the City Council of staff level Administrative Use Permit approvals, please be aware of the following action:

On May 23, 2011, the Planning Division approved Administrative Use Permit AUP-12-10-3199, an application from Verizon Wireless, for the installation of six new panel antennas and associated RRU's (Remote Radio Units), as a co-location to the existing stealth "monopine" monopole. The installation is proposed at approximately 45 feet high on the existing monopole structure which is approximately ten feet below the existing T-Mobile antennas. The monopole is located at 163 Edgemont Drive, Westmoor High School. The project also includes support equipment cabinets and a back- up diesel generator in an equipment area of approximately 15 feet by 34 feet (510 square feet) with a fence to match the existing site aesthetic. The Verizon equipment area is proposed adjacent to the existing T-Mobile equipment area.

Pursuant to the Wireless Communications Facilities and Administrative Use Permit Ordinances, notice of project approval was sent to property owners within 300 feet of the project site. A copy of the public notice is attached for your reference.

This approval is subject to a ten-day appeal period that will end June 2, 2011. Any person affected by this action may appeal the decision to the City Council. Appeals must be submitted in writing to the Planning Division and state the reasoning for the appeal. The ten-day appeal period would suspend the project approval pending a determination by the City Council on the merits of the appeal.

Please contact me at (650) 991-8160 should you have any questions pertaining to this memo or the project.

Respectfully submitted,


Steve Engfer
Assistant Planner

Attachment: Public Notice

ATTACHMENT A

PUBLIC NOTICE

City of Daly City
Department of Economic & Community Development

APPROVAL OF ADMINISTRATIVE USE PERMIT AUP-12-10-3199 FOR CO-LOCATION OF A VERIZON WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING "MONOPINE" MONOPOLE

Date: May 23, 2011

The Planning Division has approved AUP-12-10-3199, an application by Verizon Wireless to co-locate a telecommunication facility at Westmoor High School on the existing monopole ("monopine") with the installation being 6 panel antennas mounted at approximately 45 feet above ground on the existing monopine with support structures and backup diesel generator within an enclosed fenced area of approximately 15' x 34', pursuant to the requirements of the Daly City Municipal Code Section 17.39, at the following location:

Subject: Administrative Use Permit
AUP08-1

Applicant: Verizon

Location: 163 Edgemont Drive

Zoning: U- Unzoned School

Purpose: To co-locate a wireless
telecommunication facility on the
existing monopole "monopine"

SITE



Location Map

Additional information on this application is on file with the Planning Division and is available for public review. Conditions of approval imposed on approved Wireless Communications Facilities are also included in the application file.

After reviewing the application and plans, the Planning Division has determined that the antennas and equipment cabinet will continue to be visually compatible with existing and proposed site features, will continue to pose no health or safety hazard for the surrounding area, and continue to conform to all requirements of the Daly City Municipal Code, Chapter 17.39, Wireless Communications Facilities.

Any party affected by this action may appeal the Planning Division's decision stating the reasons or basis for the appeal by writing a letter to the City Council at 333 90th Street, Daly City, CA 94015. All appeals must be received on or before Thursday, June 2, 2011. Any appeal will suspend approval of the project until a determination by the City Council has been made.

For further information, please contact Steve Engfer, Assistant Planner at (650) 991-8160.

FINDINGS:

Staff finds that Administrative Use Permit AUP-12-10-3199 as conditioned is in accordance with Section 17.39, Wireless Communication Facilities, of the Daly City Municipal Code. Approval of the Administrative Use Permit application, as conditioned herein, conforms to all standards, requirements set forth in Municipal Code Section 17.39, and that general site and architecture considerations have been incorporated to insure compatibility with adjacent buildings and to provide an attractive environment. These findings are based in part on the following facts:

1. The project is consistent with Categorical Exemption 15303(c), New Construction, of the California Environmental Quality Act (CEQA).
2. The installation of six panel antennas, associated RRU's, on the existing stealth "monopine" monopole at approximately 45 high on the monopole structure at 163 Edgemont Drive., where the antennas would all be stealth designed to match on the existing "monopine", support equipment cabinets and back up diesel generator in an equipment area of approximately 15 feet x 34 feet (510 square feet) fenced to match the existing site aesthetic, conforms to all standards, requirements and conditions as defined in Daly City Municipal Code Section 17.39, Wireless Communications Facilities.
 - a) The placement of said facilities do not interfere with views of the streetscape, natural vegetation and scenery as it is a stealth design where the antennas are mounted and co-located on the existing monopole and the proposal incorporates architectural screen fencing to match the building and the conditions of approval require screening to match the building architectural design aesthetic prior to installation.
 - b) The siting of the telecommunication facility is compatible in scale and design with the subject site in the specific location proposed.
 - c) The subject facility is sited so as to minimize adverse visual impacts on natural resources, neighborhoods, vistas, view corridors, architecture and structures.
 - d) The antennas and equipment are integrated with the scale and character of the subject property and made as unobtrusive as possible through conditions of approval that require incorporating materials and colors to match the existing stealth monopine monopole with the equipment area architectural aesthetic to blend with the existing building design aesthetic.
 - e) The proposed wireless facility will not be visible from the public right of way with the screening required by conditions of approval and does not present a significant adverse visual impact.
3. Maintenance or operation of the proposed wireless facility, as currently designed and conditioned, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood or be injurious in the neighborhood or to the general welfare of the city. The design and location are consistent with City Code.

A. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

General

1. Within ten (10) days of Planning Division approval, the applicant shall file with the Planning Division a Declaration of Acceptance of all conditions. Until said declaration is filed, the project shall not be valid for any permits sought from the City.
2. If building permits have not been issued and installation diligently pursued towards completion within one year of City Council approval, the administrative use permit shall become invalid.
3. All development shall conform to plans as approved or conditioned by the City.
4. Modifications to existing wireless communication facilities shall be subject to the review and approval of the Director of Economic and Community Development and a Use Permit, Administrative Use Permit may be required.
5. If the Director finds evidence that conditions of approval have not been fulfilled, the Director may refer the administrative use permit to the Planning Commission and City Council for review.
6. Upon such review, Commission/Council may modify or revoke the permit if the conditions have not been met.

Cessation of Operations

7. The applicant shall provide written notification to the Director upon cessation of operations on the site exceeding a 90 day period. Subject to the determination of the Director, the applicant shall remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations.
8. A new administrative use permit or use permit shall be required if the site is to be used again for the same purpose as permitted under the original permit, if a consecutive period of 180 days has lapsed since cessation of operations.

Equipment

9. All exterior mechanical and electrical equipment cabinets shall be the minimum size feasible, and the minimum number required for the operation of the telecommunications facility.
10. The antennas, equipment and dishes shall be installed with stealth design and screening as shown on the proposed plans and photo simulations so that the screening that incorporates a design that matches the building architectural aesthetic as proposed. This requirement includes paint and materials to match or complement. All plans for the screening shall be required and submitted for Planning Division review with or prior to the building permit application. Building permits may not be issued for the facilities until the Planning Division approves the design.

13. No storage of construction material or maintenance equipment shall be permitted to block public or private streets, driveways, and emergency vehicle access or sidewalk areas.
14. The Fire Department has additional submittal requirements. Prior to the issuance of a building permit for a new wireless facility or modifications to an existing wireless facility, the applicant shall submit plans that provide specifications regarding, but not limited to, the following:

- fire protection systems
- a signage program
- compliance with FCC RF safety requirements
- emergency shut off switches
- cabling runs labeling and installation location requirements
- 24 hour emergency shutdown contact information
- exclusion zone site plans
- conformance to emergency access and site inspections.

Plans are subject to the approval of the Fire Department and failure to comply with these requirements may result in use permit revocation, no building permit issuance or both. Fire Department personnel may be contacted at (650) 991-8150.

15. The proposed back up diesel generator shall require verification of compliance with BAAQMD requirements prior to building permit final.
16. The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure and if required the lighting shall be screened to minimize light and glare from leaving the site.

EMF Radiation

17. Prior to the approval of building permits, information must be furnished to the Planning Division recognizing the cumulative affect of all existing and proposed facilities. Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC).
18. An annual EMF (RF) report that demonstrates the facility continues to meet FCC requirements shall be submitted to the Planning Division on or before the anniversary date of the administrative use permit or use permit. Failure to submit the report may result in revocation of the use permit.

Structural Communications

19. Provide three sets of plans and calculations justifying the proposed design, detailing the installation of the new antennas, their connection to the existing structure, how the existing structure will carry the loads imposed by the project accounting for gravity and lateral forces and any modifications to the existing structure. Plans and calculations shall be prepared by a California registered civil or structural engineer and submitted with an application for a building permit.

Time Limit

20. This administrative use permit shall be valid for a period of ten years from the date of approval and shall expire unless renewed prior to expiration. A new application and fee shall be required for renewal of the administrative use permit.

Noise

21. If complaints of noise generated from the equipment are received by the Planning Division, the administrative use permit will be subject to review by the City, including possible revocation of the permit.

Maintenance

22. Normal maintenance activities shall only occur between the hours of seven a.m. and five p.m. Monday through Saturday, excluding emergency repairs, unless the carrier requests and receives approval through a use permit or an administrative use permit for a different maintenance period. Backup generators shall only be operated during power outages or for testing and maintenance between the hours of seven a.m. and five p.m. Monday through Saturday.

B. POLICE DEPARTMENT

22. In the event of a disaster or emergency, the installations shall not interfere with any City emergency service telecommunications facilities transmission.
23. Applicant shall agree to adjust, correct or remove the antennas/equipment to the satisfaction of the City of Daly City should the transmission from the antennas interfere with Daly City emergency transmission or communications.

C. WATER AND WASTEWATER RESOURCES DEPARTMENT

24. Equipment must not interfere with the existing SCADA System in any way.
25. Utility plans as necessary may be required for the building permit application.

D. PUBLIC WORKS

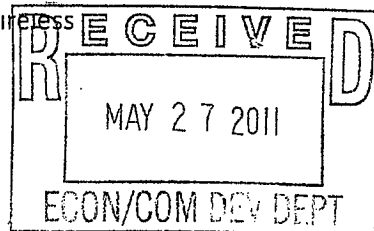
26. Any utility work associated with this project that is located within the City Right of Way will require an encroachment

MAY 26 2011

Hello,

cc: Planning
Mfr
for response

This letter is in response to the public notice AUP-12-10-3199 Co location of a Verizon wireless communications facility on an existing "monopine" Monopole.



Questions:

- 1) The notice is not clear. The location stated is 163 Edgemont Dr (close to park next to fire station) but the diagram is on corner of Westmoor Ave and Edgemont Dr. Which one is it?
- 2) There is already a pole in front of my house (30 Edgemont Dr.). What does co-location on an existing "MONOPINE" mean? Next to it? Does this mean two pole closely next to each other? That doesn't seem fair to the aesthetic of the neighborhood.

There are more suitable sites than placing the pole at either 163 Edgemont or worst corner of Edgemont and Westmoor. The later will standing there by it self with no trees or obstruction and will be visible at long distance on any street coming going from the neighborhood. There are sites between baseball/football fields, tennis courts with lots of trees and no houses around where pole can be erected so not sure why it must be in front of residential houses.

I would like to submit this letter as a basis for appeal.

Thank you,

✓ Rufino Urrutia
30 Edgemont Dr.
Daly City, CA. 94015

Rufino Urrutia
5/25/2011

(650) 756-9828

rufino.urrutia@yahoo.com
Scan in for
an appeal filed →

ATTACHMENT B

RECEIVED

JUN 2 2011

CITY OF DALY CITY
ECD/PLANNING DIVISION

May 30, 2011

City Council
333 90th Street
Daly City, CA 94015

RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

Dear Officer of the Council:

I hereby submit an urgent appeal on the Planning Division's decision for Co-Location of a Verizon Wireless Facility at Westmoor High School as referenced. My reasons of concern for this opposition are:

1. The location of the existing cellular antenna facilities is already too close to my property. This will devalue my property in time. And the unsightly construction of the facilities back up generator will affect the landscape environment we enjoyed.
2. I am strongly opposed to the possibility of increased potential health hazard due to the microwave and electromagnetic field radiation accumulation from both the existing and proposed facility. The six new antenna panels and RRU's will increase output capacity to our neighborhood. We do not want this to continue.
3. Affect on the school student body is also critical. Such facilities although in existing should never have been allowed near schools and residential areas. We prefer locating in less rural areas, commercial and industrial proximities where they serve and away from education buildings and residential communities like ours.

This is a general appeal and request for suspension of the approval of the project. Please provide (a) verification that informational report has been submitted to the Planning Division ensuring that the combined EMF radiation and frequencies will not be in excess of the standards for permissible human exposure as per FCC. (b) Verification that annual EMF (RF) report has been provided for this facility location demonstrated the facilities continues to meet FCC requirements.

Sincerely yours,

Deborah Masta

Property Owner at
✓ 10 Edgemont Dr
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 31, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

Dear Officer of the Council:

I hereby submit an urgent appeal on the Planning Division's decision for Co-Location of a Verizon Wireless Facility at Westmoor High School as referenced. My reasons of concern for this opposition are:

1. The location of the existing cellular antenna facilities is already too close to my property. This will devalue my property in time. And the unsightly construction of the facilities back up generator will affect the landscape environment we enjoyed.
2. I am strongly opposed to the possibility of increased potential health hazard due to the microwave and electromagnetic field radiation accumulation from both the existing and proposed facility. The six new antenna panels and RRU's will increase output capacity to our neighborhood. We do not want this to continue.
3. Affect on the school student body is also critical. Such facilities although in existing should never have been allowed near schools and residential areas. We prefer locating in less rural areas, commercial and industrial proximities where they serve and away from education buildings and residential communities like ours.

This is a general appeal and request for suspension of the approval of the project. Please provide (a) verification that informational report has been submitted to the Planning Division ensuring that the combined EMF radiation and frequencies will not be in excess of the standards for permissible human exposure as per FCC. (b) Verification that annual EMF (RF) report has been provided for this facility location demonstrated the facilities continues to meet FCC requirements.

Sincerely yours,

Fred Martin

Property Owner at
✓ 10 Edgemont Dr
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

Steven Engfer

From: Rufino Urrutia <rufinourrutia@yahoo.com>
Sent: Wednesday, June 01, 2011 7:45 AM
To: Steven Engfer
Cc: martind12@sutterhealth.org; jadeyu@prodigy.net; Roszena Iskandar@sbcglobal.net; rsruler@yahoo.com; Roszena Iskandar
Subject: Re: AUP-12-10-3199 Verizon - Information request.

Hi Steve,

My neighbors have written a letter and collected signatures that I will submit tomorrow as an appeal. To ensure our safety we would like the pole to be moved away in the many areas in and/or around the school that is far away from residential houses. We believe the cost of doing that is reasonable and should make it a win-win situation for everyone.

Thank you,
Rufino Urrutia
30 Edgemont Dr

From: Steven Engfer <sengfer@dalycity.org>
To: "rufinourrutia@yahoo.com" <rufinourrutia@yahoo.com>
Sent: Tue, May 31, 2011 6:40:24 PM
Subject: AUP-12-10-3199 Verizon - Information request.
Hello,

It was pleasure to talk with you regarding the co-location public notice you received.

Attached you will find the RF/EMF study, the Notice with findings and conditions, the plans and cut sheets for antennas.

If you have any questions let me know.

And also, if I do not hear from you I will assume that there is no appeal to be filed.

Kindly respond to let me know you received this e-mail and attachment.

I hope this helps!

Thank you and maybe I will see you in the morning at 8 am.

Sincerely,

Steve Engfer
Assistant Planner

Daly City
Economic and Community Development
City Hall
333 90th Street

Daly City, CA 94015

Phone (650) 991-8160

Fax: (650) 991-8070

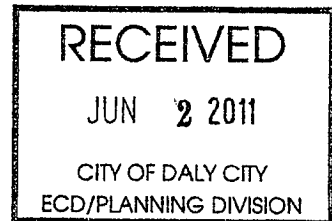
TDD: (650) 991-8278

E-Mail sengfer@dalycity.org

The information in this e-mail and in any attachments is confidential, privileged, and the property of the City of Daly City. If you received this message in error, please destroy this message, delete any copies and attachments stored on your systems and notify the sender immediately. Any further distribution or copying of this message is strictly prohibited.

JUNE 1, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

Dear Officer of the Council:

I hereby submit an urgent appeal on the Planning Division's decision for Co-Location of a Verizon Wireless Facility at Westmoor High School (Highway 35 & Westmoor 163 Edgemont Drive) as referenced. My reasons of concern for this opposition are:

1. The location of the existing cellular antenna facilities is already too close to my property. This will devalue my property in time. And the unsightly construction of the facilities back up generator will affect the landscape environment we enjoyed.
2. I am strongly opposed to the possibility of increased potential health hazard due to the microwave and electromagnetic field radiation accumulation from both the existing and proposed facility. The nine new antenna panels and RRU's will increase output capacity to our neighborhood. We do not want this to continue.
3. Affect on the school student body is also critical. Such facilities although in existing should never have been allowed near schools and residential areas. We prefer locating in less rural areas, commercial and industrial proximities where they serve and away from education buildings and residential communities like ours.

This is a general appeal and request for suspension of the approval of the project. Please provide (a) verification that an accurate informational report has been submitted to the Planning Division ensuring that the combined EMF radiation and frequencies will not be in excess of the standards for permissible human exposure as per FCC. Since the community is not experts, we request possibility of third party peer review of submitted Engineer's Report by Hammett & Eddison. Also, FCC Guidelines are based on "Measurements". Does this accept calculated results or not? (b) Verification that annual EMF (RF) report as per City Guidelines has been provided for this facility location demonstrated the facilities continuance in meeting FCC requirements.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Roszka Zskanon".

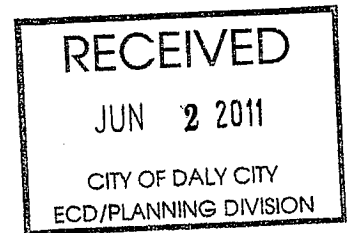
Property Owner at

18 EDMONT DR, DALY CITY, CA 94015

cc. Daly City Economic and Community Development Department

City Council
333 90th Street
Daly City, CA 94015

June 1, 2011



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

Dear Officer of the Council:

I hereby submit an urgent appeal on the Planning Division's decision for Co-Location of a Verizon Wireless Facility at Westmoor High School (Highway 35 & Westmoor 163 Edgemont Drive) as referenced. My reasons of concern for this opposition are:

1. The location of the existing cellular antenna facilities is already too close to my property. This will devalue my property in time. And the unsightly construction of the facilities back up generator will affect the landscape environment we enjoyed.
2. I am strongly opposed to the possibility of increased potential health hazard due to the microwave and electromagnetic field radiation accumulation from both the existing and proposed facility. The nine new antenna panels and RRU's will increase output capacity to our neighborhood. We do not want this to continue.
3. Affect on the school student body is also critical. Such facilities although in existing should never have been allowed near schools and residential areas. We prefer locating in less rural areas, commercial and industrial proximities where they serve and away from education buildings and residential communities like ours.

This is a general appeal and request for suspension of the approval of the project. Please provide (a) verification that an accurate informational report has been submitted to the Planning Division ensuring that the combined EMF radiation and frequencies will not be in excess of the standards for permissible human exposure as per FCC. Since the community is not experts, we request possibility of third party peer review of submitted Engineer's Report by Hammett & Eddison. Also, FCC Guidelines are based on "Measurements". Does this accept calculated results or not? (b) Verification that annual EMF (RF) report as per City Guidelines has been provided for this facility location demonstrated the facilities continuance in meeting FCC requirements.

Sincerely yours,

A handwritten signature in dark ink, appearing to be "T. Edwards", written over a horizontal line.

Property Owner at

✓ 18. EDGEMONT DR

Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 31, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

Dear Officer of the Council:

I hereby submit an urgent appeal on the Planning Division's decision for Co-Location of a Verizon Wireless Facility at Westmoor High School as referenced. My reasons of concern for this opposition are:

1. The location of the existing cellular antenna facilities is already too close to my property. This will devalue my property in time. And the unsightly construction of the facilities back up generator will affect the landscape environment we enjoyed.
2. I am strongly opposed to the possibility of increased potential health hazard due to the microwave and electromagnetic field radiation accumulation from both the existing and proposed facility. The six new antenna panels and RRU's will increase output capacity to our neighborhood. We do not want this to continue.
3. Affect on the school student body is also critical. Such facilities although in existing should never have been allowed near schools and residential areas. We prefer locating in less rural areas, commercial and industrial proximities where they serve and away from education buildings and residential communities like ours.

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Sincerely yours,

A handwritten signature in dark ink, appearing to read "J. J. [unclear]".

Property Owner at

✓ 22 Edgewood Dr.
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 31, 2011



City Council
333 90th Street
Daly City, CA 94015

RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Etta Beller".

Property Owner at

✓ 2.2 Edgemont Dr.

Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 30, 2011



City Council
333 90th Street
Daly City, CA 94015

RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

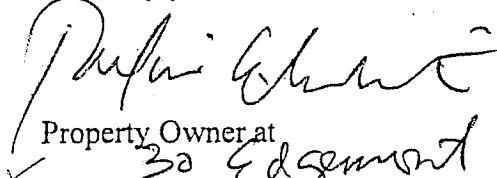
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Sincerely yours,


Property Owner at
30 Edgemont Dr.
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 28, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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I hereby submit an urgent appeal on the Planning Division's decision for Co-Location of a Verizon Wireless Facility at Westmoor High School as referenced. My reasons of concern for this opposition are:

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Sincerely yours,

A handwritten signature in black ink, appearing to be "30 Edgemont DR".

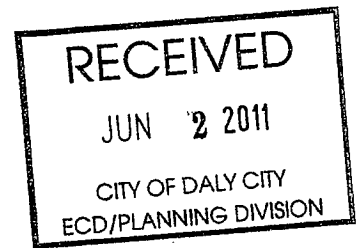
Property Owner at

30 Edgemont DR
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 30, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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Sincerely yours,

A handwritten signature in black ink, appearing to read "Shirley Chen".

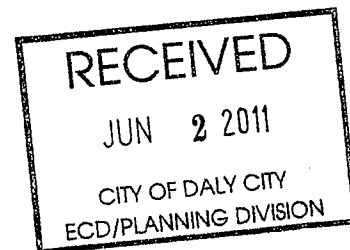
Property Owner at

✓ 42 Edgemont Drive
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 31, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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Sincerely yours,

ROD Govey

✓ *46 Edgemont Pl.*
Property Owner at
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 31, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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Sincerely yours,

SOL Sorez
Property Owner at
46 Edgmont Dr.
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

May 30, 2011

City Council
333 90th Street
Daly City, CA 94015



RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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Sincerely yours,

Terry Leung

✓ Property Owner at
136 WESTMOOR AVE
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

RECEIVED

JUN 2 2011

CITY OF DALY CITY
ECD/PLANNING DIVISION

May 31, 2011

City Council
333 90th Street
Daly City, CA 94015

RE: Use Permit AUP-12-10-3199 for Co-Location of a Verizon Wireless Facility

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Sincerely yours,

Jaimee J. Duran
Property Owner at
1744 Westmoor Ave
Daly City, CA 94015

cc. Daly City Economic and Community Development Department

LOCATION MAP

APPEAL - ADMINISTRATIVE

USE PERMIT AUP-12-10-3199

163 Edgemont Drive, Westmoor High School



ATTACHMENT C

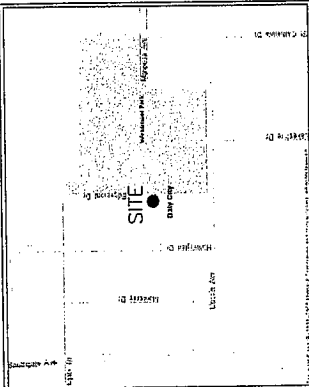


HWY 35 & WESTMOOR

183000

163 EDMONT DRIVE DALY CITY, CA 94015

VICINITY MAP - N.T.S.



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA FIRE CODE, CALIFORNIA ELEVATOR CODE, CALIFORNIA PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS, NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70, 72, 96, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

2010 BUILDING STANDARDS ADMINISTRATIVE CODE, PART 1, TITLE 24 C.C.R.
2010 CALIFORNIA BUILDING CODE (CBC), PART 2, TITLE 24 C.C.R.
2010 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, TITLE 24 C.C.R.
2010 CALIFORNIA MECHANICAL CODE (CMC), PART 4, TITLE 24 C.C.R.
2010 CALIFORNIA PLUMBING CODE (CPC), PART 5, TITLE 24 C.C.R.
2010 CALIFORNIA ENERGY CODE, PART 6, TITLE 24 C.C.R.
2010 CALIFORNIA ELEVATOR CODE, PART 7, TITLE 24 C.C.R.
2010 CALIFORNIA FIRE CODE, PART 9, TITLE 24 C.C.R.
2010 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24 C.C.R.
TITLE 19 C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS
PARTIAL LIST OF APPLICABLE STANDARDS
NFPA 70, NATIONAL FIRE PROTECTION ASSOCIATION
NFPA 72, NATIONAL FIRE ALARM CODE - NOTE: SEE UL STANDARD 1791
FOR VISUAL DEVICES - 2007 EDITION
NFPA 96, CRITICAL FLUX OF FLOOR COVERING SYSTEMS - 2006 EDITION
NFPA 2001, CLEAN AGENT FIRE EXTINGUISHING SYSTEMS - 2004 EDITION
REFERENCE CODE SECTION FOR NFPA STANDARDS - 2007 CBC (SFA)
NFPA 110, EMERGENCY & STANDBY POWER SYSTEM - 2005

REQUIRED INSPECTOR OF RECORD (IOR) CLASSIFICATION:
CLASS 1
CLASSIFICATION CRITERIA AS PROVIDED IN INTERPRETATION OF REGULATIONS (IR) A-7, DATED DECEMBER 1999 - REUSED 2007.
THE ARCHITECT OF RECORD SHALL BE RESPONSIBLE FOR THE PROJECT WITH THE USER'S PERSONNEL RESPONSIBLE FOR THE PROJECT.

DSA NOTES

DRIVING DIRECTIONS

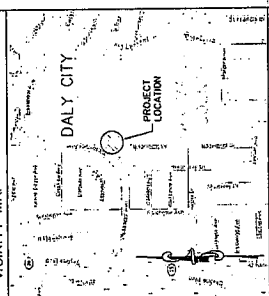
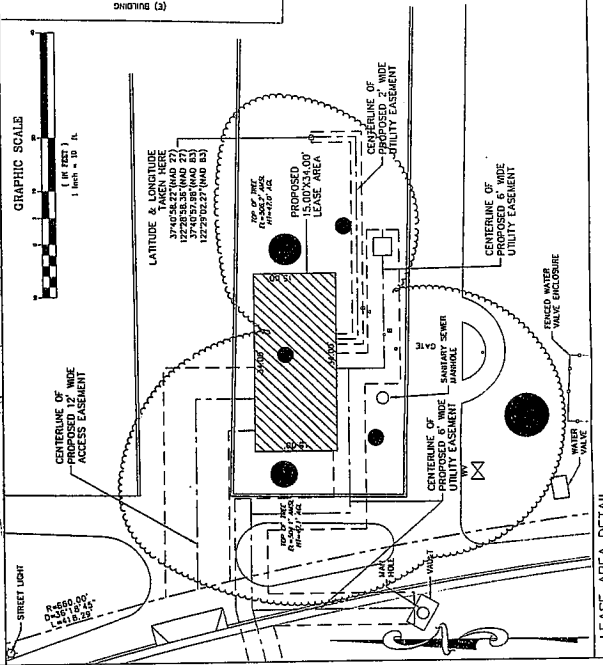
FROM: VERIZON WIRELESS REGIONAL OFFICE
2745 MITCHELL DRIVE
WALNUT CREEK, CA 94598
TO: 163 EDMONT DRIVE
DALY CITY, CA 94015
DISTANCE: 36 MILES
1. Turn left at N. Wigat Ln.
2. Turn right at Yoncos Valley Rd.
3. Merge onto Ca-24 W via the ramp to Oakland
4. Take the exit onto I-580 W
5. Merge onto I-580 W
6. Continue on I-580 W
7. Take the exit onto I-280 S toward Daly City
8. Turn right at Eastman Ave
9. Turn left at S. Elmer Ave
10. Turn right at S. Elmer Ave
11. Turn right at S. Elmer Ave
12. Turn right at Mariposa Ave

SIGNATURE BLOCK	
VERIZON WIRELESS EQUIPMENT ENGINEER:	VERIZON WIRELESS REAL ESTATE:
SIGNATURE _____ DATE _____	SIGNATURE _____ DATE _____
VERIZON WIRELESS CONSTRUCTION:	VERIZON WIRELESS RF ENGINEER:
SIGNATURE _____ DATE _____	SIGNATURE _____ DATE _____
PROPERTY OWNER:	AGENT-LEASING:
SIGNATURE _____ DATE _____	SIGNATURE _____ DATE _____
AGENT-CONSTRUCTION:	AGENT-ZONING:
SIGNATURE _____ DATE _____	SIGNATURE _____ DATE _____
PROJECT DATA	
PROJECT DESCRIPTION:	SUBSCOPE:
INSTALLATION OF A WIRELESS COMMUNICATIONS FACILITY, INCLUDING STANDBY 200W DIESEL GENERATOR SET WITH A 132 GALLON FUEL TANK, TWO (2) GPS ANTENNA MOUNTED ON NEW CHU WALL WITH ASSOCIATED UTILITIES AND COAXIAL CABLES.	LETTERSON UNION HIGH SCHOOL DISTRICT 5164 FRY ROAD VACAVILLE, CA 94987 CONTACT: MICHAEL CRILLY PHONE: (707) 249-3387 ARCHITECT: DELTA GROUPS ENGINEERING, INC. 2382 MEGAN AVENUE PO BOX 528 IRVINE, CA 92614 PHONE: (949) 622-0333 APPLICANT: VERIZON WIRELESS WALNUT CREEK EXECUTIVE PARK 2745 MITCHELL DRIVE BUILDING 9 WALNUT CREEK, CA 94095 CONTACT: JIM GRAHAM PHONE: (925) 872-2204 LEASING MANAGER: NSA WIRELESS CANYON PLACE, SITE 400 RANCHO, CA 94583 CONTACT: MICHELLE PAPPEN PHONE: (925) 241-1890 ZONING MANAGER: NSA WIRELESS CANYON PLACE, SITE 400 RANCHO, CA 94583 CONTACT: CHARNELE JAMES PHONE: (925) 241-1890 CONSTRUCTION MANAGER: NSA WIRELESS CANYON PLACE, SITE 400 RANCHO, CA 94583 CONTACT: ROBERT SHARP PHONE: (925) 999-4541
GENERAL CONTRACTOR NOTES	
CONTRACTOR & PROJECT MANAGER SHALL BE FULLY RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND TESTING OF THE FACILITY, INCLUDING THE ARCHITECT OF RECORD, AND OTHER DOCUMENTATION. - NOTING THE ARCHITECT OF RECORD, AND OTHER DOCUMENTATION. - SECURING & EXECUTING REQUIRED DSA FORMS AND/OR OTHER DOCUMENTATION. - SECURING REQUIRED SPECIALIZED LAB TESTS OF MATERIALS, FROM DSA (LEA) APPROVED LABS, AND REQUIRED INSPECTIONS, INCLUDING BUT NOT LIMITED TO: - SECURING & EXECUTING REQUIRED DSA FORMS AND/OR OTHER DOCUMENTATION. - EXECUTE (DOCUMENTATION FOR) PROJECT CLOSURE WITH CERTIFICATION PER DSA'S PROCEDURE/REQUIREMENTS, TO OBTAIN DSA'S FINAL CERTIFICATION OF CONSTRUCTION.	
BUILDING/ SITE DATA LEGEND	
LATITUDE: 37° 40' 50.05" N (NAD83) LONGITUDE: 122° 29' 02.26" W (NAD83) ELEVATION: 457.3' AMSL (NGVD 29) ALPHA: 008-072-280 & 008-072-290 ZONING: PUBLIC OCCUPANCY: U, UNMANNED TYPE OF CONSTRUCTION: V-B AREA OF CONSTRUCT: 510 SQ. FT. HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, HANDICAPPED ACCESS NOT REQUIRED. TITLE 24 REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. TITLE 24 IS EXEMPT.	
SHEET INDEX	
T1 TITLE SHEET C1 PLOT PLAN AND SITE TOPOGRAPHY A1 OVERLAY AREA PLAN, ANTENNA LAYOUT, & EQUIPMENT LAYOUT A2 NORTH & EAST ELEVATIONS A3 SOUTH & WEST ELEVATIONS A4 DETAILS S1 STRUCTURAL NOTES S2 FOUNDATION PLAN, FOUNDATION SECTION, & DETAILS S3 ELECTRICAL & TELEPHONE SPECIFICATIONS, & UTILITIES NOTES E1 UTILITIES SITE PLAN & DETAILS E2 1-LINE DIAGRAM & PANEL SCHEDULE E3 OUTDOOR CABINETS CONDUIT HOOKUP DIAGRAMS E4 GROUNDING PLAN, GENERAL GROUNDING NOTES, & DETAILS E5 GROUNDING DETAILS E6 ANTENNA & CABLE SCHEDULE, ANTENNA & EQUIPMENT COLOR CODE E7 GENERAL NOTES, LEGEND, & ABBREVIATIONS N1 BATTERIES-MATERIALS, SAFETY DATA SHEET N2	

verizon wireless 2745 MITCHELL DRIVE, SUITE 9 WALNUT CREEK, CA 94598 PROJECT INFORMATION:	
HWY 35 & WESTMOOR 183000 163 EDMONT DRIVE DALY CITY, CA 94015 SAN MATEO COUNTY CURRENT ISSUE DATE: 4/7/11 ISSUED FOR: CD (80%) REV: DATE: DESCRIPTION: BY:	
PLANS PREPARED BY: 4/7/11 CD 0800 JF	
DELTA GROUPS ENGINEERING, INC. CONSULTING ENGINEERS 1633 803 AS PAVAS, SUITE 400 PACIFIC, CA 94068 TEL: (925) 448-0113 FAX: (925) 448-0350 REGULATORY STAMP: FILE NO. REGISTRATION STAMP EX-002 DIVISION OF THE STATE ARCHITECT APR. 28-2010 CONSULTANT:	
SEAL OF APPROVAL:	
SHEET TITLE: TITLE SHEET	
SHEET NUMBER: T1 REVISION: P09NS009	

ATTACHMENT D

ATTACHMENT D



GENERAL NOTES

PROPERTY INFORMATION

ATTENTION: UNION HIGH SCHOOL DISTRICT
699 SERENAMOUNT ROAD
DAILY CITY, CA 94015

OWNER:
ADDRESS:

NOTE: WEINHOFF HIGH SCHOOL
163 EDDYMONT DRIVE
DAILY CITY, CA 94015

ASSASSOR'S PARCEL NUMBER: 008-072-760 & 008-072-790
EXISTING CROWN ELEVATION: 459.75 AMSL

LESSOR'S LEGAL DESCRIPTION
LEGAL DESCRIPTION IS FOUND IN OLD REPUBLIC TITLE COMPANY
TITLE REPORT FILE NUMBER 1117005908-JM, DATED DECEMBER 7,
2010.
THE LAND REFERRED TO IN SAID REPORT IS SITUATED IN THE
CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF
CALIFORNIA.

TITLE REPORT
TITLE REPORT WAS AVAILABLE AT THE TIME OF FIELD SURVEY.
TITLE REPORT PROVIDED BY OLD REPUBLIC TITLE COMPANY TITLE
REPORT FILE NUMBER 1117003909--JM, DATED DECEMBER 7,
2010.

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE
NAD83 COORDINATE SYSTEM STATE PLANE COORDINATE ZONE 3,
DETERMINED BY GPS OBSERVATIONS.

ELEVATION ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS, APPLYING GEOID 99 SEPARATIONS, CONSTRAINING TO NGS CONTROL STATION 'LUTZ' ELEVATION=450.0' (NAV8008)

SURVEY DATE
05/30/09

ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED. SURVEYOR HAS NOT PERFORMED SEARCH OF PUBLIC RECORDS TO DETERMINE ANY OTHER EASEMENTS. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

UTILITY NOTES

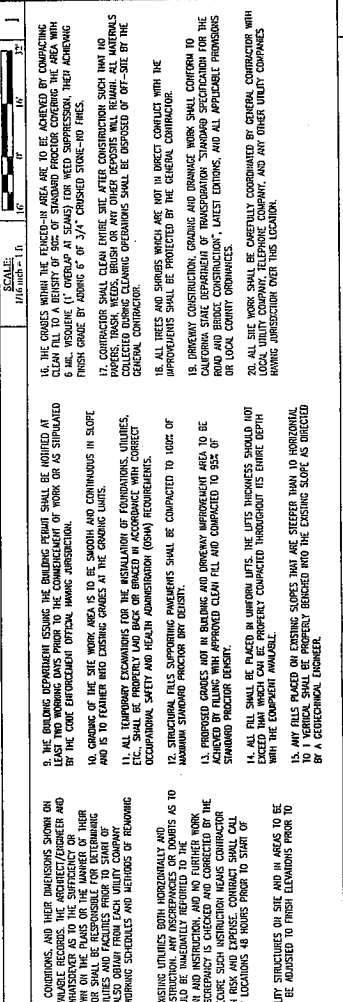
LEGEND

	PROPERTY LINE
	FENCE LINE
	CURB & GUTTER
	TREE DRIP LINE
	JOINT UTILITY POLE
	ABOVE GROUND LEVEL
	A.C.
	ANSL
	R.O.
	R.O.
	R.O.
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	R.O.

NO.	DATE	DESCRIPTION
1	07/08/09	ISSUED FOR REVIEW
2	07/15/09	REV. #1 PER EMAIL
3	08/13/09	ADDT'L TOPO ADDED
4	08/21/09	REV. #2 PER EMAIL
5	07/07/10	REV. PER EMAIL
6	08/27/10	REV. PER EMAIL
7	02/18/11	TITLE REVIEW

183000
HWY 35 & WESTMOOR
163 EDMONT DRIVE
DALY CITY, CA 94015

DRAWN:	DATE: 02/21/11
JOB NO.	09-046
SHEET NO.	



- LOCAL FIRE AUTHORITY REVIEW

- ACCESS ROADS AND GATE ENTRANCES ARE IN ACCORDANCE WITH TITLE 19, CALIFORNIA CODE OF REGULATIONS, CHAPTER 10, ARTICLE 3.16 (ACCESS ROADS) AND ARTICLE 3.16 (GATE ENTRANCES) TO SCHOOL SITES.

- FIRE FLOW, THE IMPROBANT LOCATION AND DISTRIBUTION ARE IN ACCORDANCE WITH CALIFORNIA FIRE CODES APPENDIX B (FIRE FLOW) AND APPENDIX C (IMPROBANT LOCATIONS).

LOCAL FIRE AUTHORITY: SAN ANTONIO COUNTY FIRE PROTECTION DISTRICT

ADDRESS: CITY/ZIP/STATE

PHONE: DATE:

APPROVAL ISSUED BY:

SIGNATURE:

TITLE:

COMMENTS:

(A SIGNATURE ABOVE SCHOOLS THAT THE LOCAL FIRE AUTHORITY HAS CONSIDERED REGARDING ACCESS ROADS, GATES IN PERIMETER FENCES, (WHERE APPLICABLE) LOCATIONS OF MAIN FIRE ALARM CONTROL PANELS (PACT) AND ANNUNCIATOR PANELS, FIRE HYDRANTS AND FIRE FLOW, PUMP BACKUP WELLS AND FIRE FLOW, AND THE LOCATION OF THE PROPOSED CONSTRUCTION, AND THE PROTECTION DURING CONSTRUCTION, METHODS INDICATED ON PLANS AND IN SPECIFICATION ARE CONSIDERED ADEQUATE).

NOTES:

 1. DO NOT SCALE DRAWINGS. ALL DIMENSIONS OF AND BETWEEN EXISTING BUILDINGS/STRUCTURES, OR RELATIVE LOCATIONS SHOWN BETWEEN EXISTING BUILDINGS/STRUCTURES AND THE TRAIL THURTY ARE TO BE CONFIRMED BY THE SURVEYOR.
 2. POWER/TELECO ROUTING AND DESIGN ARE PRELIMINARY AND MUST BE VERIFIED WITH LOCAL UTILITY COMPANIES. ALL IRIGATION TO RELOCATE AND REPLACE ALL IRRIGATION LINES THAT WERE DISTURBED DURING CONSTRUCTION. GC TO VERIFY AND COORDINATE WITH THE SCHOOL DISTRICT PRIOR TO ANY WORKS.

OVERALL SITE PLAN

1. SURVEY INFORMATION SHOWN IS OBTAINED FROM A SURVEY PREPARED BY LOWERY LAND SURVEYING PROFESSIONALS, 3111 HIGHWAY 35 S WESTHOPE, UNITED STATES 30186, 2010.
2. THE APPLICANT, ARCHITECT/ENGINEER, AND REPRESENTATIVES OF THE OWNER, MUST BE NOTIFIED AT LEAST TWO FULL DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, UNLESS OTHERWISE NOTED.
3. DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
4. DO NOT SCALE BUILDING DIMENSIONS FROM DOWNSIDES.
5. ANY GRASS AND/OR FELD TIE ENCOUNTERED DURING CONSTRUCTION, SHALL BE RETURNED TO ITS ORIGINAL CONDITION PRIOR TO COMPLETION OF WORK. SIZE, LOCATION AND TYPE OF ANY UNDERGROUND UTILITIES OR IMPROVEMENTS SHALL BE IDENTIFIED AND NOTED ON THE SITE PLAN. THE LOCATION OF ANY EXISTING CONSTRUCTION AND ISSUED TO ARCHITECT/ENGINEER AS COMPLETION OF PROJECT.
6. ALL EXISTING UTILITIES, FACILITIES, AND STRUCTURES SHALL BE IDENTIFIED BY THE OWNER AS TO ANY RESPONSIBILITY FOR THE PROTECTION OF THE SAME. THE ARCHITECT/ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME.
7. CONSTRUCTION SHALL VERIFY ALL EX. UTILITIES AND STRUCTURES PRIOR TO THE INTERPRETATION OF PLANS SHOWN ON THE ARCHITECT/ENGINEER FOR REQUIREMENTS. ALL EX. UTILITIES AND STRUCTURES SHALL BE MAINTAINED PRIOR TO CONSTRUCTION. THE ARCHITECT/ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME. THE ARCHITECT/ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME.
8. ALL PROPOSED AND EXISTING UTILITIES AND STRUCTURES SHALL BE IDENTIFIED BY THE OWNER AS TO ANY RESPONSIBILITY FOR THE PROTECTION OF THE SAME. THE ARCHITECT/ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME.

CONSTRUCTION NOTES

2795 MICHAEL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

PROJECT INFORMATION:

HWY 35 & WESTMOOR
183000
163 EDGEHART DRIVE
DAILY CITY, CA 94015
SAN MATEO COUNTY

CURRENT ISSUE DATE: 4/7/11

ISSUED FOR: CD (80%)

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
1	4/7/11	CD (80%)	CD (80%)

PLANS PREPARED BY: CD (80%)

DELTA GROUPS
ENGINEERING, INC.
CONSULTING ENGINEERS
2420 WEST 14TH AVENUE, SUITE 403
DENVER, CO 80202
TEL: (303) 733-0115 FAX: (303) 468-0333

REGULATORY STAMP:
FILE NO.:
SHEET NO.:
DATE: 4/7/11

CONSULTANT:

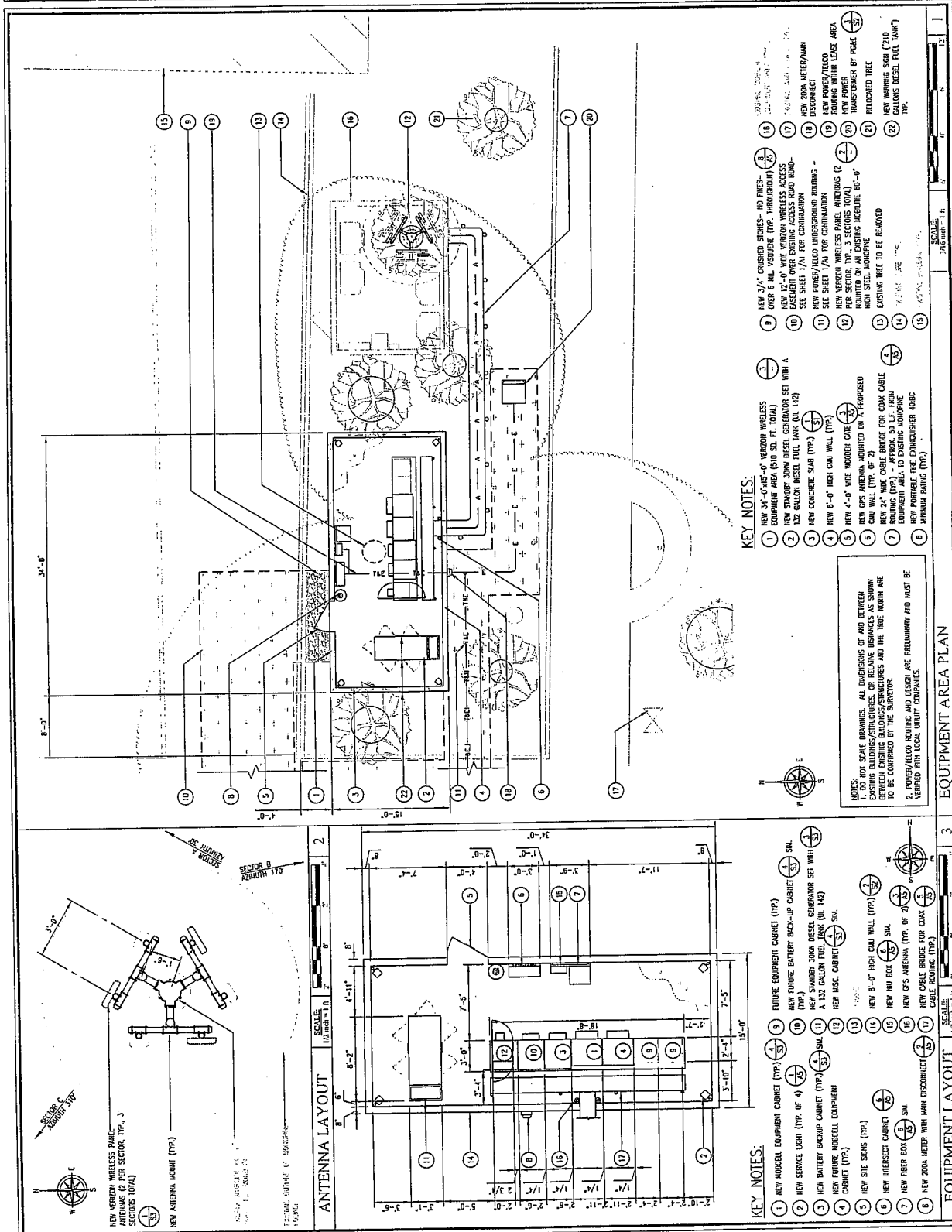
SEAL OF APPROVAL:

SHEET TITLE: EQUIPMENT AREA PLAN, ANTENNA LAYOUT, & EQUIPMENT LAYOUT

SHEET NUMBER: A2

REVISION: 1

POYASS009



VERIZON WIRELESS
2745 WILSON DRIVE, SUITE 9
WILSON, CA 94098

PROJECT INFORMATION:

HWY 35 & WESTMOOR
183000
163 EDGEHANT DRIVE
DALY CITY, CA 94015
SAN MATEO COUNTY

CURRENT ISSUE DATE:
4/7/11

ISSUED FOR:
CD (80%)

REV. DATE: DESCRIPTION: BY:

NO.	DATE	DESCRIPTION	BY
1	4/7/11	CD (80%)	1

PLANS PREPARED BY:
A 1/2/11 CD (80%) 1

DELTA GROUPS
ENGINEERING, INC.
CONSULTING ENGINEERS

1635 WILSON DRIVE, SUITE 403
DALY CITY, CA 94015
TEL: (415) 448-0115 FAX: (415) 448-0355

REGULATORY STAMP:

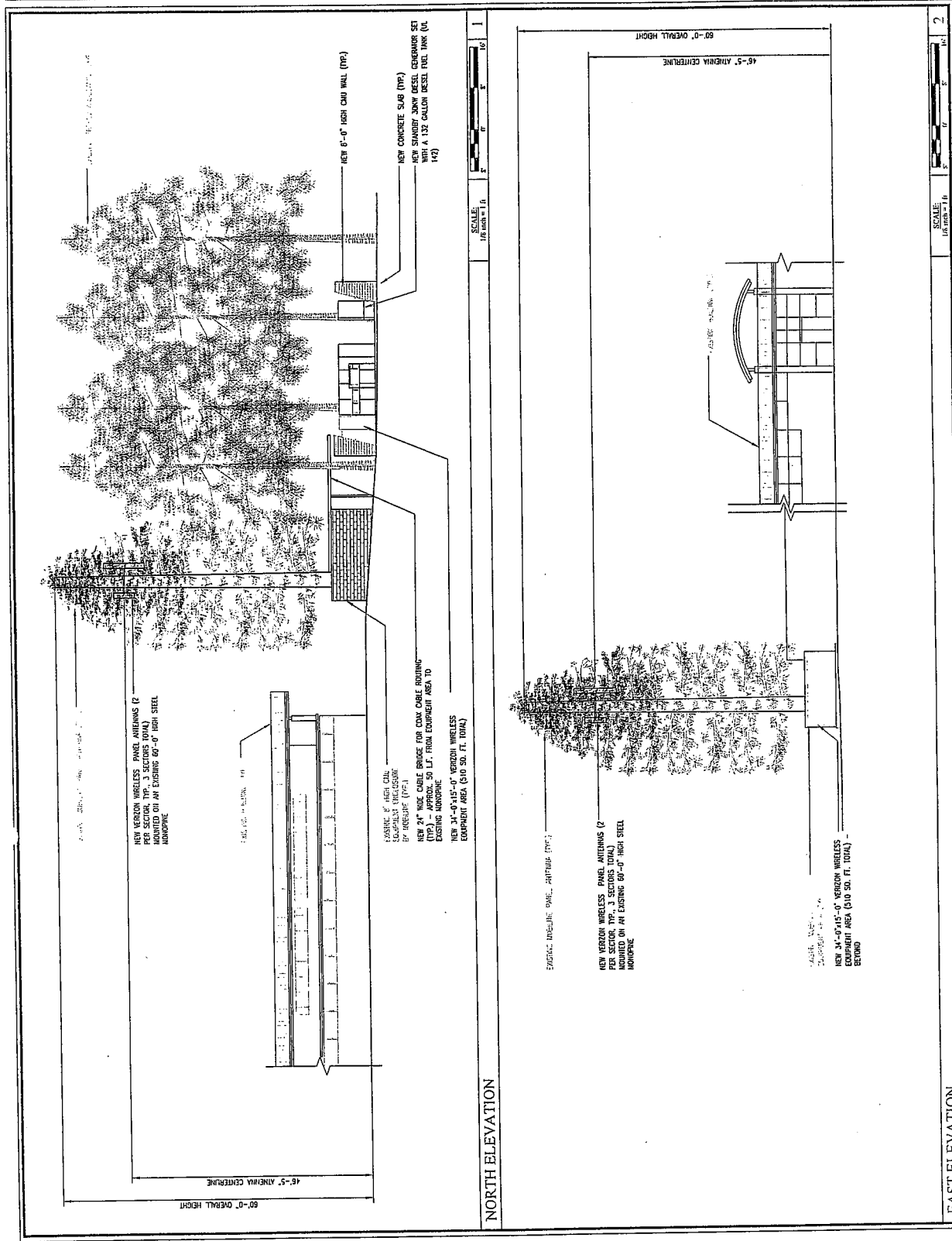
DATE: 4/7/11
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE:
NORTH & EAST
ELEVATIONS

SHEET NUMBER: REVISION:
A3 1
P09NS009





verizonwireless

2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598

PROJECT INFORMATION:

HWY 35 & WESTMOOR
183000
163 EDELMONT DRIVE
DAILY CITY, CA 94015
SAN MATEO COUNTY

CURRENT ISSUE DATE: 4/7/11

ISSUED FOR: CD (80%)

REV: DATE: DESCRIPTION: BY:

REV	DATE	DESCRIPTION	BY
1	4/7/11	CD (80%)	JD

PLANS PREPARED BY: CD (80%) JD

DELTA GROUPS ENGINEERING, INC.
CONSULTING ENGINEERS

2625 WEST LAG WINDMILL, SUITE 403
DAILY CITY, CA 94015
TEL: (925) 488-0115 FAX: (925) 488-0325

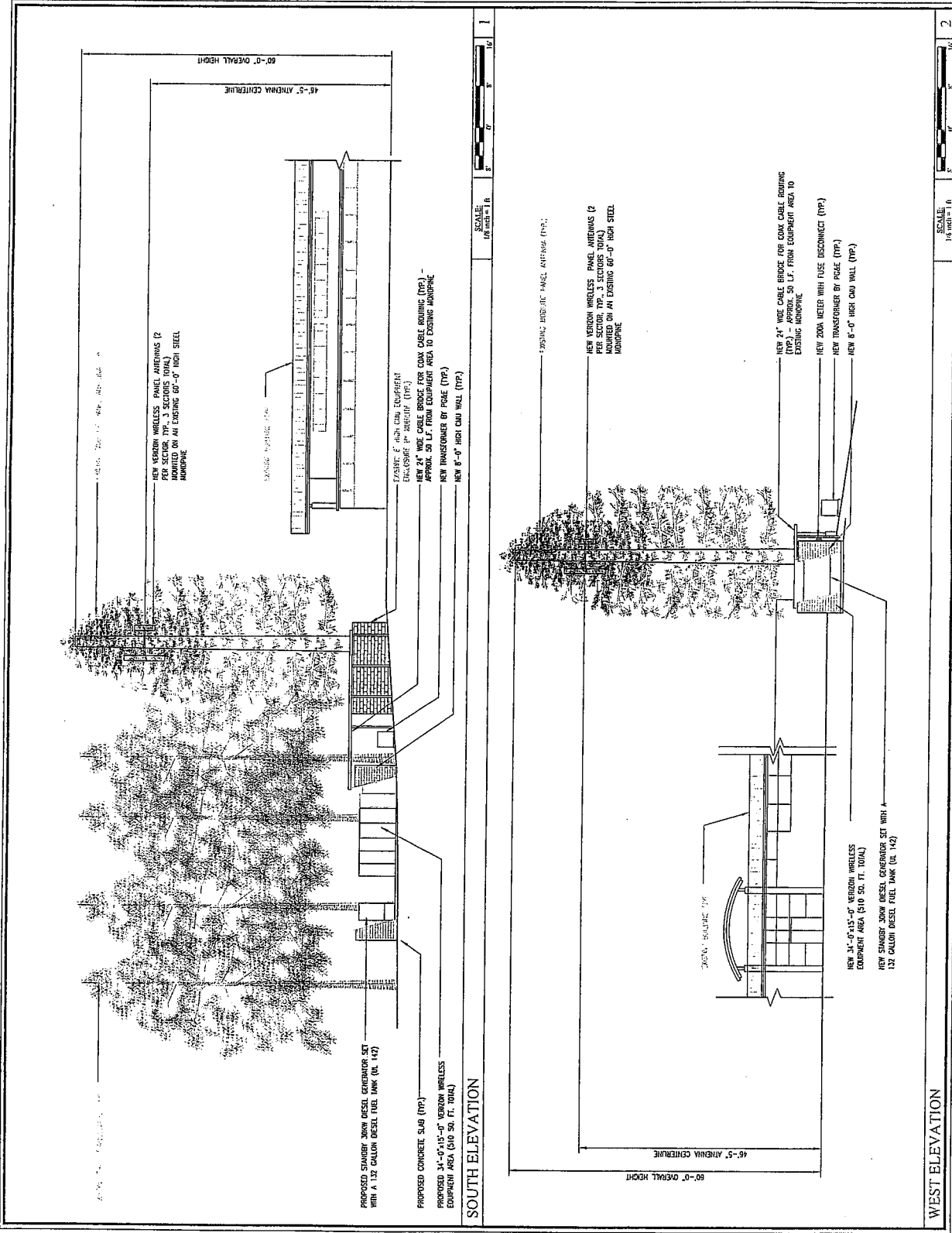
REGULATORY STAMP:

PA: JLD
SEAL: 00000000000000000000
APP: 30-000000
EX: 15-000000
CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE: SOUTH & WEST ELEVATIONS

SHEET NUMBER: 1
REVISION: 1
P09NS009



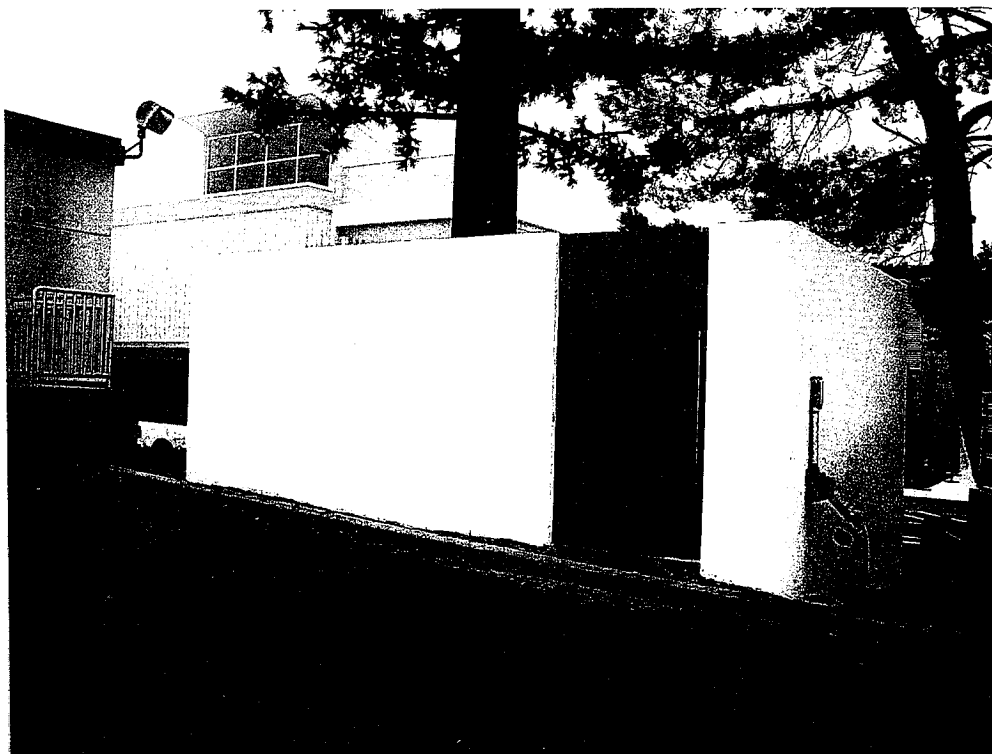
**Existing Site
Inspection-During
Construction**



**Existing
Monopine**



**Existing Site
Final Inspection**



**Verizon Wireless • Proposed Base Station (Site No. 183000 "Highway 35 & Westmoor")
163 Edgemont Drive • Daly City, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 183000 "Highway 35 & Westmoor") proposed to be located at 163 Edgemont Drive in Daly City, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar exposure limits. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Broadband Radio ("BRS")	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless ("AWS")	2,100	5.00	1.00
Personal Communication ("PCS")	1,950	5.00	1.00
"Cellular" Telephone	870	2.90	0.58
Specialized Mobile Radio ("SMR")	855	2.85	0.57
"700 MHz"	700	2.35	0.47
[most restrictive frequency range]	30-300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The

**Verizon Wireless • Proposed Base Station (Site No. 183000 “Highway 35 & Westmoor”)
163 Edgemont Drive • Daly City, California**

transceivers are often located at ground level and are connected to the antennas by coaxial cables about 1 inch thick. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by Verizon, including drawings by Delta Groups Engineering, Inc., dated September 8, 2009, it is proposed to mount nine Antel directional panel antennas – six Model BXD-63406380CF for PCS and cellular service and three Model BXA-70063/4CF for 700 MHz – on an existing 60-foot pole, configured to resemble a pine tree, sited near Westmoor High School, located at 163 Edgemont Drive in Daly City. The antennas would be mounted with up to 4° downtilt at an effective height of about 47½ feet above ground and would be oriented in groups of three toward 30°T, 170°T, and 310°T. The maximum effective radiated power in any direction would be 2,040 watts, representing simultaneous operation at 640 watts for PCS, 1,000 watts for cellular, and 400 watts for 700 MHz.

Presently located on the same pole are similar antennas for use by T-Mobile, another wireless telecommunications carrier. For the limited purpose of this study, it is assumed that carrier has installed Andrew Model TMBX-6516 directional panel antennas mounted at an effective height of about 54½ feet above ground and operates at a maximum effective radiated power of 3,000 watts, representing simultaneous operation at 2,000 watts for PCS and 1,000 watts for AWS operations.

**Verizon Wireless • Proposed Base Station (Site No. 183000 "Highway 35 & Westmoor")
163 Edgemont Drive • Daly City, California**

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed Verizon operation by itself is calculated to be 0.0069 mW/cm², which is 1.27% of the applicable public limit. The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is 1.33% of the public exposure limit. The maximum calculated cumulative level at the second-floor elevation of any nearby building, including the residences along Edgemont Drive and any of the buildings on the school campus, is 2.3% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels.

No Recommended Mitigation Measures

Due to their mounting locations, the Verizon antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that both carriers will, as FCC licensees, take adequate steps to ensure that their employees or contractors comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

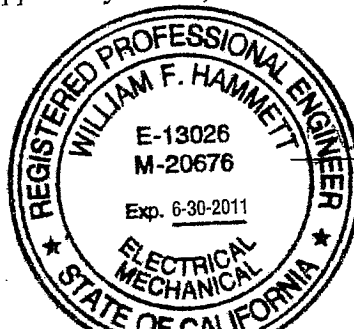
Based on the information and analysis above, it is the undersigned's professional opinion that the base station proposed by Verizon Wireless at 163 Edgemont Drive in Daly City, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2011. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

June 7, 2010

HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO



William F. Hammett
William F. Hammett, P.E.

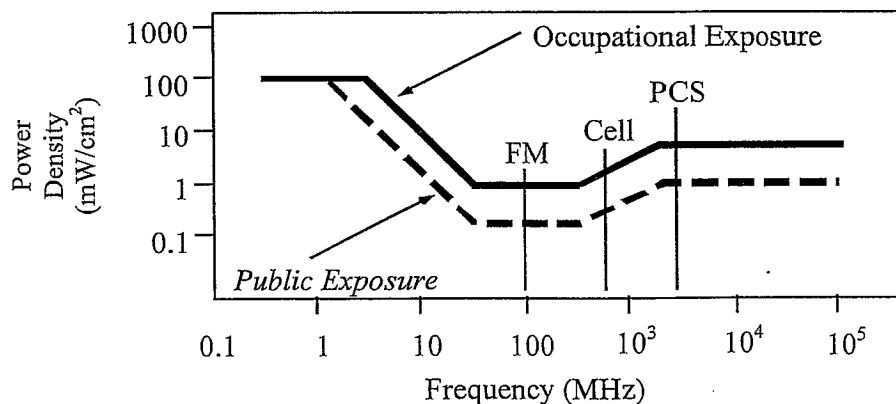
VW183000597
Page 3 of 3

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and

P_{net} = net power input to the antenna, in watts,

D = distance from antenna, in meters,

h = aperture height of the antenna, in meters, and

η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

where ERP = total ERP (all polarizations), in kilowatts,

RFF = relative field factor at the direction to the actual point of calculation, and

D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.





City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

**Subject: Public Hearing on Claim to Lien Property at 651 Crocker Avenue
(APN 004-132-270).**

Recommended Action

Affirm the penalties and fees associated with the code enforcement case at 651 Crocker Avenue to be made a lien on the subject property and adopt a resolution confirming, discharging or modifying the amount of the lien as provided in Chapter 8.16.400 through 8.16.430 of the Daly City Municipal Code.

Background

This case involved a single-family residence that contains an illegal 2nd unit, an unpermitted deck, stairs, and rooms down in the garage constructed without permits. The Administrative Hearing Board heard the case on November 20, 2008 and ordered the owners to submit plans to legalize the rear deck and stairs and rooms down in the garage or submit plans for the deck and stairs and obtain a demolition permit for the non-permitted construction in the garage on said property. A copy of the Board Order is attached.

The property owners, Benigno & Zenaida Guevarro, did not appear at the hearing. The owners have not responded to the Board Order and have failed to obtain a permit to either remove or legalize the cited violations. According to recent county records, the current property owner is listed as Zenaida Yambao Guevarra at 651 Crocker Avenue in Daly City.

The site was last inspected in 2008. The property owner has not allowed any inspections since the Board Order was issued and has not submitted a permit application to address the cited violations.

Discussion

Penalty and administrative fees assessed by the Administrative Hearing Board's order total \$12,200.00. A Notice of Violation has been recorded with the San Mateo County Recorder's Office, which will alert most financial institutions and potential buyers of the current code violations at the property and the required abatement. A code invoice has been sent to the owners requesting payment and no payment has been remitted. A copy of the code invoice is attached. A lien is required to be recorded on the property with the San Mateo County Recorder's Office to recover the administrative fees and penalties owed to the City of Daly City.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Kathy Campbell
Code Enforcement Officer

Richard Berger
Director of Economic & Community Development

Attachment: Findings and Order of the Administrative Hearing Board
Code Invoice

**FINDINGS AND ORDER OF THE
DALY CITY ADMINISTRATIVE HEARING BOARD**

SUBJECT PROPERTY: 651 CROCKER AVENUE- DALY CITY, CA

**PROPERTY OWNER(S): BENIGNO AND ZENaida GUEVARRA
MAILING ADDRESS: 651 CROCKER AVENUE- DALY CITY, CA**

HEARING HELD ON: NOVEMBER 20, 2008

FINDINGS

WHEREAS, the Building Division referred this matter to the Administrative Appeals Hearing Board pursuant to section 8.16.070, et seq., of the Daly City Municipal Code; **and,**

WHEREAS, the Board determined that the property owner received proper notice and documentation from City staff of the violations and the required abatement actions; **and,**

WHEREAS, The Board reviewed evidence, testimony of staff and the staff report pertaining to the current property violations; **and,**

WHEREAS, the property owners, Benigno and Zenaida Guevarra failed to appear at the scheduled appeal hearing and therefore forfeited all appeal rights; **and,**

WHEREAS, one or more City of Daly City Municipal Code violations defined as a public nuisance, pursuant to 8.16.030 *et seq.*, are now present and remain unabated after the timeline established for abatement in the staff notice of violation; **and,**

WHEREAS, the property is a public nuisance pursuant to the City of Daly City Municipal Code Section 8.16.030 due to construction that has been done without permits; **and,**

WHEREAS, pursuant to Daly City Municipal Code section 8.16.150, if this Board determines that a violation occurred which was not corrected within the time period specified in the staff notification of nuisance, the Board shall issue an administrative order which imposes any or all of the following:

- A. An order to correct, including a schedule for correction when appropriate;
- B. Administrative Penalties as provided in Chapter 8.16, Section 8.16.160 of the Daly City Municipal Code.
- C. Administrative costs as provided in Chapter 8.16, Section 8.16.160 of the Daly City Municipal Code.

ORDER

NOW THEREFORE, HAVING DETERMINED THE PRESENCE OF A PUBLIC NUISANCE AT 651 CROCKER AVENUE, DALY CITY, CALIFORNIA, THE BOARD HEREBY ORDERS ABATEMENT OF THE VIOLATIONS, AND ASSESSMENT OF ADMINISTRATIVE COSTS AND PENALTIES AS FOLLOWS:

- 1) The property owner shall within ten (10) days of the issuance of this order by the Administrative Appeals Hearing Board or, no later than December 22, 2008, at 5:00 p.m. shall either submit 3 sets of plans to the Building Division to legalize the rear deck and stairs and rooms down in the garage or submit plans for the deck and stairs and a obtain demolition permit for the non-permitted construction in the garage on said property.
- 2) The property owner with the assistance of a licensed contractor shall have sixty (60) days or, no later than February 23, 2009, at 5:00 p.m. to obtain all applicable permit inspections, complete all work and obtain a final inspection to verify that all work has been done to the satisfaction of the permit requirements.
- 3) Upon plan approval the property owner must have a licensed contractor obtain all permits within ten (10) days. All plan check comments and/or plan re-submittals shall be responded to within five (5) days to the Building Division.
- 4) The property owner shall be assessed a \$700.00 Administrative fee (for costs associated with presenting this matter to the Board), a \$1,500.00 enforcement fee and make full payment to the City at the time the permit application is filed with the Building Division.
- 5) Upon failure to adhere to any portion of the order of the Administrative Appeals Hearing Board, the property owner shall be assessed \$500.00 per day for each day a violation continues to be present, to the maximum amount of \$10,000.00.

CITY ACTION:

Upon non-compliance of the property owner with this order, the City Building Division shall:

- a) Assess penalties in the amount of \$500/day for each day a violation exists, to a maximum of \$10, 000.00.
- b) All costs incurred by the City, including but not limited to the staff time related to the design of the structure, construction review and administration for the mitigation work shall be a personal obligation of the property owner.
- c) Secure all costs due to the City through a lien on the property and add all City abatement costs as a special assessment on the subject property, which will be collected through a special assessment and collected in the same manner as property taxes.
- d) Upon the property owner's failure to adhere to the order of the Administrative Appeals Board, staff may obtain the services of a licensed contractor to perform the required work of removing

the non-permitted construction violations and returning the property to its original condition at the expense of the property owner.

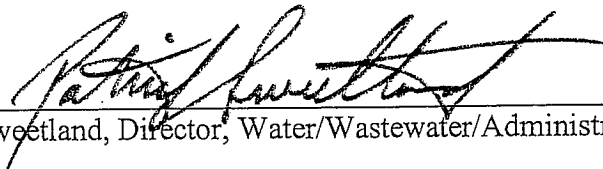
NOTICE is given to the property owner(s) and others holding an interest in the subject property that:

- 1) Failure to abate the violations and complete other requirements as enumerated above can result in the imposition of other legal and criminal action, as well as requiring the dwelling to be vacated and/or the abatement of such violations by City forces at the expense of the owner(s).
- 2) Upon entry of a second or subsequent finding within a two-year period that a condition of property constitutes a public nuisance under Section 8.16.030 of the Daly City Municipal Code, the owner(s) may be liable for treble the costs of abatement.

APPEAL RIGHTS

Pursuant to Daly City Municipal Code section 8.16.300, the owner(s) of the subject property or a business owner receiving an administrative order from this Board may only appeal such order only if they attended the subject hearing. To exercise this appeal right the owner must file a written appeal request with the City Clerk within ten (10) days of the date of service of the administrative order, with a non-refundable filing fee of \$100 included with the request. The City Clerk will normally set the hearing date within 10-30 days. You should contact the City Clerk for specific information about this process and the required information you must supply in the request.

AFFIRMED BY:


Patrick Sweetland, Director, Water/Wastewater/Administrative Appeals Board Chairman

HEARING BOARD CHAIR ON: Thursday, November 20, 2008

FOR OFFICE USE

DATE OF SERVICE 12-16-08 METHOD OF SERVICE: ☒ 1st class mail ☒ Cert. Mail ☐ Pers. Svc.

BY M. Thurman TITLE CE Secretary

COMMENTS: Administrative Appeals Hearing Board – 651 Crocker Avenue– Daly City – 11/20/08



City of Daly City
333 90th Street
Daly City, CA 94015
(650) 991-8061

CODE INVOICE

07/06/2011



Case Number: CASE-4-10-1244
Site Address: 651 CROCKER AVE
Invoice Date: 04/29/2011
Invoice Number: INV-4-11-519360

Bill To:

Zenaida Yambao Guevarra
651 Crocker AVE
Daly City, CA 94014-

Return To:

City of Daly City
333 90th Street
Daly City, CA 94015-

INVOICE FEES

Date	Fee Name	Account Number	Trans Code	Fee Amount
05/02/2011	Outstanding Administrative Hearing Board F	01-300-341-3797	0615	\$700.00
04/29/2011	Outstanding Enforcement Fee Due	01-300-341-3797	0615	\$1,500.00
05/02/2011	Outstanding Administrative Hearing Board F	01-300-341-3797	0615	\$5,000.00
05/02/2011	Outstanding Administrative Hearing Board F	01-300-341-3797	0615	\$5,000.00
Total Fees:				\$12,200.00

FOR OFFICE USE ONLY



P

PLEASE MAKE CHECK PAYABLE TO: CITY OF DALY CITY



City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: Application for Additional Taxicab Permits and Request for Rate Adjustment for Taxicab Services

Recommended Action

The City Clerk's Office has received an application for six (6) additional taxicab permits and 1 additional wheelchair accessible van permit for Serra Yellow Cab. The application also included a request for rate adjustment for taxicab services. The City Council Sub-Committee recommends approval of the seven (7) new additional permits (6 permits and one wheelchair van), as well as recommends approval of the requested rate adjustment.

Background

Serra Cab Company was created in 1982 as Gateway Cab, a sole proprietorship, beginning with eleven permits. In 1999, the Council approved a requested transfer from Serra Cab, as a business entity, to Serra Yellow Cab of Daly City, Inc., a new corporation, and secured an additional 3 taxicabs and placed into operation a wheelchair accessible van.

Currently, Serra Yellow Cab y has 33 taxicabs, two of which are wheelchair accessible vans.

Application

On June 14, 2011, Serra Cab submitted an application for seven additional taxicab permits (6 taxicabs and one wheelchair accessible van). The request for additional permits is to accommodate existing growth and anticipated further growth of public service need in Daly City. In order to continue to provide the citizens of Daly City with response time within 15 minutes or less, especially during peak usage hours, Applicant has determined that additional taxicabs must be added to its fleet.

The Applicant also submitted an application for modification of schedule of rates pursuant to Daly City Municipal Code Section 5.72.040. The current rate for the taximeter flag set in the earning position is \$2.85, the mileage charge is \$2.70 per mile and \$27.00 per hour waiting time. The application is requesting a rate increase as follows: \$3.10 for taximeter flat earning position, \$3.00 per mile mileage charge and \$30.00 per hour waiting time.

The request for rate increases is to accommodate the Applicant's substantial investments in upgrading and improving the company's infrastructure over the last year, including the installation of in-cab cameras which provides monitoring tools to the dispatch center. In addition, the Applicant has cited that the price of gasoline since the last approved rate increase has nearly doubled since the last approved rate increase.

The City Council Sub-Committee met on June 27, 2011 to consider Serra Yellow Cab Company's Application.

City Council Agenda Report

Subject: Application for Additional Taxicab Permits and Request for Rate Adjustment for Taxicab Services

Meeting Date: August 8, 2011

Page 2 of 3

Discussion

Certificate of Public Convenience and Necessity: Every applicant for a new franchise or additional permits for an existing franchise has the burden of demonstrating to the City Council that there is a demand for additional taxis, that service to the public will be improved, that they have experience, financial responsibility and assets to provide the additional taxi service and that existing service will not be compromised. Council consideration includes:

- Local business office that is staff during normal business hours for complaints;
- 24 hour operation;
- Financial ability to maintain safe, clean cabs and insurance minimums;
- Radio dispatch;
- Minimum cabs for company to operate professionally;
- Statutory insurability;
- Local storage or maintenance facilities for cabs, parts, employee facilities;
- Drug and alcohol testing implementation;
- ADA capability

Vehicle Safety Checks: Current Ordinance requires: (a) Annual vehicle safety check by City; (b) Weekly vehicle safety equipment check by owner; and (c) Daily vehicle operational and safety equipment check by driver prior to going into service.

Alcohol and Drug Testing: Required by City and State implementation of federal law.

Response time: City set standard in terms of response time: 80% of responses in 15 minutes or less; 95% in 20 minutes or less.

Council Subcommittee Recommendation: Council Subcommittee recommends that six (6) additional permits for taxicabs and a permit for an additional (1) handicapped serving van be issued to Serra Cab; that public convenience and necessity is served by the provision of the additional handicapped serving van; that the public and businesses can support the additional permits in order to meet the growing need of the City's business, health care and residential communities. Serra Yellow Cab Company appears to substantially conform to the above general requirements necessary for public convenience and necessity, as required by Chapter 5.72 of the Daly City Municipal Code.

Council Subcommittee further recommends approval of the proposed rate increase.

Fiscal Impact

There is no fiscal impact.

City Council Agenda Report

Subject: Application for Additional Taxicab Permits and Request for Rate Adjustment for Taxicab Services

Meeting Date: August 8, 2011

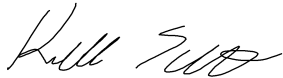
Page 3 of 3

Summary/Conclusion

Council Sub-Committee recommends that the City Council approve Applicant's request for seven (7) additional taxicab permits and approve the requested rate adjustment.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Kelly Schott
Assistant City Attorney



Rose Zimmerman
City Attorney

Attachment: Application of Serra Yellow Cab Company

Attachments:



City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

Subject: Approval of Written Response to the 2010-2011 San Mateo County Grand Jury Report: Cell Towers: Public Opposition and Revenue Source

Recommended Action

It is recommended the City Council review and provide final direction on the attached draft written response to the 2010-2011 San Mateo County Civil Grand Jury Report referenced above and authorize the City Manager to transmit the approved response to the Presiding Judge of the Superior Court as requested by August 17, 2011.

Background

In May of this year the San Mateo County Grand Jury issued the report identified above which pertain to the City of Daly City and other San Mateo County agencies. The Presiding Judge, Hon. Joseph E. Bergeron requested a written response to the Grand Jury Report.

Discussion/Conclusion

Following a public presentation and review of the draft response to the Grand Jury Report, the City Council should provide final direction on the draft response. Subsequently, the draft response will be finalized and transmitted to the Superior Court as requested.

In addition, the San Mateo County Superior Court Executive Officer requested the written response be placed on the Civil Grand Jury website and a copy be filed in the Daly City Office of the City Clerk.

It is recommended the City Council review, provide final direction on the attached draft response and authorize the City Manager to submit the approved response to the 2010-2011 San Mateo County Civil Grand Jury Report to the Presiding Judge of the Superior Court.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Patricia E. Martel
City Manager

Attachment: City's Draft Response to the Grand Jury Findings and Recommendations

DRAFT

August 9, 2011

Honorable Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: 2010-2011 Civil Grand Jury Report Cell Towers: Public Opposition and Revenue Source

Dear Judge Bergeron:

On behalf of the City Council of Daly City, I have been requested to submit the following response to the Grand Jury findings and recommendations pertaining to the above-referenced report. The City Council approved this response at a public meeting held on August 8, 2011.

FINDINGS

Finding #1

There is no apparent correlation between the existence of policies and/or ordinances regarding cell towers and the likelihood of public resistance to an application.

Response

The City **agrees** with the finding. The City has had a comprehensive Wireless Communications Facilities Ordinance since 1997 that complies with the FCC's Telecommunications Act. Public resistance to new wireless facilities has increased over time, but the resistance is generally not based on the standards within the ordinance, but rather the perceived health risks associated with those facilities.

Finding #2

Locating applicable cell tower ordinances and policies on County and city websites is cumbersome.

Response

The City **agrees** with this finding.

Finding #3

Federal law precludes the use of perceived health risk as a basis for denying an application; visual or aesthetic impacts are a valid reason to deny or modify an

application, so long as the denial does not cause significant gap in service coverage that cannot feasibly be addressed by alternatives.

Response

The City **agrees** with this finding.

Finding #4

Some cities do not require service providers to maintain cell towers and/or remove installations when they are no longer used, become obsolete, or the permit expires.

Response

The City **disagrees** with this finding as it pertains to the City of Daly City. Municipal Code Section 17.39.040 requires that the applicant submit an irrevocable letter of credit to allow the city to remove any abandoned facilities or if the permit has been revoked or expired. A standard condition of permit approval requires the applicant to provide written notification to the Director of Economic and Community Development Director upon cessation of operations on the site exceeding a 90 day period. Subject to the determination of the Director, the applicant is required to remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations.

Municipal Code Section 17.39.110 states that *“If technological improvements or developments occur which allow the use of materially smaller or less visually obtrusive equipment, the applicant shall be required to replace or upgrade the approved facility upon renewal of a permit application to minimize adverse effects related to land use compatibility, visual resources, public safety or other environmental factors.”* Municipal Code Section 17.39.030(H) further requires the submittal of a maintenance program for all proposed wireless facilities as part of the application process.

Finding #5

The County and all cities have varying filing and processing cell tower applications.

Response

The City **agrees** with this finding based on the survey results presented in the report. The City updated the fees for processing wireless facilities applications in 2008 after an extensive fee study. The cost recovery for processing these applications is 100% based on average processing times.

Finding #6

The County and cities generate widely varying amounts of revenue through cell tower lease agreements.

Response

The City **agrees** with this finding based on the survey results presented in the report. The City has established a methodology for calculating lease rates based on the square footage of the ground lease, number/height of poles and antennas, linear footage of utilities crossing the site, and a variety of other factors.

Finding #7

Five cities which have cell towers on public property are not charging service providers for land use; three cities do not currently have cell towers located on public property.

Response

The City **disagrees** with this finding as it pertains to the City of Daly City. Although the survey results indicate that the City of Daly City does not generate revenue from leases on public property that is not the case. The City of Daly City currently has 12 revenue generating installations and zero non-revenue generating installations by commercial providers on public property. The City of Daly City currently receives a total of \$314,865 annually from these leases or an average of \$28,624 annually per lease. This revenue is deposited to the City's General Fund.

RECOMMENDATIONS**Recommendation #1**

Review and revise, if needed, the current fee structure to recoup staff costs for processing cell tower applications.

Response

The City has **implemented** this recommendation. The City updated the fees for processing wireless facilities applications in 2008 after an extensive fee study. The cost recovery for processing these applications is 100% based on average processing times. When future fee analyses are conducted, the City will maintain a 100% cost recovery for wireless facility application review.

Recommendation #2

Negotiate lease agreements for future installations on public land that generate revenue or other tangible benefit to the community.

Response

The City has **implemented** this recommendation. The City has established a methodology for calculating lease rates based on the square footage of the ground lease, number/height of poles and antennas, linear footage of utilities crossing the site, and a variety of other factors.

Recommendation #3

Add cell tower maintenance and removal provisions if they are not already included in existing ordinances and lease agreements.

Response

The City has **implemented** this recommendation. Municipal Code Section 17.39.040 requires that the applicant submit an irrevocable letter of credit to allow the city to remove any abandoned facilities or if the permit has been revoked or expired. A standard condition of permit approval requires the applicant to provide written notification to the Director of

Economic and Community Development Director upon cessation of operations on the site exceeding a 90 day period. Subject to the determination of the Director, the applicant is required to remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations.

Recommendation #4

Require that all new lease agreements contain a provision requiring service providers to install newer technology as it becomes commercially available to reduce the footprint of cell towers.

Response

The City has **implemented** this recommendation. Municipal Code Section 17.39.110 states that *"If technological improvements or developments occur which allow the use of materially smaller or less visually obtrusive equipment, the applicant shall be required to replace or upgrade the approved facility upon renewal of a permit application to minimize adverse effects related to land use compatibility, visual resources, public safety or other environmental factors."* This code section applies to all wireless facilities, on both public and privately-owned property. While the City's lease agreements do not explicitly cite this code section, it would still apply to City leases. The City could easily include more direct language in its lease agreements pertaining to DCMC 17.39.110.

Recommendation #5

Develop a webpage within the County and city websites which clearly posts local ordinances, policies and procedures as well as federal regulations related to cell tower installations.

Response

The City **will implement** this recommendation. Given the volume of applications for wireless facilities, both new and renewals of existing permits, and the public interest in these facilities it is reasonable to have the applicable ordinance and description of the review process available on-line. The City could complete this action by the end of the calendar year.

In conclusion, the City of Daly City appreciates the opportunity to provide written responses to the San Mateo County Grand Jury Report on Cell Towers: Public Opposition and Revenue Source. The City Council of Daly City approved the responses contained herein on July 25, 2011.

Should you or the Grand Jury require additional information or clarification concerning the response provided, please contact me directly at (650) 991-8127.

Sincerely,

Patricia Martel
City Manager



Cell Towers: Public Opposition and Revenue Source

Issues

Do cities and the County of San Mateo (the County) have effective governing policies and/or ordinances for cell tower installations that provide the public with a clear understanding of how applications are adjudicated?¹ Are cell tower installations a source of revenue for cities and the County?

Summary

There are more than 450 cell tower installations in San Mateo County. Although people want reliable cell phone reception, community opposition to cell towers is common. The County and 18 of 20 cities reported public opposition to a cell tower application within the past 5 years.²

The County and 12 of 20 cities generate varying amounts of revenue from cell tower installations, primarily from the leasing of public lands.³ Although it may not pose a large source of revenue, cities that are not already taking advantage of lease agreements as a steady revenue source should negotiate such agreements with service providers in the future. In addition, any new leases should require service providers to maintain existing structures, remove unused or obsolete equipment, and replace structures with newer low profile structures as they become available.

Improving information available to the public and providing clearer communications can improve public response to future cell tower installation applications.

Background

While there is universal public demand for improved and more reliable cell phone transmissions, there exists a "not in my backyard" approach to having cell tower installations in close proximity to residences or commercial establishments. This statement is based on survey data and the number of incidences of public opposition recorded in local news articles or communications collected by members of the grand jury over a seven-month period in Fiscal Year 2010-2011. At least 8 of the 20 cities in San Mateo County had newspaper articles or communications of overt public opposition to cell tower applications during this timeframe.⁴

¹ For purposes of this report, "cell towers" refers to any wireless communications facility or structure erected for purposes of transmission on either public or private property.

² Only two cities, Colma and East Palo Alto, did not report incidences of public opposition.

³ Belmont, Brisbane, Burlingame, Foster City, Hillsborough, Menlo Park, Millbrae, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco.

⁴ Daly City, Half Moon Bay, Menlo Park, Pacifica, Portola Valley, San Bruno, San Carlos, South San Francisco.

Public opposition occurs most often from individuals living in close proximity to a proposed cell tower site. Individuals or homeowner associations may make their own case to the city or form new groups for the purpose of galvanizing opposition. These new groups typically exist only until a final decision is rendered, making it impractical for the grand jury to interview representatives.

Data shows opposition is typically based on perceived health risks such as electromagnetic radiation. To date such concern is regarded as scientifically unproven and has not been a legal basis for permit denial in accordance with provisions in the (federal) Telecommunications Act of 1996.⁵

An appellate court ruling in 2009 supported the decision by the City of Palos Verdes Estates in Southern California to deny the installation of cell towers on the basis of aesthetics alone. Service providers had argued that there must be a compelling “substantive” reason to deny an application or it must be approved in favor of communication expansion. The appellate court ruled that aesthetics were a valid reason to deny a cell tower application, so long as the denial does not cause a significant gap in service coverage that cannot feasibly be addressed by alternatives.⁶

Federal law governs some cell tower decision-making authority. For example, each application by a service provider to install a cell tower must be considered on an individual basis, and a government entity cannot favor one telecommunications provider over another under protections provided by the Telecommunications Act of 1996.⁷ Thus opposition is targeted to a specific application for cell tower installations.

Cell phone vendors compete for improved range, clarity of reception, and a reduction of dropped calls. Some cities report that cell tower installations have been increasing over the past five years to meet these demands.⁸

Investigation

The 2011 San Mateo County Civil Grand Jury collected information about cell towers via a survey sent to city managers and planning directors, or their counterparts, in the County and each of the 20 cities (see Attachment).

Online research was conducted, including a review of excerpts of the Telecommunications Act of 1996 and the United States Court of Appeals, Ninth Circuit decision in the *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*.

Newspaper articles and communications from neighborhood groups regarding cell tower placement were collected and reviewed.

⁵ Peter M. Degnan et al, *The Telecommunications Act of 1996: §704 of the Act and Protections Afforded the Telecommunications Provider in the Facilities Siting Context*, May 18, 1999, pps. 7-8.

⁶ No. 05-56106 – *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*, argued and submitted July 6, 2009 – October 14, 2009.

⁷ Degnan et al., op. cit., p. 5.

⁸ Belmont, Brisbane, Daly City, East Palo Alto, Foster City, Menlo Park, Portola Valley, Redwood City, San Carlos, South San Francisco.

Discussion

The County and 15 of 20 cities in San Mateo County have ordinances in place related to cell tower installation.⁹ These ordinances vary considerably in scope and comprehensiveness. Whether or not the County or a particular city has an ordinance governing cell tower installations does not seem to insulate it from public opposition. Service providers must make application to the County or cities whether or not there is an ordinance in place.

The County and 6 of 20 cities reported public opposition to cell tower applications occurred more frequently than once a year.¹⁰ The primary opposition came from individuals living in close proximity to the proposed installation site. The most frequent reason cited for such opposition was public safety such as perceived health risks from electromagnetic radiation, although it is not a valid basis on which the County or city can deny a permit. Visual or aesthetic impacts, which are a valid issue upon which to base a decision regarding denial or modification of a cell tower application, were less frequently mentioned.¹¹

In the County and 7 of 20 cities, service providers have withdrawn applications for cell tower installation due to public opposition.¹² In 2008 (referred to as the “2007 decision”), a service provider filed a lawsuit against the County because of a denied cell tower renewal application subsequent to an appeal filed by residents which overturned the initial approval.¹³ There have been no incidences of litigation reported by cities because an application for cell tower installation was denied.

The County and 12 of 20 cities generate revenue from cell tower installations, primarily from the leasing of public lands.¹⁴ In most cases, revenue is deposited to the general fund with no specific use indicated. The revenue is paid by service providers in addition to application or permit fees. Costs to file an application vary widely, with many cities requiring a deposit toward staff time.

Some cities do not require service providers to maintain cell towers and/or remove installations when they are no longer used, become obsolete, or the permit expires. These provisions are important because wireless technology continues to innovate and may in the future be replaced by devices significantly smaller with improved range.¹⁵

⁹ Belmont, Brisbane, Daly City, East Palo Alto, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside.

¹⁰ Belmont, Daly City, Millbrae, Pacifica, Redwood City, San Carlos.

¹¹ *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*, op. cit.

¹² Belmont, Burlingame, Daly City, Hillsborough, Pacifica, San Bruno, San Carlos.

¹³ Litigation pending ; case no. CV11 0056 *Sprint v. County of San Mateo et al*, amended complaint filed Jan. 6, 2011, U.S. District Court of Appeal, Northern District of CA.

¹⁴ Belmont, Brisbane, Burlingame, Foster City, Hillsborough, Menlo Park, Millbrae, Redwood City, San Bruno, San Carlos, San Mateo, San Francisco.

¹⁵ Svensson, Peter AP Technology Writer, *Wireless Advances Could Mean No More Cell Towers*, February 12, 2011, and Bloomberg Businessweek, *Alcatel-Lucent's Tiny Cell Tower*, February 28-March 6, 2011.

Findings

The 2011 San Mateo County Civil Grand Jury finds that:

1. There is no apparent correlation between the existence of policies and/or ordinances regarding cell towers and the likelihood of public resistance to an application.
2. Locating applicable cell tower ordinances and policies on County and city websites is cumbersome.
3. Federal law precludes the use of perceived health risk as a basis for denying an application¹⁶; visual or aesthetic impacts are a valid reason to deny or modify an application, so long as the denial does not cause a significant gap in service coverage that cannot feasibly be addressed by alternatives.¹⁷
4. Some cities do not require service providers to maintain cell towers and/or remove installations when they are no longer used, become obsolete, or the permit expires (see Attachment).
5. The County and all cities have varying filing and processing fees for processing cell tower applications (see Attachment).
6. The County and 12 of 20 cities generate widely varying amounts of revenue through cell tower lease agreements (see Attachment).¹⁸
7. Five cities which have cell towers on public property are not charging service providers for land use¹⁹; three cities do not currently have cell towers located on public property.²⁰

Conclusions

The 2011 San Mateo County Civil Grand Jury concludes that:

The County and most cities have governing policies and/or ordinances that prescribe cell tower installations. Having an ordinance in place does not reduce the likelihood of public opposition to a cell tower application.

The County and cities need to balance public desire for improved wireless reception with local concerns regarding health, aesthetics, and property values while recognizing the rights of service providers under federal law.

¹⁶ Telecommunications Act of 1996.

¹⁷ No. 05-56106 – *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*, op. cit.

¹⁸ Belmont, Brisbane, Burlingame, Foster City, Hillsborough, Menlo Park, Millbrae, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco.

¹⁹ Daly City, East Palo Alto, Half Moon Bay, Portola Valley, and Woodside have cell towers on public property and do not receive revenue for land use.

²⁰ Atherton, Colma, and Pacifica do not currently have cell towers located on public property.

The County and cities which have cell towers located on public property should establish lease agreements with service providers to generate revenue to the general fund.

The County and cities have varying cell tower application fees for recouping staff costs in processing these often complex applications and use permits.

There is no standard way of ensuring that cell towers are maintained or removed when they are no longer used or the permit expires. Cities which do not already have maintenance and removal provisions required of service providers may be responsible for cell tower maintenance and/or removal on public property.

Educating the public about applicable governmental regulations may help to alleviate some of the angst generated by cell tower installations.

Recommendations

The 2011 San Mateo County Civil Grand Jury recommends to the County Board of Supervisors and the City Councils of all cities in San Mateo County the following:

1. Review and revise, if needed, the current fee structure to recoup staff costs for processing cell tower applications;
2. Negotiate lease agreements for future installations on public land that generate revenue or other tangible benefit to the community;
3. Add cell tower maintenance and removal provisions if they are not already included in existing ordinances and lease agreements;
4. Require that all new lease agreements contain a provision requiring service providers to install newer technology as it becomes commercially available to reduce the footprint of cell towers; and
5. Develop a webpage within County and city websites which clearly posts local ordinances, policies and procedures as well as federal regulations related to cell tower installations.

The Grand Jury further recommends the City Councils of Daly City, East Palo Alto, Half Moon Bay, Portola Valley, and Woodside pursue new or amended leases for existing cell towers on public property that are not currently generating revenue or other community benefits.

Cell Tower Cities and County Survey Responses

	Number of cell towers on private property	Number of cell towers on public property	Does the city have codes or ordinances governing cell towers?	Does the city's code/ordinance cover both public and private property?	Is there a provision requiring service providers to maintain cell towers?	Is there a provision requiring service providers to remove cell towers if obsolete or a use permit ends?	Have you had applications withdrawn by service providers due to public resistance?	What is the current cost to file an application or permit for a cell tower structure?	Does the city generate revenue paid by service providers in addition to application or permit fees from cell towers installations?	If yes, what is the average annual revenue paid by service providers to the city that is generated from cell towers?	If yes, how is revenue generated by cell towers used by the city?
Atherton	3	0	NO	N/A	N/A	NO	NO	Conditional use permit - Fee \$1,919 plus \$2,000 deposit - \$3,919 total	NO	N/A	N/A
Belmont	18	7	YES	YES	NO	YES	YES, Public reviews from 2007-2009, now waiting for withdrawal from applicant.	Fees: -complex project fee \$13,272 (deposit) -new construction engineering fee \$2,691 or \$1,704 (equipment change only) -fire fee for plan check \$255 -Environmental review fee \$547 -county recording fee \$50 -3rd party review of RF exposure study (deposit during review).	YES, There are leases for cell towers placed on public properties (parks, city hall, etc.	Unknown	Deposited to general fund for a variety of uses
Brisbane	15	3	YES	YES	NO	YES	NO	\$851 - administrative permit. \$2,698- planning commission use permit	YES, land lease	\$1,500/month	Deposited to general fund for a variety of uses
Burlingame	Unknown	Unknown	NO	N/A	NO	NO	YES, once (2010)	Depends upon level of review and cost of installation	YES, Only in instances where city owned property is leased for the installation	\$25,000 (based on one installation on public property)	Deposited to general fund for a variety of uses
Colma	4	0	NO	N/A	NO	YES	NO	Minor use permit \$905	NO	N/A	N/A
Daly City	45	15	YES	YES	YES	YES	YES, once (2010)	\$3,700	NO	N/A	N/A
EPA	Unknown	Unknown	YES	YES	YES	YES standard condition of approval	NO	Staff level-minor cell tower cost-\$667. Conditional use permit-major cell tower cost-\$3,862	NO	N/A	N/A
Foster City	26	6	NO	N/A	YES	NO	NO	Architectural review \$200. Use permit \$200 deposit. Applicant pays for cost to process	YES	The City receives approximately \$36,000 per year in revenue from the leasing of 4 sites for cell towers	Deposited to general fund for a variety of uses
HMB	2	1	NO	N/A	YES as a condition of CDP approval	YES as a condition of CDP approval	NO	\$1,300 deposit (actual cost determined by time required to complete processing)	NO	N/A	N/A
Hillsborough	0	11	YES	YES	YES	YES	YES, once (2006/07)	\$2,500	YES, if lease of public property is needed	The town collects \$162,120 annually for 7 sites. (\$1,830 monthly per site.)	Deposited to general fund for a variety of uses
Menlo Park	39	9	YES	NO, private property only	NO	NO	NO	Use permit deposit is \$1,500 subject to hourly billing rates for actual staff time expended toward the project	YES, Currently only one site in the Public ROW is subject to a lease agreement with the City.	\$2,500/month for the one cell site subject to a lease agreement	Deposited to general fund for a variety of uses
Millbrae	14	5	YES	YES	YES	YES	NO	\$7,000 on private property; \$2,000 on property	YES, Leases for facilities on city property	\$15,000/year per facility on city property	Deposited to general fund for a variety of uses
Pacifica	40	0	YES	No, private property only	YES	YES	YES, on more than one occasion	\$3,750	NO	N/A	N/A
Portola Valley	5	5	YES	YES	YES	YES	NO	\$420/fee; \$7,500/Deposit	NO	N/A	N/A
Redwood City	Unknown	Unknown	YES	YES	YES	NO	NO	If property > 1/4 acre \$5k deposit; < 1/4 acre \$1k for Arch. Permit, \$2,830 for use permit	YES, One cell installation is on city land; a monthly or yearly lease is paid to the city	\$1k - \$1,850 per month	Deposited to general fund for a variety of uses
San Bruno	Unknown	Unknown	YES	YES	YES	YES	YES, on more than one occasion	Use permit: \$2,145 Admin Approval: \$1,320	YES, Only if built on city owned parcel (e.g., water tank, park, etc.)	\$24,000 per year on average	Deposited to general fund for a variety of uses
San Carlos	9	3	YES	YES	YES	YES	YES, on more than one occasion	\$5,650.00	YES, Land lease of city property	\$2,000-\$3,000/mo \$24,000-\$38,000/yr.	Deposited to general fund for a variety of uses
San Mateo	Unknown	Unknown	YES not specific	YES	NO	NO	NO	Deposit amount of \$2,079; could ultimately be more based on staff time	YES, If in city parks or ROW on city equipment/poles, a lease is negotiated	The city is still negotiating its first lease	If in parks, used for Park & Rec purposes, if on city poles, used for Public Works purposes
SSF	Approx 30	Approx 8	YES	YES	YES	YES	NO	Use permit application - \$4,070	YES, Revenue ranges from \$1,500-\$3,000 per month per site	Approximately \$168,000/year	Deposited to general fund for a variety of uses
Woodside	6	9	YES	YES	YES	YES	NO	\$1,790 for CUP and Building permit fees	NO	N/A	N/A
County	71	42	YES	YES	YES	YES	YES, on more than one occasion	Varies - generally about \$7,813	YES, Administrative review by the Planning and Building Dept is occasionally required. The County (Real Property) also receives revenue from carriers located on County Property	\$600 to the Planning and Building Dept. Unknown amount to the County.	Revenue for Administrative reviews allocated to the Planning and Building Dept. Revenue to the County unknown as to how it is allocated



City Council Meeting Agenda Report Item #

Meeting Date: August 8, 2011

Subject: Approval of Written Response to the 2010-2011 San Mateo County Grand Jury Report: TASERS Standardizing to Save Lives and Reduce Injuries

Recommended Action

It is recommended that the City Council review and provide final direction on the attached draft response to the 2010-2011 San Mateo County Civil Grand Jury Report referenced above and authorize the City Manager to transmit the approved response to the Presiding Judge of the Superior Court as requested by August 22, 2011.

Background/Discussion

In May of this year the San Mateo County Civil Grand Jury issued the report identified above which pertains to the City of Daly City and other San Mateo County agencies. The Presiding Judge, Hon. Joseph E. Bergeron has requested a written response to the Grand Jury Report.

Discussion/Conclusion

Following a public presentation and review of the draft response to the Grand Jury Report, the City Council should provide final comments and direction on the draft document. Subsequently, the draft response will be finalized and submitted to the Superior Court as requested.

In addition, the San Mateo County Superior Court Executive Officer has requested that the written response be placed on the Civil Grand Jury website and a copy be filed in the City Clerk's Office.

It is recommended that the City Council review, provide final comments and direction on the attached draft response and authorize the City Manager to submit the approved response to the 2010-2011 San Mateo County Civil Grand Jury Report to the Presiding Judge of the Superior Court.

Staff is available to provide any additional information desired by the Mayor or City Council Members.

Respectfully submitted,

Patricia E. Martel
City Manager

Attachment: City's Draft Response to the Grand Jury Findings and Recommendations

August 9, 2011

Honorable Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd floor
Redwood City, CA 94063

Re: 2010-2011 Civil Grand Jury Report TASERS Standardizing to Save Lives and Reduce Injuries

Dear Judge Bergeron,

On behalf of the City Council of Daly City, I have been requested to submit the following response to the Grand Jury's findings and recommendations pertaining to the above referenced report dated May 24, 2011. The City Council approved this response at a public meeting held on August 8, 2011.

Findings

1. The Sheriff's Department has a Use of Force policy that is different than the standardized policies of the other uniformed law enforcement agencies in San Mateo County. The Sheriff Department's policy requires a deputy to make physical contact with subjects who are violent or threatening prior to the deployment and/or activation of the TASER device unless the deputy can identify and articulate a reason to move up the ladder to the TASER device use. Once engaged in physical contact, TASER use is limited to the "drive stun" mode.

Response: The City **neither agrees nor disagrees** with this finding as this finding was directed towards the San Mateo County Sheriff's Office.

2. Law Enforcement agencies often respond to calls outside their jurisdiction for mutual aid and joint task force operations, such as the San Mateo County Gang Task Force and Drug Task Force. In these joint operations the protocols for Taser use by the Sheriff are not the same as the other agencies in the county which also use TASERS.

Response: The City **agrees** with this finding.

3. Of the 18 uniformed police agencies using TASER devices in San Mateo County that the Grand Jury reviewed, the primary provider of Use of Force policies and TASER use policies is Lexipol, LLC. Fifteen cities, BART and the CHP use Lexipol, or have policies that are similar, if not identical, to Lexipol.

Response: The City **agrees** with this finding.

4. All agencies using TASER devices require training prior to the issuance of a TASER to individual officers; require annual or more frequent retraining; require a "Use of Force Report" when a TASER device is activated; and require medical evaluation for a subject who has been "tased."

Response: The City **agrees** with this finding.

5. No agency requires reporting when a TASER device has been used in the "light up" deployment mode, but not activated.

Response: The City **disagrees** with this finding. The Daly City Police Department *Taser Use Report* form requires officers to document Arc display, Laser Display Only (light up), and Taser Application.

6. No agency requires that an officer who has been issued a TASER device actually keep it on his/ her person. The TASER device may be kept secured in the patrol car for those officers on patrol duty.

Response: The City **partially disagrees** with this finding. The Daly City Police Department requires all officers to carry an intermediate force option, which requires an officer to carry either a Taser or Pepper Spray.

7. The cities of Menlo Park and East Palo Alto are the only San Mateo County police agencies that do not supply TASER devices to their officers and therefore TASERS are not available as an alternative to lethal force.

Response: The City neither **agrees nor disagrees** with this finding as this finding was directed towards the Menlo Park and East Palo Alto police agencies.

RECOMMENDATIONS:

The 2011 San Mateo County Civil Grand Jury recommends that the Sheriff:

This recommendation is directed to the San Mateo County Sheriff.

1. Adopt either the Lexipol standard policies and decision toolbox approach, establish similar policies, or reestablish the prior Use of Force policy dated April 10, 2008.
2. Add a “deployment only” category to all Use of Force Reports and track the effect that this “light up” mode has in assisting deputies to gain and maintain control over subjects.
3. Require uniformed deputies to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

The 2011 San Mateo County Civil Grand Jury recommends that the City Councils of the cities of Menlo Park and East Palo Alto:

This recommendation is directed to the City Councils of the cities of Menlo Park and East Palo Alto.

1. Implement the use of TASER devices for their uniformed police officers.
2. Adopt Use of Force policies that are consistent with other San Mateo County cities.
3. Implement policies that require training, supervision, reporting, multi-level supervisory review, and medical evaluation of subjects when TASER devices are used as well as “deployment only” tracking for in-field incidents.
4. Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

The 2011 San Mateo County Civil Grand Jury recommends that the City Councils of all cities other than Menlo Park and East Palo Alto:

1. Add a “deployment only” category to all Use of Force Reports and track the effect that this “light up” mode has in assisting deputies to gain and maintain control over subjects.

Response: This recommendation is implemented. The Daly City Police Department has always required officers to document “deployment only” use of the Taser.

2. Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

Response: This recommendation is implemented to the extent that the Daly City Police Department requires all officers to carry an intermediate force option, which requires an officer to carry either a Taser or Pepper Spray. Presently 98 of 108 Daly City Police Officers carry a Taser.

ORDINANCE NO. 1357

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING THE DALY CITY ZONING MAP - REZONING AND PREZONING CERTAIN PARCELS TO PLANNED DEVELOPMENT (PD-67) AND ADOPTING PLANNED DEVELOPMENT STANDARDS, AND PREZONING ONE PARCEL TO R-2 TWO FAMILY RESIDENTIAL

Various parcels located along Second and Third Avenues between Valley Street and A Street, Unincorporated San Mateo County "Unincorporated Colma"; two parcels located along Second Avenue, Daly City, California

Section 1. Findings. The City Council of the City of Daly City finds that, as conditioned, the Planned Development PD-67 to allow the construction for New Construction of 50 residential Townhomes; Re-Zone two parcels (APNs 006-392-080 & -090) from R-1 Single Family Residential to PD-67; Pre-Zone six parcels (APNs 006-392-050 thru -070 and 006-393-080, -190 & -200) as PD-67; Pre-Zone one parcel (APN 006-393-170) of the site as R-2 Two Family Residential District (no development proposed for this site); and General Plan Amendment to designate the entire project area as Medium Density Residential (21-35 du/ac), is in compliance with Title 17 (Zoning Ordinance) of the Daly City Municipal Code as well as the General Plan of the City of Daly City, and as to each element of the Daly City General Plan. Approval of the Precise Plan for Planned Development PD-67 and pre-zoning to R-2 Two Family Residential District would not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in or working in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or the general welfare of the City of Daly City.

BE IT ORDAINED by the City Council of the City of Daly City, as follows:

Section 2. Zoning Reclassification. The zoning as designated upon the "Official Zoning Map" of the City of Daly City, as adopted by Daly City Ordinance 635, and thereafter amended from time to time, is hereby changed, upon successful annexation into the City of Daly City, as to the parcel or parcels identified on the attached map (*Attachment "A" Amendment to Daly City Zoning Map – Planned Development PD-67 and R-2 Two Family Residential*), incorporated herein by this reference, which hereinafter provides for a change of zoning classification on the "Official Zoning Map" and the establishment of specific standards for development on the subject property. All improvements to the PD-67 site shall comply with the approved Precise Plan and Planned Development Standards hereinafter adopted for PD-67:

**PLANNED DEVELOPMENT STANDARDS
PLANNED DEVELOPMENT ZONE PD-67
GARDEN VALLEY TOWNHOMES**

The purpose and intent of these Planned Development Standards is to establish a Planned Development Zoning District for PD-67 for property located along Second and Third Avenues between Valley Street and A Street.

I. GENERAL

1. Pursuant to Government Code Section 65859.(a), the PD-67 zoning shall become effective at the same time that the annexation becomes effective.
2. When these planned development standards conflict with other sections of the Zoning Ordinance, these standards prevail only to the extent of the conflict. Where these planned development standards do not provide regulations, the Zoning Ordinance shall apply as to the most similar land use or standard.
3. Any modifications to plans approved by the City Council shall require an amendment of the original PD approval and shall be subject to separate approval by the Planning Commission and City Council. Minor changes of the approved plans due to Code requirements or conditions of approval may be approved by the Planning Division.
4. All structures, landscape areas, required facilities and amenities shall be maintained in a neat, safe, and healthful condition, subject to improvement and upgrading of plans as required by this Planned Development approval.
5. CC&R's shall be prepared for PD-67 for review and approval by the City Attorney.

II. PERMITTED USES

- A.** The following uses are permitted as part of Planned Development Zone PD-67.

50 residential townhome units with associated parking facilities
Small family day care home
Home Occupations in accordance with the regulations specified in DCMC Chapter 17.36

- B.** The following uses may be permitted with a Use Permit in PD-67.

Large family day care homes in accordance with the regulations specified in DCMC Chapter 17.49.

- C. When a use is not specifically listed, it shall be assumed that when the unlisted use is similar to nor more objectionable than a permitted use, such use shall be permitted in the district to the same requirements of the most similarly listed use.

III. DEVELOPMENT STANDARDS

A. Parking

1. The total number of on-site parking spaces required for the townhome development is 125 provided in private garages directly underneath each individual unit and shall conform to plans approved as part of the precise plan for PD-67 and shall be maintained in accordance with said plans.
2. Three bedroom units shall provide three car garages and two bedroom units shall provide two car garages, in conformance with plans approved as part of the precise plan for PD-67.
3. Garages may be utilized for parking purposes only, in conformance with plans approved as part of the precise plan for PD-67. No living area may be added to the garage level.

B. Architecture/Site Design

1. Architectural design of all new structures and facades, all materials and colors and all landscaping shall comply with plans approved by the City Council as part of the Design Review application.
 - a. Once approved, any major architectural modification shall be subject to approval by a Design Review Committee, except that minor changes may be approved administratively by the Planning Division.
 - b. The design and location of all fencing and walls shall be maintained in accordance with plans approved by the City Council, as part of the Design Review.
 - c. All visible elevations shall be provided with architectural treatment of the same quality and character as the building elevations that face Second and Third Avenues.

C. Landscaping

1. All landscaping improvements shall conform to plans approved by the City Council as part of the Design Review.

2. All landscaping shall conform to DCMC Chapter 17.41 Water Conservation in Landscaping.
3. In general, all shrubs or any vegetation at points of ingress or egress shall be maintained at a height of no greater than 30 inches. Trees must be trimmed in a manner to maintain a site clearance underneath the branches of five feet from grade.
4. Landscaping shall be planted at the base of any monument signs and shall be maintained in a healthy growing condition and be replaced as necessary.
5. Decorative trash and recycling receptacles shall be provided in common open space areas, the number and location of said receptacle shall be in conformance with plans approved by the City Council as part of the Design Review.
6. Site lighting shall be provided in common open space areas and shall be in conformance with plans approved by the City Council as part of the Design Review. Site lighting shall be directed downward to protect adjacent residential neighborhoods from glare.

D. Maintenance

1. A maintenance plan for on-site litter control shall be submitted by the applicant and approved by the City. The litter control maintenance plan shall include provision for on-going maintenance required for the project use. The maintenance plan shall be incorporated into the CC&R's for the project and recorded as part of the PD-67 standards. The maintenance plan shall include the following standards:
 - a. The entire development area shall be maintained in a neat, safe, and healthful condition.
 - b. The applicant shall prepare an agreement to implement a weekly litter cleanup plan for all open areas, planters and public sidewalks adjacent to the development. This plan shall include the coordination of disposal of waste and recycling in receptacles located in common open space areas. All waste materials generated by the development, such as cardboard boxes, skids, garbage, litter, etc., must be stored in private receptacles for disposal. No waste material shall be visible at anytime. All enclosures should be kept clean and free of odor at all times.

E. Building Area and Height Limitation

1. There shall be no additional square footage allowed in PD-67 beyond what is permitted through approval of the precise plan. Minor additions or alterations to square footage for any given designated use (+/- 2%) may be approved by the

Planning Division if such changes are to meet specific code requirements and do not affect the overall mass of the buildings.

- a. The maximum lot coverage for the site shall be 38%.
- b. The maximum height is 36 feet, as defined in DCMC Section 17.04.010.6 (Building Height).
- c. Private and common open space areas shall be provided per plans approved by the City Council as part of the precise plan for PD-67 and shall remain in perpetuity.

Section 3. Summary Publication: Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

Section 4. Environmental Determination: The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

Section 5. Severability: If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this Ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence.

Introduced this 25th day of July, 2011.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the _____ day of _____, 2011, by the following vote:

AYES, Councilmembers _____

NOES, Councilmembers _____

Absent, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Meeting Agenda Report

Item # _____

Meeting Date: August 8, 2011

To: Honorable City Council
From: Anna Mostella, City Manager's Office
Date: July 28, 2011
Subject: Council Committee Meetings, July 25 – August 7, 2011

Date of Meeting:

Meeting:

In Attendance:

July 27, 2011

JESD – Christopher Columbus School
Property

Carol L. Klatt
Michael P. Guingona
Patricia E. Martel
Richard Berger
Tatum Mothershead

July 27, 2011

Centennial Committee

Carol L. Klatt
Joseph Curran

August 2, 2011

Solid Waste Committee

Carol L. Klatt
Raymond A. Buenaventura
Patricia E. Martel
Joseph Curran

August 4, 2011

General Plan Steering Committee

Carol L. Klatt
Patricia E. Martel
Richard Berger
Tatum Mothershead
Michael VanLonkhuysen

/am

cc: Richard Berger, Director ECD
Peter Pirnejad, Asst. Director ECD
Tatum Mothershead, Planning Manager
Michael VanLonkhuysen, Senior Planner

Attachment



General Plan Steering Committee

MEETING AGENDA FOR AUGUST 4, 2011

NOTICE OF GENERAL PLAN STEERING COMMITTEE MEETING

Thursday, August 4, 2011 – 6:00 p.m.
City Hall Administrative Conference Room – Third Floor
333 90th Street, Daly City

AGENDA

- A. Roll Call**
- B. Communications and Announcements**
- C. New Business**
 - 1. Draft Noise Element (DNE):** *This item will provide an overview of the Draft Noise Element, which identifies existing and future noise levels in the city, and policies to limit noise exposure to future residents and businesses.*
- D. Adjournment**

The General Plan Steering Committee is a public meeting at which the committee engages in a work study session. No decisions can be made at this meeting other than to request additional information or to move a matter to a Regular City Council Meeting. The public is encouraged to attend these meetings and receive the presentations.



General Plan Steering Committee Meeting Staff Report

MEETING DATE: AUGUST 4, 2011

SUBJECT: REVIEW OF DRAFT NOISE ELEMENT

FROM: DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

PRESENTATION BY: MICHAEL VANLONKHUYSEN, SENIOR PLANNER

RECOMMENDATION

Staff recommends that the Steering Committee review the Draft Noise Element (DNE) and be prepared to provide staff with comments, questions, or concerns at the Steering Committee meeting.

BACKGROUND

State law requires that general plans include a noise element which identifies existing and future levels in the City given the all of the future land uses anticipated by the General Plan Land Use Element. The element must also identify a set of noise control policies and programs which minimize the exposure of community residents to excessive noise, implementation measures and possible solutions to mitigate existing and foreseeable noise problems.

DISCUSSION

Existing noise contours are identified in Figure NE- located on page 36 of the element and future noise contours are identified in Figure NE-4 located on page 39 of the element. The noise consultant who prepared the maps, Charles Salter and Associates, has arrived at the following conclusion with regard to the future noise contours:

- The increase in CNEL noise exposure levels between the existing conditions and the 2035 future conditions is low throughout the City. It is generally accepted that a three decibel increase is barely perceptible.
- Arterial roads in the Bayshore neighborhood are expected to increase between three and five decibels. Bayshore Boulevard is projected to increase by 3 dB (to CNEL 72 dBA), Geneva Avenue by 2 dB (to CNEL 76 dBA), Carter Street by 4 dB (to CNEL 68 dBA), and Guadeloupe Canyon Parkway by 5 dB (to CNEL 68 dBA).
- Portions of Junipero Serra Boulevard are expected to see noise increase of 6 dB to 7 dB from new developments. Hickey Boulevard between Gellert Boulevard and Interstate 280 is expected to increase by 4 dB.

- Portions of Lake Merced Boulevard, Serramonte Boulevard, Skyline Boulevard (Highway 35), Templeton Avenue, and John Daly Boulevard are expected to have noise levels increase 2 dB. Interstate Highway 280 and State Highways 1 and 82 are expected to see increases of 1 dB. Other roads are expected to see increases of 1 dB or less.
- Generally, aircraft noise is projected to be reduced in the future based on quieter aircraft technology and stricter regulations surrounding aircraft operations. An absolute prediction, however, cannot be made due to the lack of data on future airport operations.

The consultant's representative, Jeremy Decker, will be available at the Steering Committee meeting to answer any questions the Steering Committee may have.

With regard to noise policies, the **Draft** Noise Element identifies the following key policies:

- Use the existing and projected noise contours in conjunction with the State Office of Noise Control Guidelines (Guidelines) to identify areas where land use incompatibilities exist and to guide future noise sensitive development to appropriate and compatible locations (Task NE-1.1).
- Use the State Office of Noise Control Guidelines as a guide to assess development that will need additional noise study and mitigations (Task NE-1.2).
- Used the Noise Control Guidelines to assess the suitability of a site for new development in combination with the noise contours to accurately identify areas that may need additional noise study and mitigation. Noise mitigations include additional insulation, double glazing of windows and increasing building setbacks from the noise source (Task NE-1.3).
- Maintain a CNEL level of not more than 70 dBA Leq in residential areas (Policy NE 2.1).
- Maintain a noise level not in excess of 75 dBA CNEL in open space, parks, and tot lots (Policy NE 2.2).
- Maintain the City's current standard of 75 dBA CNEL for office, commercial and professional areas (Policy NE 2.3).
- Require new development to perform additional acoustical studies in noise environments that are identified as 'Conditionally Acceptable' or 'Normally Unacceptable' to the Guidelines (Policy NE 2.4).
- As part of the development of the new Commercial Mixed-Use zone, identify and codify, where possible, noise attenuation measures to assure that noise impacts by more intensive development to adjacent residential uses are reduced (Task NE 2.5).
- Work to ensure that the outdoor ambient noise levels for uses such as day care centers, extended care facilities, and group care homes in residential neighborhoods not exceed 70 dBA, CNEL. For such uses allowed by right, the City should encourage a potential care provider to maintain an appropriate noise environment (Task NE 2.7).

- Work to ensure that the expansion of or changes to existing land uses do not create additional noise impacts for sensitive receptors in the vicinity of the project from intensification or alteration of existing land uses by requiring applicants (Policy NE 2.7).
- Work with SamTrans and MUNI in the placement of bus stops in order to reduce noise associated with bus activity to noise sensitive receptors (Policy NE 3.2).

In addition to these policies, the element identifies the development of new City programs to apply Title 24 noise insulation standards to single-family development and amendments to the Daly City Municipal Code to include standard noise conditions for construction activities.

NEXT STEPS

After the Steering Committee meeting concerning the DNE, staff will incorporate appropriate changes to the element and introduce the element together with other elements for City Council adoption.

ATTACHMENT

Attachment A – Draft Noise Element

***City of Daly City
Draft Noise Element***

Reflects Revisions through 7/29/2011

Amendments:

INTRODUCTION

Scope and Role of the Noise Element

Noise in excessive levels and over prolonged time periods has the potential to incrementally degrade the quality of life in Daly City. Studies have shown that excessive noise can have adverse physiological and psychological effects. Extreme levels can cause pain and hearing loss. Continuous exposure to low-level noise can present long-term impacts to human health such as raising blood pressure, lessening the quality of sleep, or inhibiting children's ability to learn.

In Daly City, the most prevalent noise sources are from motor vehicle traffic on heavily traveled roadways like Mission Street or Interstate 280, BART trains, and noise from aircraft associated with San Francisco International Airport (SFO). Although the city is largely built-out, redevelopment of properties with more intense land uses, expansion of BART and San Francisco International Airport operations, and increased peak-hour traffic along area roadways will likely add to the City's noise levels. Because the City's population will rise in locations most likely to experience increases in noise (e.g., in close proximity to freeways and transit), an increasingly greater proportion of the population will be exposed to these increasing noise levels.

Controlling noise at its source to acceptable levels can make a substantial improvement in the quality of life for people living and working in Daly City. When this is not feasible, the city can apply additional measures to limit the effect of noise on future land uses, which include spatial separation, site planning, and building design.

The Noise Element provides an overview of how much noise is already in the environment, a framework for how sound will be measured and regulated, and policy direction to guide decision makers in regulating new uses that either produce excessive noise or expose persons or institutions to unacceptable noise levels.

State Laws Affecting the Noise Element

State planning law requires every city and county to adopt a Noise Element. In preparing the Noise Element, state law requires that the City recognize guidelines for noise element preparation set forth by the State Office of Noise Control (Government Code Section 65302).

According to the guidelines, the City must identify the extent of noise exposure through actual measurement or the use of noise modeling. Noise level contours must be mapped and the conclusions of the element used as a basis for land use decisions. Technical data relating to mobile and point sources must be collected and synthesized into a set of noise control policies and programs identified that "minimizes the exposure of community residents to excessive noise." The element must include implementation measures and possible solutions to existing and foreseeable noise problems. Furthermore, the policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements. The noise element directly correlates to the land use, circulation, and housing elements.

In addition to specific requirements for the Noise Element, state law obligates the City to ensure that its General Plan is in conformance with the San Mateo County Comprehensive Airport Land Use Plan (CLUP), adopted in 1996. The CLUP identifies policies and criteria to help achieve compatibility between proposed land use development and/or proposed airport development with airport and aircraft operations. The plan is administered by the City/County Association of Governments of San Mateo County (C/CAG), which has conferred the airport land use planning process to the Airport Land Use Committee. The Committee advises and recommends actions to C/CAG regarding the updating of the Plan, and other land use compatibility issues affecting the three airports in San Mateo County.

Background Information

Identifying and Measuring Noise

Noise is generally defined as unwanted sound. Whether a sound is unwanted or not depends on a number of factors, including when it occurs, what the listener is doing when it occurs, the characteristics of the sound, and how intrusive it is above background (ambient) noise levels. In the urban environment, different sounds possess different characteristics that make some sounds more unwanted than others, including the loudness or intensity of the sound, its duration, its repetition rate, and its unfamiliarity or uniqueness.

Common noise levels are identified in Figure NE-1. As shown in the figure, noise is measured in decibels (dBA) using a measuring device which closely approximates the way the human ear responds to sound. The threshold of human hearing roughly corresponds to 0 dBA while the threshold of pain is approximately 120 dBA; 120 dBA corresponds to a jet taking off at 200 feet from the source (see Figure NE-x). Decibels are calculated on a logarithmic scale. An increase of 10 decibels represents a ten-fold increase in sound level, although the sound is perceived as twice as loud. For example, 65 dBA is perceived to be about twice as loud as 55 dBA. An increase of 3 dBA is just barely perceptible to the human ear; a 5 dBA increase is clearly noticeable; and a 10 dBA increase is heard as an approximate doubling in loudness.

Although a single noise level value may adequately describe the noise at a particular location at any given instant in time, noise levels vary continuously throughout the day and include different types of noise. Continuous noise in the distance for example, is called ambient noise. Ambient noise contributes to noise levels when the listener experiences it in combination with a succession of identifiable or intrusive noise events.

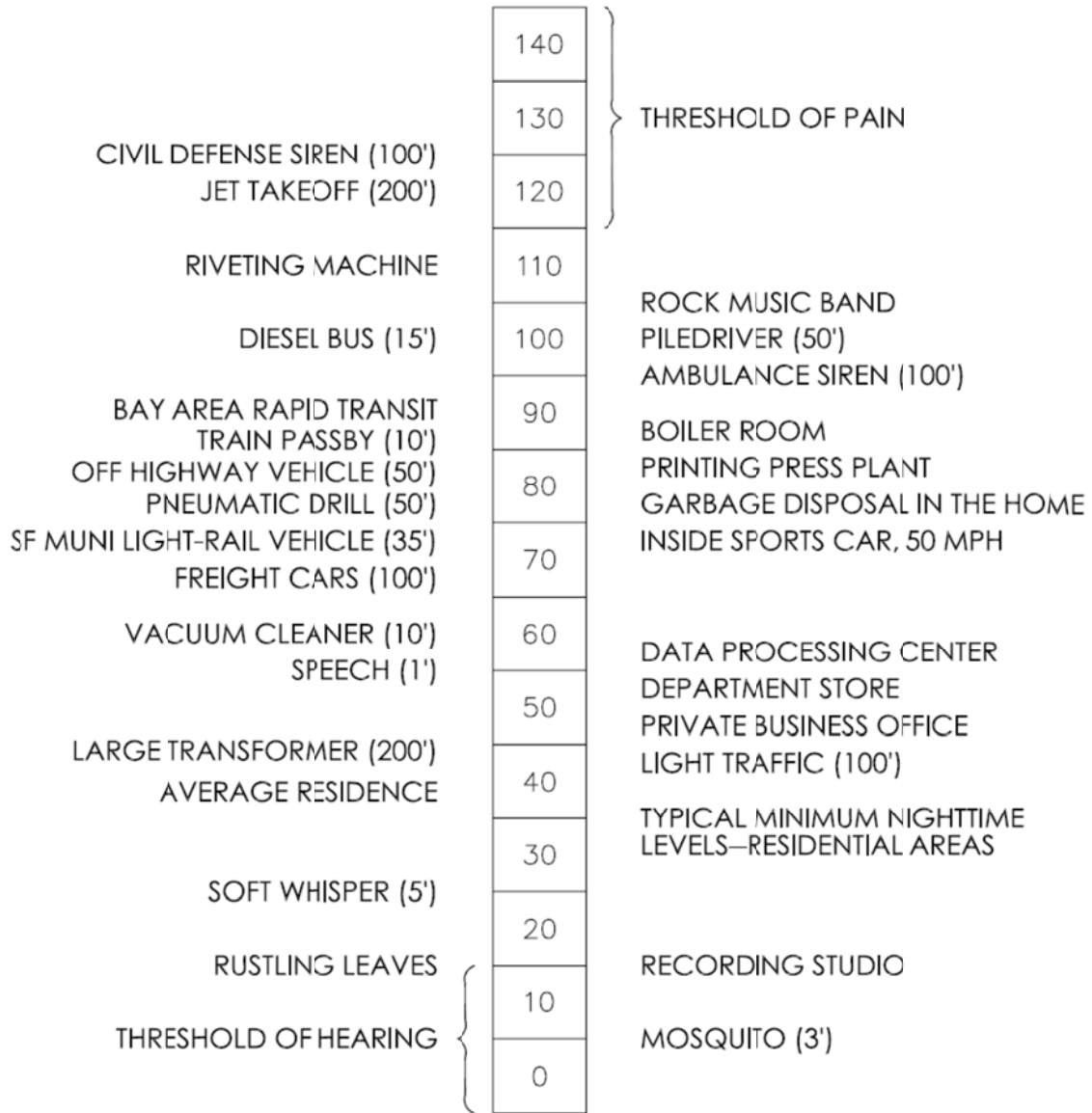
Noise descriptors are used to describe the time-varying character of ambient noise by itself and when in combination with intrusive noise events. The Noise Equivalent Level (L_{eq}) is such a descriptor and is representative of an equivalent constant sound level over a given period of time. The actual noise measured during a given period of time, say 24 hours, varies; a single noise event during the time period may have reached 90 dBA the L_{max} and the lowest may have been 45 dBA while the L_{eq} representing that time frame may be 55 dBA L_{eq} . The 90 dBA level represents the most intrusive noise event during the measuring period and is referred to as the L_{max} . Intrusive noise events are of particular importance in understanding and assessing aircraft noise impacts.

Community Noise Equivalent Level (CNEL)

People are usually more sensitive to noise in the nighttime than they are during the daytime. Two factors contribute to this increased sensitivity. First, during the evening and nighttime, outdoor ambient noise levels are generally lower than in the daytime. Most offices and businesses are closed and automobile traffic has decreased. Second, as household noise levels decrease during the evening, changes in exterior nighttime noise levels can be more noticeable and annoying than such changes are during the day.

To account for this sensitivity, a calculation called the Community Noise Equivalent Level (CNEL) is used to divide the 24-hour day into three time periods: daytime (7:00 a.m. to 7:00 p.m.), evening (7:00 p.m. to 10:00 p.m.), and nighttime (10:00 p.m. to 7:00 a.m.). The evening sound levels are assigned a five decibel penalty (or weighting) and the nighttime sound levels are assigned a 10 decibel penalty (or weighting) prior to averaging with daytime hourly sound levels. In this way, the CNEL is a noise metric that, if used to regulate noise, provides for a quieter evening and nighttime environment.

Figure NE-1: A-Weighted Sound Pressure Level (in decibels)



(100') = DISTANCE IN FEET
BETWEEN SOURCE
AND LISTENER

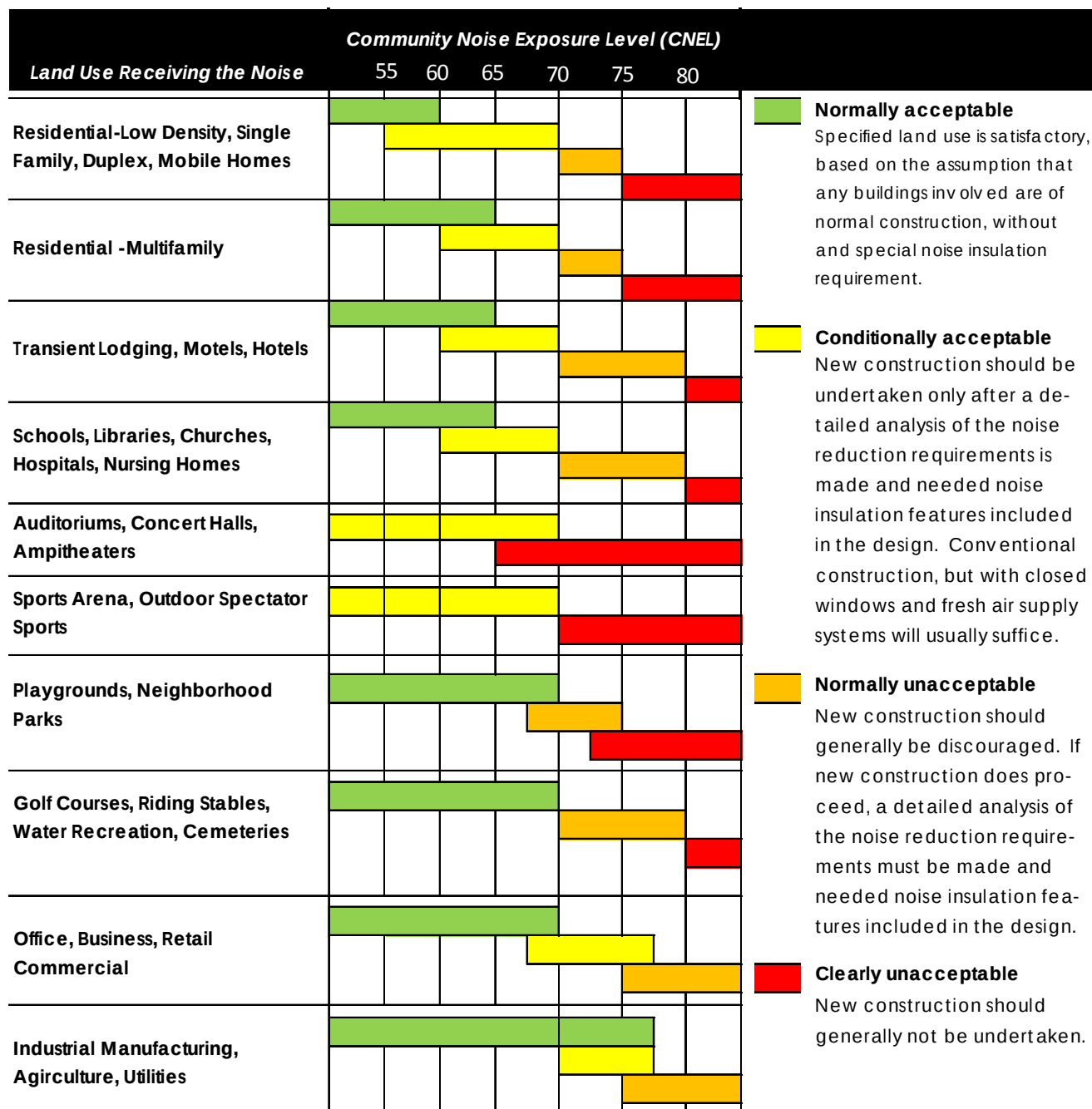
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Noise Compatibility Guidelines

Because of its ability to account for human sensitivities, the CNEL is used in the implementation of the Noise Compatibility Guidelines developed by the State Office of Noise Control and first adopted by the City of Daly City in 1978. These guidelines establish compatibility criteria for common land uses and are intended to ensure that new development proposals do not introduce excessive noise in a given location to the detriment of existing uses. Conversely, the guidelines also discourage introducing new uses to existing noise sources. For example, new residential construction in a location next to a busily traveled roadway exhibited unacceptably high existing noise levels may be allowed, but only with proper mitigation.

Figure NE-1 provides a matrix illustrating the compatibility of common land uses and a corresponding range of noise levels. A “compatible” land use indicates that standard construction methods will sufficiently attenuate exterior noise to an acceptable indoor noise level and people can carry out outdoor activities with essentially no noise interference. In general, evaluation of a land use that falls into the “conditionally compatible” noise environment should include consideration of the type of noise source, the sensitivity of the noise receptor, and the degree to which the noise source may interfere with speech, sleep, or other activities characteristic of the land use. Land uses which are normally acceptable may require the implementation of mitigation measures supported by detailed noise analyses. If the noise environment exceeds a certain criterion, new construction is prohibited.

Figure NE-2: Noise Compatibility Guidelines



Source: State of California Office of Noise Control

Existing Noise Environment

Introduction

This section describes the existing noise environment in Daly City. The section first describes various noise sources and sensitive receptors in general, and in Daly City. A discussion of the noise monitoring and modeling program that was used to develop the existing and projected (2035) noise contours in Daly City closes the section.

Description of Noise Sources

Continuous Sources

Noise sources in Daly City include freeways, arterials, and local major streets; noise from aircraft associated with San Francisco International Airport; BART train operations; and to a lesser extent commercial and industrial land uses. The level of noise along and nearby a freeway, arterial, or local street is a function of the traffic volume, the speed of the traffic, and the types of vehicles in the traffic stream (car, light or heavy truck). Heavier volumes of traffic produce more noise than lighter volumes of traffic. Slower or congested traffic travelling along a freeway produces more noise than traffic travelling at the posted freeway speed. Heavy trucks, tractor-trailers, and diesel buses are noisier than standard passenger cars. Traffic volumes, however, must double over existing volumes for there to be a perceptible (3 dBA) increase in noise levels. Traffic noise is usually more pronounced during morning and evening peak commute hours. Major traffic noise sources in Daly City are Interstate 280, Highway 35, and Highway 1; John Daly, Hickey, Serramonte, Callan, Gellert, San Pedro, South Hill, Bayshore, and Lake Merced Boulevards; Southgate, Eastmoor, St. Francis, Geneva, San Jose, El Camino, and Bellevue Avenues; East Market, School, Mission, and 87th Streets; and King Drive.

Heliport and airport noise sources tend to be intrusive noise events that are short in duration. Intrusive noise events resulting from aircraft fly-overs can reach 90-100 dBA, L_{eq} for the brief (few seconds) fly-over period. Intrusive noise events resulting from aircraft fly-over can raise the hourly noise level to 75 dBA, L_{eq} . The San Francisco International Airport is the only airport that has an effect on Daly City. Noise from aircraft fly-overs affects the Serramonte neighborhood in the southeastern tip of the City. Seton Medical Center was the location of the only heliport in Daly City prior to 2006 when medical transports to the hospital ceased due to budget constraints.

Rapid transit lines, such as Bay Area Rapid Transit District (BART) are a source of noise. Noise from BART trains is less intrusive and less intense than aircraft fly-overs. The highest hourly noise level from BART operations in Daly City is less than 70 dBA, L_{eq} . Bus lines that serve the BART Station are a source of noise in Daly City. The noise from bus operations drops dramatically after midnight when BART ceases running for the day.

Commercial and industrial land uses are a source of noise. Commercial land uses generate vehicular and pedestrian traffic both of which add to the noise environment. Commercial uses, by their nature, include noise sources such as the delivery of goods to a site; the unloading of the delivery; and sometimes minor processing of the goods. Commercial uses in Daly City are centered along the Mission Street corridor, at shopping centers such as Westlake, Serramonte, Skyline Plaza and St. Francis Square, and pocketed in neighborhood commercial areas that serve an immediate neighborhood.

Industrial noise sources are usually more intrusive in nature than commercial noise sources. Delivery of raw and finished materials, usually in large tractor-trailers; use of heavy equipment such as saws, grinders and other machinery; and speaker systems add to the noise environment. Industrial land uses are minimal in Daly City; are centered in the Bayshore neighborhood; and are of a less intense nature than typical industrial uses.

Temporary Sources

The noise sources described above are fairly continuous noise sources. The noise levels the uses generate do vary over a 24-hour period, from business hours to evening hours, and they may cease on weekends, Sundays or holidays; their pattern, however is fairly continuous year round. Another type of noise worthy of mention is temporary noise generated from construction activities.

Construction noise is intrusive and can reach up to 105 decibels at fifty feet from the source for pile driving. Earthmoving equipment such as compactors, backhoes, tractors, trucks and graders range from 70 to 95 dBA at 50 feet from the source. Impact equipment such as pneumatic wrenches, jack hammers and pile drivers generate higher levels of noise. The noise range for this type of equipment is 80 to 105 dBA at 50 feet from the source.

Construction noise is shorter in duration than noise associated with fixed land uses. The typical time frame for construction noise is three to nine months. Construction noise is regulated in Daly City through the environmental review process by the Engineering and Planning Divisions. Typically, construction activities are limited to the daytime hours, 8:00 a.m. to 5:00 p.m., and prohibited on weekends and holidays. The time limitation protects residents near the construction activity from the higher noise levels during the noise sensitive times of the day (evening and nighttime) and noise sensitive times of the week (weekends when people are usually home).

Description of Sensitive Receptors

Residential areas, hospitals and extended care facilities, schools, libraries, and parks and open spaces are land uses that are considered more sensitive to high noise levels and changes in ambient noise levels. High noise levels and intrusive noise can disrupt relaxation and sleep, convalescing, and the enjoyment of open space and recreational areas.

Approximately 53 percent of Daly City is residential and of this, approximately 90 percent is low to medium density and consists of predominantly single-family and duplex units. This land use category also includes residential care facilities. Residential care facilities serve the elderly and physically and mentally handicapped individuals in a home setting.

Seton Medical Center is the only hospital in Daly City. Other supervised medical care facilities include three skilled nursing homes. Additionally there are three retirement communities in Daly City designed to provide group residential care for the elderly,

Daly City has twenty-seven public elementary and high schools, and four libraries. Approximately sixteen percent of Daly City is open space. Approximately fourteen percent of the total open space is public and includes tot lots, and state, regional and local parks. Fifty-three percent of the total is open space for preservation because of environmental factors that render the site undevelopable such as soil and slope instability or because of lack of infrastructure serving the site. Thirty-two percent of the open space is private and includes golf courses, country clubs, and horse stables. Although there are different categories of open space, the expected use is primarily relaxation and recreation. The general location of sensitive receptors in Daly City is shown on the General Plan Land Use Map located on page LU-x.

Noise Monitoring, Modeling and Mapping Methodology

State Planning Law (Government Code Section 65302) requires cities to prepare noise contours around major noise sources. The requirement is designed to identify areas of noise impact. Daly City retained the services of an acoustical consultant to conduct a noise monitoring program. The program included six 24-hour noise measurements and thirteen short-term noise measurements (see Figure NE-x, "Noise Measurement Locations," for the location of the noise measurements). Noise contours were developed and mapped in four decibel bands using the Community Noise Equivalent Level (CNEL) metric.

Existing Noise Levels

Six 48-hour and thirteen short-term noise measurements were taken throughout Daly City in July of 2011. Freeway and major arterial roadway noise has generally increased by approximately one to two decibels since noise measurements were taken in 1987 for the 1989 Noise Element. Noise levels in the Serramonte area due to aircraft fly-overs have increased by approximately five decibels since 1987. Increases in noise levels for the projected future year, 2035, will be insignificant in most areas. Increases are expected to occur along freeways and arterials near the Bayshore neighborhood and some segments of Junipero Serra Boulevard. Increases are projected to be between 0.5 and 7 decibels.

In establishing noise contours for land use planning it is customary to ignore noise attenuation afforded by buildings, roadway elevations, and depressions, and to minimize the barrier effect of natural terrain features. The result is a worst-case estimate of the existing and future (projected) noise environment. The purpose of noise contours is to identify the potential need for more detailed acoustical studies, not to predict with certainty the noise level throughout the City. The assumption is that it is desirable to overestimate the potential noise at a future sensitive development site, than to underestimate the noise environment and allow for potentially incompatible land use development. Buildings may be removed as a part of future development which would result in eliminating the particular noise attenuation feature. The noise attenuation provided by existing earthen berms or terrain may also be diminished by future development.

Two types of noise contours are provided: one set reflecting traffic noise and another set reflecting aircraft noise. The traffic noise contours, produced by computer modeling, utilize the time tested Federal Highway Traffic Noise Prediction Model. This model represents more than 40 years of traffic noise research.

The aircraft noise contours are based on contours produced by the Aircraft Noise Abatement Office of the San Francisco International Airport (SFO). These contours are based on computer modeling and validated by a noise monitoring system operated by SFO. This monitoring system includes 29 monitors located around the Bay Area, one of which is located in the Serramonte area. This method is most reliable in that it represents actual long term measurement data rather than computer modeling alone.

Results of Noise Monitoring: Existing Conditions

The Environmental Protection Agency has established 70 dBA, L_{eq} as the noise level requisite to protect the public from the health effects of severe noise exposure year round. This level also assumes a 24-hour day exposure. The L_{eq} (Noise Equivalent Level) is a fairly constant noise level and is less stringent than the CNEL. CNEL values are typically three to four decibels higher than the L_{eq} . Daly City meets the 70 dBA, L_{eq} exposure level throughout the City in areas where there are sensitive receptors except for the second story of homes along Station Avenue (discussed in Location C below), and buildings along Mission Street and Geneva Avenue setback less than 65 feet from the centerline of the roadway. See Figure CE-x on page CE-x for a depiction of the noise contours.

Location A: Serramonte Area

The purpose of this measurement was to characterize the noise exposure in the Serramonte neighborhood from aircraft departing westbound from the San Francisco International Airport. The background noise in the area is 50 to 55 dBA, L_{eq} which is relatively low. The maximum noise from aircraft flyovers often reaches 85 to 95 dBA, L_{max} for a brief few seconds of the flyover. As a result, the hourly noise levels fluctuate in this neighborhood depending on airport activity. Table NE-1 below identifies the maximum noise levels and the time of those noise levels associated with aircraft activity. The CNEL at this location is 70 dBA and the L_{eq} is 65 dBA.

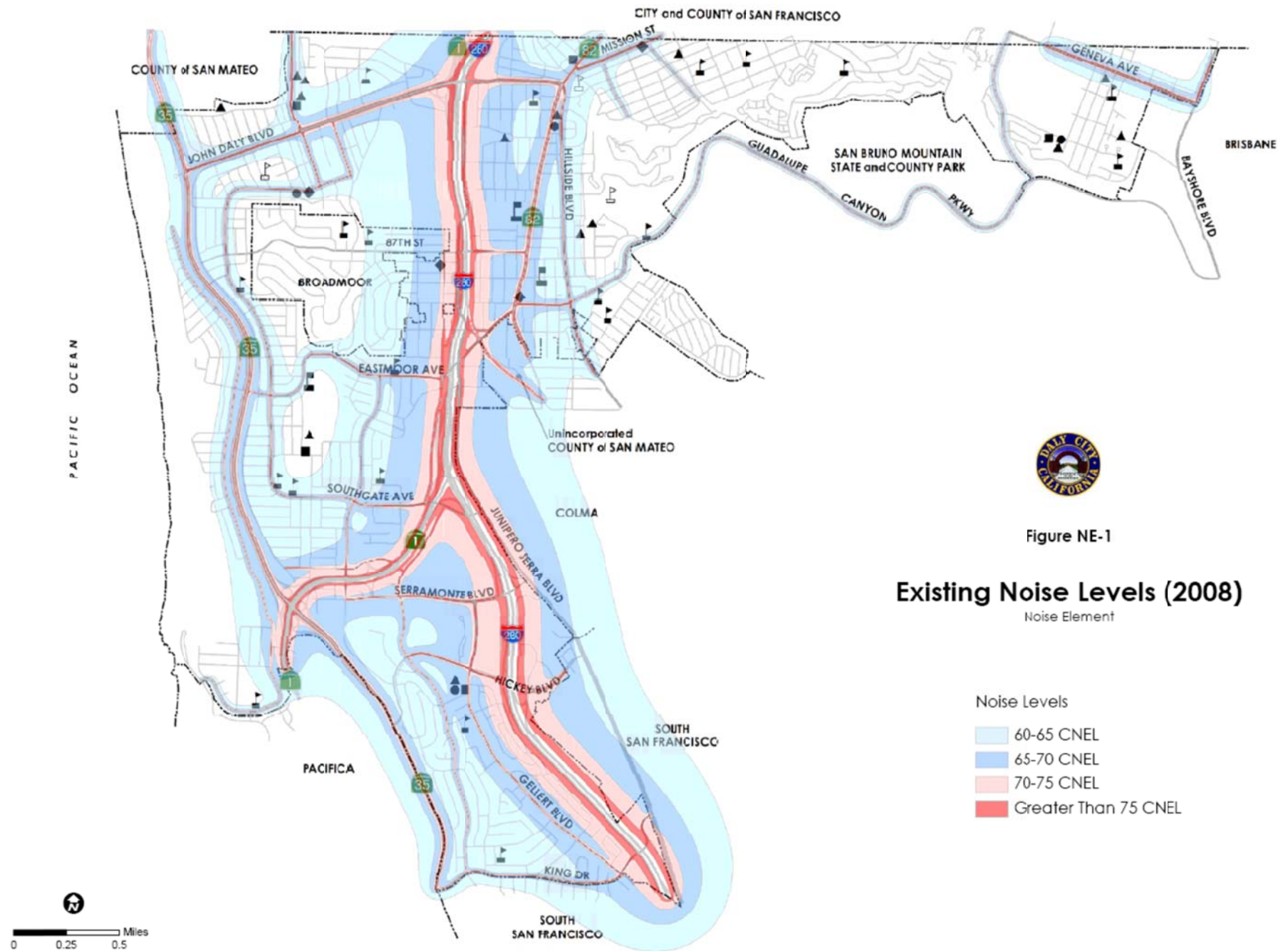


Table NE-1: Aircraft Events in the Serramonte Area

6-Jul-11		7-Jul-11		8-Jul-11	
Time	Lmax	Time	Lmax	Time	Lmax
1:08 PM	87	1:37 AM	83	1:52 PM	85
1:19 PM	83	1:44 AM	92	2:02 PM	93
1:33 PM	82	1:54 AM	83	2:23 PM	92
1:41 PM	81	1:59 AM	92	2:26 PM	92
1:45 PM	81	2:37 AM	86	2:34 PM	86
1:49 PM	83	3:02 AM	93	2:50 PM	87
2:17 PM	91	7:26 AM	83	3:08 PM	89
2:22 PM	93	8:02 AM	86	4:27 PM	86
2:24 PM	94	9:04 AM	83	4:41 PM	85
2:31 PM	81	9:08 AM	87	4:57 PM	88
2:37 PM	85	9:10 AM	84	5:19 PM	86
2:43 PM	91	9:22 AM	87	5:25 PM	91
3:18 PM	89	11:06 AM	83	6:29 PM	86
4:26 PM	86	11:47 AM	93	6:34 PM	88
5:16 PM	89	11:59 AM	93	7:07 PM	89
7:15 PM	89	12:06 PM	90	7:17 PM	92
7:46 PM	88	12:17 PM	86	7:42 PM	90
7:48 PM	80	1:00 PM	83	7:45 PM	85
11:20 PM	93	1:21 PM	84	9:20 PM	84
11:50 PM	89	1:24 PM	82	10:11 PM	89
		1:33 PM	83	10:27 PM	84
		1:46 PM	93	11:23 PM	95

Location B: Clarinada Drive

The purpose of this measurement is to quantify the noise exposure to the residents along Clarinada Drive. Homes in the area are somewhat protected from freeway noise as the freeway is elevated and thus breaks the line of sight from the noise source to the receiver. The neighborhood is also exposed to aircraft noise and local street traffic on Clarinada Drive. The measured noise level at this location increased approximately seven decibels from the 1987 measurement due to aircraft and traffic noise. The CNEL at this location is 70 dBA and the Leq is 66 dBA.

Location C: Station Avenue

The purpose of this measurement is to quantify the noise exposure to the second story of homes along Station Avenue. The second-story of the homes are exposed to higher noise levels than the first floor; this is because the first floors are shielded from noise by existing terrain. The terrain shielding reduces noise exposure on the first floors by 5 to 10 decibels compared to the second floors.

Environmental noise at this location is primarily generated by Interstate 280 traffic and BART train operations. The CNEL in this location is 76 dBA and the Leq is 71 dBA. This represents the worst case exterior noise exposure at the second story. The first story CNEL and Leq levels are 66 dBA and 61 dBA.

Location D: Mission Street

The purpose of this measurement is to quantify the noise exposure to homes located on the east side of Mission Street behind the commercial frontage. Homes on the west side of Mission Street are at a lower elevation than street level and are thus shielded from traffic noise. The extent of the shielding is approximately 10 decibels; so quantification of the east side of Mission Street represents a worst-case analysis. The CNEL is 70 dBA and the L_{eq} is 64 dBA.

Location E: Daly City BART

The purpose of this measurement is to quantify the noise exposure to homes on the east side of the Daly City BART station along Delong Street. The primary source of noise in the area is bus traffic rather than BART trains. The noise level in the area drops significantly after bus and BART train traffic ceases. The CNEL at this location is 68 dBA and the L_{eq} is 64 dBA.

Location F: Geneva Avenue

The purpose of this measurement is to quantify the noise exposure to buildings along Geneva Avenue generated by normal street traffic. The CNEL at this location is 74 dBA and the L_{eq} is 70 dBA. Increased noise levels expected along Geneva Avenue reflect the near doubling of traffic along this arterial projected as a result of increased development in the Bayshore neighborhood, Brisbane, and southeast San Francisco.

Projected Future Noise Environment

The following section describes the projected future noise environment in Daly City. The projected future year selected on which to base the noise contours is 2030, the end of the planning period of the current General Plan. See Figure NE-x on page NE-x for a depiction of future noise contours.

Future Noise Environment Predictions

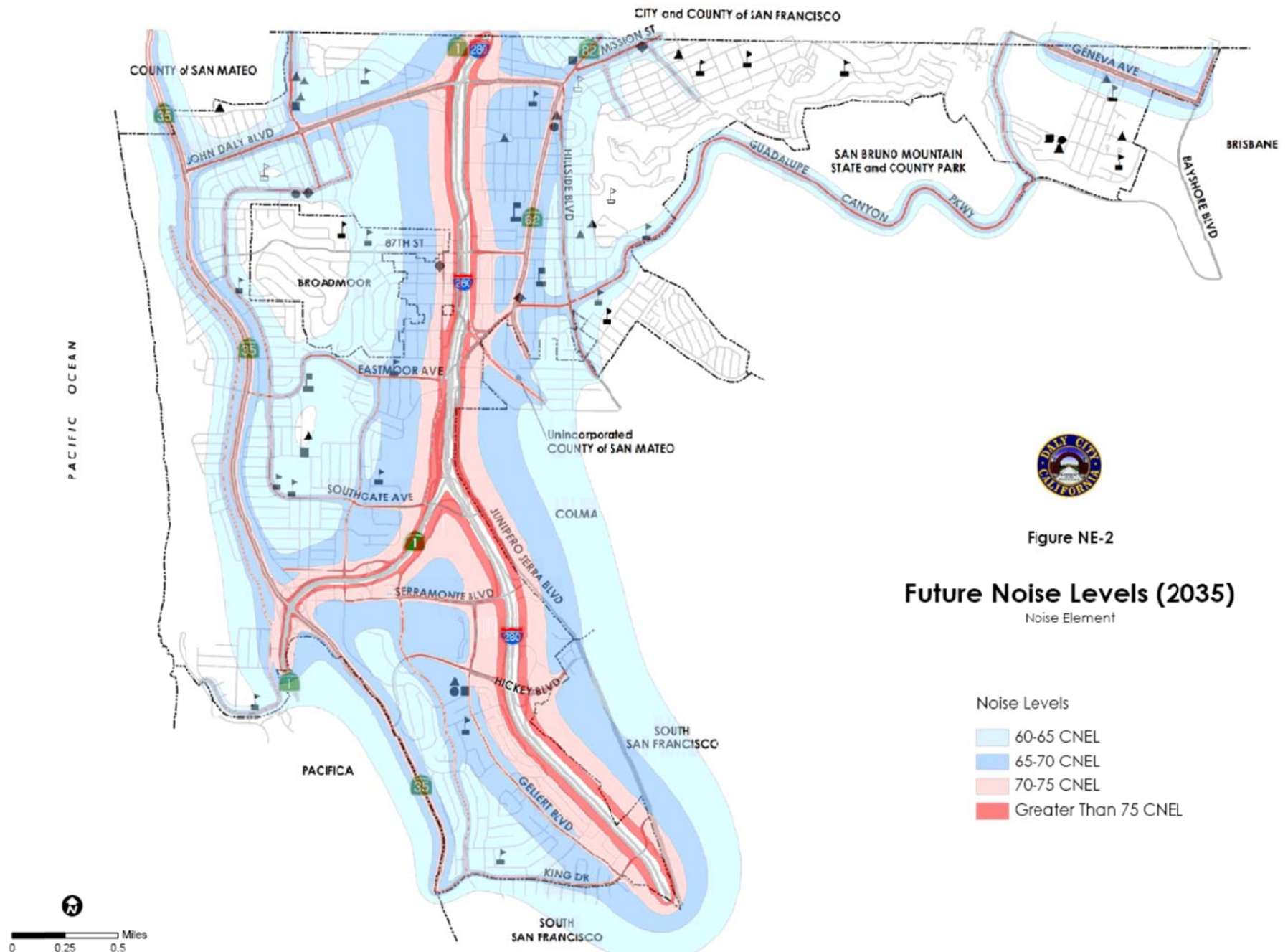
The increase in CNEL noise exposure levels between the existing conditions and the 2035 future conditions is low throughout the City. It is generally accepted that a three decibel increase is barely perceptible.

Arterial roads in the Bayshore neighborhood are expected to increase between three and five decibels. Bayshore Boulevard is projected to increase by 3 dB (to CNEL 72 dBA), Geneva Avenue by 2 dB (to CNEL 76 dBA), Carter Street by 4 dB (to CNEL 68 dBA), and Guadeloupe Canyon Parkway by 5 dB (to CNEL 68 dBA).

Portions of Junipero Serra Boulevard are expected to see noise increase of 6 dB to 7 dB from new developments. Hickey Boulevard between Gellert Boulevard and Interstate 280 is expected to increase by 4 dB.

Portions of Lake Merced Boulevard, Serramonte Boulevard, Skyline Boulevard (Highway 35), Templeton Avenue, and John Daly Boulevard are expected to have noise levels increase 2 dB. Interstate Highway 280 and State Highways 1 and 82 are expected to see increases of 1 dB. Other roads are expected to see increases of 1 dB or less.

Generally, aircraft noise is projected to be reduced in the future based on quieter aircraft technology and stricter regulations surrounding aircraft operations. An absolute prediction, however, cannot be made due to the lack of data on future airport operations.



GOAL, OBJECTIVES, AND POLICIES

The Noise Goal

This section of the Noise Element contains a discussion of the goal, objectives, and policies the City has outlined in order to promote a noise environment that is safe and includes a balance of the diverse and essential objectives of the City. The noise goal reflects the general direction the City wishes to advance. The objectives represent actions which can be measured over time, that provide a general direction toward achievement of the goal, while the policies reflect more specific actions that the City will take in order to attain the noise goal. The City's Noise goal is:

"Promote a noise environment that reflects a balance of the various City objectives while providing an environment that maintains a healthy living environment; fosters relaxation and recreation; is conducive to the work environment; and provides pleasant living conditions."

Many factors of this goal must be considered. First of all, objectives that must be considered in conjunction with noise concerns include the provision of housing for all segments of the City: the provision of an efficient transportation and infrastructure system; economic and commercial development in the City; and a safe and pleasant environment within which to work and live. No element of the General Plan can be considered in isolation from the others and this is particularly true of the Noise Element. For example, transportation modes are a major source of noise in Daly City. Not expanding roadways or improving roadway surfaces, when needed, can add to the noise environment and locating new housing close to major transportation corridors can expose residents to high noise levels. Take as another example the construction of housing, a City objective addressed in the Housing Element. Short term noise impacts occur during housing construction and additional people and traffic also add incrementally to the noise environment. Moreover, potential sites for infill housing must be carefully evaluated in terms of the location of noise sources that could impact future residents. Various City goals must be considered as a whole and not incrementally, in order to provide a balanced and well-functioning City.

Although various City objectives influence the noise environment, the noise goal should not lose sight of quality of life issues; such as quiet areas for relaxation and recreation. Open spaces, parks and private backyards should be maintained in a relatively quiet environment. An environment that one can relax in without intrusive or jarring noise impinging upon the experience is essential to personal well-being and the quality of life one enjoys in their community.

Conducive work environments and pleasant living conditions are easier to attain than providing quiet open space areas. A conducive work environment is of primary importance in worker productivity and physical well-being. Pleasant living conditions are tied to reduced noise levels in the home thus providing an environment where people can converse, dine, relax, and rest. Noise insulation standards and alteration of building placement in relationship to noise sources are two common methods utilized to reduce interior noise levels. Title 24 Noise Insulation Standards and careful site planning shall continue to be employed in Daly City as a means to reduce interior noise levels.

Noise Objectives and Policies

Objective NE-1:
Identify and mitigate problem noise areas in the City.

Policy NE 1.1: **Use the future noise contour map to identify existing and potential noise impact areas.**

Task NE-1.1: Use the existing and projected noise contours in conjunction with the State Office of Noise Control Guidelines (Guidelines) to identify areas where land use

incompatibilities exist and to guide future noise sensitive development to appropriate and compatible locations.

Task NE-1.2: Use the existing and projected noise contours to identify existing noise impact areas that could benefit from noise insulation programs.

Policy NE 1.2: **Use the State Office of Noise Control Guidelines as a guide to assess development that will need additional noise study and mitigations.**

Task NE-1.3: Used the Noise Control Guidelines to assess the suitability of a site for new development in combination with the noise contours to accurately identify areas that may need additional noise study and mitigation. Noise mitigations include additional insulation, double glazing of windows and increasing building setbacks from the noise source. Mitigations should also be creative and attractive whenever possible and appropriate. Creative noise mitigation measures can include incorporation of fountains using water to mask freeway noise and noise walls of an appropriate scale painted with decorative murals.

Objective 2:

Ensure that noise levels appropriate to protect the public health and well-being are maintained.

Policy NE 2.1 **Maintain a CNEL level of not more than 70 dBA L_{eq} in residential areas.**

Task NE-2.1: Continue to enforce the environmental noise requirements of State Building Code (Title 24).

Task NE-2.2: Encourage noise insulation programs in areas that do not meet the current noise standard and ensure that future development is mitigated appropriately or avoided in areas where the noise levels exceed or is projected to exceed 70 dBA, L_{eq} .

Policy NE 2.2: **Maintain a noise level not in excess of 75 dBA CNEL in open space, parks, and tot lots, including outdoor activity areas such as outdoor entertainment or green space of multi-family projects.**

Task NE-2.3: When feasible, situate new parks and tot-lots away from busy streets or other known noise sources.

Policy NE 2.3: **Maintain the City's current standard of 75 dBA CNEL for office, commercial and professional areas.**

Task NE-2.4: Additional noise studies should be conducted in "Conditionally Acceptable" noise environments to ensure adequate mitigation features are employed. Usually conventional construction with closed windows and fresh air supply systems will maintain a healthy noise environment.

Policy NE 2.4: **Require new development to perform additional acoustical studies in noise environments that are identified as 'Conditionally Acceptable' or 'Normally Unacceptable' to the Guidelines.**

Task NE-2.5: Require acoustical studies for proposed development through the discretionary review and California Environmental Quality Act processes, while paying particular attention to borderline noise environments. Conditions and mitigations, as appropriate, should be attached to projects.

Task NE-2.6: As part of the development of the new Commercial Mixed-Use zone, identify and codify, where possible, noise attenuation measures to assure that noise impacts by more intensive development to adjacent residential uses are reduced.

Policy NE 2.5: **Require proposed intensification of development and proposed new development in noise environments identified as 'Clearly Unacceptable' in the Guidelines to reduce ambient interior noise levels to 45 dBA, CNEL.**

Task NE-2.7: Either discourage new development or mitigate the noise impacts to it in areas identified as “Clearly Unacceptable” in the Noise Compatibility Guidelines.

Policy NE 2.6: **Discourage noise sensitive land uses from locating in areas of inappropriate or high noise levels.**

Task NE-2.8: Work to ensure that the outdoor ambient noise levels for uses such as day care centers, extended care facilities, and group care homes in residential neighborhoods not exceed 70 dBA, CNEL. For such uses allowed by right, the City should encourage a potential care provider to maintain an appropriate noise environment.

Task NE-2.9: Continue to attach conditions of project approval to residential day care centers in excess of eight children through the administrative use permit process to maintain an appropriate noise environment.

Policy NE 2.7: **Work to ensure that the expansion of or changes to existing land uses do not create additional noise impacts for sensitive receptors in the vicinity of the project from intensification or alteration of existing land uses by requiring applicants .**

Task NE-2.10: Depending upon the hours of operation, intensity of use, and the location of sensitive receptors in the area, the expansion or change of use could cause noise impacts. Acoustical studies should be performed, at the applicant's expense, during the discretionary and environmental review processes and conditions should be placed on the project accordingly.

Policy NE 2.8: **Continue to participate on the Airport Land Use Committee and participate in update of the Comprehensive Airport Land Use Plan (CLUP).**

Task NE-2.11: Review the environmental review performed for airport expansions to ensure consistency with the CLUP.

Objective 3:

Reduce surface-transportation-related noise levels along arterials and surface streets that experience a CNEL greater than 60 dBA.

Policy NE 3.1: **Work with SamTrans and MUNI in the placement of bus stops in order to reduce noise associated with bus activity to noise sensitive receptors.**

Objective 4:

Promote regional cooperation in noise reduction.

Policy NE 4.1 **Coordinate with the Metropolitan Transportation Commission (MTC) transportation planning efforts of adjacent jurisdictions in order to reduce regional and local noise sources and impacts.**

Policy NE 4.2: **Participate in the environmental review process for the location of commuter facilities in order to ensure appropriate siting and /or mitigation of noise impacts as appropriate.**

NOISE ELEMENT PROGRAMS

Noise Programs are action programs defining what Daly City is doing or intends to do to implement the policies and achieve the Goal and Objectives of the Noise Element. The Noise Programs are organized into two major categories: Current Programs for Noise Reduction and Proposed Programs for Noise Reduction. The program identifies the specific action; the existing or anticipated funding source, as appropriate; the responsible agency; and, the time frame for each component. The following specific actions have been undertaken by Daly City in response to the needs of the noise environment.

Current Programs for Noise Reduction

Daly City Municipal Code

Chapter 9.22 of the Daly City Municipal Code contains language to protect residents from excessive noise exposure. Section 9.22.010 prohibits an individual from causing a disturbance such that it disturbs the public peace off-site. Section 9.22.020 states that no person shall maintain, operate, or conduct any loudspeaker or amplifier in such a manner as to cause the sound to be projected outside any building or out of doors in any part of the City without first obtaining a permit to do so, Section 9.22.030 deals more specifically with noise and states that between the hours of 10:00 p.m. and 6:00 a.m. no person shall cause, create, or permit any noise which may be heard beyond the confines of the property of origin. The Police Department enforces Chapter 9.22 of the Municipal Code.

Title 24 Noise Insulation Standards for Multi-Family Development

Title 24 of the California Administrative Code requires a particular set of noise insulation features be incorporated into multi-family residential construction. Additional noise insulation is required because multi-family development is usually permitted in a slightly noisier environment than single-family and because adjacent apartments are an additional source of noise in multi-family areas. Title 24 is prescribed by state law and enforced by the Building Division through the permit process and building inspection prior to issuance of the Certificate of Occupancy.

Discretionary Review of Projects

Title 17 Zoning of the Daly City Municipal Code provides for discretionary review of projects through the use permit and variance process. An application for development is analyzed in light of many concerns including comparing the proposed use against the noise contours and Noise Compatibility Guidelines. The Planning Division attaches conditions of project approval to reduce noise impacts to future occupants of the proposed development as well as conditioning times construction activities may occur in order to reduce noise impacts to surrounding land uses.

California Environmental Quality Act Review

The California Environmental Quality Act (CEQA) mandates an initial study be prepared on all projects except for those that are administrative. Administrative projects are projects that are allowed by right in a particular zoning district for which an applicant need only apply for a plan check and a building permit. The courts however, in the recent past, have interpreted the law to include administrative projects of substantial size or magnitude to be included under the provisions of CEQA.

An initial study is prepared for such projects and based upon the findings of the study. The project is conditioned accordingly. If significant potential impacts are identified an environmental impact report is required. Mitigations are applied to the project accordingly.

Environmental impact reports are an important tool when assessing potential noise impacts from proposed development projects. A noise study is conducted, if determined necessary. A noise study usually involves actual noise measurements of the existing noise environment in the vicinity of the proposed project. Population and traffic projections are used to determine the percent of increased vehicle trips in the project area, or project region depending on the size or type of the proposal. The extent that vehicular traffic increases has a direct quantifiable bearing on the potential noise impacts of a proposed project. Traffic data, including traffic speeds, and percent of trucks present in a traffic stream, is entered into a computer model. The end result of the modeling is a reasonable projection of the noise impacts associated with a particular project.

The projected noise environment is then compared to the state Noise Compatibility Guidelines, for the particular land use in question. A project may go forth without additional noise insulation or mitigation features if the noise level is within the “Normally Acceptable” range, The “Conditionally Acceptable” range sometimes requires additional noise reduction requirements while the 'Normally Unacceptable' and 'Clearly Unacceptable' noise ranges provide a basis to deny a project in terms of noise impacts, Noise reduction techniques can include additional insulation, double glazing of windows. increasing building setbacks from the noise source, altering the placement of the buildings in order to utilize noise reflection in a beneficial manner, and construction of a sound wall, If noise generated from a proposed project is determined to have a significant unavoidable impact in other areas, and it is an impact that cannot be mitigated, the project may be denied.

Noise, of course, is not the only consideration when determining the merits of a particular project. Approval or denial of a project requires weighing all the potential impacts and benefits of a project. Benefits and impacts may occur in areas such as housing and density; land use compatibilities or incompatibilities; air quality, circulation, transportation and parking; socio-economics such as the location of job force, economic impacts or benefits to the city or region; the consideration of public services and infrastructure available to support the project; the location and extent of natural and man-made hazards, such as earthquake and slide areas or the presence of hazardous materials.

Proposed Programs for Noise Reduction

The following specific actions will be undertaken by the City in order to implement the policies outlined in this element.

Apply Title 24 Noise Insulation Standards to Single-Family Development

Objective: Ensure ambient interior noise levels sufficient to protect public health in single-family development

Responsible Agency: Planning Division, Engineering Division, Building Division

Time Frame: [insert timeframe]

Funding Source: Developer

Activity:

Title 24 noise insulation standards are required by state law to be applied to multi-family residential development. These same standards can be applied to single-family development in appropriate cases to insure that the interior ambient noise levels are sufficient to protect the residents from adverse noise impacts. Title 24 would not be applied in every case; but in cases where new residential development is proposed in a noise environment above 60 dBA, CNEL. The Planning and Engineering Divisions would identify the project, through discretionary or California Environmental Quality Act review, where this

condition or mitigation should be applied, The Building Division, through plan check and building inspection, would insure that the standards were being incorporated in building design, and construction.

Apply for Federal Monies to Retrofit Homes Affected by Aircraft Noise

Objective: Reduce noise levels to homes affected by airport noise

Responsible Agency: Department of Economic and Community Development

Time Frame: Continuing

Funding Source: City and County of San Francisco, Federal Aviation Administration, Private Funds

Activity:

The City has applied for federal monies to retrofit homes that are affected by aircraft noise. Homes affected by aircraft noise in Daly City are located in the southeastern portion of the City. The program consists of installing additional noise insulation to homes. The City and County of San Francisco would pay 20 percent of the costs and the Federal Aviation Administration (FAA) would supply the remaining 80 percent.

Under FAA guidelines retrofit homes must be within the 65 dBA, CNEL contour area. At this time it is questionable if the City falls within this noise contour. A final determination will be made by the FAA.

Amend the Municipal Code to Include Standard Noise Conditions for Construction Activities

Objective: Enforce unilateral noise control measures for all construction related noise

Responsible Agency: Planning Division, Engineering Division, Building Division, City Attorney

Time Frame: [insert timeframe]

Funding Source: General Fund

Activity:

Currently through the Planning and Building Divisions the City enforces construction related noise by attaching conditions to project approval. The conditions regulate the time that grading and site preparation activities may occur; times that machinery may be started up; and the times that cleaning and shut-down may occur. The conditions protect surrounding properties from excessive noise after 5:00 P.M. Monday through Friday, and on the weekends. There are provisions for emergency work provided the developer or the contractor secure permission from the City Engineer and certain findings are made.

Amending Chapter 15 Building of the Municipal Code would apply these types of noise conditions to all construction. The Engineering and Planning Divisions and the City Attorney would draft language for adoption. The City would adopt the changes by ordinance and the provisions would be enforced by the Building Division through the building permit process.

The following section defines some of these technical terms used in this document in an attempt to clarify their meaning. Many of the terms described below are also used in other planning documents, such as environmental impact reports, when estimating the traffic impact of a proposed development project.

A-Weighted Sound Level (dBA) is the sound pressure in decibels as measured on a sound meter using the A-filtering network. The A-filtering network de-emphasizes the very low and very high components of sound in a manner similar to the response of the human ear. The acronym dBA accompanies a given measurement or calculation and indicates a particular noise level measured with an A-filtering device.

Absorption reduces (attenuates) noise. Some portions of sound energy that strike a surface are converted to heat (thermal) energy rather than being reflected as noise; this reduces the amount of energy that is heard as noise. Absorptive materials include thick glass, spun fiberglass and materials such as upholstered furniture (as opposed to wood furniture), drapes and carpeting.

Airborne sound is sound that reaches the point of interest by travelling through air.

Ambient Noise Level constitutes the "normal" or "background" noise components and level of noise at a given location. Ambient noise is a composite from all noise sources that are experienced in a given location. Ambient noise in a residential area, for example, could consist of sounds of people talking, dogs barking, children playing and cars passing by. Ambient noise in an office might consist of people talking, telephones ringing, and the sound of typewriter or computer keyboards clicking. Ambient noise in a cabinet shop could include saws, grinders, drills, sanders, and people shouting.

Attenuation refers to the lessening or reduction of a noise level. Noise attenuates by travelling a distance from the source or by other mechanisms such as absorption or reflection. The placement of buildings, sound walls, and noise insulation features are predicated on noise attenuation. Noise will attenuate at different levels depending if the noise source originates from a point or line source and if it travels over a hard or soft surface and if it is absorbed or reflected by a noise mitigation feature. Basically five things are taken into consideration when calculating noise attenuation: the type of noise; level of noise at the source; distance the noise travels to the point of interest; type of terrain over which the noise travels; and the presence or absence of noise barriers.

Building Envelope is a technical term which refers to the components of a building such as the foundation, walls, windows and insulation and is an important concept in noise attenuation. Portions of the building envelope will reflect noise, some portions will absorb noise and some noise will be transmitted through to the interior of the building. This term is discussed further in the following section, as characteristics of the building envelope have an important impact on noise reduction for residential, and other, areas.

Community Noise Equivalent Level (CNEL) is the average equivalent A-filtered sound level during a 24-hour period. The value is obtained after the addition of 5 decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after the addition of 10 decibels in the night after 10:00 p.m. and 7:00 a.m. The CNEL weights the actual noise measurements taken to account for the increased sensitivity people have to noise during the evening and nighttime hours. Daly City's Noise Element employs this noise weighting metric.

Cycles per second is a measure of frequency numerically equivalent to hertz.

Decibel is a logarithmic unit of sound intensity. Sound waves travel out from a source and exert a force known as sound pressure. The sound pressure level of intensity is measured in decibels and is usually referred to as the sound level.

Doubling Distance refers to the doubling of a given distance (in feet) from a particular noise source. Doubling distance is used to calculate the amount noise will attenuate (reduce) from the noise source to the noise receiver.

Pay Night Average Noise Level (L_{dn}) is the average equivalent A-filtered sound level during a 24-hour period obtained after the addition of 10 decibels to sound levels in the night after 10:00 P.M. and before 7:00 A.M.. The L_{dn} weights noise measurements taken to account for the increased sensitivity people have to noise during the nighttime hours.

Energy Equivalent Noise Level (L_{eq}) is the sound level corresponding to a steady state sound level containing the same total energy over a given period of time.

Environmental noise is a combination of noise from various sources which produce a relatively steady or ambient noise level. Environmental noise is a term often used to describe outdoor ambient noise that one experiences in our daily environment.

Frequency is the number of times per second that the sine-wave of sound repeats itself, or that the vibrating object repeats itself. Frequency is expressed in hertz (Hz) and was formally expressed in cycles per second.

Hard surfaces (terrain) include paved surfaces and concrete buildings. Hard surfaces reflect noise and tend to absorb less noise than do soft surfaces and thus, in the absence of other noise mitigation features, tend to attenuate noise less than soft surfaces. The importance of hard or soft surfaces comes into play in absence of other noise attenuation features and are most important when calculating noise attenuation due to distance from the noise source.

Hertz (Hz) is the unit of measurement of frequency numerically equal to cycles per second.

Intrusive noise is a noise that intrudes over the existing ambient noise in a given location. The relative intrusiveness of the sound depends upon the amplitude, duration, frequency and time of occurrence of the intrusive noise as well as the level of the ambient noise.

Line of site is often used when describing the noise source and noise receiver relationship. Basically, if one can see the noise source then one can hear the noise; if however, the line of sight is broken by a wall, building, mountain, or other barrier, then the noise source is reduced accordingly. Various features reduce noise at different levels and these differences are discussed throughout this noise element,

L_{max} is the highest noise (sound pressure) level recorded during the measurement period. The L_{max} , then represents one intrusive noise event, there may be others of less intensity, during the measurement period. Intrusive noise can typically be from such sources as an aircraft flyover, a horn or siren, or construction activities.

Line source is a noise originating from a line such as a stream of moving traffic, a moving train, conveyor belt, or even a river. Noise from a line source produces parallel sound waves moving linearly outward from the source, Noise will attenuate 3 dBA per doubling of distance from a line source in hard terrain and approximately 4.5 dBA per doubling of distance in soft terrain. The significance in the distinction between a line and point source is the rate of attenuation.

Noise is a sound that is undesirable because it interferes with speech or hearing, or has the intensity or duration of such to damage hearing, or, is otherwise annoying.

Noise Compatibility Guidelines, developed by the State Office of Noise Control, establish certain criteria for noise levels with regard to land use compatibility. Each category of land use enjoys a range of noise levels considered compatible with the use and the noise levels may increase provided certain noise insulation features are employed. Daly City has adopted the Noise compatibility Guidelines.

Noise exposure contours are lines drawn about a noise source which indicate a constant level of noise exposure. Noise contours are similar to contours drawn on a topographical map which represent areas of the same elevation. Noise contours are significant inasmuch as they indicate areas where noise mitigation measures may be needed and they indicate what types of land uses are subject to particular noise exposures.

Point source noise originates from a single source such as a horn, motor and machinery. Point source noise produces spherical waves which travel outward in a circular pattern from the source. Point source noise attenuates approximately 6 dBA per doubling of distance from the source in hard terrain and approximately 9 dBA per doubling of distance in soft terrain. The significance in the distinction between a line and a point source is the rate of attenuation.

Reflection is a method that can reduce noise, Noise strikes a hard surface and is reflected back toward the source of the noise. Reflection can reduce noise in one area while adding noise in another area.

Sensitive receptor includes people engaging in activities that are sensitive to noise. Residential areas, hospitals, extended care facilities, schools, libraries and open spaces are land uses sensitive to noise.

Soft surfaces (terrain) include surfaces such as barren earth, soil, landscaped areas, and acoustically absorptive materials. Soft surfaces absorb more sound energy than hard surfaces and thus more noise is attenuated in a soft environment. The importance of hard or soft surfaces comes into play in absence of other noise attenuation features and are most important when calculating noise attenuation due to distance: the further one is from the noise source the lesser the noise level (sound energy) at that location.